

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
 May 7, 2012
 City Council Chambers
 305 3rd Avenue East -Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 SWEARING IN NEW COUNCILMEMBER BY DEPUTY CITY CLERK SHARON BRYAN.
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: American Legion Auxiliary Poppy Days – Delores Silcott, American Legion Auxiliary

AGENDA ITEMS	Purpose	By:
<p>I. CONSENT CALENDAR:</p> <ol style="list-style-type: none"> 1. Consideration of accounts payable for April 24 – May 7, 2012. 2. Consideration of the April 9, April 14, and April 23, 2012, City Council Minutes. 3. Consideration of a request to approve an Alcohol License Application Transfer for the Smoke-N-Head, Inc., located at 287 Washington Street North. 4. Consideration of a request to approve the “Bed Races” Fundraiser for Multiple Sclerosis Society to be held on Saturday, June 16, 2012, from 11:00 a.m. to 4:00 p.m. on the 100 Block of Main Avenue between Shoshone Street and Gooding Street. 5. Consideration of a request to approve the Annual Classic Cruisers event to be held on June 22 through June 24, 2012. 6. Consideration of a request to approve the Annual Magic Valley Bank Customer Appreciation Event to be held in the 100 Block of Main Avenue West and North. The event will be held on Monday, June 11, 2012, from 5:00 p.m. to 9:00 p.m. 7. Consideration of a request to adopt a resolution to destroy semi permanent and temporary records. 	<p><u>Action</u></p>	<p><u>Staff Report</u> Sharon Bryan L. Sanchez Sharon Bryan</p> <p>Dennis Pullin</p> <p>Dennis Pullin</p> <p>Dennis Pullin</p> <p>Sharon Bryan</p>
<p>II. ITEMS FOR CONSIDERATION:</p> <ol style="list-style-type: none"> 1. Presentation on the upcoming Twin Falls City Historic Preservation Commission’s Walking Tour to be held on May 19, 2012, from 9:00 a.m. to 12:00 p.m., by Darrell Buffaloe, Commission Chairman. 2. Continue discussion of the City’s current compensation status and to define the Council’s philosophy that will guide the development of an implementation plan. 3. Consideration of a request to approve an agreement between the City of Twin Falls and the Bureau of Land Management (BLM) for the construction of a vehicle parking lot at their Joslin Field facility. 4. Consideration of a request to approve an engineering agreement between the City of Twin Falls and Riedesel Engineering for services related to the bidding and construction of a BLM vehicle parking lot at Joslin Field. 5. Consideration of a request to adopt a resolution declaring the City’s intent to sell underutilized City owned property located at the northeast corner of Gooding Street North and 3rd Ave. North to the Twin Falls Urban Renewal Agency, and establishing a public hearing date to consider the sale. 6. Consideration of a request to adopt an ordinance for the annexation of 37 (+/-) acres for property located approximately 565’ west of the western boundary of 3767 North 3300 East. 7. Consider and act on a request for mediation from Barbara Beck and the Breckinridge Estates Homeowners Association regarding various City zoning and development requests from Canyon Park Development, LLC for the Canyon Park Amended Subdivision. 8. Consideration of a request to adopt the Canyon Park West Amended C-1 CRO PUD Agreement between the City of Twin Falls and Canyon Park I LLC and Canyon Park Development LLC. 9. Consideration of a request of the Final Plat of Canyon Park Amended Subdivision – A PUD, 25 (+/-) acres consisting of 12 commercial lots and on property located west and north of the intersection of Blue Lakes Boulevard North and Fillmore Street. 	<p>Presentation</p> <p>Discussion</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p>	<p>Mitch Humble</p> <p>Gretchen Scott</p> <p>Bill Carberry</p> <p>Bill Carberry</p> <p>Mitch Humble</p> <p>Mitch Humble</p> <p>Fritz Wonderlich/ Mitch Humble</p> <p>Mitch Humble</p> <p>Mitch Humble</p>

6:00 P.M.

10. Consideration of a request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres located west and north of the intersection of Blue Lakes Boulevard North and Fillmore Street. 11. Public input and/or items from the City Manager and City Council.	Action	Mitch Humble
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 – NONE		
V. <u>ADJOURNMENT</u>		

**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

208-735-7287

PROCLAMATION

WHEREAS, The American Legion Auxiliary of Twin Falls, Idaho, will conduct its annual Poppy Day Donations from May 25th thru May 28th, and

WHEREAS, the Poppy has been the memorial to the war dead since adopted in 1919 by the American Legion and its Auxiliary, and

WHEREAS, these Poppies are made by the hospitalized veterans of Veterans Hospitals throughout the nation, and

WHEREAS, Americans have always given generous support to the Poppy Day Program conducted by the American Legion Auxiliary and this year's observance provides a timely opportunity for reaffirming our heartfelt appreciation for sacrifices made by our armed forces in the defense of America's freedoms,

NOW, THEREFORE, I, Gregory Lanting, Mayor of the City of Twin Falls, Idaho, do hereby proclaim May 25th thru May 28th, as

American Legion Auxiliary Poppy Days.

in the City of Twin Falls, Idaho, and urge participation in this program by all citizens as we, together, pause to remember the heroic sacrifices of our gallant fighting men and women.

In witness whereof I have hereunto set my hand and caused this seal to be affixed on this May 7th, 2012.

Gregory Lanting
Mayor

Attest:

May 7, 2012

V. <u>ADJOURNMENT:</u> Executive Session 67-2345 (1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.		
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Present: Shawn Barigar, Lance Clow, Don Hall, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jacqueline Fields, Staff Sergeant Dennis Pullin, Staff Sergeant Dan Lewin, Public Works Director Jon Caton, Assistant to the City Manager Mike Williams, Library Director Susan Ash, Deputy City Clerk/Recording Secretary Leila A. Sanchez

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

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS:

Child Abuse Prevention Month
National Library Week 2012

Mayor Lanting and Councilperson Talkington presented the National Library Week 2012, proclamation to Library Director Susan Ash.

Mayor Lanting presented the Child Abuse Prevention Month proclamation to Roseanne Campbell with the College of Southern Idaho, Twin Falls Head Start/Early Head Start.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for April 3 – 9, 2012, \$415,569.221
April 9, 2012, total: \$5,000,000,
2. Consideration of the Findings of Fact, Conclusions of Law, and Decision for the following:
 - g. Zoning District Change & Zoning Map Amendment, Application, for Wills Inc., c/o Brad Wills.
 - h. Final Plat, Application, for Eldridge Commercial Condominium Subdivision.
 - i. Final Plat, Application, for W.S. &V Subdivision– a PUD.
 - j. Appeal of Condition on Special Use Permit for All State Auto c/o Allen Nagel & Jeffery E. Rolig.
 - k. Vacation, Application, for Wills, Inc., c/o EHM Engineers, Inc.
 - l. Vacation, Application, UMPQUA Bank, c/o Mike Bideganeta.
3. Consideration of a request to approve the Western Days Special Events Application and Western Days Parade Application. Western Days is scheduled to be held on Friday, June 1; Saturday, June 2; and Sunday, June 3, 2012. The Western Days Parade is scheduled to be held on Saturday, June 2, 2012.
4. Consideration of a request to approve a Half Marathon sponsored by Magic Valley Community Fun Run Organization. This event will be held on Saturday, June 2, 2012, and will coincide with the Western Days Event and Parade.

MOTION:

Councilperson Barigar made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to acknowledge the recent graduation of Police Officer Matt Triner from the FBI's Hazardous Devices School and to present Officer Triner with his Bomb Technician certification.

Staff Sergeant Lewin explained the request.

Mayor Lanting, Vice Mayor Hall and Staff Sergeant Lewin presented Officer Triner with his Basic Bomb Technician Certification and Squad Achievement Award.

2. Tour of the Public Works facilities located at Fairfield West and Bridge Street.
3. Public input and/or items from the City Manager and City Council.

The State of the City Address will be held at the Historic Ballroom at 12:00 P.M. on April 10, 2012.

Mayor Lanting adjourned the meeting at 5:16 P.M. to tour the public works facilities and provide an update to the plans staff is developing to construct a public works building.

