



CITY OF TWIN FALLS, IDAHO SPECIAL MEETING NOTICE

The Monday, March 12, 2012, meeting of the Twin Falls City Council will be held at **5:30 p.m.** in the City Council Chambers located at 305 3rd Avenue East, Twin Falls, Idaho.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

SHAWN BARIGAR	LANCE CLOW	DON HALL	GREGORY LANTING	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
		<i>Vice Mayor</i>	<i>Mayor</i>			



AGENDA
 Meeting of the Twin Falls City Council
March 12, 2012
 City Council Chambers
 305 3rd Avenue East - Twin Falls, Idaho

5:30 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: 2012 Girl Scout Week Proclamation – Representative Susan Baisch

AGENDA ITEMS	Purpose	By:
I. CONSENT CALENDAR: 1. Consideration of accounts payable for March 6 – 12, 2012. 2. Consideration of the March 5, 2012, City Council Minutes. 3. Consideration of a request to approve blocking off spaces in the 100 Block of 2 nd Avenue North for the Twin Falls High School Junior/Senior Prom on Friday, April 6, 2012, from 7:00 p.m. until 11:00 p.m. 4. Consideration for the adoption of the W.S.&V. R-6 PRO PUD Agreement consisting of 20 (+/-) acres to allow the development of a mixed-use medical/professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W. S. & V., LLC. (app. 2386) Proposed PUD No. 263	<u>Action</u>	Staff Report Sharon Bryan L. Sanchez Dennis Pullin Mitch Humble
II. ITEMS FOR CONSIDERATION: 1. Presentation of a service plaque to Patty Lee in recognition of her service on the Golf Advisory Commission. 2. Presentation of O&M Rebate from CH2M HILL for 2010-2011. 3. Public input and/or items from the City Manager and City Council.	Presentation Presentation	Dennis Bowyer Shawn Moffitt
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 P.M. 1. Request for the Vacation of Pillar Falls Subdivision, a PUD, Phase I, consisting of 8.64 (+/-) acres located northwest of the intersection of Eastland Drive North and Pole Line Road East, c/o Sam Teyema on behalf of Umpqua Bank. (app. 2501) 2. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.6(+/-) acres to allow for a planned development consisting of a combination of neighborhood commercial uses on property located at the northwest corner of Addison Avenue East and Eastland Drive North, c/o Todd Meyers/Maverik, Inc. on behalf of Thomas J. Arledge and Cheryl A. Arledge . (app. 2498) This public hearing item has been withdrawn by the applicant and rescheduled for April 2, 2012.	Public Hearing Public Hearing	Mitch Humble Withdrawn by Applicant
V. ADJOURNMENT		

**Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
 3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor.
 4. A City Staff Report shall summarize the application and history of the request.
 - The City Council may ask questions of staff or the applicant pertaining to the request.
 5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the mayor. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
 7. The Mayor shall close the Public Hearing. The City Council shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor.

*Office of the Mayor
City of Twin Falls, Idaho*

Proclamation



2012 Girl Scout Week

WHEREAS, March 12, 2012, marks the 100th anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and,

WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with courage, confidence, and character to make the world a better place; and,

WHEREAS, through the Girl Scout Leadership Experience girls develop the skills and lessons that will serve them throughout their lives so that they may contribute to their communities; and,

WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities in math, science, sports, technology, and many fields of interest that can expand their horizons; and,

WHEREAS, current Girl Scout members nationwide will be celebrating this American tradition, and welcome girls from every background to join;

NOW, THEREFORE, I, Gregory Lanting, by virtue of the authority vested in me as Mayor of Twin Falls, Idaho, do hereby applaud the commitment Girl Scouting has made to support the leadership development of America's girls and proudly proclaim the week of March 12, 2012, as Girl Scout Week.

*In witness whereof I have hereunto set my
hand and caused this seal to be affixed.*

Mayor Gregory Lanting

Deputy City Clerk Leila A. Sanchez

Date: March 12, 2012



TWIN FALLS POLICE DEPARTMENT

356 3RD AVENUE EAST
P.O. BOX 3027
TWIN FALLS, ID 83303-3027

TELEPHONE: (208) 735-4357
FAX: (208) 733-0876
www.tfid.org

Date: Monday, March 12, 2012
To: Honorable Mayor and City Council
From: Staff Sergeant Dennis Pullin

Request:

Consideration of a request to approve blocking off parking spaces in the 100 Block of 2nd Avenue North for the Twin Falls High School Junior/Senior Prom on Friday, April 6, 2012, from 7:00 p.m. until 11:00 p.m.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

Thomas Corr, a Twin Falls High School Student, has completed a Special Events Application, on behalf of the Twin Falls High School, requesting permission to cone off the 100 Block of 2nd Avenue North for the 2012 Twin Falls High School Junior/Senior Prom. The event will be held at the Ball Room, located in the 200 Block of Shoshone Street North. The sponsors wish to provide valet parking for students attending the dance. The request is to block off parking spaces on the north side of 2nd Avenue North (the right side) to allow for valet parking. The area of parking spaces to be blocked begins near the corner of Shoshone Street North and goes west towards Gooding Street.

The handicapped parking spaces and the fire lanes will not be blocked. Most businesses in this area will be closed for business during the time of the event, 7:00 p.m. until 11:00 p.m., and should not be affected. Volunteers from the valet parking group will be in the area to assure the area is safe. The regular traffic flow for 2nd Avenue North will not be affected. Sponsors from the Twin Falls High School will have to provide their own traffic cones for this event.

Budget Impact: N/A

Regulatory Impact: N/A

Conclusion:

Relevant City Staff Members have met and approved this request; the Twin Falls Police Department Staff has approved this request.

Attachments: None

DP:aed

"People Serving People"



Public Hearing: **MONDAY, March 12, 2012**

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Department

ITEM I-3

Request:

Consideration for the adoption of the W.S.&V. R-6 PRO PUD Agreement consisting of 20 (+/-) acres to allow the development of a mixed-use medical/professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W. S. & V., LLC. (app. 2386) Proposed PUD No. 263.

Time Estimate:

As this is a consent item there shall be no presentation unless the Council has questions.

Approval Process:

State Code:

Idaho Code 67-6509

City Code:

Title 10; Chapter 6; 1-PUD, Planned Unit Development Sub Districts

Budget Impact:

Approval of this request will impact the City budget as developed nonresidential uses on the property may be assessed at a higher value than residential property.

Regulatory Impact:

The Council's adoption of the PUD Agreement will allow the project to be developed as approved.

History/ Analysis:

On November 6, 2006, the City Council approved annexation of 36.5 (+/-) acres, which includes this property that is being proposed for a zoning change this evening. The site was approved with an R-2 zoning designation, this property was already zoned R-2. Ordinance #2884 was adopted on November 13, 2006, and later recorded.

On July 8, 2008, the Church of Jesus Christ of Latter Day Saints was granted a Special Use Permit to construct a religious facility on a 5 (+/-) acre parcel located at the southeast corner of this property. The church has not been developed as of today's date.

The WS&V Conveyance Plat, consisting of 30 (+/-) acres and 2 lots, was approved on Feb 17, 2009, and later recorded on March 12, 2009. The Xavier Charter School was granted a Special Use Permit on December 16, 2008 to develop a public charter school on the southwest corner of this property. The Xavier Subdivision, consisting of 1 - 8.5(+/-) acre lot, was approved by the City Council on March 02, 2009, and recorded on August 19, 2009. The school is under construction.

The Cottages, a residential PUD, was approved by the City Council on Feb 9, 2009, with a zoning designation of R-4 PUD. Ordinance #2964 was adopted on March 23, 2009, and later recorded. The project consisted of 6 (+/-) acres located north of the LDS church site and on the west side of Field Stream

Way. The project has not been developed. The Cottages PUD site is being incorporated into this planned unit development.

A Preliminary PUD presentation for this zoning district and zoning map amendment request was given to the Planning and Zoning Commission on Tuesday, August 10, 2010, followed by a public hearing on August 24, 2010. The Commission recommended approval subject to conditions. On September 10, 2010 the Council approved the rezone subject to conditions. On October 25, 2010, the Council adopted Ordinance #2992.

On September 10, 2010, the City Council approved the request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed use medical/professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way with the following changes in the WS&V Proposed R-6 PUD agreement dated August 25, 2010:

1. Page 1, (A) 3. Medical Facilities:
 - a. Doctors Office, ~~limited to one doctor at a time~~
2. Page 3, (D) 5. Building Size: The maximum building size is ~~10,000~~ 14,000 sf (a larger building may be permitted with a Special Use Permit.)

and, the following recommendations:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards and approval of a PUD agreement prior to recordation of a final plat.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City Standards upon development or change of use of the property.
3. Subject to development meeting or exceeding R-6 Pro Code requirements and required improvements (10-11-1 through 9) and/or subject to compliance with attached – EXHIBIT “C” WS & V – proposed R-6 Pro PUD, whichever is greater.
- ~~4. Subject to an approved/recorded PUD agreement prior to development.~~

On January 10, 2012, the Planning & Zoning Commission unanimously approved the Preliminary Plat of the WS&V Subdivision-A PUD, subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to recorded Cross-Use/Access Agreements being provided prior to recordation of final plat.
3. Subject to compliance with a “recorded” PUD Agreement, concurrent with approval of the final plat or prior to recordation of the final plat.
4. Subject to Cheney Drive West being allowed to be 38’ from face-of-curb to face-of-curb with turn bays where necessary and posted “No Parking” by the developer.
5. Subject to sewer lines being a gravity system unless determined by the City Engineer to be an unnecessary hardship.

6. Subject to a note on the final plat stating that the owners of the lots will be subject to a Parks In-Lieu fee that will need to be accepted and paid before development occurs on the lots.

and on February 06, 2012, the City Council unanimously approved the Final Plat of the W S & V Subdivision - A PUD, as presented, staff recommends approval be subject to the six (6) conditions placed upon approval of the preliminary plat by the Commission and the addition of a 7th condition as follows:

7. Subject to all the construction issues being addressed which includes; sewer design and easements, possible PI & water upgrade requirements, along with alignment of Cheney at the intersection of Field Stream Way, as approved by the City Engineer.

Conclusion:

The PUD Agreement has been prepared as directed by the Council and are recommended for adoption as submitted.

Staff recommends that the Council adopt the attached PUD Agreement as submitted.

Attachments:

1. PUD AGREEMENT
2. Approved Preliminary & Final Plat.
3. Portion of the August 10, 2010 & August 24, 2010 P&Z minutes
4. Portion of the September 10, 2010 City Council minutes.

WS&V PUD

R-6 PRO PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2012 by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and WS&V LLC. (hereinafter called "Developer"), whose address is PO Box 566, Twin Falls, Idaho 83301-0566

RECITALS

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A", attached hereto, (the "Property") which Property is north of the northwest corner of the intersection of North College Road and Field Stream Way.

WHEREAS, Developer intends to develop and/or sell all or portions of the property from time to time; and

WHEREAS, Developer has made request of the City to develop a mixed use medical/professional office and residential (the "Project") on the Property and has submitted to the City a Master Development Plan (Exhibit "B") thereof which has been approved for development as a "R-6 PRO PUD" by the City Council of the City; and

WHEREAS, City, by and through its City Council on September 20, 2010, has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this Agreement and are as follows:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards and approval of a PUD Agreement prior to recordation of a final plat.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to development meeting or exceeding R-6 PRO Code Requirements and Required Improvements (10-11-1 through 9) and/or subject to compliance with attached – Exhibits "C" W, S & V –R-6 PRO PUD, as approved, or whichever is greater.

COVENANTS

Now, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developer and City agree as follows:

I. NATURE OF THE AGREEMENT. This Agreement shall become part of the "R-6 PRO PUD" zone with respect to the Project upon its full execution and recording. Developer and its assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

II. NATURE OF THE DEVELOPMENT. It is agreed by the parties hereto that certain language and requirements pertaining to the "Project" zone shall be interpreted as follows:

A. Uses: as per "Exhibit C"

1. Except as provided herein, the uses shall be limited to those allowed in the R-6 PRO (PUD) zone (Code Section 10-4-18.2) as amended and attached hereto as "Exhibit C".

B. Lot Area: as per "Exhibit C"

1. Except as provided herein, the minimum lot area per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit and attached hereto as "Exhibit C".

2. For medical/professional offices, the lot size shall be of sufficient size to provide for the building, off street parking and landscaping and attached hereto as "Exhibit C".

C. Lot Occupancy: as per "Exhibit C"

No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

For professional offices, there is no occupancy requirement.

D. Building Size. as per "Exhibit C"

The maximum building size is 14,000 S.F. (a larger building may be allowed with an application for a special use permit).

E. Building Height. as per "Exhibit C"

No building shall be greater than 35' above grade, as measured per 10-2-1 of City Code, as amended.

F. Hours of Operation. as per "Exhibit C"

Hours of operation for all professional office buildings shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit.

G. Phasing of Development.

Developer shall be permitted to develop the property in phases, so long as those phases are in compliance with the Master Development Plan and this PUD Agreement. Approval for each phase may be obtained by submission to the City Engineer of technically correct designs and improvement plans for necessary construction. The designation and location of specific uses on the Master Development Plan are conceptual and changes therefrom shall not provide basis for disapproval of any phase. There shall be no minimum or maximum limit between the occurrence of phases.

III. STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS.

Developer, or their designee by appropriate agreement, shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property and adjacent right-of-ways (hereinafter "Improvements") as described herein in accordance with City Standards.

A. Improvement Plans. Developer shall file or cause to be filed with the City a complete set of plans showing all improvements contemplated. The Improvement Plans and all improvements shall thereon meet the approval of the City, which approval shall be given if such plans conform with established City requirements, the Master Development Plan and this PUD Agreement.

B. Improvement Design and Construction. Developer, at its expense, shall cause all Improvements shown on the Improvement Plan to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided herein. Notwithstanding the foregoing, nothing in this Agreement shall

prohibit City, State or Federal participation in the cost or financing of Improvements on the Property if mutually agreed by the parties hereto.

