

**COUNCIL MEMBERS:**

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



**AGENDA**  
 Meeting of the Twin Falls City Council  
**Monday, April 23, 2012**  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East - Twin Falls, Idaho

**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 INTRODUCTION OF STAFF  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
 PROCLAMATIONS: Arbor Day Proclamation

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of accounts payable for April 17 - 23, 2012. 2. Consideration of the April 2, 2012, City Council Minutes. 3. Consideration of a request to adopt proposed Resolution 1883 to destroy semi permanent and temporary records. 4. Consideration of the adoption of the AMENDED C-1 PUD AGREEMENT #220-POLELINE COMMERCIAL PUD. 5. Consideration of the Final Plat of Poleline Commercial Subdivision-A PUD, 10.28 (+/-) acres consisting of 8 lots and located at 636 Poleline Road.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Sharon Bryan  Mitch Humble  Mitch Humble
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Presentation of the Annual Jim A. Mildon Traffic Safety Award to Jean and Ron Gray and Jamie and Stepheni Gray. 2. Consideration of a request to approve the first Magic Valley Beer Festival to be held at the Twin Falls City Park on Saturday, August 18 ,2012, from 12:00 P.M. through 5:00 P.M. 3. Consideration of a request to adopt a Naming Policy for the City of Twin Falls. 4. To discuss and determine whether there may be significant adverse impact as a result of the Planning & Zoning Commission's decision on the preliminary plat for the Canyon Park Amended Subdivision, and if so, whether to schedule a Council review of that decision at a future public meeting. 5. Public input and/or items from the City Manager and City Council.	Presentation  Action  Action Discussion/ Possible Action	Dennis Pullin  Dennis Pullin  Dennis Bowyer Mitch Humble
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u>           6:00 - None</b>		
<b>V. <u>ADJOURNMENT:</u></b>		

*\*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.



P.O. Box 1907

321 Second Avenue East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2296

*OFFICE OF THE MAYOR*

*208-735-7271*

## **Arbor Day Proclamation**

*Whereas,* In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

*Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

*Whereas,* Arbor Day is now observed throughout the nation and the world, and

*Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife, and

*Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

*Whereas,* trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community, and

*Whereas* trees, wherever they are planted, are a source of joy and spiritual renewal,

**NOW, THEREFORE,** I, Gregory Lanting, Mayor of the City of Twin Falls, do hereby proclaim, Friday, April 27, 2012, as

### ***ARBOR DAY***

in the City of Twin Falls, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge all citizens to plant trees to gladden the heart and promote the well being of this and future generations.

*Dated this fifth day of March 2012.*

  
\_\_\_\_\_  
Mayor Gregory Lanting

COUNCIL MEMBERS:

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



**MINUTES**  
Meeting of the Twin Falls City Council  
**April 2, 2012**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East - Twin Falls, Idaho

**4:00 P.M.**

4:00 P.M. Present: Lance Clow, Gregory Lanting, Jim Munn, Jr., Chris Talkington

5: 45 P.M. Present Shawn Barigar and Don Hall

Absent: Rebecca Mills Sojka

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Chief Financial Officer Lorie Race, Parks & Recreation Director Dennis Bowyer, Assistant to the City Manager Mike Williams, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Lanting called the meeting to order at 4:00 P.M. A quorum was present. Mayor Lanting introduced staff.

Presentations by eligible applicants for Municipal Powers Outsource Grant (MPOG) funding.

Art Hoag, Programs Director of the Art Guild of Magic Valley, 646 2nd Avenue North, explained his request of \$5,000.

Tahna Cooper, Executive Director of the Fifth Judicial District Casa Program, Inc., 716 Bridge Street, explained her request of \$5,512.

Stan Crowley, Representative of the Magic Valley Fellowship Hall, 801 2nd Avenue North, explained his request of \$18,000.

Steve Everton, President of the Magic Valley Tennis Association, P.O. Box 5724, explained his request of \$7,000.

Kathryn Bausman, Executive Director of Jubilee House, Inc, 315 Grandview Drive, explained her request of \$7,000.

Debbie Dane, Executive Director of Southern Idaho Tourism, 315 Falls Avenue, explained her request of \$4,000.

Lynn Baird, Director of the Trans IV Buses, 496 Madrona, explained his request of \$40,000.

Jonie Benson, Administrator of the Mustard Tree Community Wellness Clinic, 570 Shoup Avenue West, explained her request of \$10,000.

Dale R. Metzger, Director of Eye Screening, Twin Falls Lions Club, explained his request of \$4,000.

Lisa Douda, Community Resource Director of the Twin Falls Senior Center, 530 Shoshone Street West, explained her request of \$10,000.

Pattie Lopshire, representing the Magic Valley Arts Council, 195 River Vista Place, Suite #100, explained her request of \$9,000.

Sandy Hacking, President of The Twin Falls Municipal Band, Twin Falls City Park Bandshell, explained her request of \$21,161.

Sam Fowler, Executive Director of the Boys & Girls Club of Magic Valley, 999 Frontier Road, explained his request of \$25,500.

Deborah Gabardi, Executive Director of the Crisis Center of Magic Valley, Inc., P.O. Box 2444, explained her request of \$15,000.

Pam Gore, Harmony PSR Services/Twin Falls Health Advocates, 420 Main Avenue South, explained her request of \$5,000.

Recess: 5:36 P.M.

Mayor Lanting reconvened the meeting at 5:52 P.M.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.  
PROCLAMATIONS: None.

#### AGENDA ITEMS

##### I. CONSENT CALENDAR:

1. Consideration of accounts payable for March 27 – April 2, 2012, \$294,873.77  
March 30, 2012, Fire Payroll \$48,445.33  
March 30, 2012, Payroll, 20,589.42
2. Consideration of the March 26, 2012, City Council Minutes.

**MOTION:**

Vice Mayor Hall made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

##### II. ITEMS FOR CONSIDERATION:

1. Consideration of a proposed land exchange with the County of Twin Falls.

Parks & Recreation Director Dennis Bowyer explained the request.

Staff recommends to the City Council to allow staff to proceed with the proposed land exchange with Twin Falls County.

Discussion followed:

-McCoy Contract

County Commissioner Mills explained that Doug McCoy pays the County a dollar per cubic yard of gravel. In October 2011, approximately \$800 was received from Doug McCoy for the year.

-Land swap be in equal value of the property swapping.

**MOTION:**

Councilperson Talkington made a motion to move that, in recognition of the property being underutilized, the Council proceed with discussion with the County for an exchange of the property and proceed to set up a public hearing, subsequent to any preliminary agreements between the parties and to not establish a minimum value, but rather exchange the property for another of equal value. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Public input and/or items from the City Manager and City Council. None.
3. Continue presentations by eligible applicants for Municipal Powers Outsource Grant (MPOG) funding.

##### III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None.

Mayor Lanting reviewed the Public Hearing Procedures.

##### IV. PUBLIC HEARINGS: 6:00

1. For a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 (+/-) acres to allow for a planned development consisting of a combination of neighborhood commercial uses to include a gasoline station / convenience store 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)

Gary Slette, Robertson & Slette, P.O. Box 1906, Twin Falls, Idaho, representing Tom and Cheryl Arledge, explained the request. The request is to rezone from R-2 to R-2 NCO PUD. The request is consistent with the comprehensive plan and the comprehensive plan land use. He explained the plans on the Maverik Store. On February 14, 2012, the Planning & Zoning Commission held a public hearing and the request was denied. The request is for a favorable action on the rezone to an R-2 NCO PUD and approval of Phase

1 of the development which would contemplate the development of the Maverik C Store and gas station. The owner is agreeable to staff's recommendations in the staff report, if the request is approved.

Issues such as signage, landscaping, parking are all site specific. The Maverik Phase 1 has been designed to meet every facet of the standards articulated in the ordinance. Phase 2 would come back to the Council as individual development was proposed on the property. The Phase 2 plan was shown on overhead projection.

On overhead projection he showed a development agreement between the City of Twin Falls and Tom and Cheryl Arledge and explained his interpretation of the agreement, in regards to the full access approach.

Community Development Director Humble explained the request.

On February 14, 2012 the Planning & Zoning Commission held a public hearing on this request and unanimously recommended denial of this request as presented.

Staff does not concur with the Commission's recommendation. The Comprehensive Plan indicates this intersection as appropriate for commercial/retail uses on the east and neighborhood commercial uses on the west recognizing the existing high traffic volumes along both major arterials; Eastland Drive and Addison Avenue East, and recognizing the changing residential neighborhood from single family to professional office and light commercial along the western corridor of the intersection of Addison Avenue East and Eastland Drive. This proposal is consistent with the intent and direction of the Comprehensive Plan. The land use designations as shown on the Future Land Use Map are not specific to property lines/boundary lines but may, as determined by the City Council, be used as a guide for future growth and development.

Should the City Council approve this request as presented staff recommends 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.
- 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 NCO standards unless otherwise approved by City Council.
- 4) Subject the Maverik gasoline station/convenience store, as presented, being permitted without a special use permit, as approved through this PUD process.
- 5) Subject to approval & recordation of a PUD Agreement prior to development of the site.

Council discussion followed:

-Flood plain area.

Community Development Director Humble stated that the site plan shows that the retention area will be located under the parking lot.

-Left turn access on Eastland and Addison causing a disruption in traffic flows and a safety hazard.

-Medians

Community Development Director Humble stated that the Council could make a condition that there shall be no left turns and right in and right out only. Troy Vitek, the City Assistant Engineer, is designing the intersection project.

-Enforcement of NCO Signage

Community Development Director Humble stated that NCO zone allows wall signs and one free standing per standing street front.

Gary Slette stated that in regards to the flood plain related issue, the owner is aware of the engineering standards requirements in regards to the retention area. In regards to access, the development agreement between the City and the owners, states what the city mandated. He asked if the accesses are being debated. He stated that the City required the accesses in November 2011. He read paragraph 4. of the development agreement.

-Lighting.

-Landscaping buffer

Todd Meyers, 880 W. Center, North Salt Lake, UT, representing Maverik, Inc, stated that typically in the general parking the plan is to have 3' to 5' candles of light, the residential area will drop down to a .5, lower light pole, lights will be placed inside the canopies, parking lot light is typically 25' in height and will drop down to 15' near the Fort residence. Marverik will adopt the city standards. In regards to the landscaping buffers, the plan is to increase the number of trees on the property. He stated that Maverik would like to be a 24 hour store. He discussed the plans for the building and signage.

Community Development Director Humble stated for correction to his earlier statement that a recent code amendment allows NCO allows external advertising. The sign code applies to the NCO property as the sign code is written.

Letters from Richard Kelley, John Kelly, Gary Stewart, Catherine Curtis, Craig Hawkins, Jared Walker, Gary Henning, Gary Fornshell, Jim Vickers, John Kelley, Devoe Brown, and Patricia Curtis were entered into the record.

**The public comment portion of the hearing was opened.**

Stephen Hartgen, 1681 Wildflower, stated his concern of the drainage issue.

Curtis Eaton, 2155 Hillcrest Drive, spoke against the request. He stated that the project is not consistent with the comprehensive plan.

Tina Brant, 2150 Hillcrest Lane, spoke against the request. She stated the following concerns: Accidents at the intersection, area in close proximity with schools, and heavy pedestrian traffic.

John Snelling, 2150 Hillcrest Lane, spoke against the request. He stated his concern of high concentration of service stations in the area; the project does not comply with the comprehensive plan, and the flooding in the area.

Senator Lee Heider, 1631 Richmond Drive, spoke in favor of the request.

Paula Brown Sinclair, 2146 Addison Avenue East, submitted a copy of the January 5, 2009, Council Minutes to the Council and showed on overhead projection. She asked why we are taking an old zoning designation called NCO, according to the comprehensive plan is obsolete, and calling it a PUD, and using it to supersede the comprehensive plan. She asked at what point did City staff become an advocate of the project. She stated that she is also speaking in behalf of Ed Fuchs. She stated that the request is not consistent with the comprehensive plan.

James Ricks, 2146 Addison Avenue East, spoke in favor of the request.

Debbie Caughman, 146 Elm Street, spoke in favor of the request.

Deborah Reynolds, 629 Paradise Place Apt. #2, spoke in favor of the request.

Lisa Bates, 1658 4<sup>th</sup> Avenue East, spoke in favor of the request.

Troy Child, 938 White Birch Avenue, spoke in favor of the request.

Gary Nelson, 445 Falling Leaf Lane, spoke in favor of the request.

Scott Peterson, 1109 Highview Lane, spoke against the request. He referred to an article in the Times News. He stated that the project is not consistent with the comprehensive plan.

Patricia Curtis, 1054 Highview Lane, spoke against the request.

Mary Fort, 2133 Addison Avenue East, spoke against the request. On overhead she showed a picture of the Brizee home.

Kristy Webb, 2158 Addison Avenue East, spoke against the request. Her concern was a significant amount of pedestrian traffic.

Curtis Webb, 2158 Addison Avenue East, spoke against the request. The project is not consistent with the comprehensive plan.

Deborah Silver, 2188 Addison Avenue East, spoke against the request.

Leroy Hayes, 2188 Addison Avenue East, spoke against the request.

Jim Fort, 2133 Addison Avenue East, spoke against the request. He also spoke on behalf of Bob Matsuoka.

Recess: 7:52 P.M.

Reconvened: 8:04 P.M.

Jim Lash, 2785 Suncrest Cr., spoke against the request. The company he is involved with is the Shell Station. He stated his concern of allowing left hand turns lanes.

Geoffroi Golay, 1078 Hoops, spoke against the request. He stated his concern of allowing left hand turns lanes.

Wayne Heinemann, 2141 Hillcrest Lane, spoke against the request.

Doug Christensen, 2175 Addison Avenue East, spoke against the request.

Mardo Eaton, 2155 Hillcrest Drive, spoke against the request. She stated that the soccer fields are close to the proximity.

Lou McManaman, 2196 Hillcrest Drive, spoke against the request.

Devoe Brown, 3920 North 3400 East, spoke in favor of the request. He stated his in favor of progress.

The public comment portion of the hearing was closed.

Rebuttal:

Gary Slette, representing the applicant, stated for clarification that the request is to include Maverik, Inc., as part of the NCO PUD. He referred to an agreement between the City of Twin Falls and Tom and Cheryl Arledge, regarding the approaches on Addison and Eastland. The application is in conformity of the land use map.

Todd Meyers, 880 W. Center, North Salt Lake, UT, representing Maverik, Inc., made the following clarifications:

- On the City's Comprehensive Plan page 2-25, the overlay zone is part of the comprehensive plan and will need to be done in a PUD.
- The building is less than 5,000 square feet.
- The additional pumps would be located west to the existing island, but the applicant would be willing to withdraw the additional pumps for at least five years, and would go through the special use process if a request is made.
- Two different feasibility studies were done to determine if there was customer need.
- The store is owner operated. Space is not leased out

Council deliberations:

Councilperson Talkington asked for the language of an NCO PUD concept.

Community Development Director Humble stated that Neighborhood Centers is a term used in the comprehensive plan, which discusses land uses. The comprehensive plan was approved in early 2009. The zoning code has had for some time a neighborhood commercial overlay. The NCO is the zone in the zoning code used to implement the comprehensive plan. The City does not have a neighborhood center zone in the zoning ordinance. Two NCO PUD's have previously been approved in an area designated on the future land use plan neighborhood center.

Councilperson Clow asked for the explanation of the developer's agreement referenced by Gary Slette.

Community Development Director Humble stated that the developer's agreement was tied to the Eastland Project. The agreement was for right of way acquisition for the street project

Councilperson Clow stated for clarification that the developer's agreement is referenced to the widening of Eastland and guaranteed the owner's access points to their property, but did not guarantee them a gas station or any development.

Closed the public hearing.

Deliberations:

Councilperson Clow asked the purpose of a neighborhood commercial development and why is it needed.

Community Development Director Humble stated that neighborhood commercial development is needed for light retail to support smaller service areas.

Council discussion followed on the City Council Minutes referenced by Paula Brown Sinclair.

Curtis Eaton stated that the comprehensive plan vetted through surveys of the community, adopted by the council, that there could be, probably should be, a neighborhood center on the corner. The definition of a neighborhood center under the comprehensive plan prohibits a gas station. What was shown by Gary Slette was the ordinance that would change the zoning allowing a gas station.

Councilperson Barigar stated that what he understood was that a neighborhood commercial overlay zone allows gas stations by special use permit.

Gary Slette showed on overhead projection the access and parking areas.

Mayor Lanting closed the public hearing.

Deliberations:

**MOTION:**

Councilperson Talkington made the motion to approve the For a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 (+/-) acres to allow for a planned development consisting of a combination of neighborhood commercial uses to include a gasoline station / convenience store on property located at the northwest corner of Addison Avenue East and Eastland Drive North, as presented, with staff recommendations. The motion was seconded by Councilperson Clow.

Council discussion followed:

Community Development Director Humble stated for clarification that the request for a 24 hour store is not being considered in the request, but may be added as a condition by the Council.

**MOTION:**

Councilperson Clow made a motion to amend the main motion to add the condition that a left turn access in and out of the two entrances be prohibited. The motion was seconded by Vice Mayor Hall.

Council discussion followed on the developer's agreement and the left turn accesses.

Roll call on the amendment to the main motion showed Councilpersons Clow, Hall, Lanting, Munn, and Talkington voted in favor of the motion. Councilperson Barigar spoke against the motion. Approved 5 to 1.

**MOTION:**

Councilperson Clow made a motion to amend to the main motion that the two extra bays, as referenced, be only considered after five years of the date of the occupancy permit and by special use permit. The motion was seconded by Vice Mayor Hall. Roll call vote showed Councilpersons Barigar, Clow, Hall, Lanting, Munn voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.

Roll call vote on the main motion as amended showed Councilperson Barigar voted in favor of the motion. Councilpersons Clow, Hall, Lanting, Munn, Talkington voted against the motion. Failed 1 to 5

Councilpersons Barigar and Hall recused themselves at 9:10 p.m.

Continue presentations by eligible applicants for Municipal Powers Outsource Grant (MPOG) funding.

Council discussion followed on the MPOG funding.

**MOTION:**

Councilperson Munn made a motion to award the following grants for Fiscal Year 2011-2012:

Boys & Girls Club	\$21,500
Crisis Center of Magic Valley	\$11,000
Magic Valley Arts Council, Inc.	\$ 9,000
Southern Idaho Tourism	\$ 4,000
Trans IV	\$30,000
Twin Falls Municipal Band	\$20,000
Twin Falls Senior Center	\$ 4,500

The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 4 to 0.

The Council requested that a report by the recipients be presented to the Council by November 1, 2012.

**V. ADJOURNMENT**

The meeting adjourned at 9:40 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary



April 23, 2012 City Council Meeting

To: Honorable Mayor and City Council

From: Sharon Bryan, Deputy City Clerk

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**Request:**

Consideration of a request to adopt proposed Resolution 1883 to destroy semi permanent and temporary records.

**Background:**

**Budget Impact:**

The Council's approval of this request will not impact the City budget.

**Regulatory Impact:**

The Council's approval of this request will: Comply with Idaho State Code 50-907 requiring that before the City can destroy any semipermanent or temporary records we need to get City Attorney and City Council approval as well as notify the Idaho State Historical Society before destruction of any records. This needs to be done by resolution. (See attached)

State Code 50-907

Semipermanent records shall be kept for not less than five (5) years after the date of issuance or completion of the matter contained within the record.

(3) "Temporary records" shall consist of:

- (a) Building applications, plans, and specifications for noncommercial and nongovernment projects after the structure or project receives final inspection and approval;
- (b) Cash receipts subject to audit;
- (c) Election ballots and duplicate poll books; and
- (d) Other documents or records as may be deemed of temporary nature by the city council.

Temporary records shall be retained for not less than two (2) years, but in no event shall financial records be destroyed until completion of the city's financial audit as provided in section 67-450B, Idaho Code.

(4) Semipermanent and temporary records may only be destroyed by resolution of the city council, and upon the advice of the city attorney. Such disposition shall be under the direction and supervision of the city clerk.

The resolution ordering destruction shall list in detail records to be destroyed. Prior to destruction of semipermanent records, the city clerk shall provide written notice, including a detailed list of the semipermanent records proposed for destruction, to the Idaho state historical society thirty (30) days prior to the destruction of any records.

**Conclusion:**

Staff recommends that the Council pass the attached Resolution.