Mayor Lanting reconvened the meeting at 6:06 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00

1. For a Zoning Title Amendment which would amend Twin Falls City Code 10-4-13.2 (OT Zone) by requiring a Special Use Permit for Residential - dwellings-multiple household (5 units or more); amending 10-4-7.2 (CB Zone) and 10-4-13.2 (OT Zone) by requiring a Special Use Permit for Residential dwellings-attached single dwellings-attached single household; dwellings-duplex; dwellings-triplex and four-plex, c/o Twin Falls Urban Renewal Agency. (app. 2505)

Economic Development Director Anderson explained the request. The URA is requesting the Council to approve the change to the zoning codes for both zones in Old Town and Central Business to allow for new housing options.

Council discussion followed.

-Special Use Permit and Outright Permitted uses.

Community Development Director Humble explained the request.

On March 13, 2012, the Planning & Zoning Commission unanimously recommended approval of this request, as presented.

Staff concurs with the Commission's recommendation for approval of the code amendment as presented.

Public testimony opened and closed with no public input.

Rebuttal: None.

The public hearing was closed.

Councilperson Talkington made the motion to approve a Zoning Title Amendment which would amend Twin Falls City Code 10-4-13.2 (OT Zone) by requiring a Special Use Permit for Residential - dwellings-multiple household (5 units or more); amending 10-4-7.2 (CB Zone) and 10-4-13.2 (OT Zone) by requiring a Special Use Permit for Residential dwellings-attached single dwellings-attached single household; dwellings-duplex; dwellings-triplex and four-plex, c/o Twin Falls Urban Renewal Agency. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. For annexation, consisting of 37 (+/-) acres, located approximately 565' west of the western boundary of 3767 North 3300 East, c/o John Winnie, Chobani Director of Operations on behalf of Agro Farma. (app. 2506)

Community Development Director Humble explained the request.

On March 13, 2012, the Commission unanimously recommended the existing M-2 zoning as appropriate.

If the City Council should approve the request for annexation staff would concur the existing M-2 zoning designation as appropriate.

Public testimony opened and closed with no public input.

Rebuttal: None.

The public hearing was closed.

Council discussion followed.

Community Development Director Humble stated for clarification that by annexation this falls under the URA tax increment taxing to pay back the financing.

MOTION:

Councilperson Barigar made a motion to approve an annexation, consisting of 37 (+/-) acres, located approximately 565' west of the western boundary of 3767 North 3300 East, c/o John Winnie, Chobani Director of Operations on behalf of Agro Farma. (app. 2506)
The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion.
Approved 7 to 0.

3. Appeal of a required improvement as part of the approval for a Special Use Permit to operate a chiropractor's office and to include a residential apartment for the business owner or an employee of the business on property located at 1015 Washington Street North. (app 2500)

Spencer Williams, 1230 Desert View Drive, explained the request.

The request is for a deferral on the zoning requirement to establish a 12' wide, 3' high berm along the property bordering on Washington Street North until such time in the future when adjacent property to the north is also developed.

The request was presented to the Planning & Zoning Commission on February 14, 2012. The Commission was favorable to the proposal but was unable to take any action on the request because the berm is a City requirement.

Council discussion followed.

Spencer Williams stated that there would be no entrance off of Washington Street. The fence will remain as shown on overhead projection.

City Attorney Wonderlich stated that a deferral agreement is recorded on the property and the requirement of the property owner.

Community Development Director Humble explained the request.

In City Code Section 10-7-10, it states that in addition to the professional office landscaping requirements, properties fronting CSI property on Washington Street North, North College Road, and Falls Avenue shall install a berm of at least 3' in height and 12' in width immediately behind the sidewalk or future sidewalk.

Staff reviewed the letter of appeal with City Attorney Wonderlich who felt there was not a process within the code that would permit deferral of this requirement. Staff does not support the appeal.

Council discussion followed:

Community Development Director Humble stated that a berm requirement, he believes, is for aesthetic reasons, and to match up both sides of the road.

The public hearing was opened for public comment.

Gerald Martens, 621 North College Rd, Ste 100, prepared the site plan, and spoke in favor of the request.

Spencer Williams stated that JUB Engineers, church, and Campus Housing Campus housing do not have a berm along Washington Street North.

Jerry Beck, 699 River View Place, stated that the College of Southern Idaho's zoning has been in place for approximately 8 months. CSI is developing a piece of property south of Spencer's home, and CSI was required to meet all the landscaping and zoning requirements. He stated that the CSI is required to meet standards where others don't have to meet the standards. He also stated that the college was not contacted regarding the request for deferral from Spencer Williams. He stated he was not sure where the institution stands in regards to the request, and this would be a Board of Trustee issue.

Closed the public portion of the hearing.

Community Development Director Humble stated that the landscape requirement was adopted in 1999, creating the special landscaping for the area.

MOTION:

Councilperson Talkington made a motion to uphold the approval of the Special Use Permit to operate a chiropractor's office and to include a residential apartment for the business owner or an employee of the business on property located at 1015 Washington Street North, as presented, and 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 this Special Use Permit being for the operation of a Chiropractic Clinic, as presented.
3. Subject to the apartment being occupied by the owner of the Chiropractic Clinic or an employee.
4. Subject to a Certificate of Occupancy for a medical office being issued prior to operation of the business.
5. **Deferred the berm requirement until the adjacent property to the north applies for development and comes under similar requirements.**

The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Recess at 6:54 P.M.

Reconvened at 7:07 P.M.

Public hearings IV. 4 and IV.5.

4. For a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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. (app. 2508)
5. Request for Vacation of the 2000-2190 blocks of Fillmore Street, c/o Gerald Martens, EHM Engineers, Inc on behalf of Tina Luper / Canyon Park Development, LLC (app. 2509)

Gerald Martens, 621 North College, representing the developer, explained the requests.

The request is to bring the property to the appropriate zoning of C-1 CRO PUD for the entire 25 acres, west of Blue Lakes Blvd.

The second request is for the modification to the road plan. On overhead projection he showed the proposed plan relocating Fillmore and constructing a roundabout.

The applicant has worked with staff on a PUD agreement. Key points in the PUD are architectural which are the same used in Canyon Park East development.

-Extensive use of stone. All four sides of the building will be finished.

-Trail enhancements . The trail will be maintained and enhanced with additional landscaping. This would include a buffer between the buildings.

- The back of the buildings will have delivery and service area but all of the loading docks and the refuse dumpsters will be screened.
- The roof top units will be screened.

He continued to explain the road plan. It basically is a parking field separated by landscaping and existing buildings, three potential additional pads along Blue Lakes Blvd., a parking field broken up with landscaping at the end of the islands and out in the islands. There will be retaining walls with an extensive combination of walls and landscaping between the back of the buildings and the rim. Because the buildings are not within the 100' setback, a geological report will not need to be done. There will be a detailed foundation investigation done for the design.

Vice Mayor Hall asked the applicant to address the concern of the back of the buildings facing the canyon rim.

Gerald Martens stated that the development will look like Bridgeview between the Magic Valley Mall and Canyon Park East. It is screened with retaining walls, landscape walls, and the loading dock areas are enclosed. Trucks back in an enclosed area. Dumpsters will not be seen, other than when they are on the truck leaving. Trucks are seen only when arriving and departing the loading docks.

Councilperson Clow asked for clarification who built Fillmore Road from Blue Lakes Blvd. to Canyon Springs Road.

Gerald Martens stated the developer of Canyon Park built the road. The developer is proposing that a new street be constructed and to make the street private. The reason to privatize the street allows flexibility on driveways and gives additional potential opportunities for accesses into the project, but to do that, additional turn lanes are being built over and above the city standard. It could also potentially help on some setbacks from arterials and collectors.

Councilperson Talkington asked if the developer will be asking for a variance or a waiver on the building height restrictions.

Gerald Martens stated that the PUD agreement specifies that building heights will remain at the standard 35' and the developer would not be asking for a variance or waiver. There shouldn't be a need for a height variance.

Community Development Director Humble explained the benefits to the developer of keeping a private street versus keeping a public right of way. On Fillmore Street there is a 62' setback from the centerline and as Fillmore Street is being relocated closer to some of the existing buildings, Zion's Bank and Golden Corral, this is creating a non-conforming building situation; but if it becomes a private road setback issue goes away. There will be an easement open to the public.

Mayor Lanting asked if this would limit the City in the future to make the road wider if it becomes private.