- C. Phased Construction. Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.
- D. Non-Compliance. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will require in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the right of the parties are preserved at law and equity.
- E. Fees. Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.

F. Maintenance of Improvements. City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.

III. PLATS.

A. Developer agrees to file with City preliminary plat and final plats prepared by a registered professional engineer, of the real property, which is the subject of this agreement. Preliminary and final plats shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-ways the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the City.

IV. PARCEL DEVELOPMENT CRITERIA. as per "Exhibit C" The Property or any portion thereof shall be developed in accordance with the criteria set forth in this Section V -- **as per "Exhibit C"**

A. Approval and Construction. All Improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.

B. Landscaping and Planting. as per "Exhibit C"

C. Landscaping Plan. as per "Exhibit C"

D. Building Standards. as per "Exhibit C" Buildings and improvements shall comply with the following standards.

1. Architectural Standards. **as per "Exhibit C"**

2. Outside Storage / Loading Docks. **as per "Exhibit C"**

3. Utilities. All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material.

4. Sign Plan. All signage shall conform to City of Twin Falls Sign Regulations Ordinance subject to the following:

a) Building Signs. **as per "Exhibit C"**

V. STANDARD DEVELOPER'S AGREEMENT. It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.

VI. GENERAL PROVISIONS.

- A. Cooperation. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications and working drawings required by the City.
- B. Entire Agreement. This Agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this Agreement shall be valid or effective unless reduced to writing and signed by the parties.
- C. Applicable Law. This Agreement shall be construed in accordance with the laws of the State of Idaho.
- D. Notices. If notices from one party to the other are desired or required hereunder such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy- two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested".
- E. Successors and Assigns. This Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this Agreement with respect to said transferred property.
- F. Severability. In the event any portion of this Agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining portions thereof shall not be affected.
- G. Signatories. Each of the persons executing this Agreement hereby warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he

or she is signing, and that this Agreement is binding on, and enforceable against, such entity.

- H. Effective Date. This Agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.
- I. Attorney Fees. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails, shall be entitled to a reasonable attorney's fee.
- J. Construction. Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.
- K. Attachment. All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.
- L. Captions. The captions, sections and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this Agreement.

IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

CITY OF TWIN FALLS

ATTEST: _____ BY: _____

Mayor

DEVELOPER

WS&V LLC

ATTEST: _____ BY: _____

ACKNOWLEDGEMENTS

STATE OF IDAHO)
)ss.
COUNTY OF TWIN FALLS)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State and County, personally appeared _____ known to me to be the _____ of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO

Residing At: _____

My Commission Expires: _____

ACKNOWLEDGMENTS

STATE OF IDAHO)
)ss.
COUNTY OF TWIN FALLS)

On this _____ day of _____, 20____, before me personally appeared _____, known and identified to me to be _____, of the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledge to me that such corporation executed the same.

NOTARY PUBLIC OF IDAHO

Residing At: _____

My Commission Expires: _____

EXHIBIT A – LEGAL DESCRIPTION

Lot 2, Block 1, WS&V Subdivision-Conveyance Plat, according to the official plat thereof recorded in the office of the Twin Falls County Recorder in book 23 of plats on page 4.

EXHIBIT "C"

WS&V

R-6 PRO PUD

September 20, 2010 – CC DECISIONS

LAND USE REGULATIONS: -

(A) PERMITTED USES: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses: (Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit or unless stated elsewhere in this Exhibit)

1. Communications And Utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
2. Governmental Facilities:
 - a. Governmental office buildings
3. Medical Facilities:
4. Doctors' office
5. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
6. Public Assembly:
 - a. Religious facilities.
 - b. Schools - private academic.
 - c. Schools - public.
7. Residential (unrestricted hours of operation):
 - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings - detached single household.
 - d. Dwellings - duplex.
 - e. Dwellings - multiple household (max 6 units).
 - f. Dwellings - triplex and four-plex. (Ord. 2526, 5-20-1996)
 - g. Household units in the same building as an allowed use and occupied by owner or an employee of the allowed use.
 - h. Nursing homes and rest homes with a maximum of 16 residents/beds – including staff
8. Services:
 - a. Finance and investment offices.
 - b. Insurance and related business.
 - c. Professional services.
 - d. Photography studios.
 - e. Real estate and related business.

(B) SPECIAL USES: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses unless special provisions are taken. Special use permits may be granted for the following uses:

(Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit)

1. Communications And Utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Judicial facilities.
4. Medical Facilities:
 - a. Ambulance service.
 - b. Doctor's Offices
5. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
6. Public Assembly:
 - a. Auditoriums.
7. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
 - b. Bed and breakfast facilities.
 - c. Home occupations.
 - d. Nursing homes and rest homes with 17 or more residents/beds – including resident staff
 - e. Residence halls-medical related, residence hotels-medical related, rooming houses-medical related.
8. Services:
 - a. Beauty salons/barbershops.
 - b. Commercial daycare facilities and preschools.
 - c. Consumer credit collection.
 - d. Employment agency.
 - e. In home daycare services.
9. Sports Facilities:
 - a. Outdoor, public and commercial ice and roller skating facilities.
 - b. Outdoor, public and commercial swimming pools.
 - c. Outdoor, public and commercial tennis courts.
10. Transportation:
 - a. Bus - pick up shelters.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence.

(D) PROPERTY DEVELOPMENT STANDARDS:

1. Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein.
 - a. Minimum of 15% and a Maximum of 85% of the project to be residential development.
2. Lot Area:
 - a. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.
 - b. For professional offices, the lot size shall be of sufficient size to provide for the building, off street parking and landscaping.
3. Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.
 - a. For professional offices, there is no occupancy requirement.
4. Building Height: No building shall be greater than 35' above grade, as measured per 10-2-1 of City Code, as amended.
5. Building Size: The maximum building size is 14,000 sf (a larger building may be permitted with a Special Use Permit.)
6. Yards:
 - a. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)
 - 1) The front building line shall not be closer than twenty feet (20') to the front property line.
 - 2) Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
 - 3) On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
 - 4) No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the property line on other street frontages.
 - b. Side Yard:
 - 1) The side building line shall not be closer than five feet (5') to the side property line.
 - 2) Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.
 - 3) Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2¹/₂') to the side property line.

- c. Rear Yard:
 - 1) The rear building line shall not be closer than fifteen feet (15') to the rear property line for residential uses and fifteen feet (15') for other uses.
 - 2) Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided in section 10-7-5 of this title.
 - 3) On a corner lot, the rear yard setback may be reduced to the side yard setback.
 - 4) For professional offices, the rear yard may be reduced to the side yard setback of the basic district.

- 7. Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

- 8. Landscaping Plan (PUD): All landscaped shall comply with the provisions of section 10-11-2 of this title.
 - a. Professional Uses: Professional offices shall provide landscaping equal to twenty-five percent (25%) of the total lot area.
 - b. Residential Uses: Residential development, excluding single family and/or duplex dwellings, shall provide landscaping equal to ten percent 10% of the total lot area.
 - c. Landscaping shall be required to be installed on each parcel/lot of the Property at the time site and building improvements are completed thereon, or by the next planting season subject to a Temporary Certificate of Occupancy. Landscaped perimeters shall be installed from the back of the curb in the public right-of-way and shall be extended to the dimensions set forth below:
 - d. A minimum 20 foot wide landscape buffer, including sidewalk, measured from back of the curb will be constructed along Field Stream Way and Creekside Way.
 - (1) Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18") in height and with at least fifty percent (50%) of the berms to have a minimum ridge elevation of thirty inches (30") in height. Trees and shrubs will be provided in ratios meeting the City Code 10-11-2. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings.
 - e. A minimum 20 foot wide landscape buffer, measured from the property line, will be constructed along the north and south boundaries of the PUD project boundary. The landscaping shall include berms with a minimum height of 18 inches to a maximum height of 30 inches.
 - f. The use of planters and landscaped islands within parking lots will be used to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. The area adjacent to residential areas shall be landscaped with coniferous and deciduous trees and/or solid fencing with shrubs, berms, solid wall and/or planter boxes to create a dense buffer in a relatively short period of time.
 - g. All landscaping shall be installed in conformance with the project Master Development Plan. All landscaping maintenance will be in a uniform manner.
 - h. The property landscaping will utilize a city pressure irrigation system constructed in compliance with applicable standards.

9. Off Street Parking:

- a. Each use shall provide parking in compliance with city code.

10. Signs:

- a. All uses shall comply with the provisions of chapter 9 of this title.
- b. Multiple-occupancy buildings shall have a sign plan approved by the administrator.

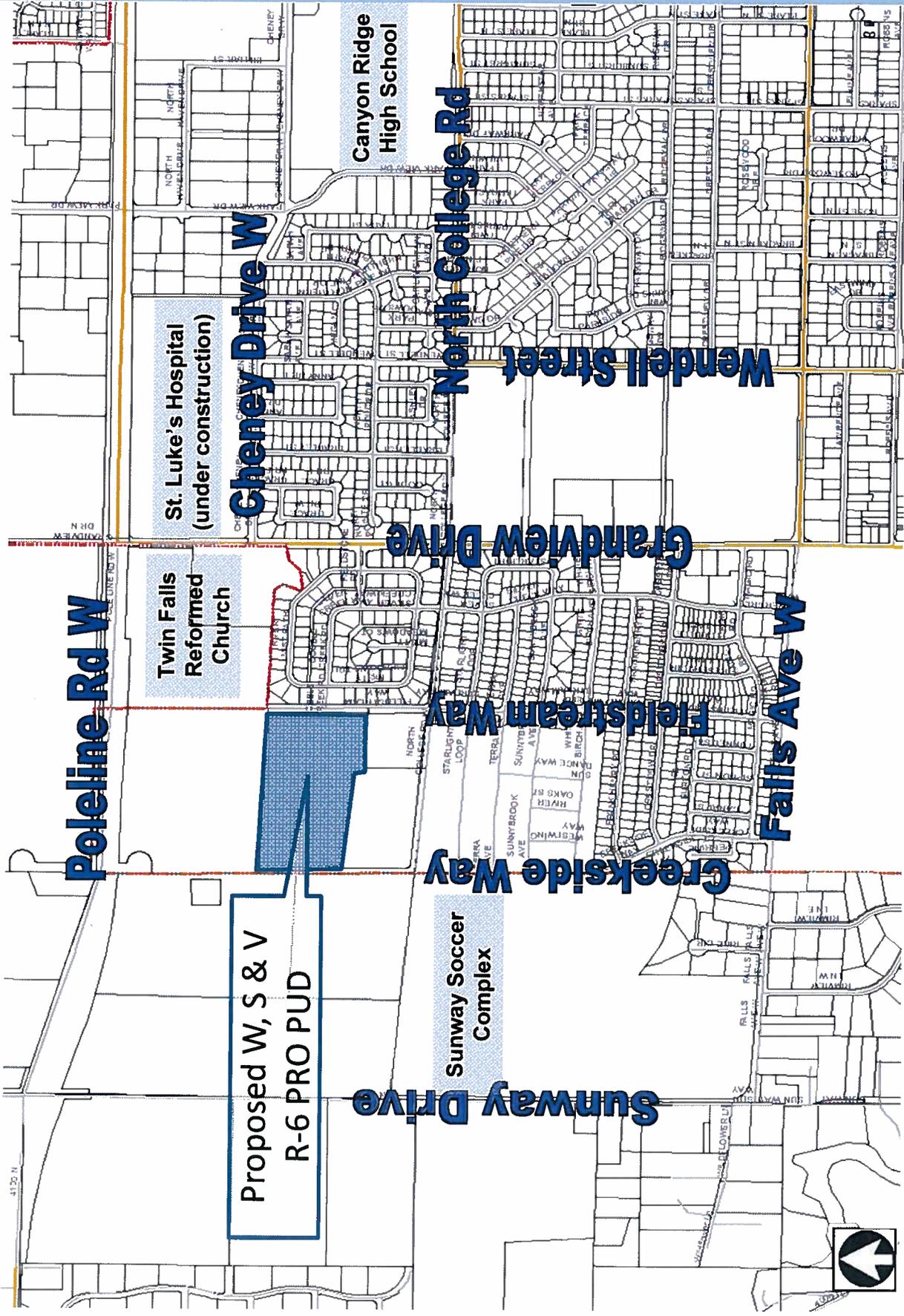
11. Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

- a. Professional offices shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the professional office use and any contiguous residential lot or use.