**Attachments: Resolution**

**RESOLUTION NO. \_\_\_\_\_**

**Authorizing Destruction of Records.**

Whereas, Idaho Code 50-907 (4) requires the City Council to authorize destruction of public records no longer required by law or for city business, and

Whereas, the Deputy City Clerk of the City of Twin Falls, Idaho have requested that certain records be authorized for destruction in order to dispose of them,

NOW, THEREFORE, BE IT RESOLVED by the city council of the City of Twin Falls, Idaho as follows:

**FINANCE DEPT.**

125 Enrollment forms 1995  
Adjusting Journal Entries 1985 - 2010  
Affidavits of publication 1976 - 2006  
Alcohol catering permits 2000  
Alcohol License Applications 1982 - 2001  
Annual Statement Format Report 1997  
AP invoices 1988 - 2006  
AP cleared checks 2001  
AP Listing, vouchers and approvals 1986 - 2007  
Asset cards and retirements 1966-1989  
Balance Sheets 1982  
Bank Reconciliations & Investment Statements 1982 - 2006  
Blue Cross 2005 - 2006  
Budget detail 1991-1994  
Budget report 1977 - 1990  
Capital Asset Transfers and Verification Reports 1989-1991  
Cash account summary 1993  
Cash disbursements journal 1992;  
Cash edit listing 2001  
Cash receipts 1987 - 2007  
Chart of accounts 1988  
Check approval List 1987 - 2004  
Check register 1982 - 2007  
County property listings 2011  
Detail General Ledger 2001-2002  
Detailed Budget FY 1981 - 1991  
Detailed General Ledger reports 1996 - 1997  
Duplicate Fiscal year end reports 2003 - 2004  
Duplicate checks (copies) 1997 - 2009  
Duplicate paper copies check stubs 2007-2009  
Duplicate W-2's 2011  
Edit registers 1982  
Employment apps - 1986  
Expenditure reports 1994 - 2006  
Expenditure status 1991 - 2002  
Expired Misc License Applications 1967-1984  
Fiscal year end reports-2003-2004

Fixed Assets Reports 1994-95, 2000-2, 1977-1995  
Fullcourt Flexible Spending Account Expense Verification 1995  
Gas & Diesel Tax Reports 1994 - 2004  
General Ledger- 1979 – 1989  
General Ledger detail 1993 - 2005  
General Ledger Detailed Report-1996  
General Ledger entry proof list 1987 – 1991  
Golf Course Tally Sheets 1995  
Golf sheets 2001-2007  
Grant Files 1992-2001  
ICRMP statements 1984-7  
IMG receipts 1982  
Insurance files 1994  
Investment statements 2003-2004; 2002; 1998  
Job Applications 1999  
Library financial updates 1980-1987  
LID Statements 1988  
Medical Reimbursement Requests 1996  
Misc AR Reports 1986 - 1999  
Municipal Source Book 1993; 2001  
Old URA checks-Closed URA account  
Parking ticket listing; 1982; 1998  
Payroll changes 1994  
Payroll Deduction Register 1998  
Payroll Report 1979  
Payroll reports 2004  
Phone bills 2003  
Physical fitness evaluations 1988  
Police duplicate training files 1987  
Preliminary Reports 1991 - 2003  
Program Services: 1992;  
Project Tracking Report 1990 - 1991  
Quarter to date worksheets 1987  
Rabies deposits 1974  
Requests for inspection of records 2008  
Retired Leases 1954-1973  
Revenue Receipt Journal 1989; 1999  
Revenue reports 1982 - 2005  
Rollover reports 91 thru 94  
Sewer rate study 1994  
State Cks thru 2009  
Timecards 1986-1989  
Trial Balance 1991 - 2006  
Unclaimed Property Reports 1997-2007  
Unpaid parking ticket report -1989  
Utility Billing Service Request 2010  
Utility Billing Slips prior to Apr 2010  
Utility Billings Payment Receipts 2010  
Voided checks 1998  
Voucher Check Register 1994 1995  
W-2s 1900 to 2011  
Warnings weed tickets-2009

Warrant: 1977; 1979; 1978  
Water receipts 1988  
Weed spraying policy 1998  
Youth advisory docs 2006

**POLICE DEPT.**

No trespass orders that are expired or past one year (2010)  
2006 Accident Reports  
2006 Citations  
2006 Pawns  
2006 Travel & Training Requests  
2006 Overtime Slips/Leave Requests  
2006 Towed Vehicle Slips  
2006 False Alarm Reports  
2010 FI Cards  
2006 House Check Forms  
2006 Parking tickets  
2006 Cash receipt books  
2010 Criminal History Logs (NCIC)  
2010 Copies of invoices for payables (original invoices are scanned)  
Copies of lab processing reports from 1996 – 2003

**WATER DEPT.**

Backflow Reports Fiscal Year 2009 and back  
Copies of Bid Documents/Contracts 2006 and back  
Budget Prep-work Fiscal year 2009 and back  
Departmental misc records fiscal year 2006 and back  
Diglines fiscal year 2006 and back  
CCR & other public notice 2006 and back  
Public Notifications 2008 and back  
Violations 2008 and back  
Variances exemptions 2008 and back  
Lawn Taps Fiscal year 2006 and back  
Meter Installs Fiscal year 2006 and back  
Payable copies Fiscal year 2006 and back  
Service calls Fiscal year 2006 and back

The administrative staff of the City is authorized to take all necessary steps to carry out the authorization provided by this Resolution.

PASSED BY THE CITY COUNCIL  
SIGNED BY THE MAYOR

April 23, 2012  
, 2012

---

Mayor Greg Lanting

Attest:

---

Sharon Bryan, Deputy City Clerk



Date: **MONDAY, APRIL 23, 2012**

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development

---

**Request:**

Consideration of the adoption of The AMENDED C-1 PUD AGREEMENT #220-POLELINE COMMERCIAL PUD, c/o Gerald Martens/EHM Engineers (App. 2407)

**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:**

On October 18, 1995, the subject property was annexed into the City of Twin Falls.

In January 2000 the City Council approved rezone from R-4 to C-1 PUD and a PUD Agreement to allow for a "complete car center with sales, service, repair to include a car wash and detail facility" on a 9.6 (+/-) acre area for Hertz, LLC-a car dealership. Building permits were submitted for construction on Phase 1- a two-story dealership building and a wash bay and shop. Certificates of Occupancy were issued in October of 2000.

On June 27, 2000 the Planning and Zoning Commission approved Special Use Permit #0664 to allow a message center sign on this site for the Hertz Car Dealership.

The City Council approved an amendment to PUD Agreement #220 on January 10, 2011, to add an additional two (2) acres to the PUD and for the zoning to be C-1 PUD with 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.
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 C-1 District code requirements and requirement improvements (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the "recorded" Amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

On March 8, 2011 the Commission approved the preliminary plat as presented subject to 5 conditions. The final plat is on tonight's City Council agenda for consideration of approval.

**Conclusion:**

The PUD Agreement has been prepared as directed by the Council and Staff recommends that the Council adopt the attached PUD Agreement as submitted.

**Attachments:**

1. PUD AGREEMENT
2. Approved Preliminary Plat
3. Proposed Final Plat.
4. Portion of the January 10, 2011 CC minutes
5. Portion of the March 08, 2011 P&Z minutes.

**AMENDED  
PUD AGREEMENT #220  
FOR  
POLELINE COMMERCIAL C-1 PUD**

This Agreement, mad and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by and between THE CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and THE CRUMB GROUP, LLC.(hereinafter called "Developer") whose address is PO Box R, Twin Falls, Idaho 83303.

**RECITALS**

WHEREAS, THE CRUMB GROUP, LLC. are the equitable title holder to certain tracts of land in the City of Twin Falls, and State of Idaho, more particularly described in Exhibit "A", attached hereto, which land is located west of Fillmore Street North, east of Washington Street North, south of Pole Line Road and north of Fawnbrook Drive, consisting of approximately 10.27 acres (hereinafter called "Property"); and

WHEREAS, Developer intends to develop the Property; and

WHEREAS, Developer had made request of the City of Twin Falls to develop the property as a "C-1 PUD" Commercial Highway District, (hereinafter called "Project") and has submitted to the City a Master Development Plan thereof (attached as Exhibit "B") which has been approved for development as a "C-1 PUD" by the City Council of the City; and

WHEREAS, The Developer and City have agreed to modifications of the Planned Unit Development Agreement (PUD No. 220) executed March 15, 2000 prior to the development of Phase 1 of the project; and

WHEREAS, on January 10, 2011 the City, by and through its City Council, has agreed to the development of said land within the City of Twin Falls, Idaho, subject to the following five (5) conditions and certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this agreement:

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.
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 C-1 District code requirements and requirement improvements (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the "recorded" Amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

## COVENANTS

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

1. NATURE OF THE AGREEMENT. This agreement shall become part of the "C-1 PUD" zone with respect to the Property upon its full execution and recording. Developer and their 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.
  
2. NATURE OF THE DEVELOPMENT. It is agreed by the parties hereto that certain language and requirements pertaining to the "C-1 PUD" zone shall be interpreted as follows:
  - A. LOT AREA. The total area of the lot is 10.27 Acres. The lot will be developed in two (2) phases. The East portion, with two (2) approaches off of Pole Line Road has been developed in accordance with the above noted PUD Agreement 220. The West portion, Phase 2, will be developed in accordance with this Amended PUD Agreement. Furthermore, any redevelopment of Phase 1 shall be in conformance with this Amended PUD Agreement.
  - B. USES. Except as provided herein the uses shall be those allowed in the C-1 zone.
  - C. LANDSCAPING AND DISPLAY PADS. The development Plan of Phase 1 (East Portion) includes Automobile Display Pads. The landscape areas are defined on the Development Plans, and will be at a minimum to the City of Twin Falls Code for Gateway Landscape requirements for this development.
  - D. LIGHTING AND LOUDSPEAKERS. The lighting for Phase 1 has been completed. The lighting if modified shall conform to the requirements for Phase 2. Lighting for Phase 2 shall consist of fixtures that shield the light source from all adjacent properties or adjacent streets. Lighting shall be directed downward to provide light for parking or pedestrian walking surfaces. The use of loudspeaker is prohibited and outside communications shall be personal listening devices only.
  
3. WATER, STREET, SEWER AND DRAINAGE IMPROVEMENTS. Developer shall be responsible for the design and construction of water, street, sewer and drainage systems on the Property (hereinafter called "improvements") as described herein in accordance with City standards.
  - A. IMPROVEMENT PLANS. Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for the development phase showing Public Improvements such as sewer, water, curb and gutter, contemplated within that phase of the development (hereinafter called "Improvement Plans"). The Improvement Plans and improvements shown thereon shall meet with the approval of the City, which approval shall be given if such plans conform to published City requirements. Only those improvements subject to City standards will need to be submitted.

The Right-of-Way and locations of work along Pole Line Road are anticipated locations based on the most recent preliminary information from the State of Idaho Transportation Department Project No. NH-F-2390(104), Key No. 5137, Twin Falls Alternate Route.

- B. IMPROVEMENT DESIGN AND CONSTRUCTION. Developer shall cause to be designed, constructed and installed, in accordance with the approved Improvement Plans and at its expense, improvements shown on the Improvement Plans. Notwithstanding the foregoing nothing in this agreement shall prohibit City participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.

The lot(s) will be connected to City of Twin Falls water and sewer system.

- C. PHASED CONSTRUCTION. The development of the Project, including installation of required improvements, will be completed in phases. Developer shall provide the City with written notification of when and of what phase, or phases, of said improvements it intends to complete at the time; and agrees to make such modifications an/or construct any temporary facilities necessitate by such phased construction work as shall be required and approved by the City, which approval shall not be unreasonably withheld.

At the time of this amended agreement Phase 1 of the project has been completed and deemed to be in conformance with this agreement and all other city ordinances and standards.

- D. CONSTRUCTION SUPERVISION. Developer shall use a qualified construction engineer or supervisor to supervise the construction inspection and testing of the work as necessary to ensure that all such improvements are construction in accordance with the approved Improvement Plans.
- E. NONCOMPLIANCE. In the event any of the requirements with regard to the installation of said improvements are not complied with, the City shall give written notice to Developer of said noncompliance. Developer of said noncompliance. Developer shall cure a said noncompliance within thirty days of this receipt of notice (or, in the case of a noncompliance that will take in excess of thirty (30) 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 noncompliance 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 that phase of such "C-1 PUD" until such time as requirements specified in the 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 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 rights of the parties are preserved at law and equity.

- F. FEES. Developer shall pay, or cause to be paid, to City applicable fees, if any, with regard to the installation of improvements pursuant to the Improvement Plans.
- G. DEDICATION OF IMPROVEMENTS. The city hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City standards.
4. PLATS. If the lot is split in the future a subdivision and plat will be required.
5. DEVELOPMENT CRITERIA. The property or any portion thereof shall be developed in accordance with Time set forth in Section-3.C, and the criteria set forth in this Section 5 and in accordance with the approved Development Plans.
- A. APPROVAL AND CONSTRUCTION. All public improvements shall be constructed in accordance with engineered drawings and specification, describing in reasonable detail the work to be performed, which drawings and specifications shall first be, approved by City and meet City standards, which approval shall not be unreasonably withheld.
- B. BUILDING STANDARDS. Buildings and Public Improvements shall comply with City building and fire codes, and other applicable City ordinances as illustrated in Exhibit "B".
- C. LANDSCAPING. The landscaping is defined on the Development Plans, and shall be (as a minimum) as per current City zoning ordinances and will have a minimum 35-foot landscape buffer from the inside face of the curb, or future curb, along Pole Line Road. Within the 35 foot landscape buffer along Pole Line Road, 50 percent of the lineal footage of landscaping shall have berms with a ridge elevation of at least 18 inches in height with at least 50 percent of the berming having a minimum ridge elevation of 30-inches in height. In Phase One, there will also be separate sections of landscaping consisting of (6) curbed islands, planting areas adjacent to the building and a 20-foot strip along the common property line with Fawnbrook Development.
- Each separate section of the landscaping shall contain trees and/or shrubs. For all landscaping within the development, the landscaped area shall, as a minimum, have the following plant life: one tree per 500 square feet of landscaped area; and one bush per 100 square feet of landscaped area.
- A landscape plan will be submitted for approval of the City of Twin Falls Staff, prior to installation. All landscape irrigation to be installed using the existing Twin Falls Canal Company Irrigation water rights for this property. Domestic metered water shall not be used for irrigation.
- D. APPROACHES. At the time of this agreement all approaches to the property have been constructed. No changes shall be made to the project approaches without approval of the City of Twin Falls.
6. TIME LIMITATION. There is no time limitation to development of Phase 2 of this project.

7. **PARKING.** No on street parking will be allowed, adequate parking spaces meeting city code will be located on all phases of the property and will be properly signed and marked. Each phase of development will provide the number of parking stalls required for that phase.
8. **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. It is understood that a standard City Developer's Agreement will be required for each phase of development.
- 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 this address last know 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". On the date of this agreement, the addresses of the parties are as follows:

DEVELOPER:           Crumb Group, LLC  
 \_\_\_\_\_  
 \_\_\_\_\_

CITY:                   City of Twin Falls  
                           PO Box 1907  
                           321 Second Avenue East  
                           Twin Falls, ID 83303-1907

- E. **SUCCESSORS AND ASSIGNS.** This agreement shall be binding upon the successor, assigns and legal representative of the parties hereto.
- 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 shall not be affected thereby.
- G. **SIGNATORIES.** Each of the persons executing this agreement hereby represents and 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 entities.

- H. EFFECTIVE DATE. This "PUD" Agreement shall be valid and binding only upon its approval by City, and through its City Council, and upon its execution by the Mayor and Developer.
- I. ATTORNEY FEES. In the event that wither party should be required to retain an attorney because of the default or breach of the other o to pursue any other remedy provided by law, that party which prevails in any litigation 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 document 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. ATTACHMENTS. All attachments to this Agreement and recitals are incorporated herein and made a part hereof as if set forth in full.
- L. CAPTIONS. The captions, section 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.

CITY OF TWIN FALLS

ATTEST: \_\_\_\_\_ BY: \_\_\_\_\_  
Mayor

CRUMB GROUP, LLC

ATTEST: \_\_\_\_\_ BY: \_\_\_\_\_  
Manager Member,

ACKNOWLEDGEMENTS

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2005, 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

STATE OF IDAHO            )  
  )ss  
County of Twin Falls        )

On the \_\_\_\_\_ day of \_\_\_\_\_ 2012, before me, a Notary Public in and for said State, personally appeared \_\_\_\_\_

Known or identified to me to be a member of Crumb Group, LLC executed the foregoing instrument and acknowledged to me that he on behalf of said LLC executed the same.

**IN WITNESS WHEREOF** I have set my hand and official seal the day and year first above written.

\_\_\_\_\_  
Notary Public for Idaho  
Residing in \_\_\_\_\_  
Commission Expires \_\_\_\_\_

RECEIVED  
APR 12 2012  
CITY OF TWIN FALLS  
PLANNING & ZONING

TWIN FALLS COUNTY  
Recorded for:  
TITLEFACT  
1:57:17 PM 12-30-2011  
2011-024200  
No. Pages:2 Fee: \$ 13.00  
KRISTINA GLASCOCK  
County Clerk  
Deputy: DWRIGHT

62431SM  
  
TitleFact, Inc.  
163 Fourth Avenue North  
P.O. Box 486  
Twin Falls, Idaho 83303

\*\*\*\* SPACE ABOVE FOR RECORDER \*\*\*\*

**QUITCLAIM DEED**

For Value Received CAPELLA CORP., an Idaho corporation, does hereby convey, remise and forever quit claim unto ~~THE CRUMB GROUP LLC, an Idaho Limited Liability Company~~, whose address is: P.O. Box 1293 Twin Falls ID, the following described premises, to-wit:  
83303-1293

**PARCEL NO. 1**

Township 10 South, Range 17, East, Boise Meridian, Twin Falls County, Idaho  
Section 4: A tract of land located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ , more particularly described as follows:  
COMMENCING at the Northwest corner of said W $\frac{1}{2}$ NE $\frac{1}{4}$  from which the Northeast corner of said Section 4 bears  
North 89°51'19" East and lies 2638.59 feet distant;  
THENCE South 0°52'45" West along the westerly boundary of said W $\frac{1}{2}$ NE $\frac{1}{4}$  a distance of 40.00 feet;  
THENCE North 89°51'19" East a distance of 280.01 feet to the REAL POINT OF BEGINNING;  
THENCE continuing North 89°51'19" East a distance of 286.71 feet;  
THENCE North 0°52'45" East a distance of 40.00 feet to the Northerly boundary of said NE $\frac{1}{4}$ ;  
THENCE North 89°51'19" East a distance of 491.88 feet along the northerly boundary of said W $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
THENCE South 1°02'00" West a distance of 563.11 feet parallel with the easterly boundary of said NE $\frac{1}{4}$ ;  
THENCE North 89°23'14" West a distance of 470.00 feet;  
THENCE North 59°50'16" West a distance of 231.56 feet;  
THENCE South 89°51'19" West a distance of 55.00 feet parallel with the northerly boundary of said NE $\frac{1}{4}$ ;  
THENCE North 0°52'45" East a distance of 100.00 feet parallel with the westerly boundary of said NE $\frac{1}{4}$ ;  
THENCE South 89°51'19" West a distance of 50.01 feet parallel with the northerly boundary of said NE $\frac{1}{4}$ ;  
THENCE North 0°52'45" East a distance of 300.00 feet parallel with the westerly boundary of said NE $\frac{1}{4}$  to the REAL POINT OF BEGINNING.

EXCEPT Parcel No. 24, Parcel I.D. No. 0041462, according to the Right of Way Plat of Project No. DHP-NH-2390(104) filed for record in the office of the County Recorder of Twin Falls County, Idaho, on the 9<sup>th</sup> day of August, 2004, under Instrument No. 2004-017039; being a portion of the Gov. Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 4, Township 10 South, Range 17, East of the Boise Meridian.

**PARCEL NO. 2**

Township 10 South, Range 17, East, Boise Meridian, Twin Falls County, Idaho  
Section 4: A portion of the W $\frac{1}{2}$ NE $\frac{1}{4}$  more particularly described as follows:  
BEGINNING at the Northwest corner of said W $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
THENCE North 89°51'19" East a distance of 230.00 feet along the northerly boundary of said W $\frac{1}{2}$ NE $\frac{1}{4}$  to the TRUE POINT OF BEGINNING;  
THENCE North 89°51'19" East a distance of 50.01 feet along the northerly boundary of said W $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
THENCE South 0°52'45" West a distance of 340.00 feet;  
THENCE North 89°51'19" East a distance of 50.01 feet;  
THENCE South 0°52'45" West a distance of 100.00 feet;  
THENCE South 89°51'19" West a distance of 100.01 feet;  
THENCE North 0°52'45" East a distance of 440.00 feet to the TRUE POINT OF BEGINNING.  
EXCEPT the North 40 feet thereof.

AND EXCEPT Parcel No. 24, Parcel I.D. No. 0041462, according to the Right of Way Plat of Project No. DHP-NH-2390(104) filed for record in the office of the County Recorder of Twin Falls County, Idaho, on the 9<sup>th</sup> day of August, 2004, under Instrument No. 2004-017039; being a portion of the Gov. Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 4, Township 10 South, Range 17, East of the Boise Meridian.

**PARCEL NO. 3**

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho  
Section 4: A parcel of land located in Lot 2 more particularly described as follows:  
BEGINNING at a point 230 feet East of the Northwest corner of Lot 2 and on the North boundary of Lot 2 being the REAL POINT OF BEGINNING;  
THENCE Southerly 440 feet on a line parallel to the West boundary line of Lot 2;  
THENCE Westerly 200 feet on a line parallel to the North boundary line of Lot 2;  
THENCE Northerly 440 feet on a line parallel to the West boundary line of Lot 2;  
THENCE Easterly 200 feet along the North boundary line of said lot to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM the North 40 feet.

AND EXCEPT Parcel No. 21, Parcel I.D. No. 0041459, according to the Right of Way Plat of Project No.

RECEIVED

APR 12 2012

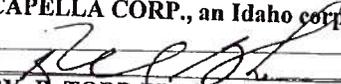
CITY OF TWIN FALLS  
PLANNING & ZONING

DHP-NH-2390(104) filed for record in the office of the County Recorder of Twin Falls County, Idaho, on the 9<sup>th</sup> day of August, 2004, under Instrument No. 2004-017039; being a portion of Gov. Lot 2 (NW¼/NE¼) of Section 4, Township 10 South, Range 17, East of the Boise Meridian.

together with their appurtenances.

Dated: December 16, 2011

CAPELLA CORP., an Idaho corporation

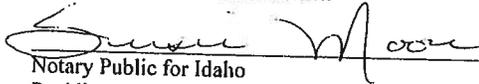
  
BY: R. TODD BLASS, President

\* \* \* \* \*

STATE OF IDAHO  
County of Twin Falls

On this 16<sup>th</sup> day of December, 2011, before me, the undersigned, Notary Public in and for said State, personally appeared R. Todd Blass, known to me to be the President of the corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged ~~to me that such 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: Twin Falls  
My Commission expires: 11-28-2014



**TWIN FALLS COUNTY**

RECORDED FOR:

TWIN FALLS, CITY OF  
9:51:46 am 05-20-2011

**2011-009719**

NO. PAGES: 4 FEE: \$

KRISTINA GLASCOCK  
COUNTY CLERK  
DEPUTY: BHUNTER

**ORDINANCE NO. 3003**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

WHEREAS, Capella Corp on behalf of The Crumb Group, had made application for a rezone of property located on the south side of the 600 block of Pole Line Road; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 14th day of December, 2010, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon a REZONE of the real property below described; and,

WHEREAS, the City Planning and Zoning Commission has made recommendations to the City Council for the City of Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing to consider the same matter on the 10th day of January, 2011.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

SECTION 1. That the following described real property located on the south side of the 600 block of Pole Line Road is the subject of a Zoning District Change and Zoning Map Amendment from R-4 & C-1 PUD to C-1 PUD:

**See Attachment "A"**

SECTION 2. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The zoning of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

SECTION 3. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the rezoning of the real property above described.