Community Development Director Humble stated that if the road is public, the city can acquire right of way. If this is not a public road, this would not be an option, but if this is a concern for the Council, staff can work this out in a maintenance agreement with the developer. The road would be developed to meet capacity requirements.

Community Development Director Humble reviewed the requests.

On March 13, 2012 the Commission for the zoning request unanimously recommended approval of the request 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 Fillmore Street (Public Right-of-way) being vacated and Fillmore Street (Private) is 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.

Staff concurs with the Commission's recommendation.

On March 13, 2012, the Planning & Zoning Commission for the vacation recommended approval of the vacation of Fillmore Street, as presented, by a vote of 4 for and 3 against 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 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.

Staff concurs with the Commission's recommendation.

Letters from Laura Peterson, Jeff & Phyllis Lotz, Joyce Ballard, Dave Duhaime, and Cheri Condie were entered into the record and shown on overhead projection.

Councilperson Talkington asked the City Attorney that with the development and the control of Fillmore as a private road is public safety in any way inhibited, primarily police and fire access.

City Attorney Wonderlich stated that the developer will need to satisfy the fire department requirements or they will not receive a building permit. The police will still have access to the private road. There is an issue with traffic enforcement in which the city police will not be able to help. The city does not do traffic enforcement on the internal roads at the mall.

Community Development Director Humble stated that every building will meet or exceed the 100' setback. That is a building setback from the canyon rim.

Councilperson Hall asked the City Engineer if there is a public safety concern with the proposed roundabout.

City Engineer Fields stated that signs will be posted at the roundabout. Studies show that roundabouts are an excellent way to eliminate certain types of high accident locations in lieu of adding a signal. Placing a signal at this location is problematic because it will be difficult to maintain primacy on the state highway, which is Blue Lakes, and not have people backing out of the intersection at certain times of year for certain events. This helps people move through with great facility and ultimately less confusion. Initially there will be a learning curve. There was a concern about the dominant left turn movement off of Blue Lakes onto Fillmore. If you choose not to go to the Visitor's Center, you will be making a left turn. This will be the dominant movement. This will handle the number of cars that are stacking up.

Councilperson Clow asked the diameter size of the roundabout.

Gerald Martens stated that it is 90' radius in size. The roundabout keeps traffic moving and is a traffic calming feature. The roundabout will be 3 legged exits.

Councilperson Clow referenced the older part of the development along Blue Lakes and asked if there adequate parking for future development.

Gerald Martens stated that there is adequate parking.

Opened the public testimony of the hearing:

Cheri Condie, 2135 Oakwood Court, spoke against the request. She stated that the project would be detrimental to the Canyon Rim Trail, the existing Visitor Center, and anybody on foot. The proposal is in violation of CRO 10-4-19.

Laura Peterson, 794 Mountain View Drive, spoke against the request. She stated that she does not want to see the back end of the stores. She would like to have the parking lot facing the canyon.

Barbara Beck, 699 Riverview Drive, spoke against the request. She read a Times News article reader comment from Craig Neilsen (attached). She stated her concern of the back of a building facing the canyon rim and increase of traffic. She proposed that this development provide a very upscale landscaping. She stated her concern of the proposed roundabout.

Gerald Beck, 699 Riverview Drive, spoke against the request. He explained the difference between economic development and retail development. He stated his concern of the proposed roundabout. He stated that big box stores undermine small business, hurt retail wages, and cause loss of open spaces and natural resources. Big box stores accelerate the dying of the downtown community. Big box stores do not offer any fringe benefits, but offer part-time jobs and poverty wages. Public assistance is increased.

Closed the public hearing portion of the hearing.

Gerald Martens addressed the following issues:

- Ability to expand the road in the future. As the road maintenance and development agreement is being developed, the road will meet current standards, and there will be adequate buffers or room for which expansion can be accomplished.
- Access to the trail. On overhead projection he showed the designation for the public to park and access the trail.
- The weed area is a canal company drain. It will be piped and put into a dry wall.
- The trail. The trail will be developed and given to the city. The trail will be maintained by the development.
- Turning the stores around. He stated that he is not the planner. There is more exposure from Blue Lakes than when you approach the City.

Councilperson Mills Sojka asked Gerald Martens to comment on the building footprint.

Gerald Martens stated that there will be multiple tenants and multiple ownership and will be developed according to the C-1 standards allowed for connected buildings or common wall construction. The building is 200,000 square feet.

Community Development Director Humble read from Canyon Rim Overlay section of the code for buildings having a footprint of more than 3,000 square feet.

Gerald Martens stated there will be a varying setbacks, heights, materials and earth tone colors. Logos with accent colors are allowed. The PUD will allow individuality of the business's sign that is placed on the wall and logo. The materials will be architecturally selected that will provide variety but consistency.

Councilperson Talkington stated that coming across the bridge there will be a gigantic expanse of the back of the buildings with logos and security and service lights. He asked if this was correct.

Gerald Martens stated that no light source can be seen according to the PUD. There will be down lights enough for security and safety on the back of the building. The light standards will be 20' tall maximum in the front parking area and on the back parking area there will be security and safety lighting, which are down lit. Lighting will not be seen from coming across the road. Signage on the back of the buildings has not been brought up in discussions.

Councilperson Clow asked if the back of Wal-Mart had a sign.

Gerald Martens stated that additional restrictions were made on Wal-Mart signage.

Councilperson Mills Sojka asked the locations for pedestrian access from the Visitor's Center.

Gerald Martens showed pedestrian accesses on overhead projection.

-Building signage

Community Development Director Humble stated that restrictions on signage can be added to the conditions of the motion.

Councilperson Clow asked how the City obtained the right of way to all of the trails.

City Attorney Wonderlich stated that everything near the City was conditioned of development.

Barbara Beck stated her concern of safety when on the canyon trail.

The public hearing was closed.

Deliberations:

MOTION:

Councilperson Talkington made a motion to approve a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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, as presented.

The motion failed because a lack of a second.

MOTION:

Councilperson Clow made a motion to approve a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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, subject to the following conditions as set forth by the Planning & Zoning Commission:

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 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.

The motion failed for the lack of a second.

MOTION:

Vice Mayor Hall made an amendment to the main motion to prohibit any signage from being placed on the back of the buildings facing the canyon. The motion was seconded by Councilperson Munn and roll call vote showed Councilpersons Clow, Hall, Lanting, Munn, Mills Sojka and Talkington voted in favor of the motion. Councilperson Barigar voted against the motion. Approved 6 to 1.

Roll call vote on the main motion as amended showed Councilpersons Barigar, Clow, Hall, Munn, and Talkington voted in favor of the motion. Councilpersons Lanting and Mills Sojka voted against the motion. Approved 5 to 2.

MOTION:

Councilperson Barigar made the motion to approve the vacation of the 2000-2190 blocks of Fillmore Street, subject to the following conditions as set forth by the Planning & Zoning Commission:

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 motion was seconded by Councilperson Munn.

Councilperson Clow asked legal counsel if there a way Fillmore Street could remain a public street to accommodate the development's ingress/egress and the setbacks.

Gerald Martens stated that the development would meet all of the standards in terms of roadway section with the city standards being the minimum. The development would be allowed to go beyond the minimum in terms of turn lanes, landscaping, crosswalks, and some of the amenities you find going through large retail centers. He asked for clarification in regards to police enforcement on the private street.

City Attorney Wonderlich stated that the City does police enforcement and traffic infraction enforcement on public streets. On a private street, police officers will not have any authority to write traffic tickets.

Councilperson Munn clarified that the police officers can enforce misdemeanors and other serious offenses on a private lot open to public use.

City Manager Rothweiler stated that in the roundabout there would be decorative features, and if this becomes a public street, staff would strongly discourage any of those types of improvements placed in the public right of way, because the city would need to maintain them. In addition, Item IV has been approved with conditions 3. and 4 . and would need to be reconsidered if Fillmore Street is made public street.

City Engineer Fields explained that if there is a proliferation of driveways along the roadway, eventually those access points reduce the capacity on the road. The goal for roads is to try to limit the numbers of driveways to some reasonable access points. This has been accomplished. The placement of the driveways on the roadway as a public roadway will be acceptable.