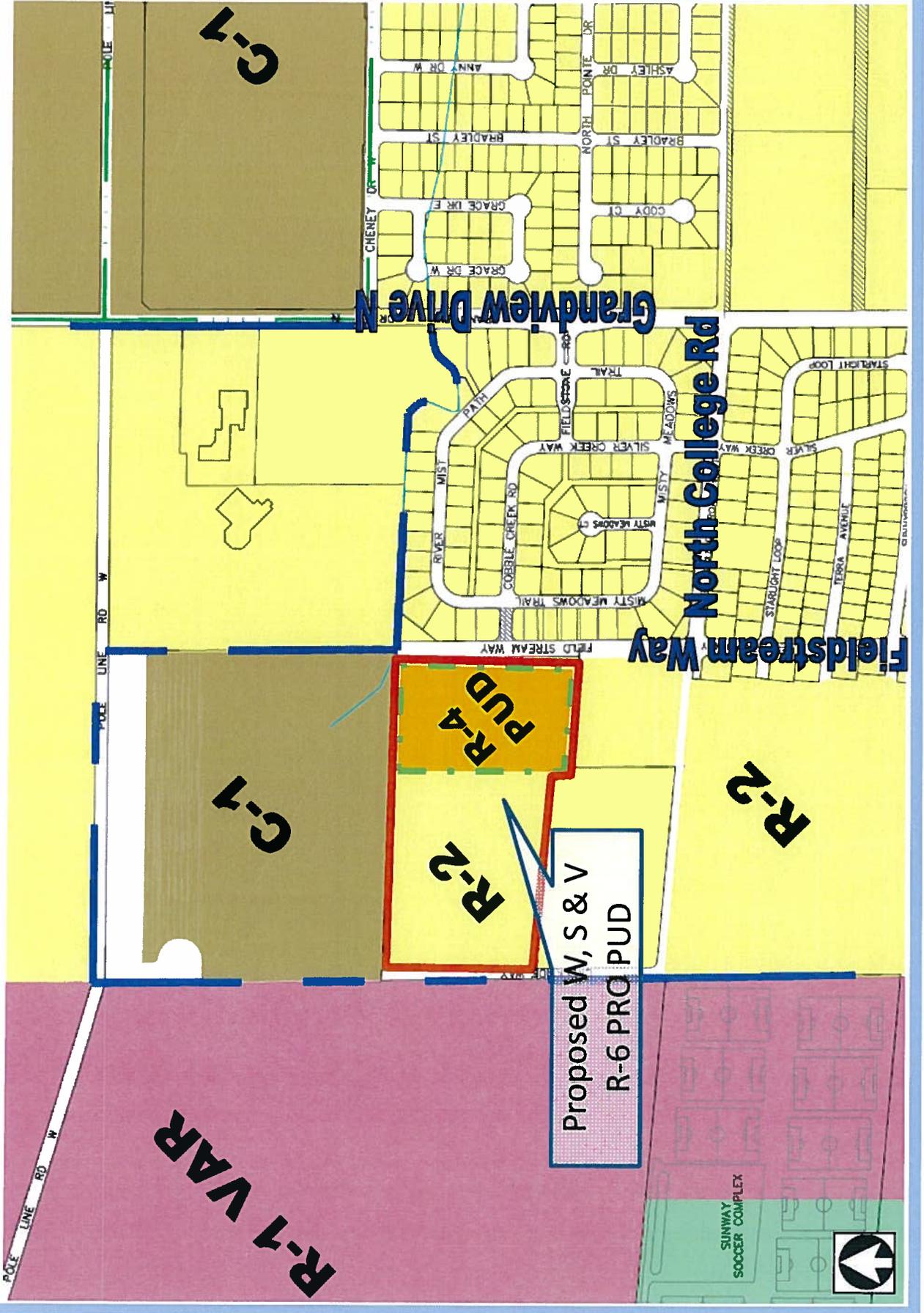
12. Building Standards:

- a. Buildings: New buildings are to be designed in such a way as to conform with the general residential nature of the neighborhood. All buildings shall be of residential character with exteriors of architectural masonry, stone, stucco or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces.
- b. Buildings shall have pitched roofs with a gable or hip roof with a minimum 5/12 pitch and twelve inch (12") eave. Roofing material shall consist of architectural asphalt shingles, architectural metal or tile.
- c. Building faces shall be broken up with windows, recesses, awnings or other architectural features that break up large flat surfaces.
- d. Buildings shall have exteriors of architectural masonry, stone, stucco or architectural steel siding.
- e. All building public access will be oriented toward the project interior.
- f. Lighting: Building and parking area lighting shall be enclosed in fixtures or soffits that direct lighting to the ground surface in a manner that the light source cannot be seen from adjacent properties.
- g. Outside Storage/Trash Containers/Loading Docks/Emergency Facilities: Outside storage and/or display is prohibited. Loading docks, trash containers and emergency facilities shall be visibly screened from roadways, residential areas and adjacent properties with screening materials. Screening may consist of landscaping- as per D8, masonry walls, buildings or fencing (vinyl, block, wood).

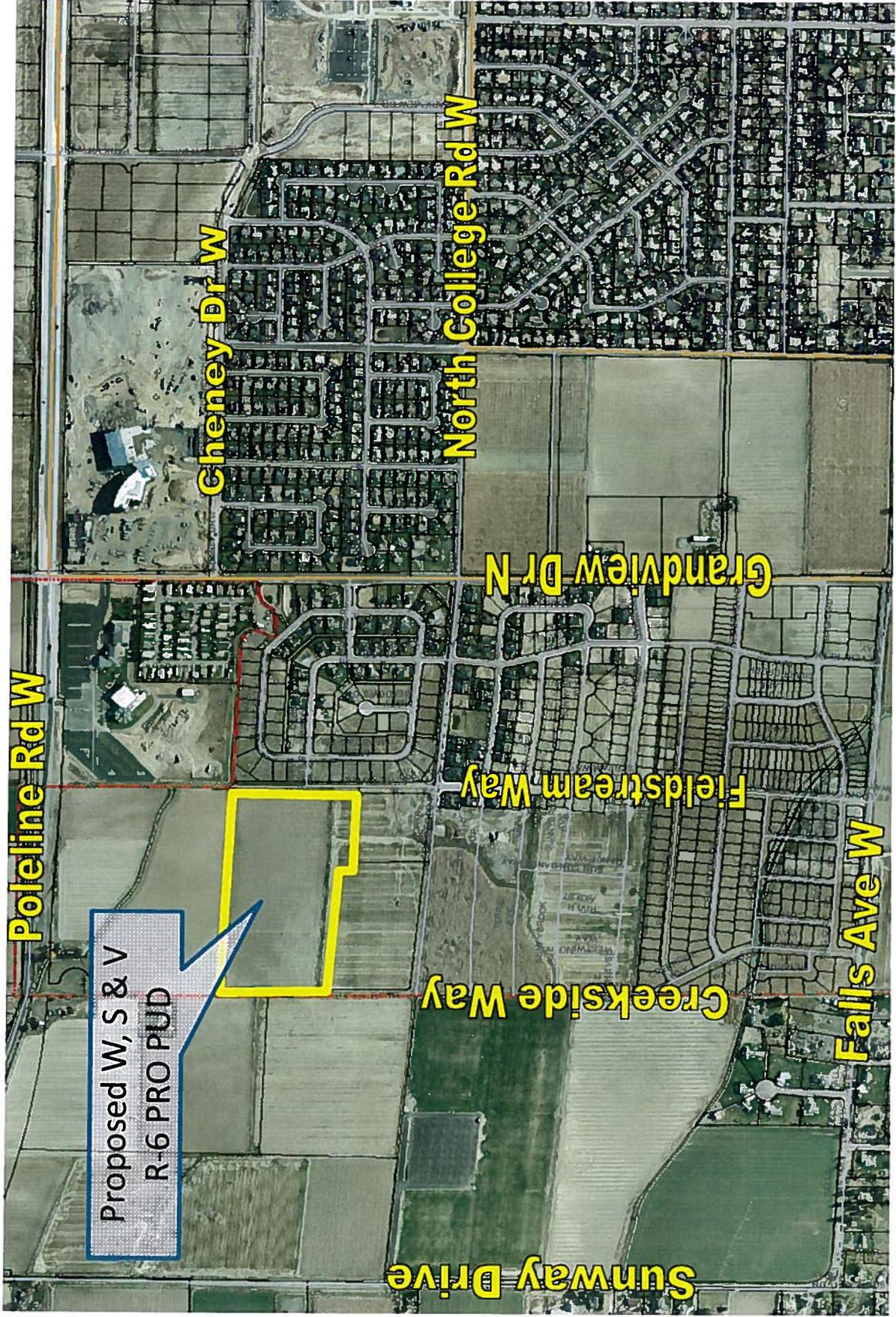
VICINITY MAP



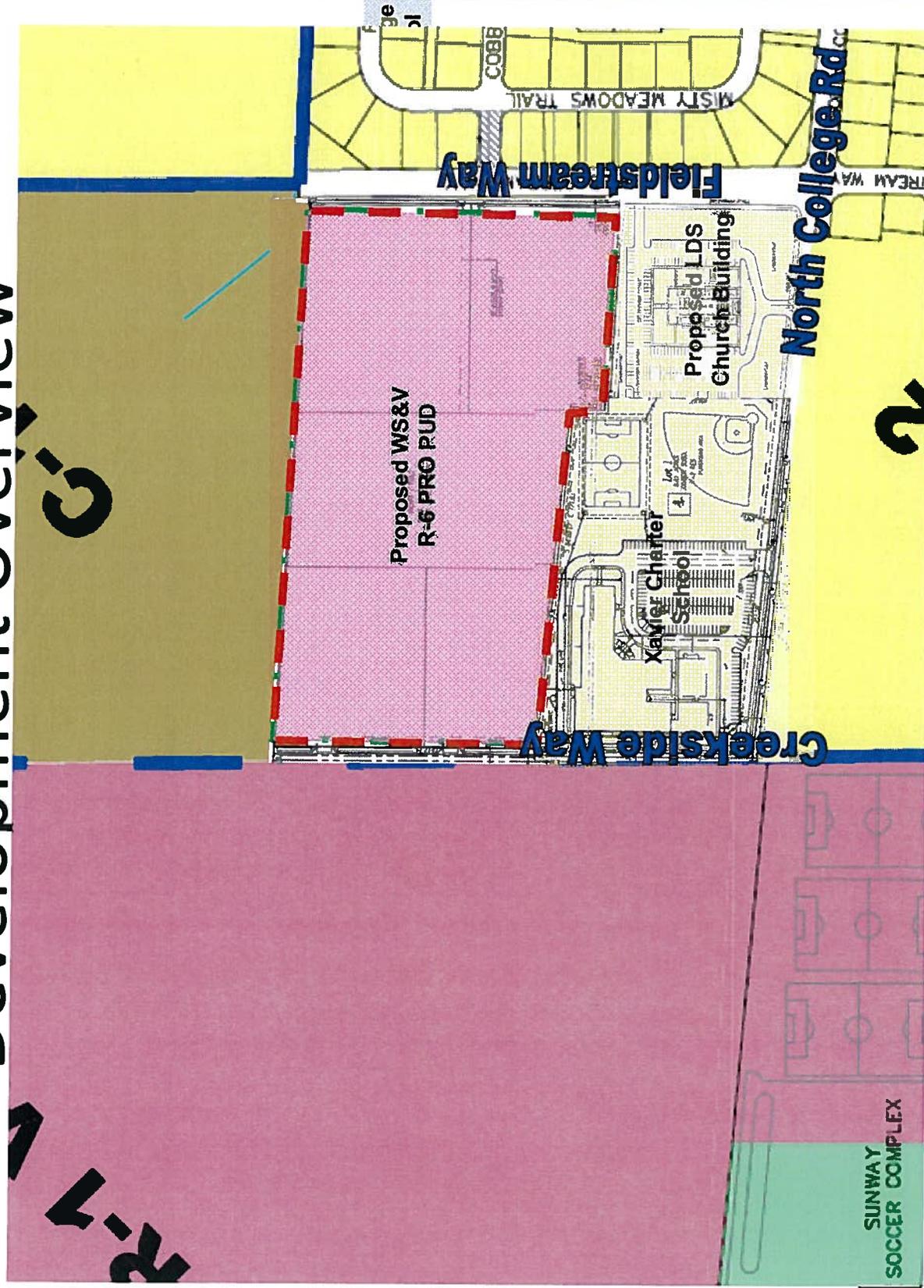
ZONING MAP



AERIAL VIEW



Development Overview



INSERT "EXHIBIT "C"

Locust Grove office building (1411 Falls Ave E, Suite 400 building)



Visions Home Health office building (209 Shoup Ave West)



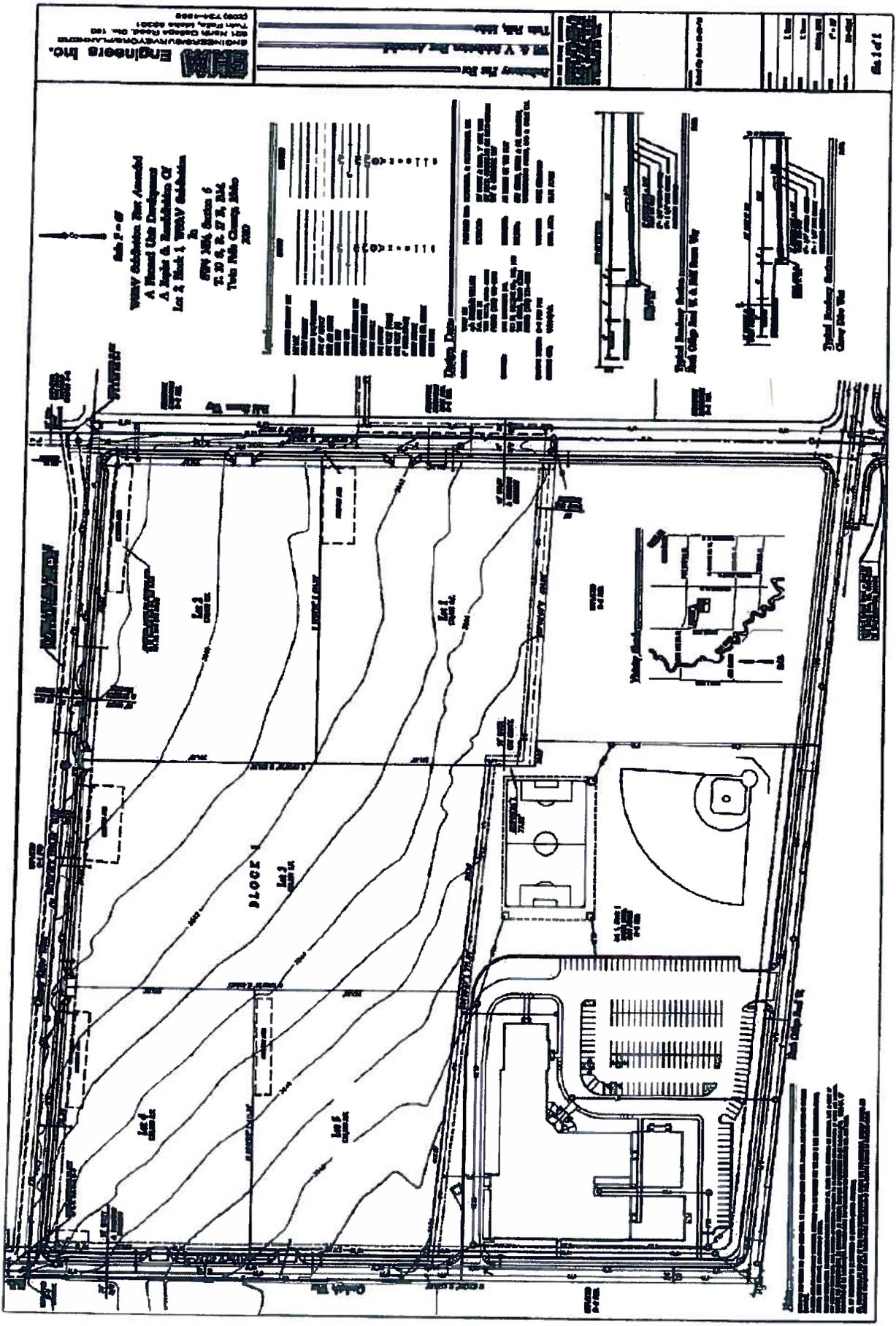
Residential Duplex



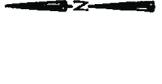
Residential Duplex



1-10-2012 P&Z



2-6-2012 CC



Scale: F = 10'