0-3003

PASSED BY THE CITY COUNCIL

May 9, 2011

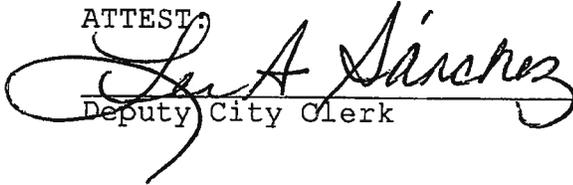
SIGNED BY THE MAYOR

May 9, 2011



Mayor

ATTEST:



Deputy City Clerk

PUBLISH: Thursday, May 19, 2011

## ATTACHMENT "A"

A parcel of land located in a portion of Government Lot 2, Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the North quarter corner of Section 4. Said point lies South 89°51'19" West 2638.59 feet from the Northeast corner of Section 4. Thence North 89°51'19" East 30.00 feet. Thence South 00°52'45" West 70.88 feet to the REAL POINT OF BEGINNING.

THENCE North 89°51'19" East 1028.40 feet along the Southerly Right-of-Way of Highway Project No. DHP-NH-F-2390(104);

THENCE South 01°02'00" West 492.23 feet along the Westerly boundary of "Breckenridge Farms Phase 3 Subdivision";

THENCE North 89°23'14" West 470.00 feet;

THENCE North 59°50'16" West 231.57 feet;

THENCE South 89°51'20" West 354.99 feet;

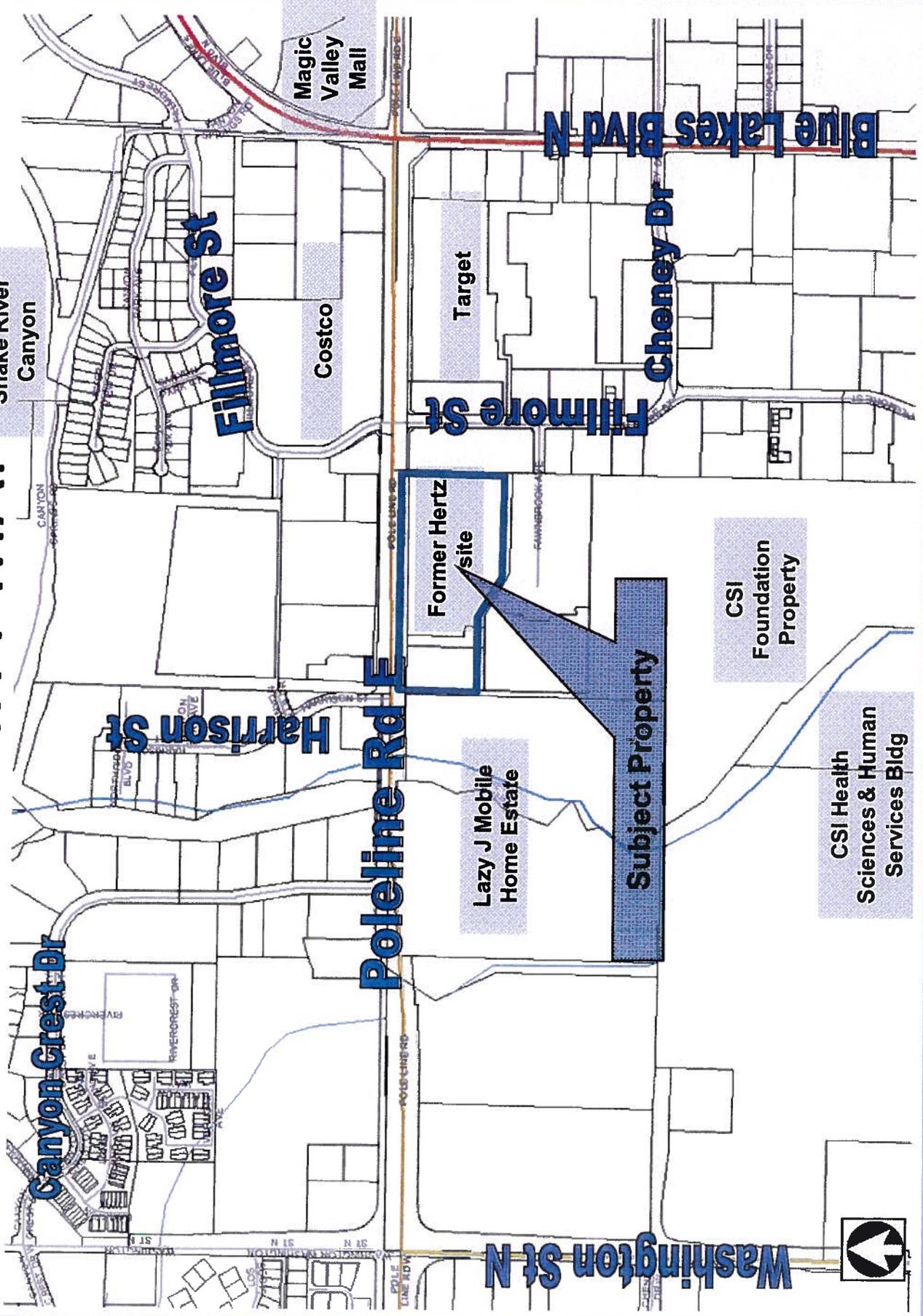
THENCE North 00°52'45" East 369.12 feet along a line 30.00 feet East of and parallel with the West boundary of Government Lot 2, to the REAL POINT OF BEGINNING.

Containing approximately 10.27 acres.

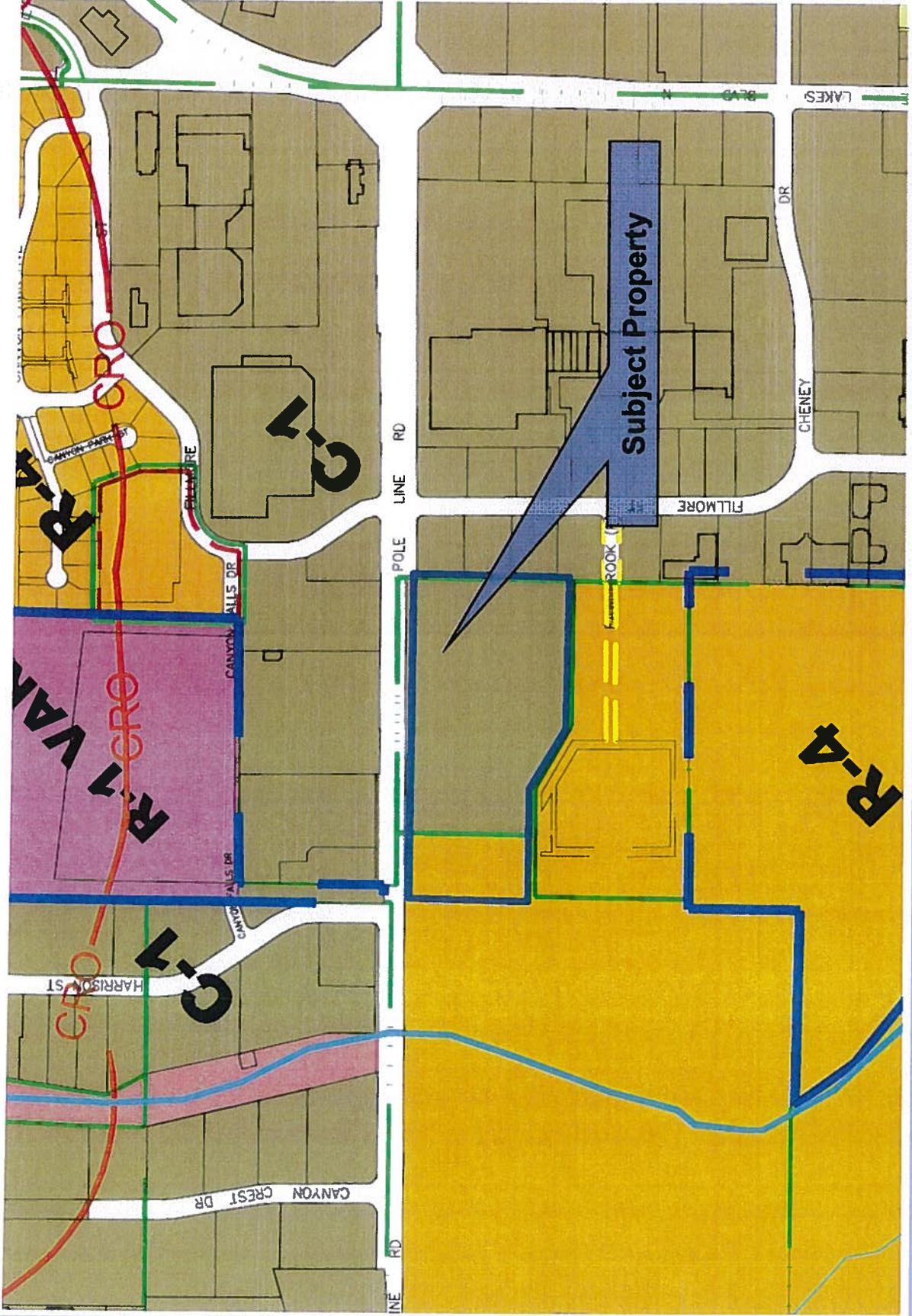




# VICINITY MAP



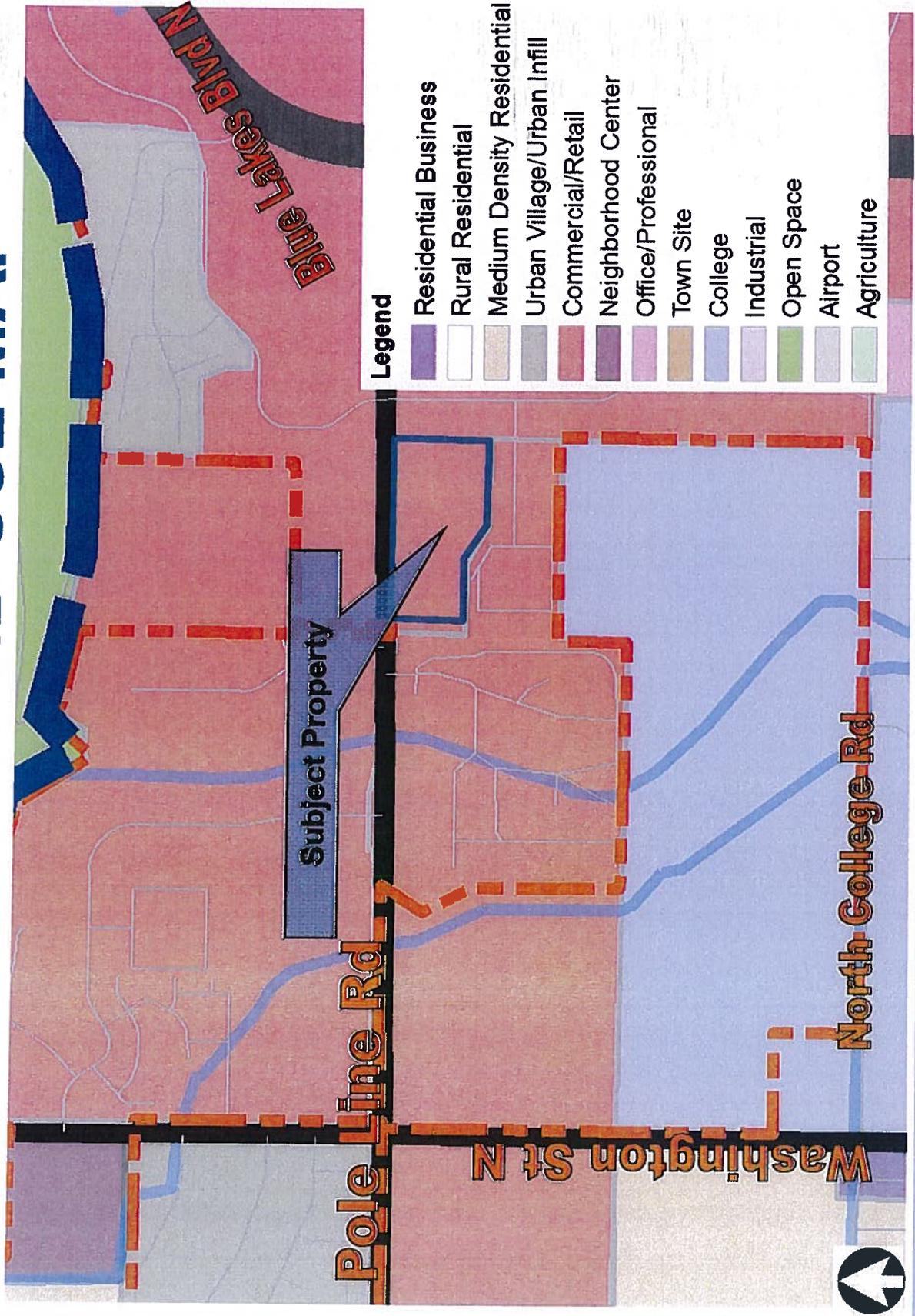
# ZONING MAP



# AERIAL VIEW



# FUTURE LAND USE MAP







**COUNCIL MEMBERS:**

LANCE	TRIP	DON	DAVID E.	WILLIAM A.	GREG	REBECCA
CLOW	CRAIG	HALL	JOHNSON	KEZELE	LANTING	MILLS SOJKA
<b>Mayor</b>				<b>Vice Mayor</b>		



**Minutes**  
**Meeting of the Twin Falls City Council**  
**January 10, 2011**  
**City Council Chambers**  
**305 3rd Avenue East Twin Falls, Idaho**

<b>CALL MEETING TO ORDER:</b> 5:00 P.M. <b>PLEDGE OF ALLEGIANCE TO THE FLAG</b> <b>CONFIRMATION OF QUORUM</b> <b>INTRODUCTION OF STAFF</b> <b>CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:</b> <b>PROCLAMATIONS:</b> None.				
AGENDA ITEMS	Purpose	By:		
<b>CONSENT CALENDAR:</b> 1. Consideration of accounts payable for January 4 – 10, 2011.	Action	Staff Report Sharon Bryan		
<b>II. ITEMS FOR CONSIDERATION:</b> <b>Declaration of emergency for expenditure of funds for repair of sewer manholes and lines in Rock Creek. Proposed Resolution 1862.</b> 1. Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: Officer Simon Rodriguez, Jeremy Trump, Joel Woodward, Preston Stephenson, Cynthia Levings, and Staff Sergeant Anthony Barnhart. 2. Request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 Business Park PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering Inc. on behalf of BCM&W, KLS&M, and Canyon Vista Family Limited Partnership, Lazy J Ranch – Linda Wells. (app.2389) <b>WITHDRAWN BY THE APPLICANT. TO BE HEARD AS A PUBLIC HEARING ON FEBRUARY 7, 2011 AT 6:00 P.M.</b> 3. Presentation of a proposal from the Twin Falls Rotary Club on the development of the CSI Connection Trail. 4. Consideration of a request to authorize the Mayor to sign a resolution supporting the project submittal packet to the Local Highway Technical Assistance Council (LHTAC). 5. Consideration of a request to authorize the City Attorney to proceed with the judicial confirmation process to determine if improvements to the wastewater system can be financed as an "ordinary and necessary" expense. 6. Public input and/or items from the City Manager and City Council.	Action  Presentation  Action  Presentation  Action  Action	Jackie Fields  Jim Munn/ Brian Pike  Mitch Humble  TFRC/ Dennis Bowyer Jacqueline Fields  Tom Courtney Fritz Wonderlich		
<b>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</b>				
<b>IV. PUBLIC HEARINGS: 6:00 P.M.</b> 1. Request for an Amendment to PUD Agreement #220, and for a Zoning District Change and Zoning Map Amendment by incorporating 2 acres (+/-) located west of the western boundary of the PUD Agreement #220 from R-4 to C-1 PUD to allow for a planned commercial development and to amend the land uses in PUD Agreement #220 to allow for commercial uses other than an automobile dealership or associated businesses on property located on the south side of the 600 block of Pole Line Road, c/o Gerald Martens, EHM Engineering, Inc., on behalf of Capella Corp on behalf of the Crumb Group. (app.2407) 2. Request for a Zoning District Change and Zoning Map Amendment from C-1 to C-1 PUD to develop a planned commercial development on 29 (+/-) acres located on the south side of the 1200 & 1300 blocks of Pole Line Road West, c/o James & Anna McComick, Gary Nelson, Blass, Inc., Gerald Martens, Evan Robertson, Dirk Gibson, Daniel Komen, Stephen George and Kirby Dahl. (app.2406)			Action  Action	Mitch Humble  Mitch Humble
<b>V. ADJOURNMENT:</b>				

**COUNCIL MEMBERS PRESENT:** Lance W. Clow, Trip Craig, Don Hall, David Johnson, Will Kezele, Rebecca Mills Sojka

**COUNCIL MEMBERS ABSENT:** Gregory Lanting.

**STAFF PRESENT:** City Manager Tom Courtney, City Attorney Fritz Wonderlich, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, City Engineer Jacqueline Fields, Chief Jim Munn, Parks & Recreation Director Dennis Bowyer, Lieutenant Craig Stotts, 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. Rachel Fields Girls Scouts Troop 6 sponsored by the Immanuel Lutheran Church led the Pledge of Allegiance. A quorum was present. Mayor Hall introduced City staff.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:** None

**PROCLAMATION:** 2011 Martin Luther King Jr. Day of Service

The Proclamation was read by Mayor Don Hall and presented to Kelly Johnson and Bruce Stevens from the College of Southern Idaho.

## AGENDA ITEMS

### IV. PUBLIC HEARINGS: 6:00 P.M.

1. Request for an Amendment to PUD Agreement #220, and for a Zoning District Change and Zoning Map Amendment by incorporating 2 acres (+/-) located west of the western boundary of the PUD Agreement #220 from R-4 to C-1 PUD to allow for a planned commercial development and to amend the land uses in PUD Agreement #220 to allow for commercial uses other than an automobile dealership or associated businesses on property located on the south side of the 600 block of Pole Line Road, c/o Gerald Martens, EHM Engineering, Inc., on behalf of Capella Corp on behalf of the Crumb Group. (app.2407)

Gerald Martens, EHM Engineers, spoke on behalf of the applicant and explained the request. The applicants request the property to be rezoned from R-4 to C-1 to allow development as part of a commercial subdivision with adjacent property under the same ownership. The access restrictions and utility location made concurrent development essential. The request is compatible with the surrounding uses and in conformance with the City of Twin Falls Comprehensive Plan.

Community Development Director Humble reviewed the request.

On December 14, 2010, the Planning & Zoning Commission unanimously recommended approval 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.
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 C-1 District code requirements and requirement improvements (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the Amended PUD Agreement #220.

Staff would ask to amend condition #5 to include the following: Subject to compliance with the "recorded" Amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

Discussion followed:

Gerald Martens said that the applicant would present a preliminary plat to the Planning & Zoning Commission.

**The public hearing portion of the hearing was opened and closed with no input.**

Discussion followed on a screening fencing between commercial and residential property.

The public hearing is now closed

### **MOTION:**

Councilperson Johnson made a motion to approve the Amendment to PUD Agreement #220, and for a Zoning District Change and Zoning Map Amendment by incorporating 2 acres (+/-) located west of the western boundary of the PUD Agreement #220 from R-4 to C-1 PUD to allow for a planned commercial development and to amend the land uses in PUD Agreement #220 to allow for commercial uses other than an automobile dealership or associated businesses on property located on the south side of the 600 block of Pole Line Road, c/o Gerald Martens, EHM Engineering, Inc., on behalf of Capella Corp on behalf of the Crumb Group. (app.2407) **as presented with the following five 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.
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 C-1 District code requirements and requirement improvements (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the "recorded" Amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

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



**MINUTES**  
**Twin Falls City Planning & Zoning Commission**  
**MARCH 8, 2011-6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Wayne Bohm    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

**ATTENDANCE**

**PLANNING & ZONING MEMBERS**

**PRESENT:**

Bohm  
Cope  
Derricott  
Ihler  
Jacobson  
Schouten

**ABSENT:**

Sharp

**AREA OF IMPACT MEMBERS**

**PRESENT:**

Mikesell

**ABSENT:**

DeVore

**CITY COUNCIL MEMBERS PRESENT:**      Mills Sojka

**CITY STAFF PRESENT:**      Carraway, Strickland, Vitek

**AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING**

**III. ITEMS OF CONSIDERATION:**

1. Request for the approval of the preliminary plat for Poleline Commercial Subdivision consisting of 8 commercial lots on 10.28 (+/-) acres located south of Pole Line Road c/o EHM Engineering, Inc. Gerald Martens

**APPLICANT PRESENTATION:**

Gerald Martens, EHM Engineering, Inc., representing the applicant stated that he is here to request approval of a Pole Line Commercial Subdivision. The property is located on the south side of Pole Line Road where the previous Hertz Car Dealership used to be located; this facility has recently been sold and is now Randy Hansen Automotive. The request is to divide 10.2 acres which includes the dealership and the vacant land to the west into approximately 8 commercial lots. Mr. Martens explained that this is a preliminary plat and that the final development may result in fewer number of lots once purchased as part of the process it is easier to reduce the number of lots in a plat verses adding lots and having to start the platting process over. The property is zone C-1 PUD and the uses proposed are commercial. The applicant has reviewed the staff recommendations and concurs. He requested that the Commission approve this request.