Councilperson Clow asked that if the development is built out and completed, if he envisioned future buildings on the property to be built to a non-conforming setback to the new private road. Also, after the development is built out, could the city ask for the road to become public.

Gerald Martens stated that two of the pads will be non-conforming due to the 62' setback. He stated that it can be written in the PUD agreement and in the maintenance and development agreement that at some trigger point the city could accept taking over the maintenance.

Roll call vote showed that all those present voted in favor of the motion. Approved 7 to 0.

V. ADJOURNMENT:

Executive Session 67-2345 (1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

MOTION:

Vice Mayor Hall made the motion to approve to move to Executive Session as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

To whom it may concern,

I recently read the article in the Times- News written by Barbara Beck about the possibility of a Big Box Store Retailer locating Southwest of the Perrine Bridge, near to Canyon Rim Walking Path.

Simply stated, I am totally against this type of development on the Canyon Rim. My experience from watching people is that they will go to Stores almost no matter where they are built to save a buck, find the items they want or just because it is part of their recreational /social activities.

This being said, I understand the power of Big Box Stores and that the City of Twin Falls may not have the power to keep them from "setting up shop" in our town. This may be especially true where existing zoning allows such business or where there is a reasonable chance that variances can be granted.

I love the Canyon Rim Trail and use it frequently. There is becoming less and less "Green Space" on the South side of the path almost every year. Once it is gone, it will never return.

If there is no way to stop another Big Box Store Retailer from building on the Canyon Rim where Ms. Beck talks about in her article , then may I offer a two part suggestion. First, is a set back from the Canyon Rim Path of 100ft min. Second, is a densely forested and vegetated large berm that covers the back of the building and its property. I appreciate the look on the back side of COSTCO. I would vote for something deeper and denser.

I appreciate your efforts. I know making decision in city development is not always easy.

Sincerely,



Dave Duhaime , 1413 Julie Lane

Twin Falls, ID 83301

Phone: 733-8881

2 April 2012

Dear City Council Member Jim Munn,

We have to agree with the reader comment from Barbara Beck in the March 31 edition of the Twin Falls Times-News. The plan for the Canyon Rim Development must be scrutinized for many things.

Abandoning a street or right of way is an irreversible step that may be regretted later. It is obviously very important to plan for traffic flow through this shopping area, especially when the canyon visitor center is part of the mix. As Ms. Beck notes, recreational vehicles and large delivery trucks make for tricky business when trying to plan for their travel and parking.

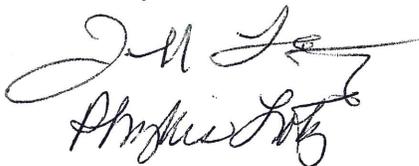
The area of greatest concern for us is the space between the development and the Snake River Canyon. A much larger "greenspace" should be required here for the recreational use by our citizens and visitors. The situation at the office and retail businesses further west along the canyon comes to mind, where the buildings loom over the canyon with hardly space enough for the walking trail. When we are on that trail we're not sure if it is public or private property. It is a great view for the patrons of Elevation 486, but at what cost to the public?

The picture painted by this development as viewed from the north side of the canyon is the "first impression" for everyone entering our town for the first time, tourist and prospective investor alike. As they say, you only get one chance to make a first impression.

As citizens who use and enjoy walking along the canyon, we do not look forward to walking along a high retaining wall at the back of a store, or walking beside dumpsters, or walking by a row of delivery trucks / company trucks. A row of small trees in a narrow space between the business and the walking trail is not acceptable. I call to your attention the back of Norco, facing Poleline Road – it's hardly impressive or hiding what is there at the back of that business.

This is a big decision that will affect our city, its citizens, and visitors for many years to come. Please think carefully.

Respectfully submitted,
Jeff and Phyllis Lotz



860 Sunrise Boulevard North
Twin Falls, Idaho

RECEIVED
APR 03 2012
BY: _____

Twin Falls City Council Members

305 Third Avenue East

Twin Falls, ID 83301

DEFERRED

I read with much interest Barbara Beck's Reader Opinion in Saturday, March 31, 2012 Times News.

I totally agree with Barbara that a large Box Store would be not be appropriate on the piece of property mentioned in the article. I either ride my bicycle or walk on the paths several times a week and it is very lovely with nothing on that property. My vote would be to keep the property the way it currently is. The path and the College of Southern Idaho are two of the best assets we have in Twin Falls.

It would be of great benefit to the population now and future generations to keep open property and make more parks.

Thank you.


Joyce Ballard

1413 Julie Lane

Twin Falls, ID 83301

208 733-8881

davnjoy@yahoo.com

2135 Oakwood Ct.
Twin Falls, Id. 83301
644-6415
April 5, 2012

Twin Falls City Council
321 Second Avenue East
Twin Falls, Idaho 83303-1907



Re: Canyon Park West rezone and street privatization

BY:.....

Honorable Council Members:

When I read that the proposed Canyon Park West development was going to meet the same requirements as Canyon Park East, I was dismayed. I thought Twin Falls would have upgraded its planning and zoning. The East sector represents the old habits of bad parking ratios, putting pedestrians at risk, and ignoring a unique natural attraction. Honoring current trends in urban development is necessary to keep Twin Falls attractive and livable.

I resided in Salt Lake City as a Trustee of the Sugar House Community Council when a commercial district called the Sugar House Commons was built. We worked extensively with the developer to create a retail and restaurant development that downsized its automobile focus, connected it to the pedestrian-friendly environment of the surrounding town, and maximized its placement along Parley's Creek. Today, Sugar House remains a highly desirable neighborhood of the city and its commercial sector has maintained its financial viability.

From this background, I'm urging you to postpone any decisions on Canyon Park development until you have seriously considered the difference between a rubber-stamp approval and what Twin Falls could have with some foresight and good negotiating skills.

- Is this the retail direction Twin Falls wants to take: We had furniture stores downtown --- the Banner building is around 12,000 ground level, with 12,000 up. With just that building alone, there's 24,000 square feet vacant on Main Street right now. Rumors are circulating about Best Buy going BK. Will we have another empty big-box store across Blue Lakes Boulevard from this proposal?

- Under zoning definitions, C-1 is defined as Neighborhood Commercial. "Provides a location for a limited number of retail commercial uses which serve the day-to-day needs of the residents of surrounding neighborhoods." The huge scope of this project seems more like a shopping center designation or C-2.

- Why vacate the streets. Besides Fillmore there is a Perrine Street platted (lots 1826 & 1842 Perrine). No public notice or city action has been taken with it. You would also have to go through the process to vacate part of Perrine.

- I'm categorically opposed to cities giving up control of their transportation corridors. A "permanent easement" is no substitute for public access and will only add a layer of red-tape for utilities and storm-water management. Private property is not taken for public use; public property should not be taken for private use.

- Reinststitute the Citizens Design Review Committee: They were involved in the 2007 plans and this year's proposals should also be approved by them.

- Pedestrian-friendly amenities. For instance; focus on the sidewalks, not the streets, break up the parking lots, include eye-catching amenities, spotlight unique features, incorporate visual art and public gathering areas such as plazas, shaded and sunny seating areas and room for cart-size vendors. Think of inside Magic Valley Mall and put those amenities outside throughout the PUD. In particular, I would recommend:

1. No "curvy" sidewalks. People walk and bike in straight lines.
2. Curb and gutters with landscaped parking strips separating the sidewalks from the streets. The Twin Falls Master Transportation Plan stresses "Pedestrian safety improvements needed. Require new developments to provide pedestrian safety."
3. Walls or fences to have gaps or gates for pedestrian access
4. Sidewalks should be a minimum of 8' widths of major corridors and 6' for minor walkways.
5. Secured bike stands.

- Connections: A tricky and expensive issue. Think of ways to get pedestrians across Blue Lakes Boulevard from Magic Valley Mall, Barnes & Noble, etc. Sugar House in Salt Lake City is currently working on an open underpass to connect two sites.

- Break down the parking. It's attractive to design several buildings scattered within the PUD, with parking sectioned and shared among the commercial tenants. Pedestrians will find themselves window shopping while walking past neighboring business, enhancing sales. See the attached re-designed map of the proposal.

- Parking stall minimums: Reduce the ratios to avoid the "asphalt ocean" look. A parking structure or garage would not be unwarranted in this situation.