**WSS.V Subdivision First Amended
A. Resubdivision & Renumbering Of
Lot 2, Block 1, WSS.V Subdivision**

In
SW4 NB4, Section 6
T. 10 S., R. 17 E., RM.
Twin Falls County, Idaho
2012

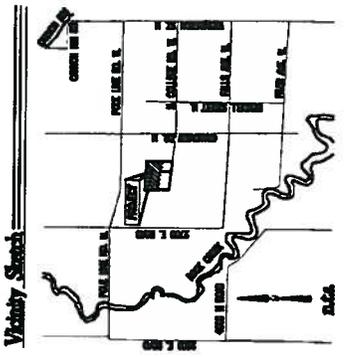
Legend

Subdivision Boundary Line	---
Lot Line	---
Easement As Shown	---
Section Line	---
Street Centerline	---
Point 1/4" BEARING & CP (21 100)	○
Set 1/4" = 40' BEARING & CP (21 100)	●

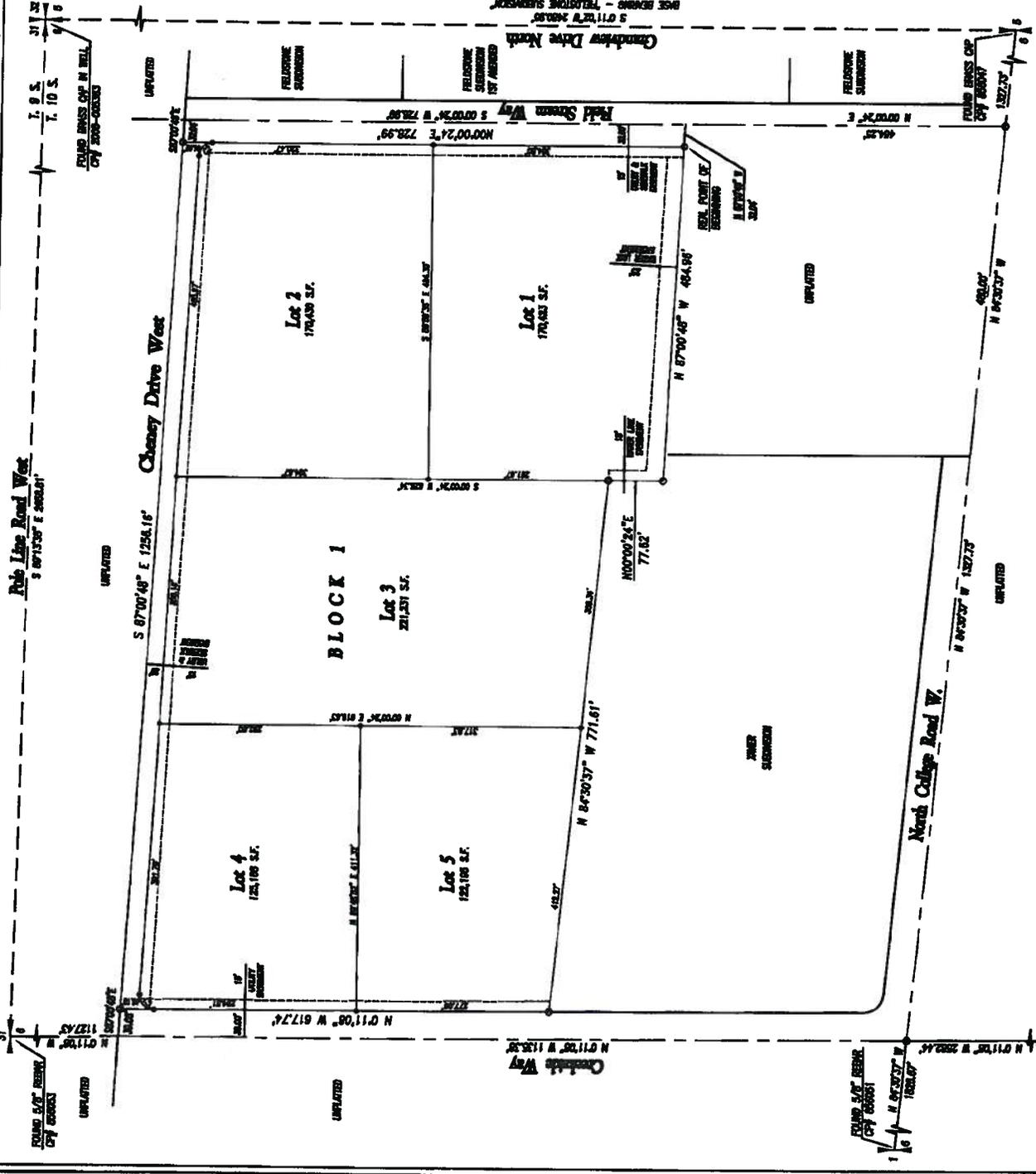
Health Certificate

Sanitary conditions as required by Idaho Code, Title 20, Chapter 13 have been verified based on the State of Idaho Department of Environmental Quality (IDEQ) approval of the design plans and specifications and the conditions imposed on the developer for continued subdivision of the sanitary subdivision. If a health certificate is required, the applicant shall obtain a health certificate from the IDEQ. The health certificate shall be obtained prior to the construction of the sanitary subdivision. The health certificate shall be obtained from the IDEQ. The health certificate shall be obtained from the IDEQ. The health certificate shall be obtained from the IDEQ.

Visibility Study



Engineers Inc.
ENGINEERS SURVEYORS PLANNERS
314-1077
3021 1st St



Note
OWNERS OF LOTS ON THIS PLAN WILL BE SUBJECT TO DEVELOPMENT AS A PART OF A PHASE IN THE FUTURE THAT WILL BE THE PROPERTY OF THE STATE OF IDAHO. THE STATE OF IDAHO IS NOT RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF ANY INFRASTRUCTURE OR UTILITIES SHOWN ON THIS PLAN.

Curve Data
CURVE DATA BEARING AND DISTANCE GIVEN IN THE PLAN SHALL BE USED TO LOCATE ALL CURVE DATA. THE CURVE DATA SHALL BE USED TO LOCATE ALL CURVE DATA.



MINUTES

Twin Falls City Planning & Zoning Commission

August 10, 2010-6:00 PM

City Council Chambers

305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Lezamiz
Munoz
Schouten

ABSENT:

Derricot
Jacobson

AREA OF IMPACT MEMBERS

PRESENT:

Mikesell

ABSENT:

DeVore

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Jones, Reeder, Vitek

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **July 27, 2010**
2. Approval of Findings of Fact and Conclusions of Law:
 - Dean Kulm-SUP
 - Wesleyan Holiness Church-SUP

Commissioner Cope made a motion to approve the consideration items. Commissioner Schouten seconded the motion. All members present voted in favor.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed-use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way. c/o Doug Vollmer on behalf of W.S & V, LLC(app. 2386)

APPLICANT PRESENTATION:

Tim Vawser, EHM Engineering, Inc, representing the applicant stated this is a 19.31 acre parcel; lot 2 of the W,S&V, LLC conveyance plat. The property is south of Pole Line Road and boarded by Creekside Way on the west and Fieldstream Way on the east. Xavier School is southwest of this parcel and there are plans for a church along the southeast. The property is essentially surrounded by transitional uses. The plan is to request a rezone from R-2 & R-4 PUD to R-6 PRO PUD to offset the commercially zoned property to the north and provide a transition throughout. He reviewed the plans on the overhead showing five large sections allowing them to sell the property for development.

Planning & Zoning Commission Minutes

August 10, 2010

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked if the plan was to have duplex or apartment type buildings in the residential plan.
- Mr. Vawser explained that the reason for the R-6 zoning is to allow for multi-family housing or possibly a cluster home type of development.
- Doug Vollmer state the zoning matrix is provided in the staff packet and explained that they would like to make some things outright permitted in the PRO overlay. Photos have been provided and will be discussed at the public hearing.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the vicinity maps on the overhead and stated this is a preliminary PUD presentation to rezone the property from R-2 & R-4 PUD to R-6 PRO PUD. She stated this is a preliminary presentation and staff does not review the request or make recommendations at this time. This presentation is to allow the Commission to ask questions before the public hearing scheduled for the August 24, 2010 meeting.

PUBLIC COMMENTS: OPENED & CLOSED WITHOUT PUBLIC COMMENTS

PUBLIC HEARING SCHEDULED FOR AUGUST 24, 2010



MINUTES
Twin Falls City Planning & Zoning Commission
August 24, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohm Kevin Cope Jason Derricott V. Lane Jaboson Bonnie Lezamiz Gerardo Munoz Jim Schouten

Chairman **Vice-Chairman**

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohm
Cope
Derricott
Jacobson
Lezamiz
Munoz

ABSENT:

Schouten

AREA OF IMPACT MEMBERS

PRESENT:

ABSENT:

DeVore
Mikesell

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Jones, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of Kimberly Road Commercial Subdivision 36.96 (+/-) acres consisting of 12 lots and located southwest of 3250 Kimberly Road c/o Gerald Martens on behalf of Kimberly Road Partners, LLC

IV. PUBLIC HEARINGS:

1. Requests the Commission's recommendation on the Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed-use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way. Doug Vollmer on behalf of W.S. & V, LLC (app. 2386)
2. Request for the Commission's recommendation on the Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO property located at 510 Lincoln St c/o Francis Florence on behalf of 200 South Developers, LLC (app. 2383)
3. Requests for a Special Use Permit to include a private school in conjunction with an existing religious facility on property located at 315 Shoup Avenue West . c/o Pastor Bruce Carlson on behalf of Cornerstone Baptist Church (app. 2384) **RESCHEDULED FOR SEPTEMBER 14, 2010 P&Z PH**
4. Request for a Special Use Permit to operate an automobile (racecar) service/repair business, automobile (racecar) storage facility with hours of operation Monday-Friday 7:00am to 7:00pm, year-round in conjunction with the operation of an existing seasonal (April-September) racetrack on property located at 3369 North 2800 East in the City's Area of Impact c/o Eddy McKean on behalf of Magic Valley Speedway (app.2385) **RESCHEDULED FOR SEPTEMBER 14, 2010 P&Z PH**

I. CALL MEETING TO ORDER:

Chairman Bohm called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **AUGUST 10, 2010**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

III. PUBLIC HEARINGS:

1. Requests the Commission's recommendation on the Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed-use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way. Doug Vollmer on behalf of W.S. & V, LLC (app. 2386)

APPLICANT PRESENTATION:

Tim Vawser, EHM Engineering, Inc, representing the applicant stated that he is here to request a recommendation of approval of the Zoning District Change and Zoning Map Amendment. To the east of this property is Fieldstone a residential subdivision; to the north of this property is the Reform Church and property that was just recently zone C-1 PUD; to the west is agricultural; to the south is Sunway Soccer Field and the Xavier Charter School along with the site planned for the LDS Church. The extension of Fieldstone Way and Creekside Way will provide access to this property. The property will consist of 5 lots with the two lots on the east having access to Creekside Way and the two lots on the east would have access to Fieldstream Way and the lot in the middle would have a private access drive coming in off of Fieldstream Way. The proposed zoning is an R-6 PRO PUD to allow flexibility in several different types of transitions in this area. The packet provided to the Commission includes exhibits with the plan for the development to have some type of internal looping or traffic pattern. An assisted living center, and some mixed residential would provide a transitional area between the C-1 and the uses surrounding this property. He reviewed the list of items that the applicant is requesting be listed as an approved use without the need for a special use permit. He also reviewed the recommendation that a maximum 25% of the development consist of residential uses, the applicant would like to request that the percentage be adjusted to a range between 15% and 85% to allow for a bit of leeway for the development to please the adjacent property owners and to help with the marketing of the property. He requests that the Commission consider this request and make a positive recommendation to the City Council for the rezone.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a rezone to a Planned Unit Development. She stated on November 6, 2006 the City Council approved annexation of 36.5 (+/-) acres with an R-2 Zoning Designation, which includes this property that is being proposed for a zoning change. Ordinance #2884 was adopted on November 23, 2006, and later recorded. On July 8, 2008 the Church of Jesus Christ of Latter Day Saints was granted a special use permit to construct a religious facility on a 5 (+/-) acre parcel located at the southeast corner of this property. The church has not developed as of yet.

The W, S & V conveyance plat, consisting of 30 (+/-) acres and 2 lots was approved on February 17, 2009 and later recorded on March 13, 2009. The Xavier Charter School was granted a special use permit on December 16, 2008 to develop a public charter school on the southwest corner of this property. The Xavier Subdivision, Lot 1 consisting of 8.5 (+/-) acres was approved by the City Council on March 2, 2009 and later recorded on August 19, 2009. The school is currently under construction and has received a temporary Certificate of Occupancy.

The Cottages, a residential PUD was approved by the City Council on February 9, 2009 with a zoning designation of R-4 PUD. Ordinance # 2964 was adopted on March 23, 2009 and later recorded. The project consisted of 6 (+/-) acres located north of the LDS Church site and on the west side of Fieldstream Way. The project has not been developed; and this PUD site is being incorporated into this proposed development.

A preliminary PUD presentation for tonight's Zoning District Change and Zoning Map Amendment was heard by the Planning & Zoning Commission Tuesday, August 10, 2010.