**STAFF PRESENTATION:**

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated on December 14, 2010 the Planning & Zoning Commission unanimously recommended approval, as presented, to amend PUD Agreement #220 The Hertz PUD to add an additional two (2) acres to the PUD and for the zoning of the additional 2 acres to be C-1 and on January 10, 2011 the City Council approved the request, as presented, with the following five (5) 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.
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 the C-1 district code requirements and required improvements as per (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the "recorded" amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

This preliminary plat for the Poleline Commercial Subdivision consists of 10.28 (+/-) acres and eight (8) lots designated for commercial development. The car lot site which is currently occupied by Randy Hansen Automotive is on a 4.24 acre lot and the remaining seven (7) lots range from 0.58 to 1.6 acres in size. A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of a building permit. The subdivision does not include any public right-of-ways. There are four (4) existing accesses to the subdivision from Poleline Road. In the recent PUD amendment the applicants requested that the PUD would recognize the constructed approaches to the property. There is also an approach shown off of the future Harrison Street. Any internal roadways will be privately constructed and maintained. As access to interior lots will be made through other lots a cross-use or access agreement will be required between the lot owners to allow for travel throughout the subdivision prior to recordation of the final plat. There will be a looped water line and sewer line from Poleline Road along property lines in the subdivision. There will need to be a public utility easement indicated over these lines on the final plat so that the City can maintain and access the main lines as they are public. The Engineering Department is requiring that the waterline be looped to the south and connect with Fawnbrook's water line to provide for a secondary supply. Two (2) additional fire hydrants shall also be required and shall be indicated on the plat.

Screening is required between residential and commercial development and was a condition placed on the PUD amendment. A screening fence on the southern boundary of the property to separate the subdivision from the Fawnbrook Apartment complex is indicated on the plat. It is also indicated on the preliminary plat that the site will be on a pressure irrigation (p.i.) System. There will be a connection to the Harrison Street Station from the northwest corner of the subdivision. The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of the Poleline Commercial Subdivision, as presented, staff recommends approval be 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.
2. Subject to recorded cross-use/access agreements being provided prior to recordation of final plat.
3. Subject to the water line loop to Fawnbrook being included on the plat.
4. Subject to public utility easements being included over any water, sewer, or pressurized irrigation lines on the plat.
5. Subject to compliance with the "recorded" amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

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**PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED WITHOUT PUBLIC CONCERNS**

**DELIBERATIONS FOLLOWED: WITHOUT CONCERNS**

**MOTION:**

Commissioner Derricott made a motion to approve the request as presented with staff recommendations. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

**APPROVED, AS PRESENTED WITH 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.
2. Subject to recorded cross-use/access agreements being provided prior to recordation of final plat.
3. Subject to the water line loop to Fawnbrook being included on the plat.
4. Subject to public utility easements being included over any water, sewer, or pressurized irrigation lines on the plat.
5. Subject to compliance with the "recorded" amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.



Date: MONDAY APRIL 23, 2012  
 To: Honorable Mayor and City Council  
 From: Mitch Humble, Community Development Department

**Request:**

Consideration of the Final Plat of Poleline Commercial Subdivision-A PUD, 10.28 (+/-) acres consisting of 8 lots and located at 636 Poleline Road, c/o Gerald Martens/EHM Engineers

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner/Developer	<b>Size:</b> 10.28(+/-) acres
The Crumb Group, LLC PO Box R Twin Falls, Idaho 83303 Todd Blass	<b>Current Zoning:</b> C-1 PUD	<b>Requested Zoning:</b> Final Plat approval
	<b>Comprehensive Plan:</b> Commercial/Retail	<b>Lot Count:</b> 8
	<b>Existing Land Use:</b> Existing car dealership and vacant property	<b>Proposed Land Use:</b> Commercial subdivision
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
EHM Engineers, Inc. c/o Gerald Martens 621 North College Rd, Ste 100 Twin Falls, ID 83301 208-734-4888	<b>North:</b> C-1 PUD; Poleline Road, commercial and hotel	<b>East:</b> C-1; commercial (gas station and convenience store)
	<b>South:</b> R-4 PUD; multi-family residential (Fawnbrook Apartments)	<b>West:</b> C-1 Business Park PUD; Harrison St North extension and Lazy J Park
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8, 10-6-1, 10-12-2.4	

**Approval Process: 10-12-2.4; FINAL PLAT**

**(D) Administrator Review:**

1. Acceptance: Upon receipt of the final plat and compliance with all other requirements as provided for herein, the administrator, after review by the city engineering department, shall certify the application as complete and shall affix the date of acceptance thereon.
3. Submission To The Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the administrator shall place the final plat on the council agenda at the next regular meeting. (Ord. 2620, 8-2-1999)

**(F) Council Action:** The council, at its next meeting following receipt of the administrator's report, shall consider the commission's findings and comments from concerned persons and agencies to arrive at a decision on the final plat. The council shall approve, approve conditionally, disapprove or table the final plat for additional information. A copy of the approved plat shall be filed with the administrator. Upon granting or denying the final plat the council shall specify:

1. The regulations and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval. (Ord. 2012, 7-6-1981)

**(I) Approval Period:** Final plat shall be filed with the county recorder within two (2) years after written approval by the council; otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the council. Only one extension may be granted by the council for a term of two (2) years. (Ord. 3006, 7-25-2011)

**Budget Impact:**

Development of the property as approved will add additional tax monies to the city budget.

**Regulatory Impact:**

Approval of a final plat allows the developer to proceed with the platting process – ultimately to record the plat and develop the property as approved.

**History:**

On October 18, 1995, the subject property was annexed into the City of Twin Falls.

In January 2000 the City Council approved rezone from R-4 to C-1 PUD and a PUD Agreement to allow for a “complete car center with sales, service, repair to include a car wash and detail facility” on a 9.6 (+/-) acre area for Hertz, LLC-a car dealership. Building permits were submitted for construction on Phase 1- a two-story dealership building and a wash bay and shop. Certificates of Occupancy were issued in October of 2000.

On June 27, 2000 the Planning and Zoning Commission approved Special Use Permit #0664 to allow a message center sign on this site for the Hertz Car Dealership.

The City Council approved an amendment to PUD Agreement #220 on January 10, 2011, to add an additional two (2) acres to the PUD and for the zoning to be C-1 PUD with 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.
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 C-1 District code requirements and requirement improvements (10-11-1 through 9).
4. Subject to completion of a minimum 6’ sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the “recorded” Amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

On March 8, 2011 the Commission approved the preliminary plat as presented subject to 5 conditions.

**Analysis:**

This Final Plat for the Poleline Commercial Subdivision includes 10.28 (+/-) acres and is zoned C-1 PUD. The request is to plat eight (8) lots for commercial development. The site is located south of Poleline Road east of Harrison Street North extended and west of Fillmore Street.

It is not indicated what the specific use of the proposed lots will be. There is not a minimum lot square footage requirement in the C-1 zone; the lot is required to be of “sufficient size to provide for the building, the required setbacks, off street parking and landscaping.” The car lot site which is currently occupied by Randy Hansen Automotive is on a 4.24 acre lot and the remaining seven (7) lots range from 0.58 to 1.6 acres in size.

A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of a building permit.

The subdivision does not include any public right-of-ways. There are four (4) existing accesses to the subdivision from Poleline Road. In the recent PUD Amendment the applicants indicated that the PUD would recognize the constructed approaches to the property and not ask for any additional approaches other than what has been approved. There is also an approach shown off of the future Harrison Street. Any internal roadways will be privately constructed and maintained. As access to interior lots will be made through other lots then a cross-use or access agreement will be required between the lot owners to allow for travel throughout the subdivision.

There is a looped water line and sewer line from Poleline Road along property lines in the subdivision. There will need to be a public utility easement indicated over these lines on the final plat so that the City can maintain and access the main lines. The Engineering Department is requiring that the waterline is looped to the south and connects with Fawnbrook's water line to provide for a secondary supply. Two (2) additional fire hydrants are also required and indicated on the plat.

Screening is required between residential and commercial development and a screening fence is indicated on the southern boundary of the property to separate the subdivision from the Fawnbrook apartment complex.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system. There will be a connection to the Harrison Street station from the northwest corner of the subdivision.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

**On March 8, 2011 the Planning & Zoning Commission approved the preliminary plat of the Poleline Commercial Subdivision-A PUD, 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.
2. Subject to recorded cross-use/access agreements being provided prior to recordation of final plat.
3. Subject to the water line loop to Fawnbrook being included on the plat.
4. Subject to public utility easements being included over any water, sewer, or pressurized irrigation lines on the plat.
5. Subject to compliance with the "recorded" amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

**Also included on the City Council agenda tonight is the AMENDED PUD AGREEMENT #220 FOR POLELINE COMMERCIAL C-1 PUD. The document reflects the City Council zoning approval of January 2011.**

**Conclusion:**

Should the City Council approve the final plat of the Poleline Commercial Subdivision-A PUD, as presented, staff recommends approval be subject to the five conditions placed on the preliminary plat approval.

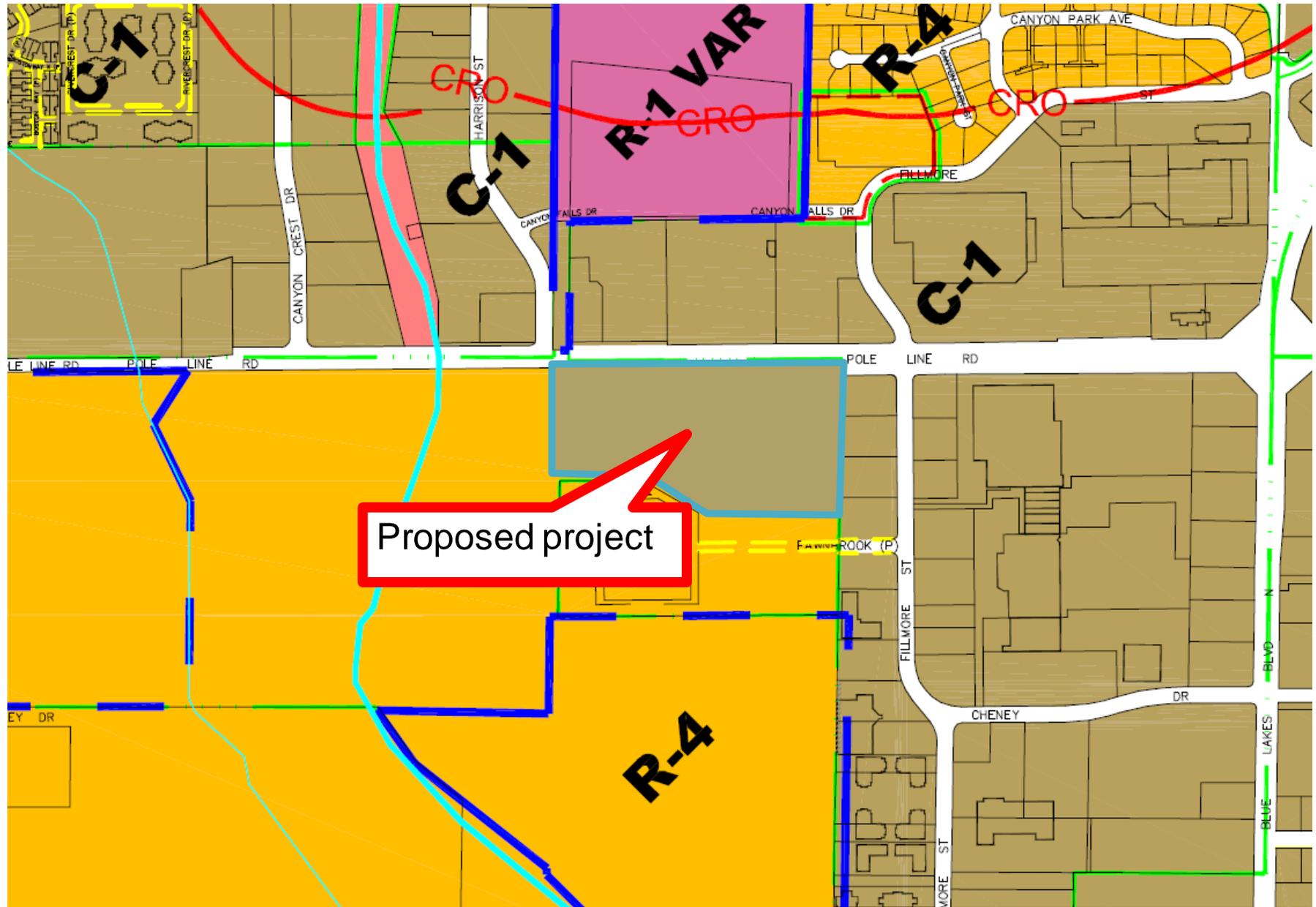
**Attachments:**

1. Vicinity Map
2. Area Zoning Map
3. Aerial of the Project Site
4. Approved Preliminary Plat
5. Final Plat
6. Portion of 01-10-11 City Council minutes
7. Portion of 03-08-11 P&Z minutes

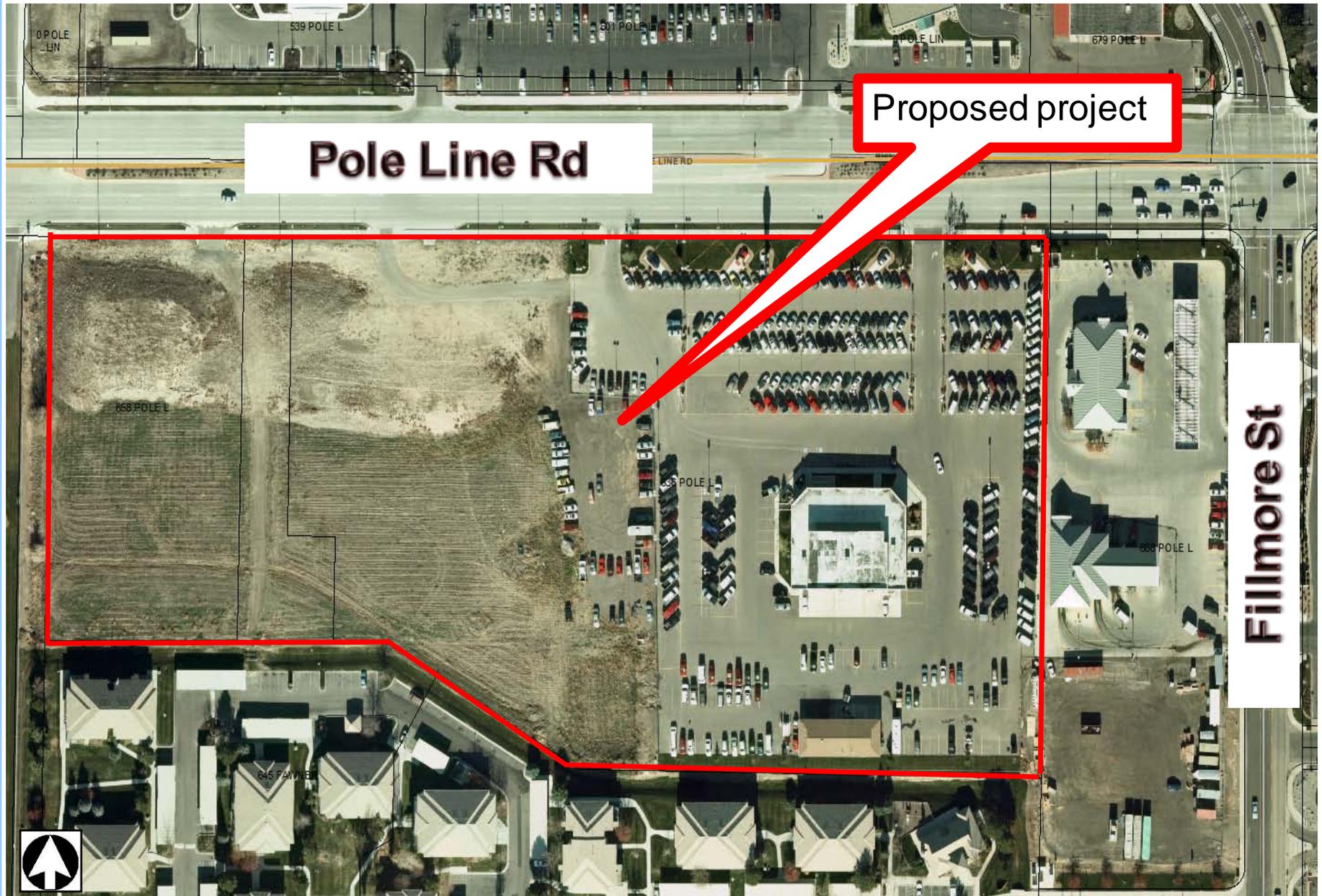




# ZONING MAP



# AERIAL VIEW

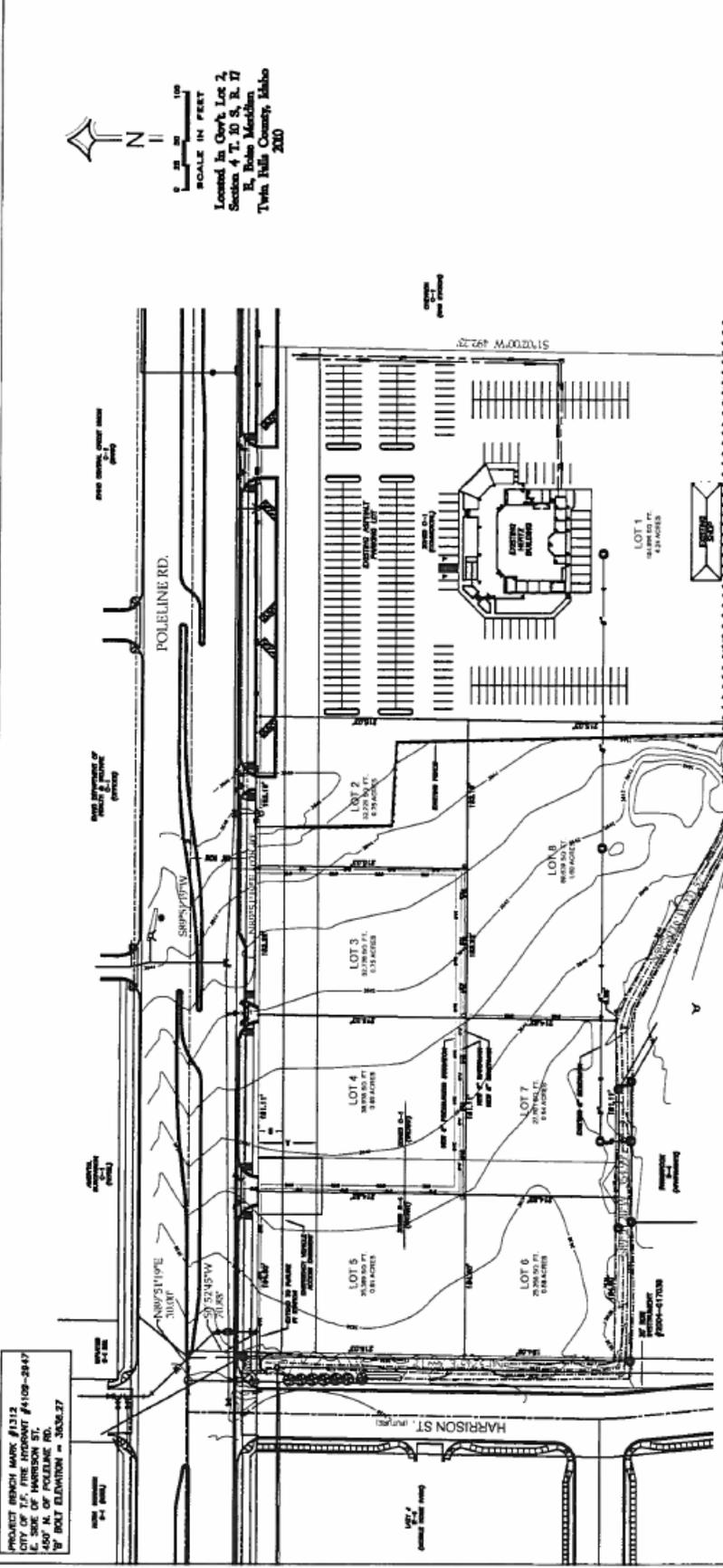


Proposed project

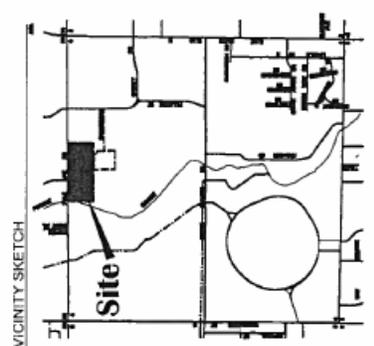
Pole Line Rd

Fillmore St





SCALE IN FEET  
 0 25 50 100  
 Located in Gov't Lot 2,  
 Section 4 T. 30 S. R. 17  
 E. Belton Meridian,  
 Twin Falls County, Idaho  
 2010



DESIGN DATA  
 ALL PROPOSED DEVELOPMENT TO BE FINISHED OR RELATED AS SHOWN  
 ALL LOTS ARE SUBJECT TO FEDERAL EASEMENTS AND RIGHTS OF WAY  
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DESIGN DATA  
 EXISTING ZONING: R-1 AND C-1  
 PROPOSED ZONING: C-1  
 EXISTING USES: RESIDENTIAL  
 PROPOSED USES: COMMERCIAL DEVELOPMENT C-1  
 ENGINEER: J.A. SHAW, P.E., S.E., S.D., S.L.S.  
 PROJECT NO.: 1009-2847  
 DATE: 08/20/10