- Landscape for the climate: It's getting more popular to connect people to the land around them these days --- look at the localvore movement. Xeriscaping should be mandatory. Protect those beautiful stands of native sagebrush. This small step would give the project a unique look and save water for the city.

- Buildings should be certified LEEDS --- CSI led the “green building “way with their Health Sciences Building. Twin Falls should take up the banner and require energy-efficient development.

- Get Twin Falls Canal Company approval first. I don’t think there will be an easy fix for this waterway. Consider the many issues of flooding, equipment accessibility, obstructions, or leakage.

**** Most importantly: Enforce Idaho State Code 10-4-19 Canyon Rim Overlay**

District I cannot stress the importance of protecting the viewscape and appearance of the canyon rim. This 700-foot-area ordinance protects one of the most unique features of Twin Falls and you should treat violations seriously. The Canyon Rim Trail should be the focal point of the entire project, and fits in nicely with pedestrian-friendly engineering and design.

- Mark off the canyon rim: Have Canyon Park get the city engineer to delineate the official rim (30% for 10 or more feet) throughout the property. Then within the 700 feet, standards must be observed regarding lot occupancy, use, setbacks, building heights, footprints, and landscaping. The trail area should be left sufficiently wide enough to accommodate bicyclists passing pedestrians, and the addition of future trail accessories such as benches and trashcans.

Think of the consequences of your actions now on the future of our town.

Sincerely,



Cheri Condie

Cc: Twin Falls Planning Commission

Attachments:

Pedestrian-friendly brochure
Re-designed map of proposal
Sugar House Business District Guidelines

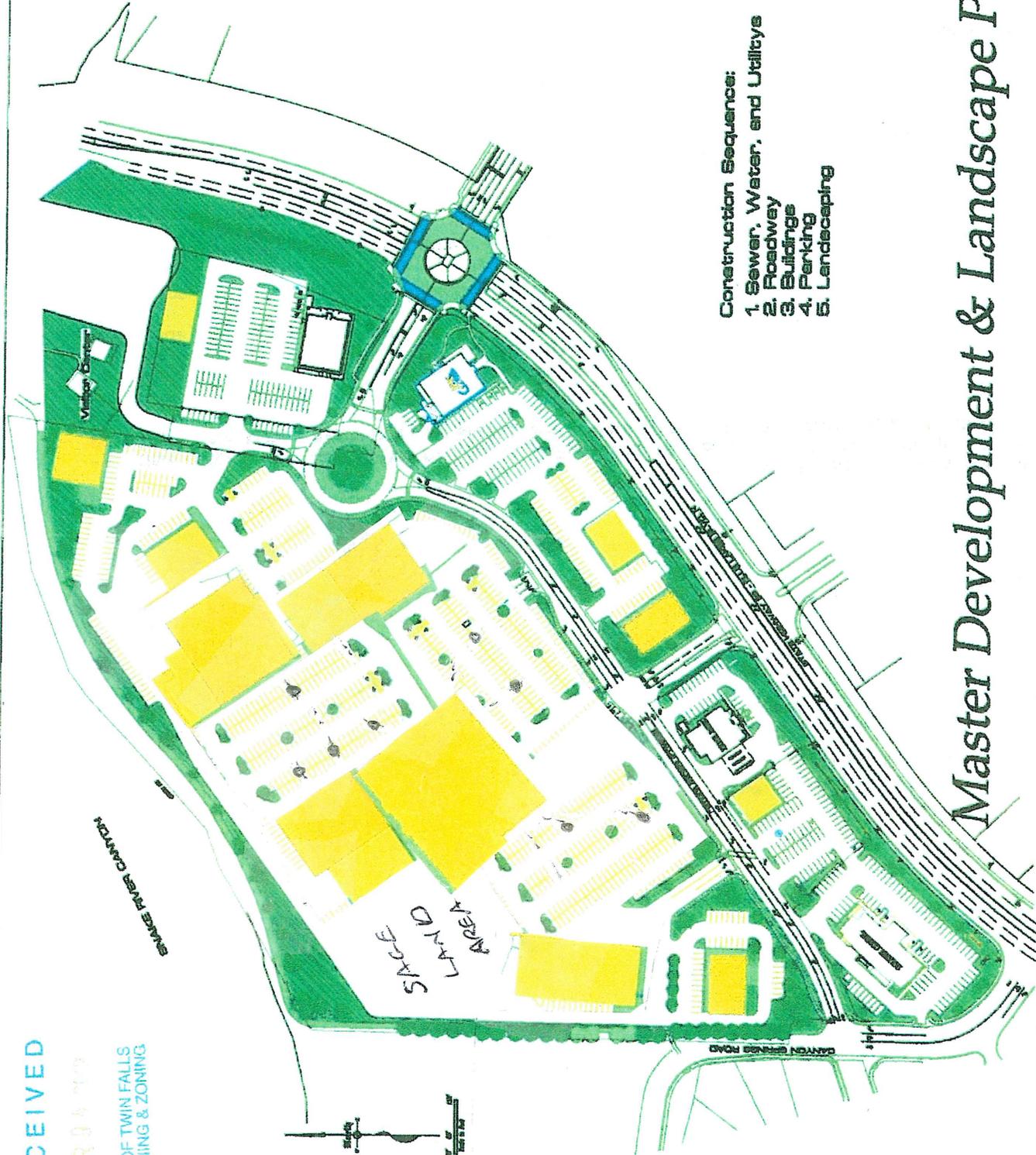
Mission Statement of the City of Twin Falls

Our mission, as stewards of the public trust, is to meet current and future needs of the community, promote citizen involvement, preserve our heritage, conserve and protect our social and physical resources and enhance the quality of life in Twin Falls.