Zoning & Development Manager Carraway stated this is a request for a Zoning District Change and Zoning Map Amendment for 20(+/-) acres from R-2 and R-4 PUD to R-6 PRO PUD the property is located between Field Stream Way and Creekside Way, extended, and north of North College Road West. The applicants have indicated they wish to rezone this property to allow for a mixture of residential and professional uses.

The property is currently being used as agricultural farmland; to the north is also agricultural land but the zoning for the property is C-1; Commercial Highway District. To the west is agricultural land in the City's Area of Impact and is zoned R-1 VAR; Residential Single Family District. Property to the east is zoned R-2; Residential Single Family and Duplex District and is mostly developed as the Fieldstone Subdivision. To the south is the Xavier Charter School, which serves grades K-12 and a vacant property that is proposed to be an LDS Church meeting house.

The proposal for the site consists of allowing for a mixture of residential uses, office uses, medical offices, religious facilities, schools, nursing homes, rest homes, medical resident halls and similar facilities. The Master Development Plan consists of dividing the property into five (5) areas which would average 3.9 (+/-) acres in size. There would be two (2) main shared accesses to the area on Creekside way and Fieldstream Way and then internal circulation throughout the site, it is anticipated at this time that two of the areas would include an assisted living facility and assisted living-related uses. The other three (3) areas would include compatible uses.

It was stated at the preliminary PUD presentation on Tuesday, August 10, 2010, that The Cottages an approved but undeveloped residential PUD project was to be included as approved within this proposed PUD, however, as the developers are unsure if and/or where The Cottages will be developed within this project it has not been included with the land uses for this PUD. To develop a residential development similar to The Cottages would require a PUD amendment.

The applicant provided a portion of the City's Land Use and Zoning District Matrix-Table to indicate how the PUD would vary from the use allowances of a standard R-6 PRO District, there is also an "EXHIBIT" included in this packet which includes the zoning requirements and property development standards for the R-6 PRO Zone and includes the applicant's proposed modifications.

In terms of uses there is a general standard for uses to operate within the hours of 7:00am to 9:00pm unless permitted otherwise by PUD or Special Use Permit. The developers are proposing the following uses be allowed outright in this PUD without a Special Use Permit:

- Governmental Office Building
- Schools-Public
- School-Private Academic
- Household Units (in the same building as an allowed use and occupied by owner or employee)
- Nursing Homes and Rest Homes (maximum of 16 beds/residents-larger facility would require SUP)
- Finance Investment Offices
- Insurance and Related Business
- Photography Studios
- Professional Services
- Doctor's Office (One Doctor-More Would Require SUP)
- Real Estate and Related Business
- Religious Facilities

Pictures were also provided to give a conceptual idea of the intended architectural standards. The photos include the Locust Grove Development located on the northwest corner of Falls Avenue East and Locust Street North, Visions Home Health Office Building at 209 Shoup Avenue West, residential duplexes, and the Devon Senior Apartment Complex at 1338 North College Road East.

The Comprehensive Plan's Future Land Use Map 2-4 designates this area as Urban Village/Urban Infill. The description of this designation in the Comprehensive Plan is "to support a mix of residential uses and densities in addition to commercial and community uses" Mixed uses could be both vertical and horizontal meaning different buildings containing different uses or different uses within the same building as being encouraged. The proposed project is for a mixture of uses which could include residential and primarily professional related non residential uses. A solely residential or solely professional office development would not meet the intent of the Comprehensive Plan for an Urban Village/Urban Infill project in this area and so the PUD would need to include a guarantee of a mixture of both uses on the site, the current proposal would appear to meet the intent of the Urban Infill designation and staff would propose a statement in the PUD that would allow for a minimum of 25% and a maximum of 50% of the project to be residential development. The applicant is requesting the minimum be set at 15% and the maximum set at 85%; the Comprehensive Plan does not have a finite number required but a mixed use is mandatory.

Another aspect to consider during this process is if the project provides a transition between surrounding uses. The property to the north is adjacent to Pole Line Road West and is designated for commercial/retail development and is Zoned C-1. However, prior to development it will require the PUD public hearing process. The other properties surrounding the subject property are zoned residential. The applicant is proposing this zoning district change to provide a buffer between the uses. Multi-family residential and professional office development is often used to provide a transition between single family residential areas and commercial development. The school and proposed church to the south are starting a transition already and the R-6 PRO designation would provide a range of uses that would be compatible. The property is also separated from single family residential developments by collector streets which also helps provide a transition of uses.

The R-6 PRO PUD-Exhibit proposes a maximum building size of 10,000 sq. ft. with a larger building requiring a Special Use Permit. This is to maintain a residential scale to the site, for comparison, the new building at the Locust Grove PUD Occupied by Wolverton Homes Office is just over 9,000 sq. ft. and the buildings at the Renaissance Professional Office Park are approximately 14, 000 sq. ft.

There are architectural standards proposed within the exhibit such as the buildings have a residential nature, pitched roofs at a slope of at least 5/12 and building and roofing materials that are compatible with a residential area. The proposal of an R-6 PRO zoning may be appropriate as it provides transitional uses. The PUD, as proposed, allows for uses normally requiring special use permits to be outright permitted if the zoning was amended as presented. The Commission must determine that the extent and nature of changing the zoning of this property to R-6 PRO PUD would be harmonious and would not detract from the surrounding area. The Master Development Plan does not provide development detail but the general concept is that each of the approximately 3.9 (+/-) acre parcels would provide for a master development plan area such as the Locust Grove Complex or a Senior Housing or Rest Home Complex. Generally PUD applications provide a conceptual layout including parking, landscaping and building locations.

The Locust Grove Development is used as a conceptual example for layout and building elevations. That site is developed on about 9 (+/-) acres has 12 lots and was built out with 11 buildings. The R-6 PRO zoning allows only one (1) building to be developed per lot. The Devon Senior Apartment Complex was also provided as a conceptual example. The Devon Development is a residential complex on 2.3 acres. There are also protections proposed such as landscaped buffers around the property-minimum 20' with berms and plantings along Creekside Way, Field Stream Way and on the north and south sides of the development. Landscaping will also be provided in the parking area. Public accesses to the buildings will be oriented toward the interior of the development. Screening will be provided between professional office and residential uses. The applicant is proposing requirements that will protect the existing property owners and provide a transition to more commercial areas and setting standards for the development of a compatible project.

Zoning & Development Manager Carraway stated upon conclusion if the Commission determines that the request is not in conformance with the Comprehensive plan and/or the extent and nature of changing the zoning of this property to R-6 PRO PUD would not be harmonious and would detract from the residential neighborhood then staff recommends the Commission recommend denial of this request to the City Council. However, should the Commission find that the request is in conformance with the Comprehensive Plan and the extent and nature of changing the zoning of this property to R-6 PRO PUD would be harmonious and would not detract from the residential neighborhood staff recommends the Commission recommend approval of this request to the City Council, as presented, subject to the following conditions:

- 1) Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards and approval of a PUD Agreement prior to recordation of a final plat.
- 2) Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current city standards upon development or change of use of the property.
- 3) Subject to development meeting or exceeding R-6 PRO code requirements and required improvements (10-11-1 through 9) and/or subject to compliance with attached Exhibit identified as "W, S, & V Proposed R-6 PRO PUD whichever is greater.

PUBLIC HEARING: WITHOUT CONCERNS

DELIBERATIONS FOLLOWED:

Commissioner Munoz stated he agrees that to meet the intent of the Comprehensive Plan a minimum development for residential uses should be required and he doesn't have a problem with the 15%-85% requested by the applicant.

Commissioner Bohm agreed with the statement made by Commissioner Munoz.

MOTION:

Commissioner Munoz made a motion to recommend approval to the City Council of this request, as presented, with staff recommendations and the applicants requested amendment for development requirements. Commissioner DeVore seconded the motion. All members present voted in favor of the request.

RECOMMENDED FOR APPROVAL AS PRESENTED WITH THE FOLLOWING CONDITIONS
SCHEDULED FOR CITY COUNCIL PUBLIC HEARING ON SEPTEMBER 20, 2010

- 1) Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards and approval of a PUD agreement prior to recordation of a final plat.
- 2) Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current city standards upon development or change of use of the property.
- 3) Subject to development meeting or exceeding R-6 PRO code requirements and required improvements (10-11-1 through 9) and/or subject to compliance with attached Exhibit "W, S, & V Proposed R-6 PRO PUD," whichever is greater.
- 4) Subject to the residential portion of the plan ranging between 15% and 85% of the development.

COUNCIL MEMBERS:

LANCE CLOW	TRIP CRAIG	DON HALL <i>Mayor</i>	LEE HEIDER <i>Vice Mayor</i>	DAVID E. JOHNSON	WILLIAM A. KEZELE	GREG LANTING
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MINUTES

Meeting of the Twin Falls City Council
 September 20, 2010
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG CONFIRMATION OF QUORUM INTRODUCTION OF STAFF CALL MEETING TO ORDER: 5:00 P.M. PROCLAMATIONS: None. CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:			
AGENDA ITEMS		Purpose	By:
I. CONSENT CALENDAR: 1. Consideration of accounts payable for September 13 – 20, 2010. 2. Consideration of the Amended August 23, 2010, Minutes and the approval of the September 7, 2010. 3. Consideration of a request from Patrick Scheidt, owner of Von Scheidt Brewing Company, to host an outdoor music event in the parking lot of their location at 157 2 nd Avenue West on Saturday, October 2, 2010, from 12:00 P.M. to 9:00 P.M. 4. Special Use Permit Amendment c/o Sherry Key and Findings of Fact, Conclusions of Law and Decision. 5. Special Use Permit for Twin City Auto c/o David Hall and Findings of Fact, Conclusions of Law, and Decision.		Action	Staff Report L. Sanchez Dan McAtee Mitch Humble Mitch Humble Mitch Humble
II. ITEMS FOR CONSIDERATION: 1. Consideration of a request to approve the 2011 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission. 2. Consideration of the Final Plat of Eaglefield Commercial Subdivision 4.3 (+/-) acres consisting of 8 lots and located north of Kimberly Road and east and west of Meadowview Lane c/o Scott Allen/The Land Group on behalf of Dirk Parkinson. 3. Consideration of contract with PSI Environmental Systems to collect residential solid waste and curbside recyclables. 4. Public input and/or items from the City Manager and City Council.		Action Action Action	Mitch Humble Mitch Humble Travis Rothweiler
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:			
IV. PUBLIC HEARINGS: 6:00 P.M. – 1. Request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W.S.&V, LLC. (app 2386) 2. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO for property located at 510 Lincoln Street, c/o 200 South Developers, LLC/Fran Florence. (app.2383) 3. Request to ban all tobacco products from five neighborhood parks and around specific park amenities, such as playgrounds c/o Elvia Caldera, South Central Health District.		Action Action	Mitch Humble Mitch Humble Elvia Caldera
V. ADJOURNMENT:			

**Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

Present: Lance Clow, Trip Craig, Don Hall, Dave Johnson, Greg Lanting, Will Kezele, Lee Heider

Absent: None

Staff Present: City Manager Tom Courtney, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, Staff Sergeant Dan McAtee, Parks & Recreation Director Dennis Bowyer, Utility Services Director Sherry Jeff, Deputy City Clerk/ Recording Secretary Leila Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and led the pledge of allegiance. A quorum was present. Mayor Hall introduced City staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

Approved the following changes to the Consent Calendar:

Removed:

- Special Use Permit Amendment c/o Sherry Key and Findings of Fact, Conclusions of Law and Decision.
- Special Use Permit for Twin City Auto c/o David Hall and Findings of Fact, Conclusions of Law, and Decision.
The items will be on the September 27, 2010, Agenda.

Added:

Consideration to approve Alcohol License Application to Purity Spa Salon Boutique located at 2221 Addison Avenue East. (Wine: Retail Sales for consumption off premises only.)

AGENDA ITEMS

Councilperson Craig dismissed himself at 6:09 P.M. due to illness.

Mayor Hall went over the public hearing procedures.

IV. **PUBLIC HEARINGS:** 6:00 P.M. –

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W.S.&V, LLC. (app 2386)

Tim Vawser, EHM Engineers, representing the applicants, explained the request. On item 3 of Exhibit C as well as item 4, which also addresses medical services, they would like remove the restriction of "one doctor". On property development standards, specifically during the Planning and Zoning Commission meeting the applicant asked for and received under Item (D) a. Minimum of 15% and a Maximum of 85% of the project to be residential development. On Item (D)5. Building Size: requested the maximum building size is 14,000 sf.

Community Development Director Humble reviewed the request. Staff supports the request as presented.

On August 24, 2010, the Planning & Zoning Commission unanimously recommended approval of the request a presented and subject to the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards and approval of a PUD agreement prior to recordation of a final plat.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City Standards upon development or change of use of the property.
3. Subject to development meeting or exceeding R-6 Pro Code requirements and required improvements (10-11-1 through 9) and/or subject to compliance with attached – EXHIBIT "C" WS & V – proposed R-6 Pro PUD, whichever is greater.
4. Subject to an approved/recorded PUD agreement prior to development.

Community Development Director Humble stated that condition item 4. *Subject to an approved/recorded PUD agreement prior to development.* can be removed from the conditions since the condition is covered in item 1.

Staff recommends approval of the changes requested by the applicant.

Discussion followed:

-Vice Mayor Heider asked if Cheney were to come through within 200' north of the property would the developer seek to develop that 200' or purchase that parcel to whoever owns the parcel to the north and seek to expand the development up to Cheney Road. Tim Vawser stated that more than likely no.

-Access roads

Councilperson Clow stated that he was trying to sort through access roads. He asked what the eventual access is to Pole Line Road and asked the applicant to address the traffic flows.

Tim Vawser stated that the drawing shows an access easement into the middle parcel. This property is similar to Locust Grove with a private drive throughout the interior. The actual access to Pole Line is limited based on controlled access. Creekside Way is the only road ITD allows to access Pole Line to Grandview and the next road over. Fieldstream will tie into presumably Cheney and will not have any further development other than private feed within that subdivision as Pole Line is blocked at that point.