DESIGN DATA  
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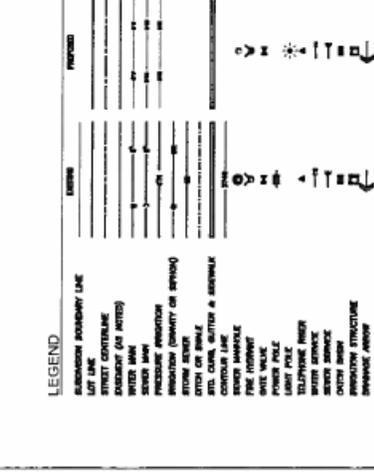
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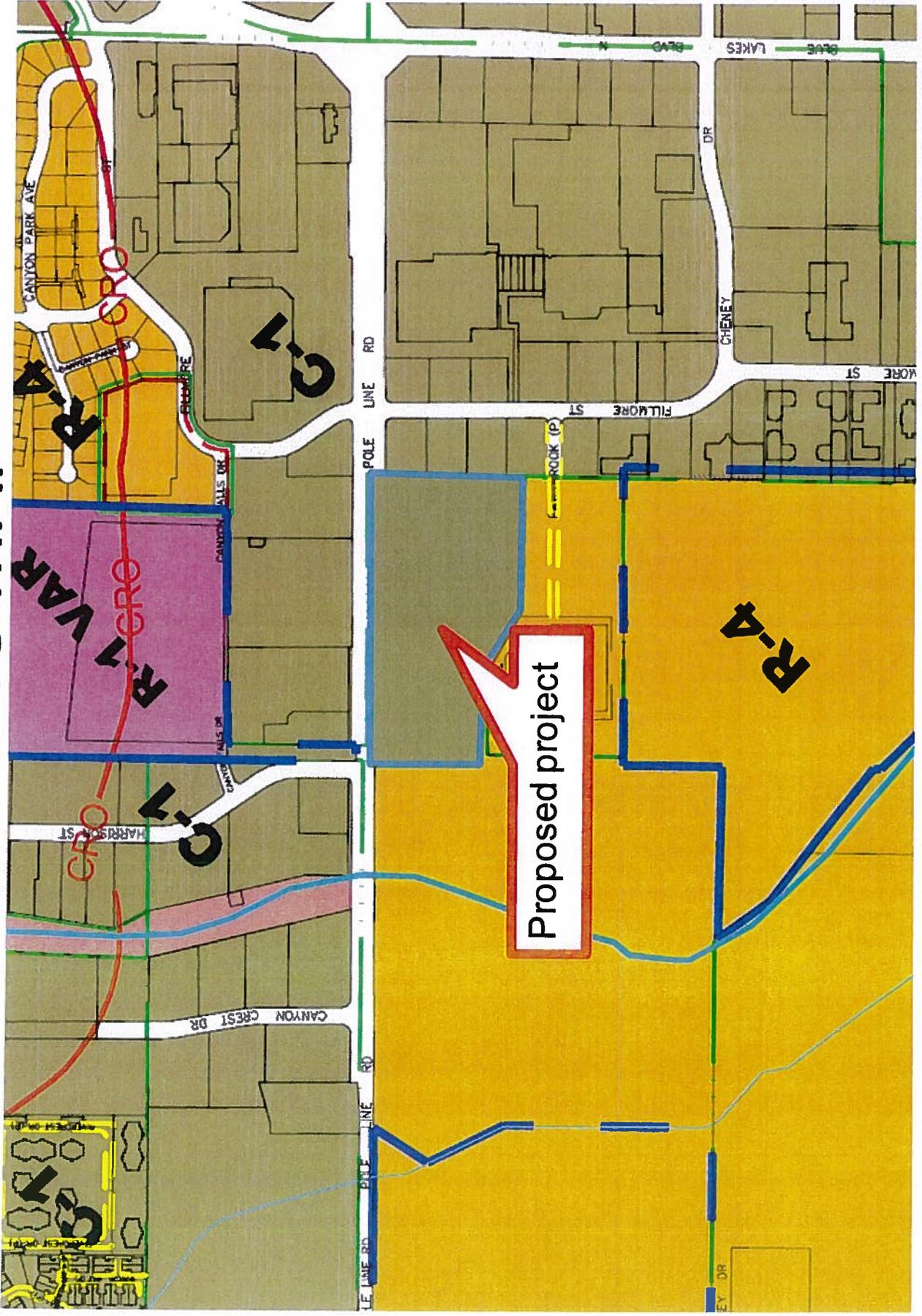
PROJECT BENCH MARK #1312  
 CITY OF T.S. FIRE TOWER #109-2847  
 E. SIDE OF HARRISON ST.  
 150' N. OF POLELINE RD.  
 BY BENCH ELEVATION = 3635.27



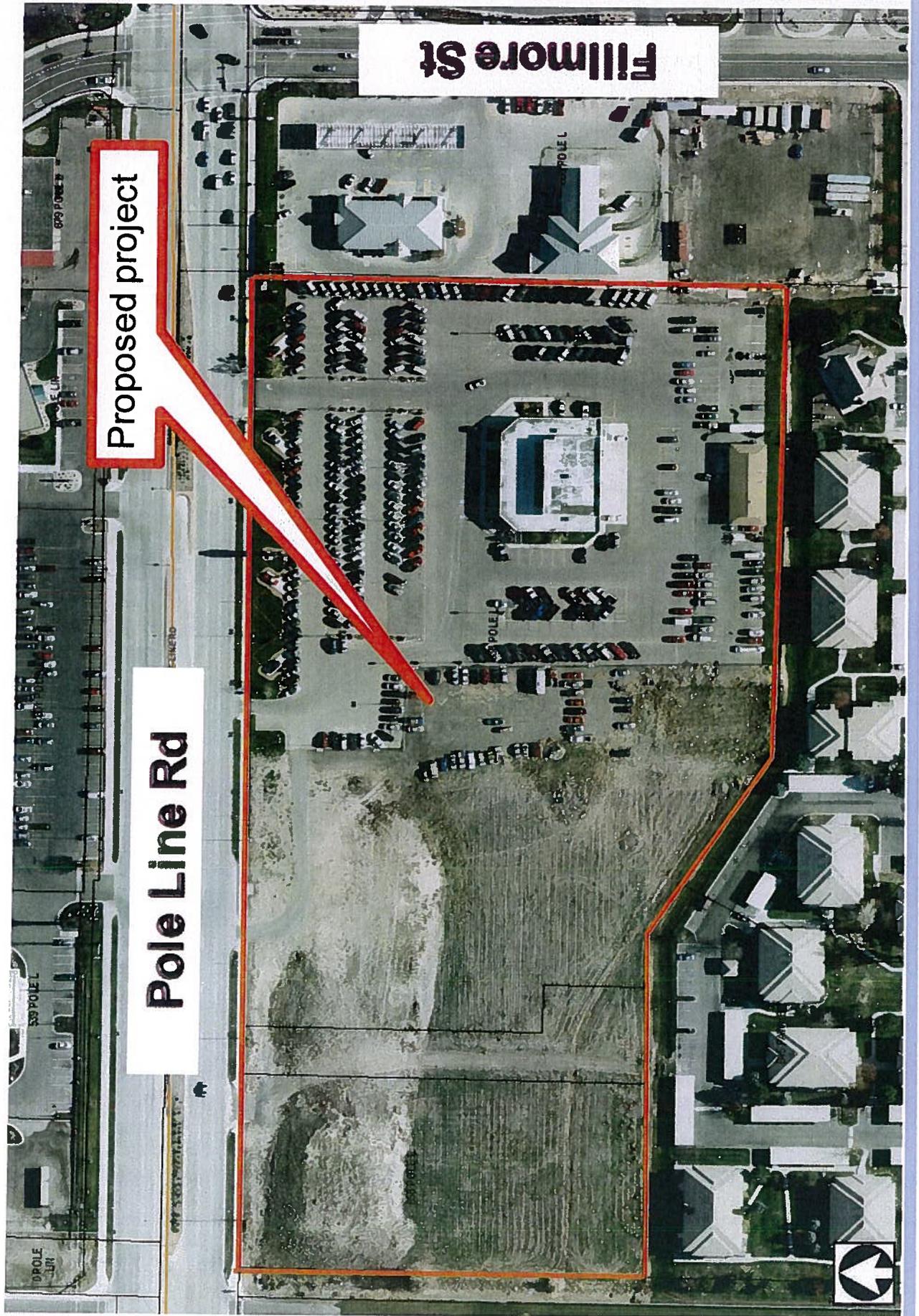
EASEMENT NOTES  
 A = 60' ACCESS, STREET AND LANDSCAPE EASEMENT  
 B = 20' UTILITY AND LANDSCAPE EASEMENT  
 IF UTILITY EASEMENT SHALL BE CONTAINED ON ALL LOTS, WITH A PROPOSED EASEMENT BOUNDARY.  
 A CROSS-LOT ACCESS EASEMENT SHALL BE ON ALL LOTS, WITH A PROPOSED EASEMENT BOUNDARY.  
 ALL EASEMENTS SHALL BE DETAILLED BY THE SURVEYOR.

NOTES  
 1. ALL LOTS ARE SUBJECT TO FEDERAL EASEMENTS AND RIGHTS OF WAY.  
 2. ALL LOTS ARE SUBJECT TO FEDERAL EASEMENTS AND RIGHTS OF WAY.  
 3. LANDSCAPE IMPROVEMENTS (SHOWN WITH THIS PLAN) SHALL BE FINISHED OR RELATED AS SHOWN.  
 4. ALL LOTS ARE SUBJECT TO FEDERAL EASEMENTS AND RIGHTS OF WAY.  
 5. ALL LOTS ARE SUBJECT TO FEDERAL EASEMENTS AND RIGHTS OF WAY.

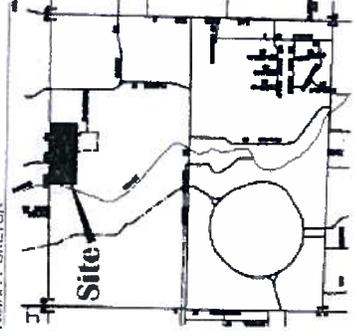
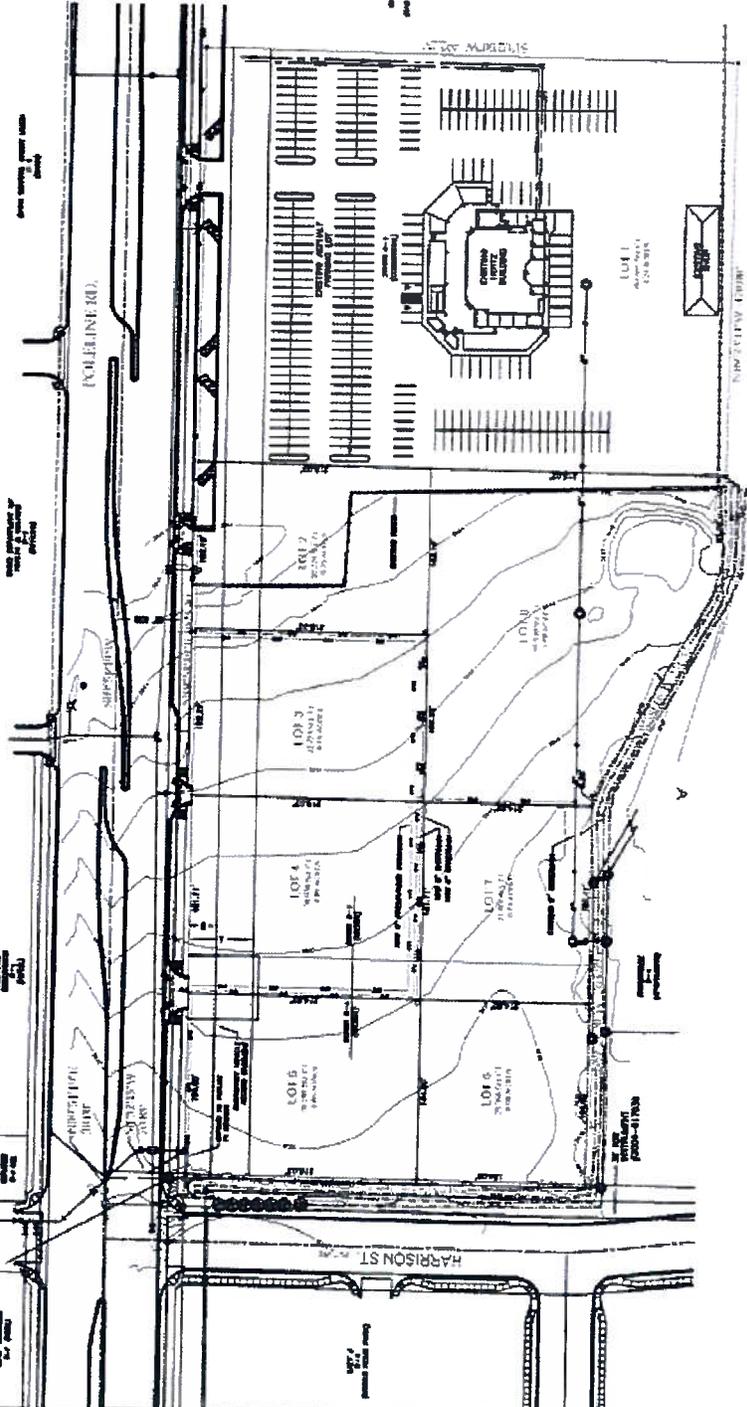
# ZONING MAP



# AERIAL VIEW



SCALE IN FEET  
 0 25 50 100  
 Located in Court Lot 2,  
 Section 4, T. 20 S., R. 17  
 E., 10th Meridian  
 Twin Falls County, Idaho  
 200



**DESIGN DATA**

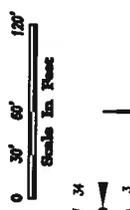
PROPERTY	City of Twin Falls	OWNER	City of Twin Falls
DESIGNER	Eng'rs, Inc.	DATE	10/11/11
PROJECT	POE Line Commercial Subdivision	PROJECT NO.	11-011
SCALE	1" = 40'	PROJECTED DATE	10/11/11
DATE	10/11/11	PROJECTED DATE	10/11/11
PROJECTED DATE	10/11/11	PROJECTED DATE	10/11/11

- NOTES**
1. ALL LOTS ARE TO BE CONVEYED BY DEED TO THE CITY OF TWIN FALLS.
  2. ALL LOTS ARE SUBJECT TO THE CITY OF TWIN FALLS ZONING ORDINANCES.
  3. LANDSCAPE REQUIREMENTS APPLY TO ALL LOTS.
  4. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
  5. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.

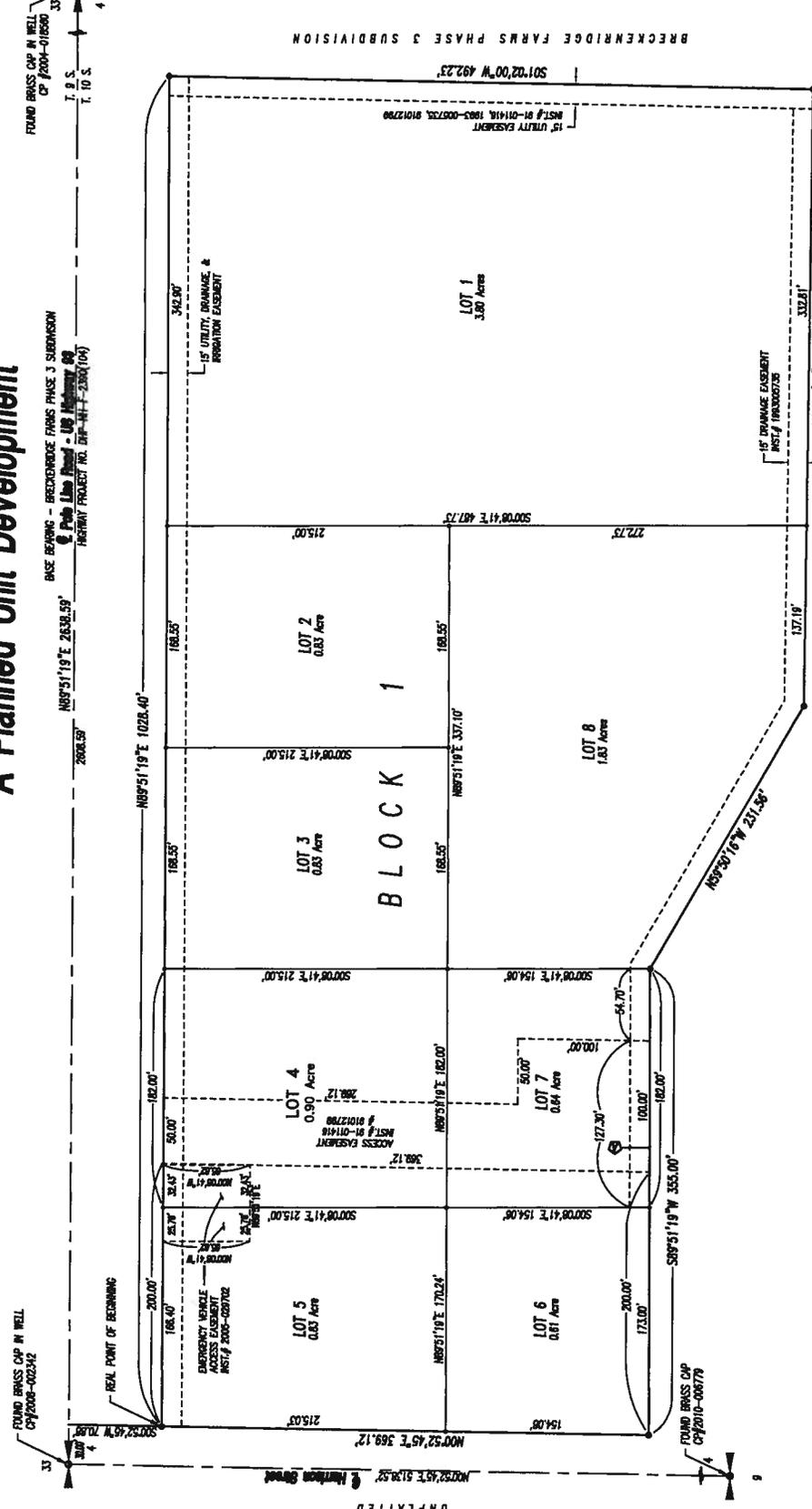
**LEGEND**

PROPERTY BOUNDARY	---
LOT LINE	---
POE LINE	---
STREET	---
UTILITY	---
...	...

# Pole Line Commercial Subdivision A Planned Unit Development



Located In  
A Portion of  
Corp's Lot 2, Section 4,  
T. 10 S., R. 17 E.,  
Boke Meridian  
Twin Falls County, Idaho  
2012



BRECKENRIDGE FARMS PHASE 3 SUBDIVISION

BASE BEARING - BRECKENRIDGE FARMS PHASE 3 SUBDIVISION  
Pole Line Road - 100' Minimum 50'  
PERMIT PROJECT NO. 24-44-2386(10)

FOUND BRASS CAP IN WELL  
CP#2008-002542

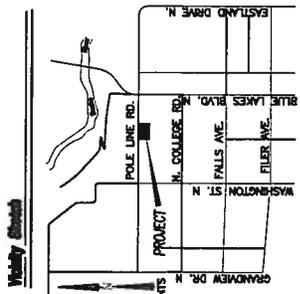
FOUND BRASS CAP  
CP#2010-006778

UNPLATTED

**Health Certificate**  
Sanitary conditions as required by Idaho Code Title 24, Chapter 13, have been established based on the State of Idaho Department of Environmental Quality (DEQ) approval of the site plan and specifications and the conditions imposed on the developer for the construction of sanitary facilities. Major to confirm of this plan of the project, including water or sewer/leach facilities, water supply, and sanitary conditions can be obtained with appropriate health permits. If during the course of construction, the developer or contractor encounters any conditions that may require a modification to the approved plan, the developer shall immediately notify the health officer. A certificate of approval, and its continuation, of any building or other reporting during water or sewer/leach facilities shall be obtained.  
District Health Department, IDH

**Legend**  
Subdivision Boundary Line  
Lot Line  
Property Ownership  
Easement Line  
54' (47'±) Right-of-Way (R.O.W.)  
66' (60'±) Right-of-Way (R.O.W.)  
112' (102'±) Right-of-Way (R.O.W.)  
Right-of-Way (R.O.W.)  
Right-of-Way (R.O.W.)

**Notes**  
1. Over the Access, Utility, Easement and Other Use Tied to the Subdivision and Other Use Tied to the Subdivision. Agreement provided to Subdivision Agreement across the Site Subdivision Portion of the Property.  
**Easement Legend**  
15' Emergency Vehicle Access Easement  
For the Site Boundary of Neighboring Owners  
Adjacent to the South Boundary of Lot 7.



**Engineers/Surveyors/Planners**  
**Engineers, Inc.**

**COUNCIL MEMBERS:**

LANCE TRIP DON DAVID E. WILLIAM A. GREG REBECCA  
 CLOW CRAIG HALL JOHNSON KEZELE LANTING MILLS SOJKA

*Mayor*

*Vice Mavor*



**Minutes**

**Meeting of the Twin Falls City Council  
 January 10, 2011  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East Twin Falls, Idaho**

CALL MEETING TO ORDER: **5:00 P.M.**  
 PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 INTRODUCTION OF STAFF  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
 PROCLAMATIONS: None.

**AGENDA ITEMS**

**CONSENT CALENDAR:**

1. Consideration of accounts payable for January 4 – 10, 2011.

**Purpose**

**By:**

*Action*

*Staff Report  
 Sharon Bryan*

**II. ITEMS FOR CONSIDERATION:**

**Declaration of emergency for expenditure of funds for repair of sewer manholes and lines in Rock Creek. Proposed Resolution 1862.**

1. Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: Officer Simon Rodriguez, Jeremy Trump, Joel Woodward, Preston Stephenson, Cynthia Levings, and Staff Sergeant Anthony Bamhart.
2. Request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 Business Park PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering Inc. on behalf of BCM&W, KLS&M, and Canyon Vista Family Limited Partnership, Lazy J Ranch – Linda Wells. (app.2389) **WITHDRAWN BY THE APPLICANT. TO BE HEARD AS A PUBLIC HEARING ON FEBRUARY 7, 2011 AT 6:00 P.M.**
3. Presentation of a proposal from the Twin Falls Rotary Club on the development of the CSI Connection Trail.
4. Consideration of a request to authorize the Mayor to sign a resolution supporting the project submittal packet to the Local Highway Technical Assistance Council (LHTAC).
5. Consideration of a request to authorize the City Attorney to proceed with the judicial confirmation process to determine if improvements to the wastewater system can be financed as an "ordinary and necessary" expense.
6. Public input and/or items from the City Manager and City Council.