RECEIVED

APR 9 4 11 PM

CITY OF TWIN FALLS
PLANNING & ZONING



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

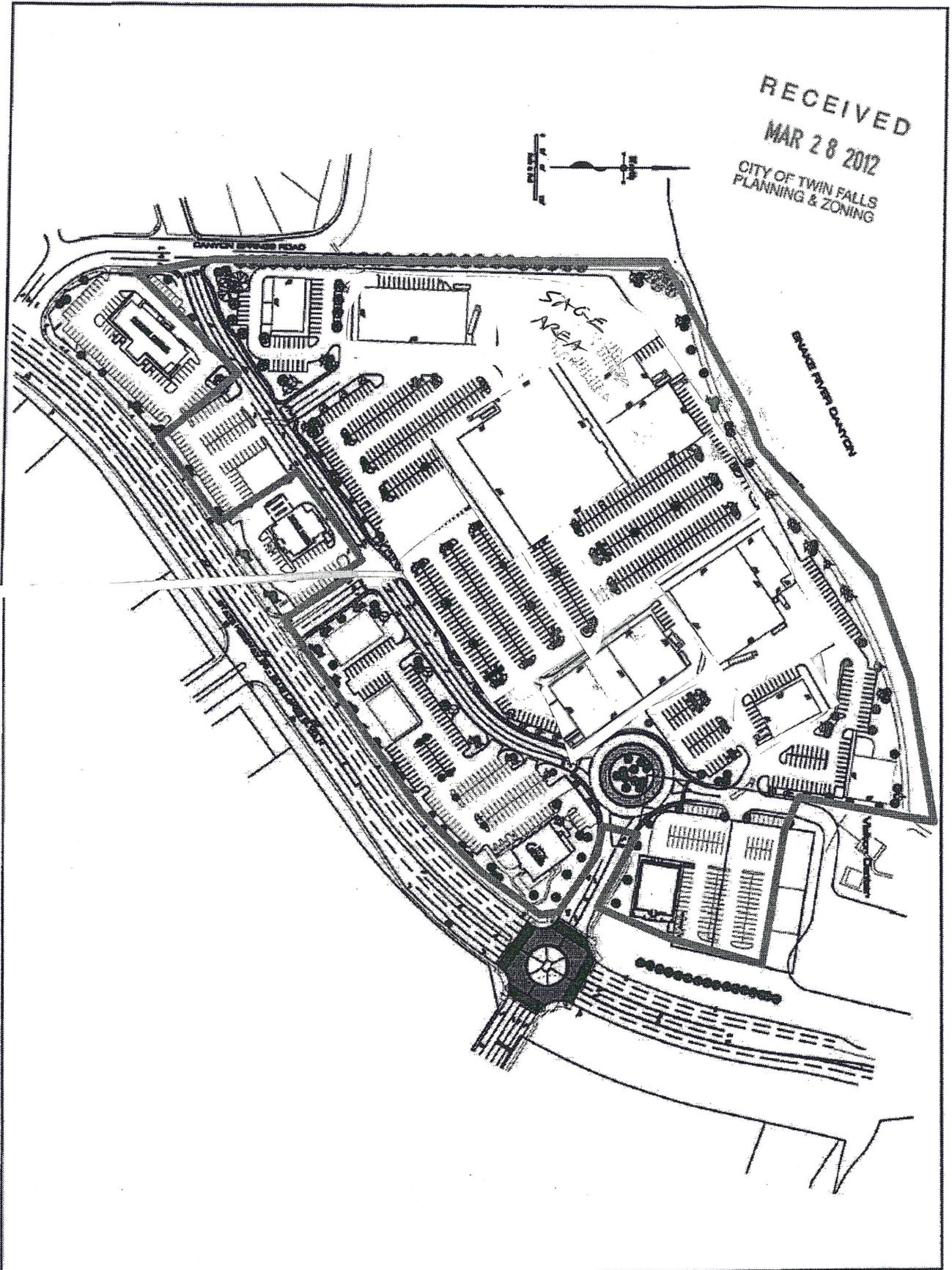
Master Development & Landscape Plan

Master Development Plan For
Canyon Park Armended Subdivision
Twin Falls, Idaho

E.H.M. Engineers, Inc.
1000 N. 1st St.
Twin Falls, Idaho 83421
Phone: 337-8333
Fax: 337-8334

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MAR 28 2012
CITY OF TWIN FALLS
PLANNING & ZONING



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10	REVISION	

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

Engineers Inc.
201 N. 20th St. Suite 100
Twin Falls, Idaho 83421
Phone: 208.338.2222
Fax: 208.338.2222

SUBREGIONAL PLANNING

[HOME](#)
[GLOSSARY](#)
[SUBREGIONAL
PLANS](#)
[PLANNING
TOOLS](#)
[CONTACT THE
TEAM](#)


PLANNING TOOLS

PEDESTRIAN-FRIENDLY DESIGN:

Purpose of Tool:

Pedestrian-friendly design creates places where people can meet, shop, recreate, and enjoy themselves walking. Pedestrian-friendly environments follow one simple rule—the pedestrian is the priority (not vehicular traffic). These areas tend to share the following physical characteristics(1):

- Pedestrians are effectively separated from moving traffic for safety purposes. Separation is provided through the use of wide sidewalks, on-street parking, landscaped areas, or other physical barriers.
- Pedestrians can cross the street safely and easily. Intersections are designed to reduce pedestrian crossing distances, crosswalks are clearly marked and aligned with sidewalks, and pedestrian crosswalk signals are automatic or easy to use.
- The streets are full of life. In pedestrian-friendly retail areas, storefronts and buildings are continuous and contain windows that create visual interest and variety.
- In commercial areas, on-street parking is available to support retail businesses.
- Well-designed paving, street furniture (such as seating areas, planters, etc.) and lighting make the public sidewalk a place where people want to be.
- Employment, residential and commercial districts are connected by a safe and easily walkable environment.
- Prototype design standards are used consistently to encourage pedestrian-friendly areas.

Benefits of Using Tool:

Pedestrian-friendly design has the following benefits(2):

- Whenever walking becomes a reasonable alternative to driving, some people will walk rather than drive, and taking these extra cars off the road will reduce vehicle miles traveled, having a positive impact on air quality.
- Fitness experts agree that regular daily activity is the key to good health. Walking is the most affordable and convenient way for most of us to stay active.
- Pedestrian-oriented streets encourage shoppers to linger. Retail and commercial developers have learned that a walkable environment sells commercial real estate.
- Street trees not only attract pedestrians, they also help clean the air, reduce storm water runoff, and moderate temperatures.
- Walking is the cheapest form of transport for everyone. Walkable communities have the most affordable and most efficient transportation system available.
- Streets that draw more pedestrians and encourage social interaction tend to have lower crime rates and other social problems.
- Cities and towns that offer interesting streets with active pedestrian life become vibrant cultural and economic centers that draw visitors from the surrounding region.

In just a few years, investments in pedestrian-oriented streetscape improvements may show visible and economic results in a community. These improvements can help make the community healthier, more vibrant, and a more attractive place to live, work and own a business.

Steps Involved to Use Tool:

According to the Federal Highway Administration Pedestrian Safety Guide and Countermeasure Selection System, in order to use a pedestrian-oriented design

task force that includes elected officials, representatives of the local police and public works departments, the school district, parents, teachers, students, and other concerned neighbors to get maximum community input and buy-in..

Communities / Agencies that Have Used Tools

Communities, agencies and individuals that have successfully implemented pedestrian-friendly design include:

City of Berkeley – Transportation Division

2180 Milvia Street, 5th Floor
Berkeley, CA 94704
Phone: (510) 981-7000

City of Boulder - Transportation Operations Department

PO Box 791
Boulder, CO 80306
Phone: (303) 441-3266
Fax: (303) 441-4271

City of Clemson

Planning and Codes Administration Department
PO Box 1566
Clemson, SC 29633
Phone: (864) 653-2050

Metrics to Use to Monitor Tool Effectiveness:

In many cases, implementing pedestrian-friendly design has helped meet community goals and objectives and improved quality of life. For example, the implementation of pedestrian-friendly design in the I-55 Corridor Study in Colorado showed:

- Decreased traffic speeds
- Decreased traffic volume
- Increased bicycle and pedestrian volume
- Increased traffic calming effect

List of Resources to Obtain Additional Info:

See the following sources for more information:

Walkable Communities, Inc.
Phone: (386) 454-3304,
E-mail: walkable@aol.com
Online: www.walkable.org

Partners for a Walkable America

Pedestrian and Bicycle Information Center

USDOT-The Walkability Checklist

Online: <http://www.walkinginfo.org/pdf/walkingchecklist.pdf>

FHWA Pedestrian Safety Guide and Countermeasure Selection System

Online: http://www.walkinginfo.org/pedsafe/pedsafe_downloads.cfm

Livable Streets Toolbox- China Town Renewal Project

Online: <http://www.streetsblog.org/2007/02/01/calming-traffic-in-chinatown/>

CITATION

1-2 Pedestrian Friendly Streets-Revitalizing Cities Series, Debra Ames, Marketing Director, Portland, Oregon.

approach, the following enhancements should be considered:

- Sidewalks and Walkways
 - While continuous walkways are the goal, retrofitting areas originally developed without them will usually occur in phases.
 - In retrofitting streets that do not have a continuous or accessible walkway system, locations near transit stops, schools, parks, public buildings, and other areas with high concentrations of pedestrians should be the highest priority.
 - Street furniture (i.e. benches, planters, etc.) placement should not restrict pedestrian flow.
- Curb Ramps
 - Follow the Americans with Disabilities Act (ADA) design guidelines.
 - Texture patterns must be detectable to blind pedestrians.
- Marked Crosswalks and Enhancements
 - Crosswalk locations should be convenient for pedestrian access.
 - Crosswalk markings alone are unlikely to benefit pedestrian safety. Ideally, crosswalks should be used in conjunction with other measures, such as curb extensions, to improve the safety of a pedestrian crossing, particularly on multi-lane roads with average daily traffic above about 10,000 vehicles per day.
 - Marked crosswalks are important for pedestrians with vision loss.
 - Crosswalk markings must align with the ramps so that a wheelchair user may remain within a marked crosswalk to access the ramp.
- Transit Stops
 - Ensure adequate room to allow wheelchair users access to the transit vehicle.
 - Ensure a clear and comfortable path for passing pedestrians when determining the location of transit shelters.
 - Locate transit stops on the far side of marked crosswalks, so that pedestrians cross behind stopped transit vehicles.
 - Transit stations must be wheelchair accessible, which generally results in long ramps on either end of overpasses.
- Roadway Lighting Improvements
 - Ensure that pedestrian walkways and crosswalks are well-lit.
 - Install lighting on both sides of wide streets and along all streets in commercial districts.
 - Use uniform lighting levels.
- Other Considerations
 - Lighting, drainage, graffiti removal, and security are major concerns with underpasses.