Doug Vollmer, applicant, stated that you can take Cheney, angle to the north and meander through as long as you come back out to the point to the west where it would hook up to further Cheney.

Community Development Director Humble discussed the plans for Cheney Road.

The Public Portion Of The Hearing Was Opened.

Brad Wills, 222 Shoshone Street West, stated for a point of clarification that he is not a partner in the section being discussed. Spoke in favor of the request.

John Straubhar, applicant, spoke in favor the request.

Councilperson Clow asked for clarification on the guidelines in the PUD agreement original said only one doctor. Where did this come from? Community Development Director Humble stated that the standards were developed cooperatively with the applicant and staff.

The Public Portion Of The Hearing Was Closed.

Deliberations.

MOTION:

Councilperson Johnson made the motion to approve a Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W.S. & V, LLC. (app 2386) **with the following changes** in the WS&V Proposed R-6 PUD Agreement dated August 25, 2010:

1. Page 1, (A) 3. Medical Facilities:
 - a. Doctors Office, ~~limited to one doctor at a time~~
2. Page 3, (D) 5. Building Size: The maximum building size is ~~40,000~~ 14,000 sf (a larger building may be permitted with a Special Use Permit.)

and the following recommendations:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards and approval of a PUD agreement prior to recordation of a final plat.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City Standards upon development or change of use of the property.
3. Subject to development meeting or exceeding R-6 Pro Code requirements and required improvements (10-11-1 through 9) and/or subject to compliance with attached – EXHIBIT “C” WS & V – proposed R-6 Pro PUD, whichever is greater.
4. ~~Subject to an approved/recorded PUD agreement prior to development.~~

The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Recess – 7:10 P.M.
Reconvene at 7:16 P.M.



Monday March 12, 2012 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Presentation of a service plaque to Patty Lee in recognition of her service on the Golf Advisory Commission.

Time Estimate:

Staff presentation will take approximately 2 minutes.

Background:

Patty Lee served two full three year terms on the Commission. She started on the Commission in January 2006. Patty was very active on the Commission. She served as Chairperson of the Commission for 5½ years from August 2006 to February 2012. Patty's passion for the golf course will be missed on the Commission.

Approval Process:

None

Budget Impact:

The cost of the plaque.

Regulatory Impact:

None

Conclusion:

Staff recommends that the City Council honor Patty Lee for her 6 years of service to the Golf Advisory Commission and to the City of Twin Falls.

Attachments:

None



March 12, 2012, City Council Meeting

To: Honorable Mayor and City Council

From: Shawn Moffitt, CH2M HILL

Presentation of O&M Rebate from CH2M HILL for 2010-2011

INVOICE/REBATE FOR THE CITY OF TWIN FALLS

**Direct Costs, Repairs Rebates and Utility rate adjustments for
Contract Year October 1, 2010 through September 30, 2011**

TOTAL CONTRACT EXPENSES (DIRECT COST + REPAIR COST)	ESTIMATED	ACTUAL EXP.
	\$2,330,183	\$2,305,753

O & M DIRECT COSTS	POTW	TOTAL
Direct Cost Estimate	\$2,276,313	\$2,276,313
Actual Expenditure	\$2,202,867	\$2,202,867
Subtotal	\$73,446	\$73,446
Rebate Percentage		100%

Direct Costs Rebate **\$73,446** **A**

* see expense summary attached

REPAIRS	POTW	TOTAL
Repairs Budget	\$53,870	\$53,870
Actual Expenditure	\$102,886	\$102,886
Subtotal	(\$49,016)	(\$49,016)
Rebate/Invoice Percentage		100%

Repair Rebate **(\$49,016)** **B**

* see expense summary attached

Electrical rate adjustment **\$0.00** **C**

* see electrical adj. Spreadsheet attached

Natural Gas rate adjustment **\$0.00** **D**

* see natural gas adj. spreadsheet attached

O & M Rebate/(Invoice) to City of Twin Falls **\$24,430** **A+B+C+D**



Public Hearing: **MONDAY, March 12, 2012**
 To Co: Honorable Mayor and City Council
 From: Mitch Humble, Community Development

ITEM IV-1

Request:

Request for the Vacation of Pillar Falls Subdivision, a PUD, Phase I, consisting of 8.64 (+/-) acres located northwest of the intersection of Eastland Drive North and Pole Line Road East, c/o Sam Teyema on behalf of Umpqua Bank. (app. 2501)

Time Estimate:

The applicant’s presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner/Representative	Size: 8.64 (+/-) acres
UMPQUA Bank Attn: Sam Teyema, Vice Pres. One SW Columbia St, Ste 1400 Portland, OR 97258 Phone: 503-727-4205	Current Zoning: C-1 PUD	Requested Zoning: vacation of dedicated public right-of-way, easements & property lines in recorded subdivision
	Comprehensive Plan: Neighborhood Center/ Urban Village/ Urban Infill	Lot Count: 7 lots and 3 tracts
	Existing Land Use: undeveloped property	Proposed Land Use: vacate
Representative:	Zoning Designations & Surrounding Land Use(s)	
Grubb & Ellis Catalyst c/o LeAnn Hume and/or Mike Bideganeta 398 South 9 th Street, Ste 260 Boise , ID 83702 Phone: LeAnn 208-287-9490 Mike 208-287-8447	North: OS Area of Impact; Snake River Canyon	East: OS and SUI Aol; Snake River Canyon and Residential
	South: R-1 VAR Aol; Pole Line Rd East, undeveloped property	West: SUI Area of Impact; residential and agricultural
	Applicable Regulations: 10-1-4, 10-1-5, 10-12-1 through 4, 10-16-1 & 2	

Approval Process:

As per TF City Code: 10-16-1

Vacations & Dedications

- (D) **Public Hearing:** The Commission shall hold a public hearing and make recommendations on all petitions for vacation of an existing subdivision, plat or part thereof inside or within one mile of the boundaries of the City, or within the City "area of impact", and notice of said public hearing shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of the public hearing to all property owners within three hundred feet (300') of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) consecutive weeks in the official newspaper of the City, the last of which shall not be less than seven (7) days prior to the date of said hearing.
- (E) **Commission Recommendation:** Within sixty (60) days from the receipt of the petition for vacation, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.
- (F) **Action by Council:** The Council, prior to approving, modifying or denying the vacation, shall conduct a public hearing using the same notice and hearing procedures as the Commission. Whenever public rights of way or lands are vacated, the Council shall provide adjacent property owners with a Quit Claim Deed for the vacated rights of way in such proportions as are prescribed by law.

Budget Impact:

Approval of this request will have negligible impact on the City budget.

Regulatory Impact:

Approval of this request would allow for the property to return to one (1) parcel. For development it would have to be resubdivided in the future.

History:

On June 26, 2006, the City Council approved a request, as presented, from Land Company, LLC, for annexation of 25 acres (+/-) with a Zoning District Change And Zoning Map Amendment from SUI CRO to C-1 CRO PUD, to allow a planned development consisting of a combination of neighborhood commercial and residential uses on property located north and west of the intersection of Eastland Drive North and Pole Line Road East, (app 1991) subject to the following conditions:

1. Subject to the approved Master Development Plan and amendments as required by building, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to extending the trail from the gazebo along the canyon rim to the northwest corner of the property, then extend a detached and meandering connection from that point along Todd Blass' property within 45' of Todd Blass' property line and including landscaping, berms, and screening as approved by Todd Blass, the developer, and staff.
3. Subject to either securing an off-site trail easement from the property owner to the east or relocating the trail along the west property line so that it is entirely located on the subject property.
4. Perimeter streets are brought up to current City Standards at the time of development.
5. Provide one (1) additional parking space for every three (3) residential units.

On November 13, 2006, the City Council approved Ordinance #2883 which was later published.

On August 14, 2007, the Preliminary Plat for Pillar Falls PUD Subdivision was approved subject to the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to approval of the PUD Agreement.

On July 22, 2008, the Planning & Zoning Commission granted a 1-year extension of the approval of the preliminary plat subject to the same three (3) conditions plus - 4. Subject to current water modeling being done at the time of final plat application.

The Final Plat for Phase 1 of the subdivision was approved by the City Council on May 18, 2009. The PUD Agreement was also approved in that meeting. The plat was recorded on June 29, 2009, with bonding on improvements. Improvements were not completed due to multiple change-over in the ownership of the property.

Analysis:

This is a request to vacate the Pillar Falls Subdivision, Phase I, a PUD. The plat was recorded on June 29, 2009. As the plat has been recorded, the applicant is requesting to vacate recorded property lines for seven (7) lots and three (3) tracts. The applicant is marketing the property for re-sale and believes that it would be preferable to market it as one full piece.

There have not been any improvements constructed or installed at this point by the following utility providers- Idaho Power Company, Cable One, Qwest/Century Link, and the Twin Falls Canal Company. Intermountain Gas Company has facilities in some of the designated Public utility Easements and requests that their easements be maintained. The Twin Falls Canal Company does not have any facilities but recommends that the water shares

dedicated to the City be returned to the owner. The City Engineering Department will work with the owner on what the arrangement will be for the water shares.

The lots and tracts as indicated are requested to be vacated but this would not affect the right-of-way of Pole Line Road East. Right-of-way was dedicated concurrently with the platting process but is a separate action and would not be affected by the vacation request.

The typical procedure of a vacation is that the area vacated is split evenly between the adjacent property owners. The affected lots have not been sold individually and therefore the area will not be split between the adjacent property owners. If approved, the area that has a final plat will be returned to one (1) parcel with the full property and the preliminary plat will be void. This will not affect the zoning of the property, which is C-1 CRO PUD- under the Pillar Falls PUD. The PUD Agreement still establishes the zoning and any future plats would have to be consistent with the zoning and approved Master Development Plan. If a different development concept was desired in the future the property would have to go through the process for a zoning district change or PUD amendment.

The vacation process requires a public hearing before the Planning and Zoning Commission. After receiving a recommendation from the Commission, the City Council holds an additional public hearing and if the request is approved an ordinance is adopted and published.

On February 14, 2012, the Commission unanimously recommended approval of the request, as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to letters of approval from each of the utility companies impacted by this vacation.
3. Subject to maintenance of a recorded easement for Intermountain Gas company facilities on the property.

Conclusion:

Should the City Council approve the request, as presented, staff concurs with the Commission's recommended conditions as follows:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a letters of approval from each of the utility companies impacted by this vacation.
3. Subject to maintenance of a recorded easement for Intermountain Gas Company facilities on the property.

Attachments:

1. Letter
2. Vicinity Map
3. Area Zoning Map
4. Aerial of the Site
5. Perrine Point PUD Master Development Plan
6. Perrine Point Subdivision Plat Map
7. Letters from utility companies
8. Portion of the Feb 14th P&Z minutes



December 29, 2011

Renee Carraway
Planning & Zoning Administrator
City of Twin Falls
Planning & Zoning Commission
P.O. Box 1907
324 Hansen Street East
Twin Falls, ID 83303

RE: Pillar Falls Subdivision No. 1 Plat Vacation

Dear Renee,

Umpqua Bank acquired fee simple title to all of Pillar Falls Subdivision No. 1, a Planned Unit Development, recorded in Book 23 of Plats at Page 24, and additional real property lying North of said subdivision, by virtue of a non-judicial foreclosure action and subsequent Trustee's Deed, dated March 23, 2011, and recorded March 28, 2011, as Instrument No. 2011-006181, records of Twin Falls County, Idaho.

Since acquisition through foreclosure, efforts to market and sell Umpqua Bank's interest in all of Pillar Falls Subdivision No. 1 have not been successful. It is now Umpqua Bank's intent to vacate all of Pillar Falls Subdivision No. 1 as filed of record, as Umpqua Bank foresees this property being more marketable if the property is returned to one large parcel. In doing so, Umpqua Bank feels the property as a whole will be easier to sell.

At this time, the effects of a vacation of Pillar Falls Subdivision No. 1 should have no impact on any or all of the adjoining properties.

Enclosed is a completed vacation application with accompanying documents as required in the application process. Also enclosed is a check made payable to the City of Twin Falls in the amount of \$250.00.

Umpqua Bank and its representatives look forward to working with the City of Twin Falls to complete the vacation of the Pillar Falls Subdivision No. 1 plat.