Action

Jackie Fields

Presentation

Jim Munn/  
 Brian Pike

Action

Mitch Humble

Presentation

TFRC/  
 Dennis Bowyer  
 Jacqueline Fields

Action

Tom Courtney  
 Fritz Wonderlich

Action

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

**IV. PUBLIC HEARINGS: 6:00 P.M.**

1. Request for an Amendment to PUD Agreement #220, and for a Zoning District Change and Zoning Map Amendment by incorporating 2 acres (+/-) located west of the western boundary of the PUD Agreement #220 from R-4 to C-1 PUD to allow for a planned commercial development and to amend the land uses in PUD Agreement #220 to allow for commercial uses other than an automobile dealership or associated businesses on property located on the south side of the 600 block of Pole Line Road, c/o Gerald Martens, EHM Engineering, Inc., on behalf of Capella Corp on behalf of the Crumb Group. (app.2407)
2. Request for a Zoning District Change and Zoning Map Amendment from C-1 to C-1 PUD to develop a planned commercial development on 29 (+/-) acres located on the south side of the 1200 & 1300 blocks of Pole Line Road West, c/o James & Anna McCormick, Gary Nelson, Blass, Inc., Gerald Martens, Evan Robertson, Dirk Gibson, Daniel Komen, Stephen George and Kirby Dahl. (app.2406)

Action

Mitch Humble

Action

Mitch Humble

**V. ADJOURNMENT:**

**COUNCIL MEMBERS PRESENT:**

Lance W. Clow, Trip Craig, Don Hall, David Johnson, Will Kezele, Rebecca Mills Sojka

**COUNCIL MEMBERS ABSENT:**

Gregory Lanting.

**STAFF PRESENT:**

City Manager Tom Courtney, City Attorney Fritz Wonderlich, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, City Engineer Jacqueline Fields, Chief Jim Munn, Parks & Recreation Director Dennis Bowyer, Lieutenant Craig Stotts, 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. Rachel Fields Girls Scouts Troop 6 sponsored by the Immanuel Lutheran Church led the Pledge of Allegiance. A quorum was present. Mayor Hall introduced City staff.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None**

**PROCLAMATION: 2011 Martin Luther King Jr. Day of Service**

The Proclamation was read by Mayor Don Hall and presented to Kelly Johnson and Bruce Stevens from the College of Southern Idaho.

## AGENDA ITEMS

### IV. PUBLIC HEARINGS: 6:00 P.M.

1. Request for an Amendment to PUD Agreement #220, and for a Zoning District Change and Zoning Map Amendment by incorporating 2 acres (+/-) located west of the western boundary of the PUD Agreement #220 from R-4 to C-1 PUD to allow for a planned commercial development and to amend the land uses in PUD Agreement #220 to allow for commercial uses other than an automobile dealership or associated businesses on property located on the south side of the 600 block of Pole Line Road, c/o Gerald Martens, EHM Engineering, Inc., on behalf of Capella Corp on behalf of the Crumb Group. (app.2407)

Gerald Martens, EHM Engineers, spoke on behalf of the applicant and explained the request. The applicants request the property to be rezoned from R-4 to C-1 to allow development as part of a commercial subdivision with adjacent property under the same ownership. The access restrictions and utility location made concurrent development essential. The request is compatible with the surrounding uses and in conformance with the City of Twin Falls Comprehensive Plan.

Community Development Director Humble reviewed the request.

On December 14, 2010, the Planning & Zoning Commission unanimously recommended approval 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.
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 C-1 District code requirements and requirement improvements (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the Amended PUD Agreement #220.

Staff would ask to amend condition #5 to include the following: Subject to compliance with the "recorded" Amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

Discussion followed:

Gerald Martens said that the applicant would present a preliminary plat to the Planning & Zoning Commission.

**The public hearing portion of the hearing was opened and closed with no input.**

Discussion followed on a screening fencing between commercial and residential property.

The public hearing is now closed

### **MOTION:**

Councilperson Johnson made a motion to approve the Amendment to PUD Agreement #220, and for a Zoning District Change and Zoning Map Amendment by incorporating 2 acres (+/-) located west of the western boundary of the PUD Agreement #220 from R-4 to C-1 PUD to allow for a planned commercial development and to amend the land uses in PUD Agreement #220 to allow for commercial uses other than an automobile dealership or associated businesses on property located on the south side of the 600 block of Pole Line Road, c/o Gerald Martens, EHM Engineering, Inc., on behalf of Capella Corp on behalf of the Crumb Group. (app.2407) **as presented with the following five 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.
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 C-1 District code requirements and requirement improvements (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the "recorded" Amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

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



**MINUTES**  
**Twin Falls City Planning & Zoning Commission**  
**MARCH 8, 2011-6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Wayne Bohm    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

**ATTENDANCE**

**PLANNING & ZONING MEMBERS**

**PRESENT:**

Bohm  
Cope  
Derricott  
Ihler  
Jacobson  
Schouten

**ABSENT:**

Sharp

**AREA OF IMPACT MEMBERS**

**PRESENT:**

Mikesell

**ABSENT:**

DeVore

**CITY COUNCIL MEMBERS PRESENT:**      Mills Sojka

**CITY STAFF PRESENT:**      Carraway, Strickland, Vitek

**AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING**

**III. ITEMS OF CONSIDERATION:**

1. Request for the approval of the preliminary plat for Poleline Commercial Subdivision consisting of 8 commercial lots on 10.28 (+/-) acres located south of Pole Line Road c/o EHM Engineering, Inc. Gerald Martens

**APPLICANT PRESENTATION:**

Gerald Martens, EHM Engineering, Inc., representing the applicant stated that he is here to request approval of a Pole Line Commercial Subdivision. The property is located on the south side of Pole Line Road where the previous Hertz Car Dealership used to be located; this facility has recently been sold and is now Randy Hansen Automotive. The request is to divide 10.2 acres which includes the dealership and the vacant land to the west into approximately 8 commercial lots. Mr. Martens explained that this is a preliminary plat and that the final development may result in fewer number of lots once purchased as part of the process it is easier to reduce the number of lots in a plat verses adding lots and having to start the platting process over. The property is zone C-1 PUD and the uses proposed are commercial. The applicant has reviewed the staff recommendations and concurs. He requested that the Commission approve this request.

**STAFF PRESENTATION:**

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated on December 14, 2010 the Planning & Zoning Commission unanimously recommended approval, as presented, to amend PUD Agreement #220 The Hertz PUD to add an additional two (2) acres to the PUD and for the zoning of the additional 2 acres to be C-1 and on January 10, 2011 the City Council approved the request, as presented, with the following five (5) 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.
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 the C-1 district code requirements and required improvements as per (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the "recorded" amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

This preliminary plat for the Poleline Commercial Subdivision consists of 10.28 (+/-) acres and eight (8) lots designated for commercial development. The car lot site which is currently occupied by Randy Hansen Automotive is on a 4.24 acre lot and the remaining seven (7) lots range from 0.58 to 1.6 acres in size. A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of a building permit. The subdivision does not include any public right-of-ways. There are four (4) existing accesses to the subdivision from Poleline Road. In the recent PUD amendment the applicants requested that the PUD would recognize the constructed approaches to the property. There is also an approach shown off of the future Harrison Street. Any internal roadways will be privately constructed and maintained. As access to interior lots will be made through other lots a cross-use or access agreement will be required between the lot owners to allow for travel throughout the subdivision prior to recordation of the final plat. There will be a looped water line and sewer line from Poleline Road along property lines in the subdivision. There will need to be a public utility easement indicated over these lines on the final plat so that the City can maintain and access the main lines as they are public. The Engineering Department is requiring that the waterline be looped to the south and connect with Fawnbrook's water line to provide for a secondary supply. Two (2) additional fire hydrants shall also be required and shall be indicated on the plat.

Screening is required between residential and commercial development and was a condition placed on the PUD amendment. A screening fence on the southern boundary of the property to separate the subdivision from the Fawnbrook Apartment complex is indicated on the plat. It is also indicated on the preliminary plat that the site will be on a pressure irrigation (p.i.) System. There will be a connection to the Harrison Street Station from the northwest corner of the subdivision. The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of the Poleline Commercial Subdivision, as presented, staff recommends approval be 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.
2. Subject to recorded cross-use/access agreements being provided prior to recordation of final plat.
3. Subject to the water line loop to Fawnbrook being included on the plat.
4. Subject to public utility easements being included over any water, sewer, or pressurized irrigation lines on the plat.
5. Subject to compliance with the "recorded" amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

**PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED WITHOUT PUBLIC CONCERNS**

**DELIBERATIONS FOLLOWED: WITHOUT CONCERNS**

**MOTION:**

Commissioner Derricott made a motion to approve the request as presented with staff recommendations. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

**APPROVED, AS PRESENTED WITH 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.
2. Subject to recorded cross-use/access agreements being provided prior to recordation of final plat.
3. Subject to the water line loop to Fawnbrook being included on the plat.
4. Subject to public utility easements being included over any water, sewer, or pressurized irrigation lines on the plat.
5. Subject to compliance with the "recorded" amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.



**Date:** April 23, 2012, City Council Meeting  
**To:** Honorable Mayor and City Council  
**From:** Staff Sergeant Dennis Pullin, Traffic Safety Commission

---

**Request:**

Presentation of the Annual Jim A. Mildon Traffic Safety Award. City of Twin Falls Traffic Safety Commission Chairman Rod Mathis and Staff Sergeant Dennis Pullin will be making the presentation to this year's recipients, Jean and Ron Gray and their son and his wife, Jamie and Stepheni Gray.

**Time Estimate:**

This presentation should take approximately five minutes.

**Background:**

This award was created in order to acknowledge local persons or organizations dedicated to the field of traffic safety. The award is posthumously named for Sergeant Jim Mildon of the Twin Falls Police Department who served the Twin Falls community as a traffic safety advocate during his 31-year policing career. This annual award will be bestowed by the Twin Falls Traffic Safety Commission on behalf of the Twin Falls City Council.

Criteria for nomination:

*Any person, persons or organizations who engaged in an act or series of acts in the field of traffic safety that resulted in the performance of an exceptional service to the community, or any involvement in the community that has contributed significantly to the betterment of the traffic safety conditions of the community.*

**Approval Process:**

N/A

**Budget Impact:**

The Council's approval of this request will not impact the City budget.

**Conclusion:**

The Traffic Safety Commission would like to request that this presentation be placed toward the beginning of the agenda in order to accommodate the Gray family and the Traffic Safety Commission Members.

**Attachments:**

1. Nomination Form from Rebecca Duke

DP:aed

# THE ANNUAL JIM A. MILDON TRAFFIC SAFETY AWARD

## *OFFICIAL NOMINATION FORM* *DUE DATE January 18, 2007*

*Criteria for nomination:*

*Any person, persons or organizations who engaged in an act or series of acts in the field of traffic safety that resulted in the performance of an exceptional service to the community, or any involvement in the community that has contributed significantly to the betterment of the traffic safety conditions of the community.*

**Nomination**

**submitted by:** TF Traffic Safety Commission / Rebecca Duke

**Phone Number:** 208-731-3310 **E-Mail:** rlmduke@yahoo.com

**Name(s) of nominee:** Jean & Ron Gray and Jamie & Stepheni (correct spelling)  
Gray \_\_\_\_\_

**Address:** 703 2<sup>nd</sup> Ave West Twin Falls, Idaho 83301

**Phone Number:** 208-308-7484 **E-Mail:** \_\_\_\_\_

**Justification:** (Please detail your reasons for nomination. You may include attachments such as newspaper articles, photographs, videos, etc.)

For several years, Jean Grey and her family have focused much of their attention to the traffic safety concerns surrounding Lincoln Elementary and the Twin Falls School District. Jean and her family continue to observe the difficulties pedestrians encounter as they attempt to cross US Highway 30 Eastbound at the intersection of Buhl St and 2<sup>nd</sup> Ave West. Jean's son Jamie is an employee of the Idaho Transportation Department, where he uses his knowledge of the laws, codes, and ordinances to implement safe methods for attracting attention to this difficult crossing. Jean and her family frequently observe conflicts that arise and attempt to educate motorists and pedestrians alike about the dangers at the intersection near their home.





**Date:** April 23, 2012, City Council Meeting

**To:** Honorable Mayor and City Council

**From:** Staff Sergeant Dennis Pullin, Twin Falls Police Department

---

**Request:**

Consideration of a request to approve the first Magic Valley Beer Festival to be held at the Twin Falls City Park on Saturday, August 18, 2012, from 12:00 p.m. through 5:00 p.m.

**Time requested:**

Approximately five minutes are needed for the presentation, with additional time to answer any questions Council Members may have.

**Background:**

Shayne Carpenter has submitted a Special Events Application requesting to hold the Magic Valley Beer Festival on Saturday, August 18, 2012. The festival is a charitable event to raise money for the Blue Lakes Rotary Club, the Twin Falls Senior Center, and the Animal Shelter. Watkins Distributing, Magic Valley Distributing, Hayden Distributing, and Nouveaux Distributing will be providing the beer. Several other brewers will be supplying beer, which will be provided through the above-listed distributors. Tickets for the event will be \$25.00 in advance or \$30.00 the day of the event; a \$10.00 fee will be charged for a designated driver. Those purchasing tickets will receive 20 tokens and a 12-ounce plastic beer mug. One token will buy a two-ounce sample and five tokens will buy a full mug of beer. Additional tokens may be purchased for \$1.00 each.

The area requested for the Beer Festival will be located in the northeast corner of the City Park. The area will be fenced in with only one entrance. Identification will be checked and wristbands will be provided to those purchasing and consuming beer. The event organizers have requested two (2) Twin Falls Police Officers to provide security for the event. The Officers will begin security from 12:00 p.m. to 5:00 p.m. The event organizers will pay the security bill.

There will also be four (4) food vendors and the Senior Center will be providing pretzel necklaces and beer floats. The animal shelter will be selling T-shirts.

Music will also be provided from 1:00 p.m. to 5:00 p.m. Entertainment will be provided by Gary and Cindy Braun and the Jason Lugo Band.

The Rotary Club will purchase a non-profit catering permit which will cover all vendors. The certificate for liability insurance for the event has been provided.

**Budget Impact:**

There will be two (2) Twin Falls Police Officers working the event from 12:00 p.m. to 5:00 p.m. The total cost for security will be \$420.00. The Rotary Club will be required to pay the security costs. The Rotary Club will have 60 days from the conclusion of the event to pay the security bill of \$420.00.

Agenda Item for April 23, 2012  
From Staff Sergeant Dennis Pullin  
Page Two

**Regulatory Impact:**

N/A

**Conclusion:**

The Twin Falls Police Department Staff and several relevant City Staff Members have met and approved this Special Events Application request. Based on this request and the information provided, Staff recommends that this event be approved.

The Twin Falls Police Department Staff recommends that the on-duty Patrol Supervisor be given the authority to order the event organizers to mitigate the sound of amplified music. If there are continued noise complaints, disturbances by those participating in the event, and non-compliance, the on-duty Patrol Supervisor shall terminate the event.

**Attachments:**

N/A

DP:aed



## Monday April 23, 2012 City Council Meeting

**To:** Honorable Mayor and City Council

**From:** Dennis J. Bowyer, Parks & Recreation Director

---

### **Request:**

Consideration of a request to adopt a Naming Policy for the City of Twin Falls.

### **Time Estimate:**

The staff presentation will take approximately 5 minutes. Following the presentation, we expect some time for questions and answers.

### **Background:**

Approximately two years ago, the Parks & Recreation Commission listened to a request to name part of the Canyon Rim Trail System. Staff explained to the Commission the City does not have a policy to handle naming requests nor there is anything in the City Code that pertains to naming or re-naming of park and recreational facilities. Staff suggested to the Commission to delay the naming request of a section of the Canyon Rim Trail until a policy is developed and adopted by City Council. Staff also suggested that this policy would pertain to more than just naming or re-naming park and recreational facilities. The Commission recommended to the City Council that a committee be established for the purpose of naming or re-naming city facilities with intent of developing a policy.

Councilman Don Hall was Mayor at the time and appointed Councilman Greg Lanting to work with staff and the Commission to prepare a draft naming policy for City Council review and adoption. Staff reviewed several other communities' naming policies for examples. With input from Councilman Lanting, staff prepared a draft policy and presented it to the Parks and Recreation Commission at its February meeting. After some discussion, the Commission requested more time to review the policy. Commission members reviewed the policy on their own and provided comments to staff. Staff revised the policy to reflect the Commission's suggestions. At their April meeting, the Commission unanimously recommended to the City Council to adopt the proposed naming policy for the City of Twin Falls.

The procedure to request to name or rename a public building, street, public park, or park and recreation facility is:

- Request is submitted to the Parks & Recreation Department
- Staff will review the proposal for adherence to criteria
- Parks & Recreation Commission will hear the request as part of a public meeting.
- Commission will forward their recommendation to City Council for their consideration.

Some key points of the Policy are:

- There are four criteria to name or re-name facilities.
  1. Neighborhood or geographical identification
  2. Natural or geological features
  3. Local or national historical or cultural significance
  4. Historical figure, or an individual, family, or organization that make a significant land, monetary, or service contribution to the acquisition of property, park system, or the community in general
- There is a waiting period between the proposed naming and the adoption of the proposed name or re-name.

- If a contest or competition is held to name a facility, staff will establish guidelines and rules for the contest.
- In naming a facility, once adopted, should be bestowed with the intention that it will be permanent and that changes should be strongly resisted.
- Renaming of any public facility is held to a higher standard. Tradition and continuity of name and community identification are important community values. Meeting all the criteria does not ensure the renaming of the facility will be adopted.
- The naming and sponsorship of a facility shall not be considered permanent, but will expire with the expiration of a contractual agreement regarding such naming and sponsorship.
- Renaming of a street, the application should notify all property owners and residents of that street.
- City Council can waive any or all regulations in this policy at their discretion.

Attached is the proposed naming policy.

**Approval Process:**

Approval of this policy requires a simple majority (50%+1) of the City Council members present at this meeting.

**Budget Impact:**

None

**Regulatory Impact:**

Approval of this policy will allow a formalized process for the City to name or re-name City facilities.

**Conclusion:**

The Parks & Recreation Commission recommends that the City Council to adopt the proposed naming Policy for the City of Twin Falls. Staff concurs with the recommendation.

**Attachment:**

Proposed Naming Policy



## **City of Twin Falls Naming Policy**

### **Public Buildings, Streets, Public Parks, & Park and Recreation Facilities**

The City of Twin Falls believes that the designation of names for public buildings, streets, public parks, and park and recreation facilities is in the public interest and should promote & celebrate the community's identity, diversity and pride.

The City Council shall designate the names of public buildings, streets, public parks, and parks and recreation facilities, after receiving a recommendation from the Parks and Recreation Commission which recommendation shall be based on public input and compliance to the standards contained herein.

The selection of names for buildings, streets, parks, and park and recreation facilities shall be based upon the following criteria:

1. Neighborhood or geographical identification (e.g. Harrison and Morning Sun Parks, Albion, Buhl, etc. street names)
2. Natural or geological features (e.g. Shoshone Falls and Dierkes Lake)
3. Local or national historical or cultural significance (e.g. Oregon Trail Youth Complex and Frontier Field)
4. A historical figure, individual, family, or organization that has made a significant land, monetary, or service contribution to the acquisition of the property, park system, or the community in general (e.g. Cascade Park, Clyde Thomsen Park, Drury Park, and Harry Barry Park)

- Building, parks, and facilities shall not ordinarily be named for living persons, except in the event that an individual, family or organization has made a significant and tangible contribution or donations to, or has performed extraordinary or outstanding public service for the community and/or parks and recreation system, or in cases where such name is stipulated as a condition of the donation or acquisition.
  - In cases where the person is living, or the event to be commemorated took place within the last year, there shall be a lapse of at least three months between the receipt of the name proposal and the final recommendation for its adoption.
  - In cases where the person is deceased, the person shall have been deceased for a minimum of six months, and there shall be a lapse of at least three months between the receipt of the name proposal and the final recommendation for its adoption.
  - In cases of outstanding public service; buildings, streets, parks or facilities may be named for a person, provided at least six or more months have lapsed between the service provided and the consideration for naming.
5. In general, portions of a facility typically do not have a name other than that of the entire facility. However, a park's interior features, rooms in a building, sub-elements and/or facilities may have names other than that of the entire park (e.g. Carter Gibb Field at Frontier Field). In naming minor facilities, rooms, and sub-elements or parks, these names are subject to the criteria designated herein.

Elected/appointed City of Twin Falls officials and currently employed staff shall not be eligible for consideration until they are no longer in office or have been retired from city service for at least six months.

6. A name, once adopted, should be bestowed with the intention that it will be permanent, and changes should be strongly resisted.

## **Procedure**

1. A request for naming of a public building, street, public park, or park and recreation facility shall be submitted in writing to the Parks and Recreation Department.
2. Those submitting a naming request should show how the proposed name is consistent with the criteria in this policy. When naming after a person or persons, the application will describe that person's local or national historical or cultural significance. Written documentation of approval by next of kin to be honored (if available) is required as part of the proposal. City staff will review the proposal for adherence to the stated criteria and authentication of statements relative to contributions in the case of an individual before forwarding to the Parks & Recreation commission. If the request is incomplete, staff will contact the applicant, in writing, and provide them with the opportunity to resubmit a revised request.
3. Upon completion of staff review, the request will be scheduled for consideration by the Parks and Recreation Commission. The request will be considered at a public meeting to provide the opportunity for public input on the proposed naming.

4. The Parks and Recreation Commission shall forward their recommendation to the City Council for final decision.
5. If a contest or competition is to be held to determine the name of a building, street, park, or park and recreation facility, the Parks and Recreation Commission and the Parks & Recreation Director or appropriate staff shall establish guidelines and rules for the contest.
6. The City Council and/or the Parks and Recreation Commission can initiate the naming process whenever deemed necessary and/or in the best interest of the City.
7. In the absence of any naming requests, the Parks and Recreation Commission shall adhere to criteria stated in this policy in recommendation of a name.

### **Renaming of Existing Public Buildings, Public Park, and Park and Recreation Facilities**

Renaming of public buildings, streets, public parks, and parks and recreation facilities carries with it a much greater burden of process compared to initial naming. Tradition and continuity of name and community identification are important community values. Each application must meet the criteria in this policy, but meeting all criteria does not ensure renaming. The process for renaming a facility is the same procedure to name a public building, street, public park, or park and recreation facility.