Special Requirements to Use Tool:

According to the HWA PEDSAFE resources, special requirements and considerations for implementing pedestrian-oriented design include the following efforts:

- Develop prototypes that are consistent with local community conditions and respectful of the local culture.
- Develop a maintenance program for bicycle facilities.
- Use the Walkability Checklist published by the FHWA, to help determine where improvements are needed or to evaluate streetscapes after improvements are made.
- Develop and implement the plan of action, which should include clearly defined short-term, mid-term, and long-term goals.
- Begin seeking out immediate sources of funding for design and other initial costs. Tap into potential contributions from various stakeholders, including private developers, cities, counties, special improvement districts, regional agencies, and State Departments of Transportation in your area.
- Prepare a design code/revised ordinance/design guidelines for streetscape improvements.
- Invite public review of the code. Make necessary revisions to the code as a result of community preferences.
- Streamline the permitting process and consider other incentives to attract new development.
- Hire a staff person and give them adequate authority to oversee implementation.

Specials Resources Needed to Use Tool:

Many factors and resources are needed to implement high-quality pedestrian-friendly design measures. One approach is to establish a pedestrian-friendly design

BUILDING and ZONING CODE CHECKLIST
C-SHBD (Commercial Sugar House Business District)

- _____ 1. Provide for commercial, office and high density residential use.
- _____ 2. No minimum lot size is required.
- _____ 3. No minimum front yard or corner side yard is required.
- _____ 4. No interior side yard is required.
- _____ 5. No minimum rear yard is required.
- _____ 6. Maximum building size is 20,000 sq. ft.
- _____ 7. Maximum building height on Hidden Hollow block is six stories, (90 feet.) Master Plan recommendation sets maximum height at from 4 to 6 stories.
- _____ 8. Minimum First floor glass - First floor street front must be not less than 40% glass.
- _____ 9. Roof top mechanical equipment must be screened.
- _____ 10. Parking lot landscaping - all parking lots for fifteen or more parking spaces shall provide landscaping. Interior parking lots must have not less than 5% landscaping, dispersed throughout the lot. Landscaping areas shall be a minimum of 120 sq. ft. in area, and a minimum of 5 ft. in width.
- _____ 11. Where parking lot is within 20' of a lot line, perimeter landscape shall be at least seven feet in width.

ARCHITECTURAL DESIGN GUIDELINES - CHECKLIST
SUGAR HOUSE BUSINESS DISTRICT

- _____ 1. Mass and scale of structures should be compatible with the surrounding uses.
- _____ 2. Buildings adjacent to the street should orient to the street.
- _____ 3. Interior building should orient to each other, and be adjoined or arranged in clusters.
- _____ 4. Maintain existing setbacks. Build to the street with either no setback or setbacks similar in size to the library lawn.

FOR BUILDINGS ALONG HIGHLAND DRIVE:

- _____ 5. Pedestrian orientation - if setback is used, it should be two to ten feet wide as an extension of the sidewalk. Materials may include brick paving, planter boxes, entrance walks; Uses include plazas that orient to the street or the Monument Plaza. Otherwise, no setback. Plaza should be landscaped and street furniture provided (benches, etc.).
- _____ 6. Maximum building height of three to four floors.
- _____ 7. Minimum first floor glass - 60 percent non-reflective (so people can see in.) No blank-walled facades.

FOR ALL BUILDINGS, from the Sugar House Master Plan:

- _____ 8. Building materials - Brick, aggregate, glass.
- _____ 9. Building facades should be lighted at the first floor.
- _____ 10. Large buildings should not cast shadows on public openspaces.
- _____ 11. Large buildings should not completely block the pedestrian view of the mountains.
- _____ 12. No off-street parking in front of buildings.
- _____ 13. Parking structures are encouraged. However, no parking structures along street.
- _____ 14. Development visible to or facing open spaces should present a "front door" image to the open space. Service areas should be screened.
- _____ 15. Pedestrian access through all areas should be provided. Major walkways should be a minimum of 8 ft. wide; others should be at least 6' wide.

OFF-SITE DEVELOPMENT DESIGN GUIDELINES

Off-site development includes work that occurs in the public way and on properties otherwise considered public such as the Parleys Creek property owned by Salt Lake City and any others that may be designated or assigned.

➤ In addition to public sidewalks, pedestrian/bike corridors can be provided to enhance the existing pedestrian circulation systems in the city and to specifically accommodate circulation in the following locations:

– To the east along 2100 South and along Wilmington Avenue to Sugar House Park.
Between the Sugar House Plaza Monument area and surrounding uses and areas.

Between the public open space at Parleys Creek and surrounding uses and areas.

Along the rail/trail designated in the Salt Lake City Open Space Plan.

– To south and west to Fairmont Park.

- Public transportation should be accommodated at the street edges. Coordinate with Utah Transit Authority on location and design of turnouts, bus stops and other transit facilities.
- Sidewalks should use the standard paving materials currently being used in the area. Modifications to the patterns may be permitted and will require approval by Salt Lake City.
- Park strips and public open space should be landscaped with street trees, shrubs, ground covers and lawn. Maintenance of park strips is the responsibility of the adjacent property owner.
- Trees shall be selected with guidance from the Salt Lake City Urban Forester.
- Existing vegetation along Parleys Creek should be preserved and maintained.
- Design street and circulation system drainage grates to allow safe passage by bicycles.
- Light fixtures must meet Salt Lake City standards and specifications and be of a design that is compatible with adjacent properties.
- Publicly owned open space should include elements of visual interest and complexity including landscape, seating areas, furnishings, fountains, changes in grade, public art, etc. to add interest and excitement to the public spaces between buildings and along major circulation corridors.
- Site furnishings such as drinking fountains, benches, trash receptacles and ash receptacles, telephones, newspaper stands, bicycle storage and other elements of outdoor open space and public space should be incorporated into the design and provided in designated locations. They should be coordinated and be compatible and complimentary to other site furnishings and design elements.
- If seating is provided, the design should include a mixture of seating opportunities. Materials which are comfortable and vandal resistant are preferred.
- Seatwalls, steps, fountain edges, grassy mounds, etc. are also attractive and offer the variety necessary to accommodate many different needs. If seatwalls are used they should be a minimum of 12" wide and 16" to 24" high for comfortable, flexible seating.

p. 47-48 W.Kstrom

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 SI counselor;
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READER COMMENT

Giving Away the Best of Twin Falls

Magic Valley residents, are you aware that the area southwest of the Perrine Bridge that used to be a scenic pasture with horses is now being proposed to become another major retail big box store? The current Fillmore Street will be vacated (relocating the road and the city forfeiting the road and land) to the retail store. In exchange, a roundabout will be built to service Johnny Carino's, Outback Steakhouse, the Visitor Center, the big box store and the other new retail establishments.

Let's think about this roundabout just as you turn off of Blue Lakes, filled with motorhomes, fifth wheels, trailers, semis, delivery trucks, etc., in a city still trying to cope with five-point intersections. Really?

This "new" proposed Fillmore Street, to be owned and maintained by the big box store, would continue down the back property line of Zions Bank and Golden Coral and connect back up with Fillmore Street behind C-3 and Costco. What a bottle-

Barbara Beck



neck we would very probably have.

Even the largest roundabout possible for the area wouldn't be able to accommodate all those lengthy recreational and commercial vehicles. Last week, I witnessed a semi trying to maneuver into Johnny Carino's parking lot from Fillmore. It had to slow to a crawl to make the corner and barely did.

In the meantime, the big box store will sit directly on the canyon, with only the walking trail between it and the rim.

The back of this big box store will face the canyon and walking trail, along with its Dumpsters, garbage trucks, crates and semi-trucks delivering goods. That is the view that tourists and visitors will have as they cross over the Perrine Bridge and those utilizing the walking trail by the Visitor's Center.

The proposed store will sit

atop the knoll (yes, there is a rise) on the walking trail, which means that in the winter, when the sun is low in the south, the trail very possibly could remain snow and ice-covered for weeks at a time due to the placement of this large store. This would present a dangerous situation to the walkers that use the trail year-round.