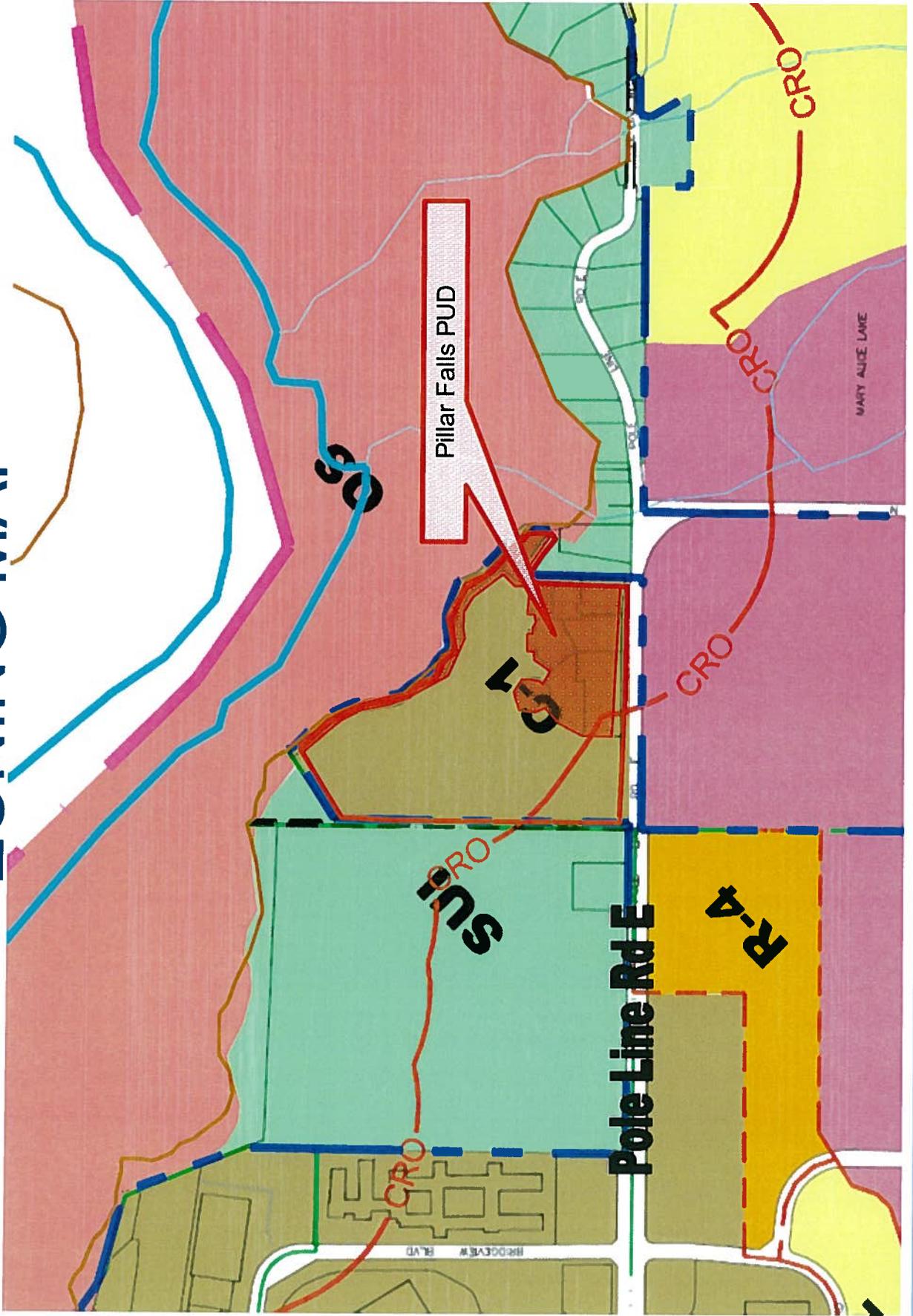
Sincerely,

Sam Teyema
Vice President
Special Assets Department

VICINITY MAP



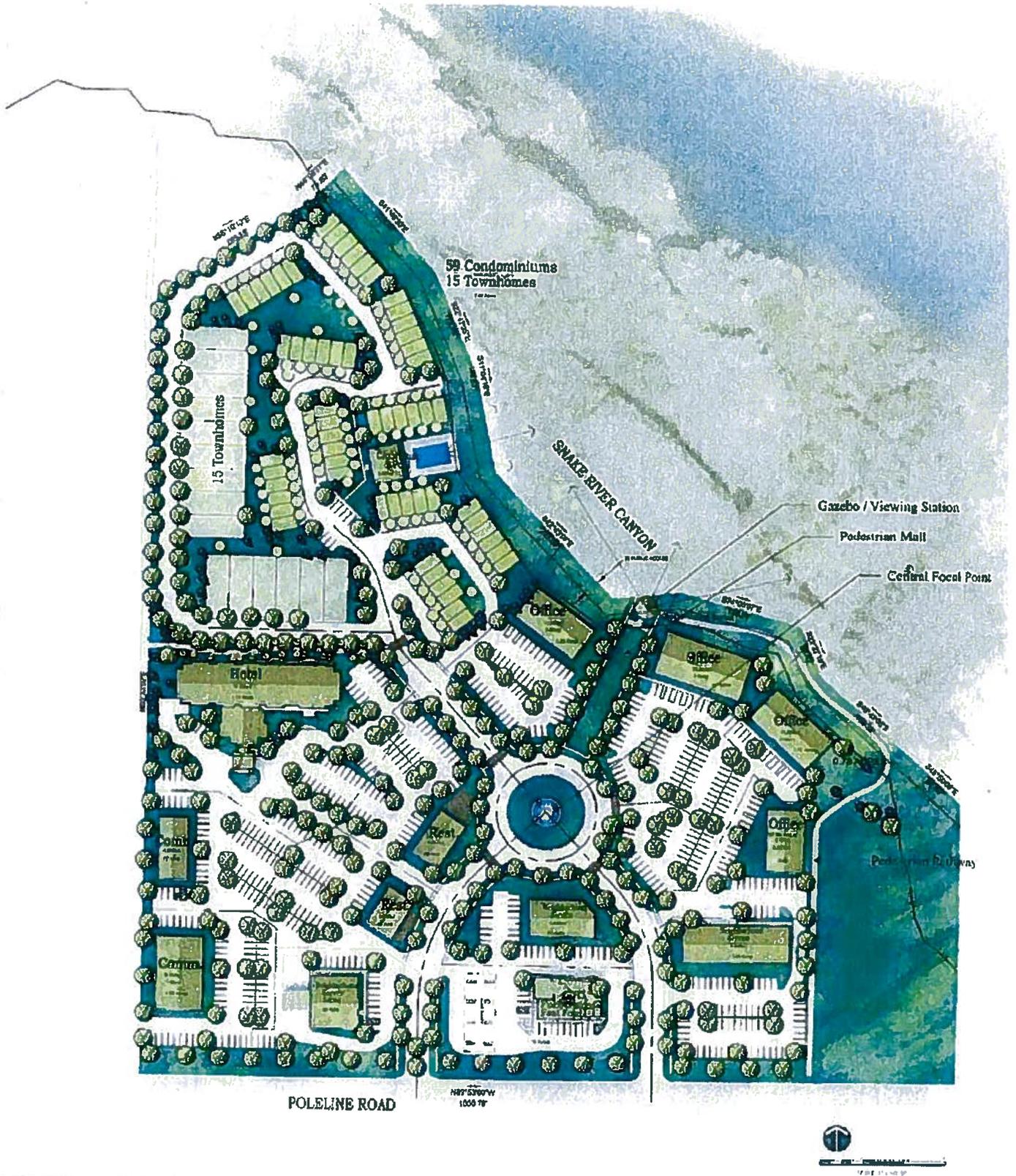
ZONING MAP



AERIAL MAP



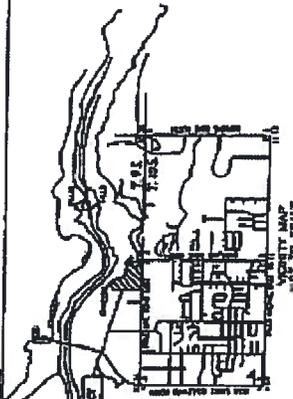
Pole Line Rd E



MDP approved by CC 6/26/2016

Pillar Falls

Plat Showing
Pillar Falls Subdivision No. 1
 A Planned Unit Development
 Situated in U.S. Government Lots 6 and 18
 of Section 34, Township 9 South, Range 17 East, B.M.
 City of Twin Falls, Twin Falls County, Idaho
 2009



Sheet Index
 Sheet 1 of 1 - Subdivision Boundary, Utility Lines, and Legend
 Sheet 2 of 1 - Lots 1-7, Block 1 and Tract C
 Sheet 3 of 1 - Lots 8-18, Block 2 and Tract D
 Sheet 4 of 1 - Easements, Utility Lines, and Subdivisions
 Sheet 5 of 1 - Easements, Utility Lines, and Subdivisions
 Sheet 6 of 1 - Easements, Utility Lines, and Subdivisions
 Sheet 7 of 1 - Easements, Utility Lines, and Subdivisions

Legend

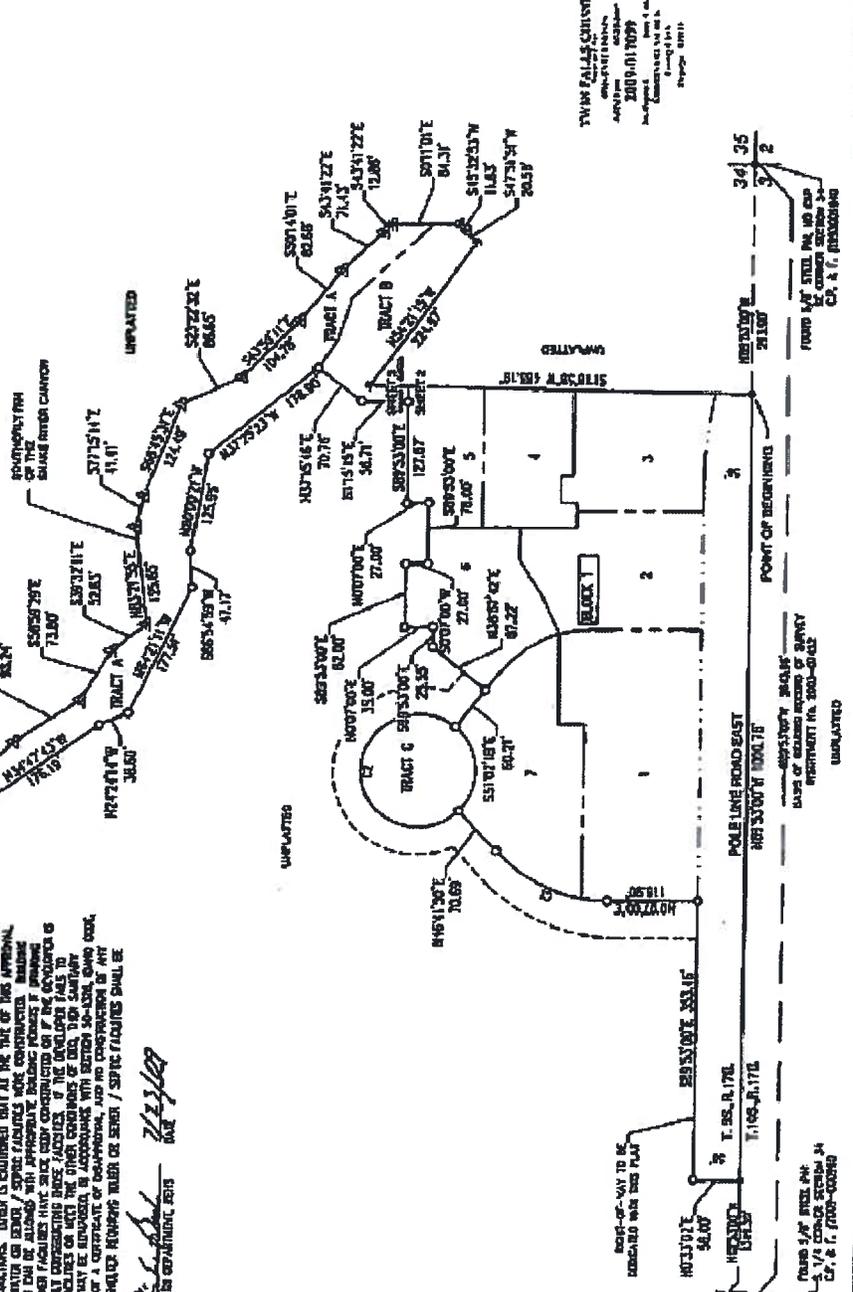
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- SET 3/4" STEEL PIN WITH MARKED THIS IS 1000'
- CHANGELAND POINT
- LOT 40-0000
- BLOCK MARKED
- WITH YELLOW PLASTIC CAP
- BOUNDARY LINE
- SECTION LINE
- EASEMENT LINE
- SE LINE
- WATCH LINE

Health Certificate

SAVING RESIDENCES AS REQUIRED BY OTHER CODES, TITLE OR EJECTMENT IS MADE WITHIN SIX MONTHS OF THE DATE OF THIS CERTIFICATE. THE HEALTH OFFICER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE HEALTH DEPARTMENT ORDINANCES AND THE HEALTH DEPARTMENT HAS NO OBJECTION TO THE CONSTRUCTION OF THE PROJECT. THE HEALTH OFFICER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE HEALTH DEPARTMENT ORDINANCES AND THE HEALTH DEPARTMENT HAS NO OBJECTION TO THE CONSTRUCTION OF THE PROJECT.

Notes

1. THE PROPERTY OF A AND THE LINE SHALL BE ON THE RIGHT OF A FROM LOCATIONS ON THE BOUNDARY CORNERS FOLLOWING THE INDIVIDUAL PART OF THE CHANGE THROUGH CHANNEL.



Health Certificate

SAVING RESIDENCES AS REQUIRED BY OTHER CODES, TITLE OR EJECTMENT IS MADE WITHIN SIX MONTHS OF THE DATE OF THIS CERTIFICATE. THE HEALTH OFFICER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE HEALTH DEPARTMENT ORDINANCES AND THE HEALTH DEPARTMENT HAS NO OBJECTION TO THE CONSTRUCTION OF THE PROJECT. THE HEALTH OFFICER HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE HEALTH DEPARTMENT ORDINANCES AND THE HEALTH DEPARTMENT HAS NO OBJECTION TO THE CONSTRUCTION OF THE PROJECT.

Notes

1. THE PROPERTY OF A AND THE LINE SHALL BE ON THE RIGHT OF A FROM LOCATIONS ON THE BOUNDARY CORNERS FOLLOWING THE INDIVIDUAL PART OF THE CHANGE THROUGH CHANNEL.

TWIN FALLS COUNTY
 REGISTERED PLAT
 2009-01-07-099
 TWIN FALLS COUNTY, IDAHO
 PLAT NO. 2009-01-07-099

TWIN FALLS COUNTY
 REGISTERED PLAT
 2009-01-07-099
 TWIN FALLS COUNTY, IDAHO
 PLAT NO. 2009-01-07-099

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 PLAT NO. 2009-01-07-099

TWIN FALLS COUNTY
 REGISTERED PLAT
 2009-01-07-099
 TWIN FALLS COUNTY, IDAHO
 PLAT NO. 2009-01-07-099



January 10, 2012

City of Twin Falls
Planning & Zoning
324 Hansen St. E.
P.O. Box 1907
Twin Falls, Idaho 83303

Re: Petition/Application to vacate the plat of Pillar Falls Subdivision No. 1, A Planned Unit Development Situated in U.S. Government Lots 6 and 18 of Section 34, Township 9 South, Range 17 East, B.M. City of Twin Falls, Twin Falls County, Idaho 2009.

To whom it may concern:

Idaho Power has reviewed the packet of information for the above-referenced item as provided by *Umpqua Bank*, and submits this letter of comment in response.