### **General Naming Regulations**

1. Land and/or improvements dedicated to the City as part of a subdivision's development requirements shall not be considered a significant contribution as it relates to this naming policy.
2. This naming policy shall not apply to new streets being proposed and/or constructed as part of a subdivision by a developer.
3. Nothing contained in this policy shall prevent the City from entering into a contractual agreement regarding the naming and sponsorship of a facility. A naming and sponsorship contract shall be subject to the process described in this policy. A facility sponsorship name shall not be considered permanent, but will expire with the expiration of the contract.
4. In the renaming of a street, the applicant shall notify all property owners and residents on that street of a public hearing in front of the City Council.
5. The regulations contained in this policy may be waived in certain circumstances at the discretion of the City Council.



**MONDAY**      April 23, 2012

**To:**              Honorable Mayor and City Council

**From:**          Mitch Humble, Community Development Director

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**Request:**

To discuss and determine whether there may be significant adverse impact as a result of the Planning & Zoning Commission's decision on the preliminary plat for the Canyon Park Amended Subdivision, and if so, whether to schedule a Council review of that decision at a future public meeting.

**Time Estimate:**

The staff presentation will take approximately 5 minutes.

**Background:**

At their April 10, 2012 meeting, the Planning & Zoning Commission approved the preliminary plat for the Canyon Park Amended subdivision, with several conditions. The P&Z determined that the preliminary plat, with the approval conditions, was in compliance with the comprehensive plan, City Code requirements, and the approved planned unit development master development plan. Prior to the P&Z consideration of this preliminary plat, the Council held a public hearing on April 9, 2012 regarding the proposed PUD and master development plan for this property. At that hearing, the Council approved the proposed PUD development conditions and master development plan. An ordinance rezoning the property per the Council's approval has not yet been adopted. Also, the PUD agreement for the property has not yet been approved. The ordinance and PUD agreement are the two documents that will implement the Council's approval of the zoning request. The preliminary plat conforms to the PUD and master development plan as approved by the Council at the zoning hearing on April 9<sup>th</sup>, even though the implementation documents are not yet finalized. This process is typical with how we handle PUD developments. The PUD agreement is normally not approved until about the same time that the Council considers approval of the final plat for a development.

At their April 16, 2012 meeting, the Council received input from a citizen who was concerned that the P&Z approval of the preliminary plat for the Canyon Park Amended Subdivision violated City Code. Following this input, the Council discussed with staff the process and possibility of reviewing the P&Z approval of the plat. Staff indicated that City Code does not allow a citizen to appeal or cause the Council to review a preliminary plat approval, but that the Council, by majority vote, could request to review a preliminary plat approval. The Council directed staff to place an item on their April 23, 2012 agenda for the Council to discuss whether or not to review the P&Z approval of this preliminary plat. This agenda item is the opportunity for that discussion and possible action to review the preliminary plat.

Staff has consulted with the City Attorney on this item so that we can provide accurate legal direction regarding the potential review. First, tonight's discussion and possible action is only on whether or not to review the P&Z approval of the preliminary plat and should not focus on whether or not the P&Z approval should be upheld or overturned. Also, as this discussion could lead to a review discussion, it is important to note that a review discussion will be one wherein the Council is acting in a quasi-judicial role. Any public input on the future potential review needs to be received in a public meeting at a time and place set for that discussion. That time and place is not at tonight's meeting. Therefore, the Council should not accept

public input from either the preliminary plat applicant or the public at large. Rather, the Council's potential action tonight should be based upon the record of the P&Z meeting and direction/clarification that staff and the City Attorney provide. The staff report on this item and the draft minutes from the April 10, 2012 P&Z meeting are provided as a record of the P&Z action on this item. Also, pertinent information from the City Code is provided below.

City Code 10-17-2 contains the following statement: "Any action taken by the commission which would be final unless appealed may be reviewed and heard by the council when an appeal is not made but the council determines, within fifteen (15) days of commission action, that there may be significant adverse impact as a result of the commission action." Approval of a preliminary plat is an action by the Commission that would be considered final unless an appeal is received. No appeal has yet been received. Therefore, the Council can decide to review the P&Z approval if you determine that there may be "significant adverse impact" as a result of the P&Z approval. As I said above, the preliminary plat conforms to City Code, the Comprehensive Plan, and the approved PUD and master development plan. To make a determination that approval of the preliminary plat will result in "significant adverse impact" could be viewed as a statement more about the suitability of the City Code and/or Comprehensive Plan than about a preliminary plat that conforms to them.

A preliminary plat is a tool in the City's land subdivision process. It, along with a subsequent final plat, is a tool used to subdivide properties and ensure that adequate access to public infrastructure can be provided. A preliminary plat does not establish building setbacks, building heights, landscaping, building size, building location, land use, parking rates, building orientation, or any other specific building or land use related improvements or requirements. Building and land use related improvements and requirements are all established by City Code and in the PUD for the property. Many of the stated reasons why this discussion is being held are about building and land use related improvements and requirements (like building size, location, and orientation) and not about the land division and the property's access to public infrastructure. In this case, it is appropriate to question whether reviewing the preliminary plat approval is an appropriate action, since, regardless of how the land is divided and how the property accesses public infrastructure, all buildings and land uses on the property will have to comply with City Code and PUD development requirements and standards.

**Process:**

Should the Council decide not to review the preliminary plat approval, no action is necessary tonight. A decision to review the preliminary plat approval must be by a simple majority vote of the Council.

**Budget Impact:**

There is no significant budget impact associated with this agenda item.

**Regulatory Impact:**

If the Council decides not to review the preliminary plat approval and takes no action tonight, the development process for this property will continue as is currently underway. The applicant and staff are targeting the May 7, 2012 Council meeting for several Canyon Park Amended Subdivision related items, including the PUD agreement, zoning ordinance, and final plat. The applicant has indicated that the May 7, 2012 Council approval of the final plat is a critical date relating to real estate transactions with tenants in the development.

If the Council determines that the P&Z approval of the preliminary plat will result in "significant adverse impact" and decides to review that approval, a review agenda item will be scheduled for a future Council meeting and all necessary notification requirements will be completed. The preliminary plat applicant's progress on this development will be delayed to accommodate the review. A preliminary plat requires notices to be mailed to property owners within 300 feet of the property at least ten days prior to the

meeting. That means that the review could not be scheduled earlier than the May 7, 2012 Council meeting. While that meeting will not be a public hearing, City Code indicates that public comment will be accepted for preliminary plat considerations.

**Conclusion:**

Staff recommends that the Council: 1) consider the information above and the attached record, 2) make a determination whether or not the approval of the preliminary plat will result in "significant adverse impact, and 3) decide whether or not to review the Planning & Zoning Commission's approval of the Canyon Park Amended Subdivision preliminary plat.

**Attachments:**

1. The April 10, 2012 preliminary plat staff report to the P&Z
2. The draft minutes from the April 10,2012 P&Z meeting



Public Hearing: **TUESDAY, APRIL 10, 2012**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Department

## AGENDA ITEM III-1

**Request:** for approval of the Preliminary Plat of Canyon Park Amended Subdivision PUD, 25 (+/-) acres consisting of 12 commercial lots and on property located west and north of the 1800-1990 blocks of Blue Lakes Boulevard North, east and north of the 875-900 blocks of Canyon Springs Road and south of the Snake River Canyon Rim, c/o Gerald Martens, EHM Engineers, Inc. on behalf of Canyon Park Development, LLC c/o Tina Luper.

**Time Estimate:**

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately ten (10) minutes.

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 25 (+/-) acres
Canyon Park Development, LLC c/o Tina Luper P.O. Box 5478 Twin Falls, ID 83303 208-421-8296 tina.luper@neilsenco.com	<b>Current Zoning:</b> C-1 PUD and SUI PUD	<b>Requested Zoning:</b> Approval of a preliminary plat
	<b>Comprehensive Plan:</b> Commercial Retail	<b>Lot Count:</b> 12 lots
	<b>Existing Land Use:</b> vacant	<b>Proposed Land Use:</b> Mixed commercial uses Planned Unit Development project
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
EHM Engineers, Inc. c/o Gerald Martens 621 North College Road, Suite 100 Twin Falls, ID 83301 208-734-4888	<b>North:</b> Snake River Canyon Rim, Visitor's Center	<b>East:</b> C-12 PUD, Blue Lakes Blvd N, commercial
	<b>South:</b> C-1 PUD, Blue Lakes Blvd N, Magic Valley Mall	<b>West:</b> R-1 Var/R-4 PUD/C-1 PUD, residential, commercial
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8, 10-4-19, 10-6-1 through 4, 10-7-6, 10-10-1 through 3, 10-11-1 through 9, 10-12-2.3	

**Approval Process:**

**As per TF City Code: 10-12-2.3(H)3**

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove or table for additional information when acting on the preliminary plat. If tabled, approval or disapproval shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The Administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the Council for its information and record.

**Budget Impact:**

As the request is for a Preliminary Plat, approval of this request will have negligible impact on the City budget.

**Regulatory Impact:**

Approval of this request will allow the applicant to proceed to develop a Final Plat in conformance with the approved Preliminary Plat and any conditions placed on the approval.

**History:**

City Council approved the Zoning District Change and Zoning Map Amendment from R-1 43,000 to C-1 PUD for approximately 14.07 acres of land located north/northwest of the intersection of Blue Lakes Boulevard North and Canyon Springs Road in the City's Area of Impact on December 19, 1994.

The final plat for Canyon Park West Subdivision was approved by Council on June 12, 1995. The final plat was recorded on June 17, 1998.

City Council approved the Zoning District Change and Zoning Map Amendment from C-1 and OS to C-1 PUD for approximately 12 acres located north of Bridgeview Boulevard and east of Blue Lakes Boulevard North and from R-1 43,000 to C-1 PUD for approximately 4.1 acres of land located north of the 2000 block of Fillmore Street and east of Canyon Springs Road, and approximately 2.1 acres of land located west of the 2000 block of Blue Lakes Blvd N and north of the 2100 block of Fillmore Street on February 7, 2000.

The final plat for Canyon Park North Subdivision was approved by Council on February 22, 2000. The following conditions were placed on the approval: 1) Approval subject to final technical review by the City Engineering Department, 2) Approval conditional on a re-review of actual improvements to be made by the developer after development related issues with ITD are resolved, 3) Approval subject to acquisition of ITD property, 4) Approval subject to the execution between the developer and the City of a PUD agreement. The final plat was recorded on November 29, 2000.

On January 25, 2007 the Citizen Design Review Committee approved a development plan to allow a 10-story hotel/convention center on the rim within the Canyon Park North project. This project was not constructed. On February 28, 2012, there was a preliminary presentation on this proposed Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD.

On March 13, 2012 the Planning & Zoning Commission recommended approval of the request for a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD with the following conditions: **1)** Subject to the site plan amendments as required by Building, Engineering, Fire 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 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 Fillmore Street (Public Right-of-way) being vacated and Fillmore Street (Private) being rededicated as a public utility/access/road easement and as approved by the City Council; **4)** Subject to a recorded maintenance and unrestricted access Easement Agreement along the proposed Fillmore Street (Private) prior to vacation of Fillmore Street (Public Right-of-way); **5)** Subject to development meeting or exceeding CRO standards unless otherwise approved by City Council; **6)** Subject to an approved and recorded PUD agreement encompassing the entire project under one PUD Agreement; **7)** Subject to replatting the property under one subdivision..

On March 13, 2012 the Planning & Zoning Commission recommended approval of the request for Vacation of 2000-2190 blocks of Fillmore Street with 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; **2)** Subject to letters of approval from each of the utility companies impacted by this vacation prior to approval by Council; **3)** Subject to maintenance of a recorded easement for any constructed facilities on the property; **4)** Subject to a recorded maintenance and unrestricted access Easement Agreement along the proposed Fillmore Street (Private) prior to vacation of Fillmore Street (Public Right-of-way); **5)** Subject to approval of the rezone, PUD Agreement, Preliminary and Final Plat, and approval of the proposed realignment of Fillmore Street prior to development; **6)** Subject to Fillmore Street (Private) being constructed and accepted by the City before the existing Fillmore Street (Public Right-of-way) is abandoned. The request of Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD and the request for Vacation of 2000-2190 blocks of Fillmore Street will be heard at the April 9, 2012 City Council meeting.

## Analysis:

This Preliminary Plat for the Canyon Park Amended Subdivision PUD includes 25 (+/-) acres and is zoned C-1 PUD and SUI PUD. The request is to plat 12 lots for a mixed commercial development. The site is located between Canyon Springs Road and Blue Lakes Boulevard North. The Snake River Canyon borders the proposed development on the north. The property is currently undeveloped. To the west are residential property and a commercial development. Property to the east and south is currently zoned C-1 PUD and is developed as the Magic Valley Mall. The proposed development is in the public hearing process to change it to a C-1 CRO PUD.

The Canyon Park Amended Subdivision PUD is an amendment to the Canyon Park West and Canyon Park North Subdivisions. The PUD consists of allowing for a mix of commercial retail and restaurant uses. The Master Development Plan consists of dividing the property into 12 lots with cross use access and parking areas. The lots that have been developed with Golden Corral and Zions Bank are not included in the proposed subdivision. Fillmore Street (Public Right-of-way) is proposed to be vacated and realigned to the southeast as Fillmore Street (Private). There is a Round-about proposed to keep the traffic flowing onto Fillmore Street (Private) from Fillmore Street (Public Right-of-way). There would be 3 main shared accesses to the main parking area on Fillmore Street (Private) and internal circulation throughout the site.

It is not indicated what the specific use of the proposed lots will be. There is not a minimum lot square footage requirement in the PUD for commercial uses; the lot is required to be of "sufficient size to provide for the building, the required setbacks, off street parking and landscaping." A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

The proposed realignment of Fillmore Street (Private) and the Round-about have been preliminarily reviewed and easement widths determined by the Engineering Department. As access to Fillmore Street (Private) will remain the same, the valley gutter on the west side of the intersection of Fillmore Street and Canyon Springs Road is being requested by the Engineering Department to be reconstructed for safer traffic flow. As referenced above, Fillmore Street (Private) will be a public utility/access/road easement through the proposed PUD for use by the public and interior lots. There will be a recorded maintenance and unrestricted access Easement Agreement along the proposed Fillmore Street (Private) prior to vacation of Fillmore Street (Public Right-of-way). There will be a cross-use access and parking agreement required between the lots owners throughout the subdivision.

The ground elevations on this proposed subdivision varies quite a bit. There will be some places where the developer will place a site obscuring retaining wall along the walking trail on the canyon rim. Other places will have site obscuring landscaping along the walking trail. The refuse, outside storage areas and loading docks will be visually screened as much as possible. All landscaping shall comply with City Codes 10-4-8.3(F), 10-4-19.4(E), 10-7-12(B), the PUD Agreement and the Master Development Plan. The PUD Agreement shall contain verbiage regarding the maintenance and replacement of the evergreen trees along the western boundary of the proposed subdivision.

The Twin Falls Canal Company has reviewed the preliminary plat for any major issues. Lateral #39 runs through the proposed development. The plans show the waterway and associated 36' easement. The Twin Falls Canal Company is working with the developer and their engineering staff on the plans for relocation and piping of the lateral. There will be an agreement between the developer and the Twin Falls Canal Company.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for mixed uses of a residential and professional nature.

**Conclusion:**

Should the Commission approve the preliminary plat of the Canyon Park Amended Subdivision PUD, as presented, staff recommends approval be 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 a note on the final plat regarding ownership and maintenance agreement of Fillmore Street (Private).
5. Subject to a recorded maintenance and unrestricted access Easement Agreement along the proposed Fillmore Street (Private).
6. Subject to dedication of road right-of-way along the east side of Canyon Springs Road.
7. Subject to the valley gutter being reconstructed at the west side of the intersection of Canyon Springs Road and Fillmore Street.
8. Subject to an agreement between the Twin Falls Canal Company and the developer regarding the relocation and piping of Lateral #39.

**Attachments:**

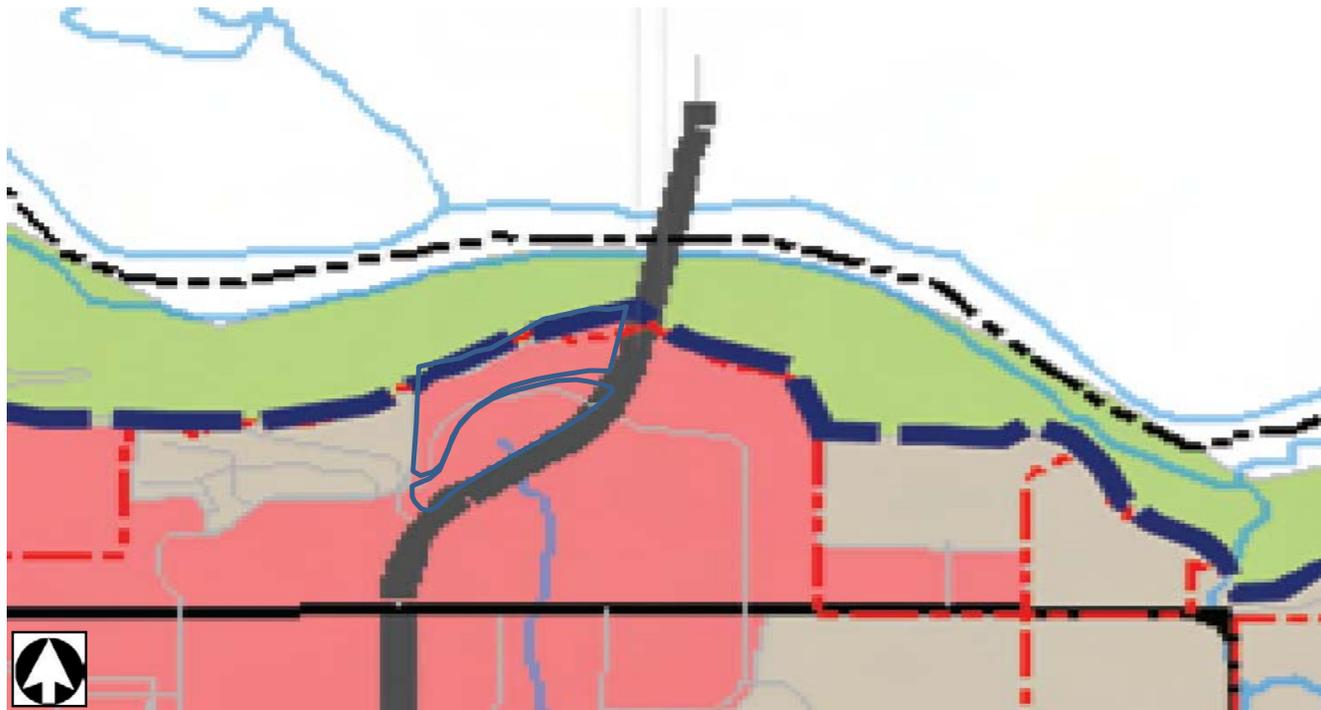
1. Vicinity Map
2. Area Zoning Map
3. Aerial of the Project Site
4. Comprehensive Plan Future Land Use Map
5. Preliminary Plat
6. Master Development Plan
7. Round-about Proposal
8. Round-about Plan







# FUTURE LAND USE MAP



## Legend

- |                            |                             |
|----------------------------|-----------------------------|
| Residential Business       | Growth/Water Limit Boundary |
| Rural Residential          | City Limits                 |
| Medium Density Residential | Area of Impact              |
| Urban Village/Urban Infill | State Highways              |
| Commercial/Retail          | Arterial Roads              |
| Neighborhood Center        | Collector and Local Roads   |
| Office/Professional        | Dirt Road                   |
| Town Site                  | Railroad                    |
| College                    |                             |
| Industrial                 |                             |
| Open Space                 |                             |
| Airport                    |                             |
| Agriculture                |                             |



0 2,500 5,000 10,000 15,000 Feet February 2009

RECEIVED  
 MAR 28 2012  
 CITY OF TWIN FALLS  
 PLANNING & ZONING

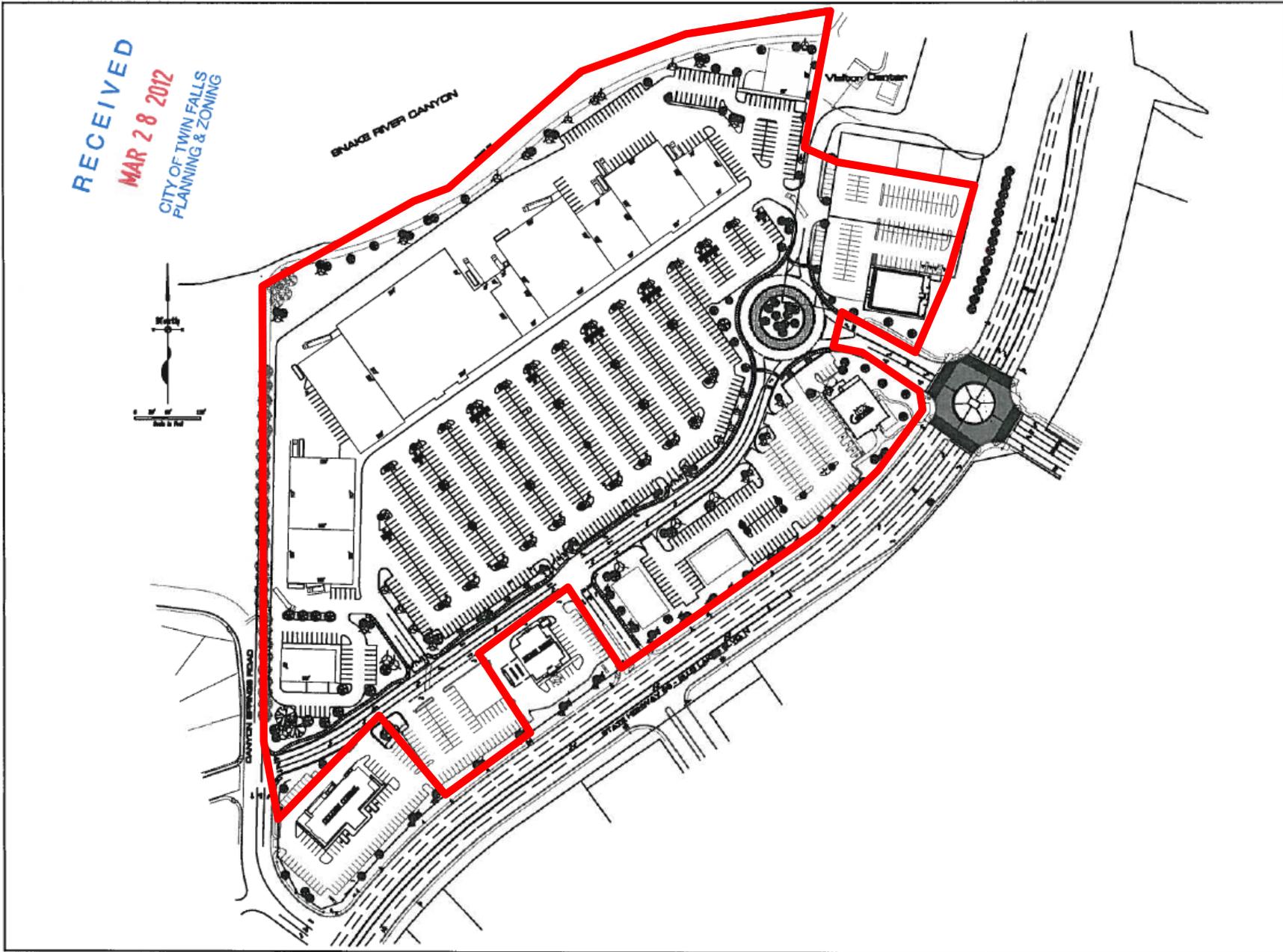


SNAKE RIVER CANYON

Visitor Center

CANYON PARKWAY ROAD

CANYON PARKWAY ROAD



Engineers Inc.  
 1000 S. 1000 E. SUITE 100  
 TWIN FALLS, ID 83402  
 TEL: 208-735-1234 FAX: 208-735-1234