Idaho Power Company does not object to the proposed vacation of the Pillar Falls Subdivision No. 1 plat.

Please consider this comment letter a written request for a copy of the recorded resolution of the Board of Commissioners' determination on this matter, and any other instrument that would pertain to a conveyance of the subject property, should the City of Twin Falls approve the requested vacation.

Idaho Power Company thanks you for providing the opportunity to comment on the vacation petition/application.

Best regards,

Tracy Morrison
Easement Specialist
Right-Of-Way Department
Phone: (208) 388-6798
Email: TMorrison@idahopower.com

cc: Mike Bideganeta

1221 W. Idaho St. (83702)
P.O. Box 70
Boise, ID 83707



261 EASTLAND DRIVE
P.O. Box 1946
TWIN FALLS, IDAHO 83301
PH: 208*733*6230
FX: 208*733*6296

December 22, 2011

RE: Vacation of Public Right of Way and Easements in The Pillar Falls Ssubdivision No. 1

TO:

Umpqua Bank.
C/O Hume Commercial/Grubb-Ellis
Attn: Mr Mike Bideganeta
398 South 9th Street, Suite 260
Boise, Idaho 83702

Dear Sir,

We agree to abandon the Public Right of Way and Easements Located in the Pillar Falls
NO. 1 Subdivision, in Twin Falls, Idaho.

We have nothing within that Subdivision..

Thank you,


Ron Burns
Cable One Construction
261 Eastland Dr.
P.O. Box 1946
Twin Falls, Idaho 83301
208-733-6877 Ext. 7150
208-539-9886

Dec. 16, 2011

Michael L. Bideganeta
Hume Commercial Real Estate/Grubb-Ellis Catalyst
398 South 9th Street, Suite 260
Boise, Idaho 83702



RE: Vacation of Subdivision
Pillar Falls Subdivision No. 1

To Whom It May Concern:

Qwest Communications agrees that it will vacate Pillar Falls Subdivision No.1. There were no facilities placed with in this subdivision.

If you have any questions or concerns, please call Brad McNew at (208)736-8760

Sincerely,

Brad McNew
Engineer
CenturyLink

A handwritten signature in black ink that reads 'Brad McNew'.

EXECUTIVE OFFICES

INTERMOUNTAIN GAS COMPANY

555 SOUTH COLE ROAD • P.O. BOX 7608 • BOISE, IDAHO 83707 • (208) 377-6000 • FAX: 377-6097

December 21, 2011

Michael L. Bideganeta
Hume Commercial/Grubb-Ellis Catalyst
398 South 9th Street, Suite 260
Boise, ID 83702

Dear Mr. Bideganeta,

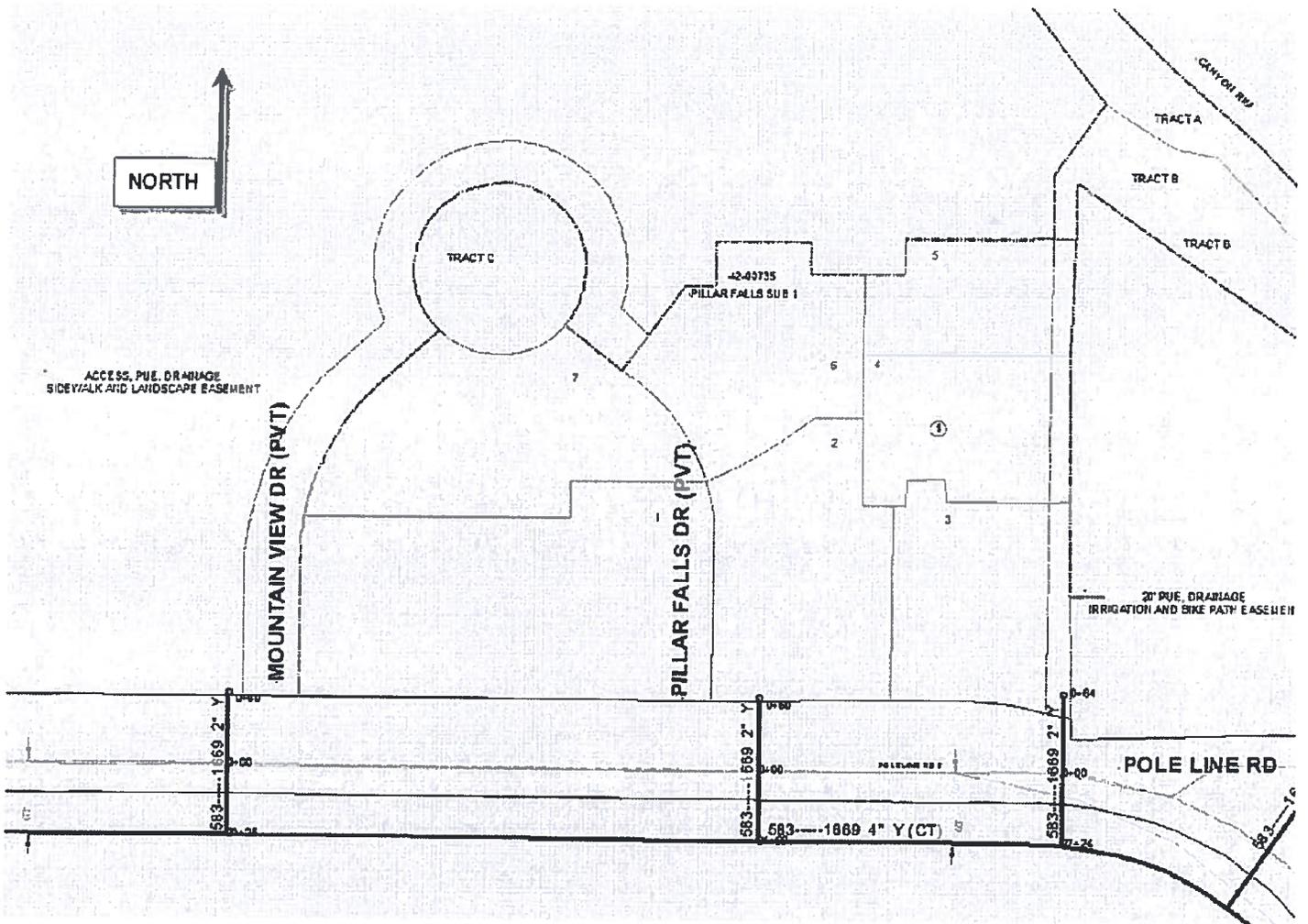
Intermountain Gas Company releases rights to the utility easements located in Pillar Falls Subdivision No. 1, with the exception of existing gas pipelines. Gas pipelines currently extend into the 15' PUE running adjacent to the northern right-of-way of Poleline Road; and within the 20' PUE and Bike Path easement adjacent to the easterly subdivision boundary. Easements were recorded under instrument 2009017099 Twin Falls County, for Pillar Falls Subdivision No. 1; situated in T9S R17E Sec 34.

Attached is a snapshot of the area for visual reference. Additionally, I have included a copy of IGC's Non-Disclosure Statement.

Sincerely,



Greg Watkins
District Operations Manager
687 Blue Lakes Blvd. North
P.O. Box 68
Twin Falls, Idaho 83303-0068
208-737-6313



**Intermountain Gas Company's (IGC)
Confidentiality/Non-Disclosure/Non-Responsibility Statement**

This e-mail, attachments thereto or maps provided on hard copy are for use by the intended recipient(s) only and may contain privileged, confidential or trade secret information. Unauthorized use, copying, publication or distribution of this e-mail, the attachments thereto or maps provided on hard copies, in whole or in part, is strictly prohibited. By using any technical information contained herein, attached thereto or on maps provided on hard copy, recipient agrees that said technical information is given by IGC for convenience only, without any warranty or guarantee of any kind as to its/their accuracy or otherwise and is accepted and used at recipient's sole risk. If IGC maps are included in this e-mail, attachments thereto or on hard copy they shall not be used for locating gas facilities with the intent of excavating in the area. Call "Dig-Line" at #342-1585 or #1-800-342-1585 for gas facility locating and marking purposes.



TWIN FALLS CANAL COMPANY

357 6TH AVE WEST
POST OFFICE BOX 326
TWIN FALLS, IDAHO 83303-0326



December 15, 2011

Mike Bideganeta
Hume Commercial/Grubb-Ellis
393 South 9th Street
Suite 260
Boise, Idaho 83702

RE: Pillar Falls Subdivision Plat Vacation

Mike,

I have reviewed the site of the Pillar Falls Subdivision. TFCC has no facilities in the area and therefore TFCC has no issues with the plat vacation. The 24.4 Water Shares for this property have already been transferred to the City of Twin Falls as is required by the City when agricultural land within the City of Twin Falls impact area is subdivided. If the subdivision plat is vacated the water shares should remain with the property and be transferred back to the owner of the property.

If you have any questions, please contact me at 733-6731.

Sincerely,

Jay Barlogi
Field Supervisor
Twin Falls Canal Company





MINUTES
Twin Falls City Planning & Zoning Commission
Tuesday, February 14, 2012-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp

Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka Jim Munn

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Schouten
Sharp

ABSENT:

Ihler
Jacobson

AREA OF IMPACT MEMBERS

PRESENT:

ABSENT:

DeVore
Mikesell

CITY COUNCIL MEMBERS PRESENT:

Mills Sojka

CITY STAFF PRESENT:

Reeder, Vitek, Weeks

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s):
2. Approval of Findings of Fact and Conclusions of Law:

January 24, 2012

NONE

MOTION:

Commissioner Schouten made a motion to approve the consent calendar. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

III. ITEMS OF CONSIDERATION:

None

IV. PUBLIC HEARING ITEMS

4. Request for the Vacation of Pillar Falls Subdivision, a PUD, Phase I, consisting of 8.64 (+/-) acres located northwest of the intersection of Eastland Drive North and Pole Line Road East, c/o Sam Teyema, VP on behalf of UMPQUA Bank. (app. 2501)

APPLICANT PRESENTATION:

Mike Bideganeta, of Grubb-Ellis, spoke on behalf of UMPQUA Bank. He stated that UMPQUA Bank acquired Pillar Falls by virtue of a nonjudicial foreclosure. Attempts to sale have not been successful. Umpqua's intent is to vacate the whole subdivision to make it easier to sell.

STAFF PRESENTATION:

Planner I Weeks gave history on the property. In June of 2006 the City Council approved a request for annexation of 25 acres with a zoning district change and zoning map amendment from SUI CRO

to C-1 CRO PUD. In August of 2007 the preliminary plat for Pillar Falls PUD Subdivision was approved by the Planning & Zoning Commission. On July 22, 2008 the Planning & Zoning Commission granted a one year extension of the preliminary plat. The final plat for phase 1 of the subdivision was approved by the City Council on May 18, 2009 with bonding on the improvements. The improvements have not been completed.

The plat was recorded on June 29, 2009. The applicant is requesting to vacate recorded property lines for seven lots and three tracts. There have not been any improvements constructed or installed at this point by the following utility providers: Idaho Power, Cable One, Qwest/Century Link, and the Twin Falls Canal Company. Intermountain Gas has facilities in some of the designated public utility easements and requests that their easements be maintained. The Twin Falls Canal Company does not have any facilities but recommends that the water shares dedicated to the City be returned to the owner. The City Engineering Department will work with the owner on what the arrangement will be for the water shares. The lots and tracts as indicated are requested to be vacated but this would not affect the right-of-way of Pole Line Rd E. Right-of-way was dedicated concurrently with the platting process but is a separate action and would not be affected by the vacation request.

If approved, the area that has a final plat will be returned to one parcel with the full property and the preliminary plat will be void. This will not affect the zoning of the property, which is C-1 CRO PUD und the Pillar Falls PUD. The PUD Agreement still establishes the zoning and any future plats would have to be consistent with the zoning and approved Master Development Plan. If a different development concept was desired in the future the property would have to go through the process for a zoning district change or PUD amendment.

The vacation process requires a public hearing before the planning & zoning Commission. After receiving a recommendation from the Commission, the City Council holds an additional public hearing and if the request is approved an ordinance is adopted and published.

In conclusion, staff recommends the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to letters of approval from each of the utility companies impacted by this vacation.
3. Subject to maintenance of a recorded easement for Intermountain Gas company facilities on the property.

P&Z COMMENTS/QUESTIONS:

none

PUBLIC HEARING: OPENED

- Rick Geisler, 2191 Pole Line Rd E. Mr. Geisler said that he lives immediately east of property. He has been cooperative, but the development has cut off irrigation water that is supposed to be flowing to his property and would like to get that matter resolved.
- David Sparks, 1999 Pole Line Rd E. His property is by the rim to the west of subject property. He has 6 or so acres. He is not concerned about change but has a question. Mr. Berg, who owned the property before kept cattle there in the summer and the grazing kept down the forage. The forage and weeds now get to 16"-2' high and dries out. Owners of the property to the south spray their weeds to keep them down but this property gets tall weeds.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Bideganeta asked if Twin Falls County have weed abatement requirements?
- Assistant City Engineer Vitek stated that they did.
- Mr. Bideganeta said that there was a lot of rock and previous developers moved a great amount of dirt onto the property. Umpqua Bank would address that. As for the water delivery, he doesn't know what intent was but thought that pressurized irrigation was being put in.
- Assistant City Engineer Vitek said that pressurized irrigation isn't free and is put in by the developer. Owners will have to resolve problem.
- Mr. Bideganeta said that the bank is not a landholder; their intent is to sell the property. They will work to resolve the issues. The road right-of-way will make sure access goes to the city.

DELIBERATIONS FOLLOWED:

- Commissioner Schouten said that a bare piece of property may be better to sell then a plot that may not work with what a prospective buyer wants to do.

MOTION:

Commissioner Schouten made a motion to approve the request, as presented. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to letters of approval from each of the utility companies impacted by this vacation.
3. Subject to maintenance of a recorded easement for Intermountain Gas company facilities on the property.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **Tuesday, February 28, 2012**

VII. ADJOURN MEETING:

Chairman Borhn adjourned the meeting at 8:30 pm.



Amber Reeder
Planner I
Community Development Department