Preliminary Development Plan For  
**Canyon Park Amended Subdivision**  
 Twin Falls, Idaho

PROJECT  
 SHEETS  
 OF 10

DATE	BY	DESCRIPTION
11/11/11	J. B. B.	PRELIMINARY PLAN
11/11/11	J. B. B.	REVISIONS
11/11/11	J. B. B.	REVISIONS
11/11/11	J. B. B.	REVISIONS
11/11/11	J. B. B.	REVISIONS
11/11/11	J. B. B.	REVISIONS
11/11/11	J. B. B.	REVISIONS
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11/11/11	J. B. B.	REVISIONS
11/11/11	J. B. B.	REVISIONS

RECEIVED

APR 04 2012

CITY OF TWIN FALLS  
PLANNING & ZONING



SHAKE TREE CANYON

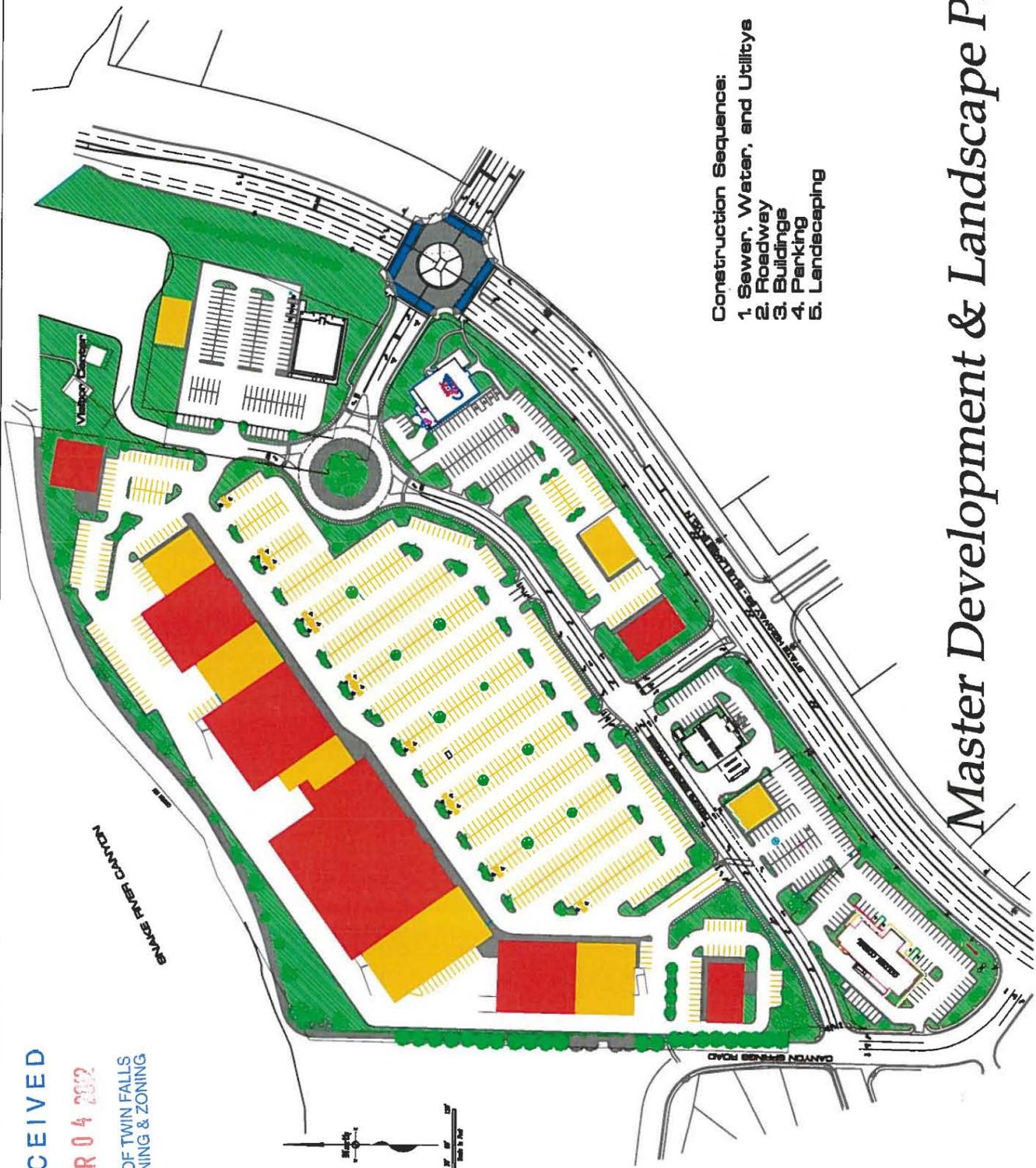
CANYON SERVICE ROAD

SHAKE TREE CANYON DRIVE

SHAKE TREE CANYON DRIVE

- Construction Sequence:
1. Sewer, Water, and Utilities
  2. Roadway
  3. Buildings
  4. Parking
  5. Landscaping

# Master Development & Landscape Plan



**EHM** Engineers, Inc.  
 221 N. COLLEGE BLVD. SUITE 100  
 TWIN FALLS, IDAHO 83402  
 TEL: 208.338.7288  
 FAX: 208.338.7289

Master Development Plan For  
**Canyon Park Amended Subdivision**  
 Twin Falls, Idaho



DATE	NOV 2011
BY	J. HARRIS
DATE	FEB 2012
BY	J. HARRIS
DATE	APR 2012
BY	J. HARRIS
DATE	APR 2012
BY	J. HARRIS

**Date:** March 27, 2012

RECEIVED  
MAR 28 2012  
CITY OF TWIN FALLS  
PLANNING & ZONING

**To:** City of Twin Falls  
Attn: Jackie Fields  
Renee' Carraway

**From:** Gerald Martens 

**Via:** Hand Deliver

**Regarding:** Canyon Park West

Transmitted herewith the revised preliminary plat reflecting the "roundabout" intersection. The developer has elected to proceed with the "roundabout" concept through the preliminary plat phase anticipating that the roundabout as depicted will be approved by the City of Twin Falls Engineering Department and be acceptable to the Canyon Park development purchasers and tenants.

Should the turnaround, shown on the preliminary plat, prove to be unacceptable to the city engineering department or the tenants, Canyon Park, LLC reserved the right to work with the City of Twin Falls Engineering Department in the design and construction of a conventional urban intersection that will accommodate the current and projected traffic.

Also attached is a reduced plan that will be suitable for use with the overhead projection and inclusion in staff reports.

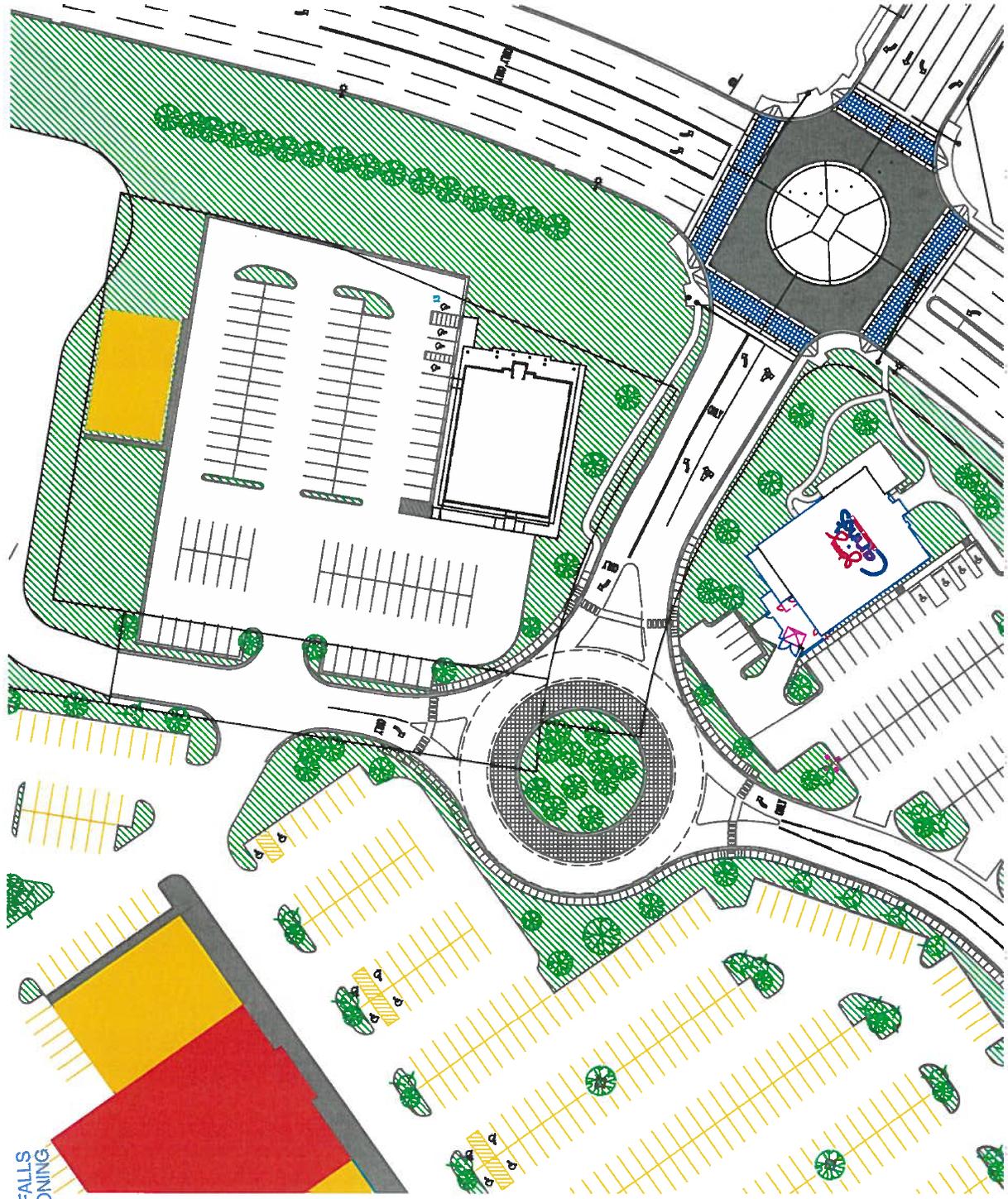
Please call me if there are further questions.

369-11

RECEIVED

APR 04 2012

CITY OF TWIN FALLS  
PLANNING & ZONING





**MINUTES**  
**Twin Falls City Planning & Zoning Commission**  
**April 10, 2012-6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

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**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Wayne Bohrn Jason Derricott Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp

**Chairman Vice-Chairman**

**AREA OF IMPACT:**

Lee DeVore Steve Woods

**CITY COUNCIL LIAISON**

Rebecca Mills Sojka Jim Munn

---

**ATTENDANCE**

**PLANNING & ZONING MEMBERS**

**PRESENT:**

Bohrn  
Derricott  
Frank  
Grey  
Jacobson  
Sharp

**ABSENT:**

Ihler

**AREA OF IMPACT MEMBERS**

**PRESENT:**

DeVore  
Woods

**ABSENT:**

**CITY COUNCIL MEMBERS PRESENT:**

Mills Sojka

**CITY STAFF PRESENT:**

Reeder, Strickland, Vitek

---

**AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING**

**III. ITEMS OF CONSIDERATION:**

1. Request for approval of the Preliminary Plat of Canyon Park Amended Subdivision-a PUD, consisting of 25 (+/-) acres and twelve (12) commercial lots on property located west and north of the 1800-1990 blocks of Blue Lakes Boulevard North, east and north of the 875-900 blocks of Canyon Springs Road and south of the Snake River Canyon Rim, c/o Gerald Martens-EHM Engineers, Inc. on behalf of Canyon Park Development, LLC - Tina Luper.

**IV. PUBLIC HEARING ITEMS: NONE**

**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): **March 27, 2012**
2. Approval of Findings of Fact and Conclusions of Law:
  - Chick-fil-A (sup 03-27-12)
  - Freedom Auto Finders (sup 03-27-12)

**III. ITEMS OF CONSIDERATION:**

1. Request for approval of the Preliminary Plat of Canyon Park Amended Subdivision-a PUD, consisting of 25 (+/-) acres and twelve (12) commercial lots on property located west and north of the 1800-1990 blocks of Blue Lakes Boulevard North, east and north of the 875-900 blocks of Canyon Springs Road and south of the Snake River Canyon Rim, c/o Gerald Martens-EHM Engineers, Inc. on behalf of Canyon Park Development, LLC - Tina Luper

**APPLICANT PRESENTATION:**

Gerald Martens, EHM Engineers, Inc representing the applicant, stated Canyon Park is located on both sides of Highway 93 (aka Blue Lakes Boulevard North). The easterly side of Blue Lakes Boulevard North is called Canyon Park East which includes several retail stores and has been completely developed. The property on the west of Blue Lakes Boulevard North was platted into two portions Canyon Park West and Canyon Park North. Canyon Park West came through and began development with lots 1, 3 and 4 being developed and Lot 6 of Canyon Park North. Lots 1 and 3 of Canyon Park West have been sold and therefore are not being included in this preliminary plat request but will still comply with the existing PUD Agreement. Over the past few years there had been discussion of developing a high rise hotel within this development however with the construction of several hotels and the Canyon Crest Facility along Pole Line Road those plans were abandoned. This request includes the remainder of the undeveloped property of Canyon Park West and Canyon Park North as an amended plat combining the remaining lots and modifying some lot lines, it also includes Lot 4 of Canyon Park West and Lot 6 of Canyon Park North because those lots are still owned by the developer. The plat will be divided into 12 commercial lots is in compliance with the Comprehensive Plan and will meet zoning requirements under the C-1 CRO PUD Agreement. The plan is for this development to be a continuation of the existing development on the east side of Blue Lakes Boulevard North and will present a unique architectural design with the construction of a roundabout for traffic to move smoothly around the development. The roundabout is as large as the intersection of Blue Lakes Boulevard North and Bridgeview Boulevard approximately 180 ft across 20+ mph to keep traffic moving. The conditions for approval have been recommended by staff and the applicant does concur, and asks that the Commission approve request.

**STAFF PRESENTATION:**

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a preliminary plat approval it is a combination of two plats being re-platted and amended to meet the recently approved zoning change. The preliminary plat for the Canyon Park Amended Subdivision-a PUD includes 25(+/-) acres consisting of 12 lots and is zoned C-1 PUD as approved by the City Council for a mixed commercial development . This plat is an

amendment to the Canyon Park West and Canyon Park North Subdivisions. The proposed realignment of Fillmore Street (private) and the roundabout was approved by the City Council April 9, 2012.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the city council. Only after a final plat has been approved by the city council and construction plans approved, may the plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the city to provide water or waste water services. The plat indicates that each lot will be connected to city of twin falls water and sewer systems. A guarantee of services comes when the city engineer signs a will-serve letter after final and construction plans are reviewed. The plat is consistent with subdivision development criteria, is consistent with the approved zoning and is in conformance with the Comprehensive Plan.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of the Canyon Park Amended Subdivision – a PUD, as presented, staff recommends approval be 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 a note on the final plat regarding ownership and maintenance agreement of Fillmore Street (private).
5. Subject to a recorded maintenance and unrestricted access easement agreement along the proposed Fillmore Street (private).
6. Subject to dedication of road right-of-way along the east side of Canyon Springs Road.
7. Subject to the valley gutter being reconstructed at the west side of the intersection of canyon springs road and Fillmore Street.
8. Subject to an agreement between the Twin Falls Canal Company and the developer regarding the relocation and piping of Lateral #39.

**P&Z COMMENTS/QUESTIONS:**

- Commissioner Frank asked if there are any elevations to show what the development will look like.
- Mr. Martens stated the PUD Agreement contains extensive language on the architecture and basically says it will be similar in design, color and materials to the Canyon Park East development. Signage will be monument with same or similar architecture as Canyon Park East and there will not be any wall signs that face the canyon rim.
- Commissioner Frank asked the Assistant City Engineer about the roundabout and asked if it will allow for busses and large vehicles to travel through easily.
- Assistant City Engineer stated yes there are strict guidelines set for this roundabout to meet speed requirements and allowances.

- Commissioner Woods asked if there will be wall signage on the canyon rim side.
- Mr. Martens stated no there will be a monument sign for the development but not wall signs on the building facing the rim as a condition of the zoning approval.
- Commissioner Woods asked what the approximate distance is between the closest building and the canyon rim.
- Mr. Martens stated the nearest point to the rim it is approximately 130 ft. To be closer than 130 ft a geological study is required.
- Commissioner Woods asked for an explanation of a dry well.
- Mr. Martens explained the two types of dry wells and showed approximately where they will be located within the development.
- Commissioner Grey asked a second time if there are any elevations of the storefronts.
- Mr. Martens stated the architecture will be compatible and similar to the Canyon Park East, and the clients have not been completely determined, the developer for this project insists that the criteria meet the requirements of the PUD Agreement, they will be allowed some leeway with their storefront signs and their logo within the limitations of the PUD Agreement.

**PUBLIC COMMENTS/QUESTIONS:**

- Ruth Dixon asked if there will be entrances on the North and South end of the development.
- Cheri Condie stated she would like to know who is the planner that set up the design for the property. She stated that she would like for the development to be unique and would like to have this plan be reconfigured to be more pedestrian friendly. She thinks this is like a cookie cutter plan that can be found anywhere in the nation and would like for this to be more unique. She is concerned with the parking criteria and there should be better accessibility through this property.
- David Sparks 1999 Pole Line Rd E stated they live adjacent to the Canyon Rim Trail. When the hotel was being considered previously he thought there was a plan for a new visitor center. He is wondering if that is still the case. He is glad that there are investments in this property. He thinks what is important is the view to the north not the view to the south.

**CLOSING STATEMENTS:**

- Mr. Marten stated the plan was put together over several years with a couple of major users with extensive training, marketing and development experience for designing retail space. This is the best plan that would accommodate the property and what has already been developed and the needs of the users. Relocating the road is a big cost, this is an investment that will exceed 25 million dollars. The planning to date has been done by marketing departments and has been prepared by EHM Engineers. The parking criteria meets the City requirements, developers have a more stringent criteria and require more parking than what the City requires so we have to meet their demands as well. As for multiple entrances, it is not a practical for security reasons as well as marketing reasons people like to minimize the number of entrances to their facilities. When the hotel was being considered they were working on a land exchange with the state to relocate the visitor center so that the hotel could be closer to the highway, this is not an issue with this development so the visitor center will remain in its location. There will be an improvement to the visitor center access and additional landscaping will be added. The roundabout allows for better access to the visitor center and some additional parking for the trail with handicap access to the trail. They will be landscaping the trail to break up

the visibility of the building, lighting will be along the back of the building and will enhance the safety along the trail for after hours use. They will be maintaining all of the landscaping adjacent to the trail and by PUD Agreement improvements will be made by the development when necessary.

**DELIBERATIONS FOLLOWED:**

- Commissioner Sharp stated he is pleased with the design and the additional parking for the trail users and better access to the visitor center. He likes the parking lay out and likes the idea.
- Commissioner Woods state that one of the reasons for the buildings being placed on this property is dictated by the utilities and the drainage as well as the terrain.
- Mr. Martens stated the utilities and the rocky terrain was a major dictating factor.
- Commissioner Frank stated it is a huge change for the community and he has difficulty with change but will probably vote for this to be approved.

**MOTION:**

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

**APPROVED, AS PRESENTED WITH 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.
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**IV. PUBLIC HEARING ITEMS: NONE**

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

Zoning & Development Manager Carraway stated there were five items on the April 9, 2012 City Council Agenda that were heard by the Planning & Zoning Commission. As an update the Rezone and Vacation request for the Canyon Park Development was approved with an additional condition that there be no signage on the back side of the buildings. A Zoning Title Amendment to change the zoning in the CB; Central Business and OT; Old Town zone that was unanimously approved. The public hearing for the Annexation of 37 (+/-) acres located adjacent to the Chobani

Development was approved for the M-2 Zoning, and finally an appeal of a berming condition for a Special Use Permit issued to Spencer Williams to change a residence to a Chiropractic Office was upheld with this requirement being deferred until the property adjacent to the north came through for development.

**VI. UPCOMING MEETINGS:**

Next Planning & Zoning Commission public meeting is scheduled for **April 24, 201X**

**VII. ADJOURN MEETING:**

Chairman Bohrn adjourned the meeting at 6:55 pm

*Lisa A Strickland*

Lisa A Strickland  
Administrative Assistant  
Community Development Department

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