Wal-Mart tried for several years to come into Twin Falls. After repeated failed attempts, they started throwing in concessions. They finally consented to build an attractive high stone fence with beautiful landscaping consisting of trees, bushes and landscaping boulders. The only landscaping that is proposed at this site is deciduous bushes, just like what's behind T.J. Maxx at the present time.

These items I've just presented may very possibly get the "go ahead" from city council. If it passes, this new business will come in and take the best of what's left of Twin Falls — a beautiful road, the land it sits on and a die-for view of the canyon. Talk about pillage, except there's

no violence; the city may just give it up peacefully.

Cities define themselves by the entrances into their communities. As it stands now, the only thing welcoming visitors to Twin Falls is a strip mall and neon lights on both sides of the street. Let's not add insult to injury.

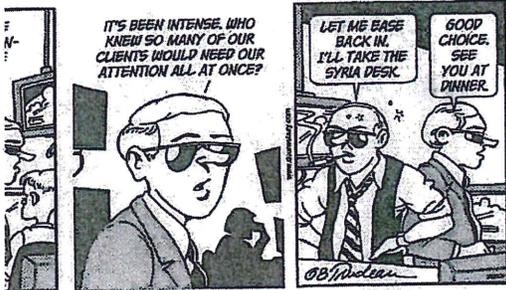
None of this makes sense. Please don't be passive about this issue if you feel like it's the wrong thing to do. Otherwise, it will likely pass.

Write to your city council members, 305 Third Ave. E., Twin Falls, ID 83301; phone 736-2296 and/or show up at the meeting, slated for April 9 at 6 p.m. to air your concerns. In fact, bring a friend or two. Your voice is the only thing stopping this!

Barbara Beck is a resident of Twin Falls and occasional user of the Canyon Rim Walking Trail.

Editor's note: To see a Times-News story about this issue with a map of the plan, visit <http://bit.ly/xn-CofU>. To read the most recent story on the issue: <http://bit.ly/AqJbH>.

Mallard Fillmore by Bruce Tinsley



Wanted for: Probation violations: domestic violence, viol...

MINDOKA COUNTY DRIVING UNDER

(felony), dismissed on motion of prosecutor. Raul Leony, controlled substance-possession of lease, public defender attempt to obtain a controlled substance by forged, recognition of

Prescription

TIMES NEWS

April 6, 2012

We, the undersigned, petition the City of Twin Falls to require landscaping that will provide a visual barrier between Twin Falls Walking Trail and the business establishments that will be located within Canyon Park Development, LLC, west of the Visitor Center. This landscaping should provide for a pleasant and picturesque view for walkers and visitors alike entering Twin Falls.

The landscaping should include a substantial wall (similar to Walmart's wall facing Poleline Rd.) that has an attractive facade with muted tones that will blend in well with the surrounding canyon walls. This wall will provide for noise abatement and contain debris to the business-side of these developments. Shrubbery (to include but not limit sizable trees of varying characteristics - e.i. - spring blooming, fall colors - bushes and large boulders). Watering systems will be established and maintained as well as the shrubbery.

Signature	Printed Name	Phone	Address
	Tessa Balsick	732-16490	660 Rose St. N #12
	E. Joan Leydet	733-0168	684 Riverwood Dr.
	Teri Fattig	536-2257	3400S 2200E Wendell
	Darcy Thornborrow	543-5030	1676E 3800N Buhl
	Maggie Arrington	433-8226	474 Taylor
	J.O. Nicholson	734-5917	PO 5378
	DIANE NICHOLSON		P.O. Box 5378
	CHRIS VAAGE	736-2101	P.O. 1238 TF
	Bob Scorel	404-2096	PO 2561 T.F.
	MARK WAGNER	734-4261	1135 Elm S. N.
	Maggi Seipel	404-6159	103 Polk T.F. 1D
	Lesa Wagner	731-4880	152 Tyler St.
	Kathy Gardano	420-4767	953 Sports St.
	Deborah S. Lane	426-4719	2122 Julebn
	Lawrence U. Cox	733-7984	238 Richardson
	Jeanene Ellis	734-3831	876 Briarwood
	Evelyn S. de Clair	733-1420	1905 San Lane Ave T.F.
	Richard Bingham	595-1373	684 Picabo
	Ginger Nakaya	293-7116	300 UNDRP 1501 Twin Falls, ID
	Ginger Nakaya	734-8334	3216 Spring Creek TF

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Lean Smith Lean Smith 733-0843 1381 Galena Dr.

Diane Dean Diane Dean 400-7672 4100 Blue LKS

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JERRY HUNTER JERRY HUNTER 733 5033

733 5033

410-1967 Michael Little

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Janet Keegan

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Gene Mitchell 751 River View 733-5033

Shirley Moody 702 River View 490-6849

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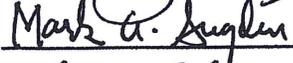
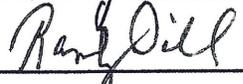
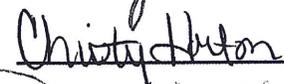
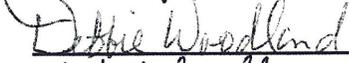
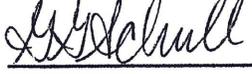
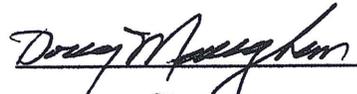
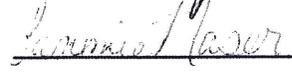
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Lori Schut Lori Schut 220-1009 882 Canyon

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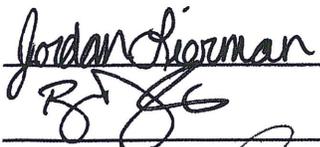
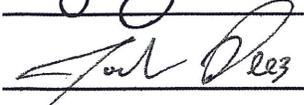
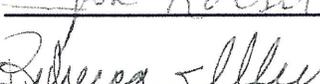
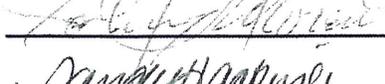
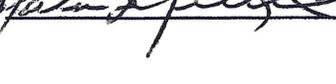
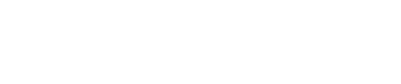
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Max [unclear] 328 [unclear] 209-221-8621

Mavis L. Smith Mavis L. Smith 1373 Washington St. Sw. 734-6707

Margaret Connor 211 Stadium Blvd. 733-1617

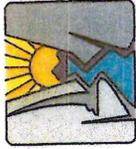
Patricia Bremer	PATRICIA BREMER	423-0904	3157 SAGE VIEW LN, KIMBER
Glenn Brown	Sylvia Grooms	734-1403	720 Ash St TR

Signature	Printed Name	Phone	Address
	Jordan Lieman	431-2011	2013 Rivercrest Dr. Apt 304
	RYAN DEVLIN	732-6476	2037 RIVERCREST DR. APT: 204
	Joel Dees	478-299-3279	2771 Virgo Ct.
	Joel Bate	209-358-0323	2590 Sunflower Circle Twin Falls, ID
	James ELLINGTON	324-3440	442 Clover Ln. Telomene, ID
	Kenneth Dagner	308-1836	3250 N 3450 E Kimberly ID
	Allen Scherbinde	404-4433	880 City of ID Twin Falls
	Chris Orders	431-3422	859 Westwind Twin Falls
	Geoff Creech	308-8892	1115 First Way Twin Falls
	DEBORAH PRICE	490-0432	2521 S. Spruce Pt. Twin Falls, ID
	JANINE REESER	732-6444 (435)	3620 Joshua Ln. Twin Falls, ID 83301
	Rebecca Illum	730-2569	1550 Saddler St Twin Falls, ID 83301
	Virginia Enryuez	320-8804	591 Cedar Brook Dr. TF, ID 83301
	Michael Steinmetz	733-0401	1070 Centennial TF ID 83301
	Jami Whited	308-6252	609 Sparks St N Twin Falls, ID 83301
	Rosa Campos	880-3276	1334 Elmwood Circle Twin Falls, ID
	Calvin Aristed	329-0518	501 7th Ave E. Twin Falls, ID 83301
	Johnny Modena	734-5859	1538 Falls Ave. W. TF ID 83301
	SANDY HACKING	734-5511	1016 Rockwood Ln TF 83301
	RANDEE NEERDAELS	733-1231	1214 NORTHEAST Pine TWIN FALLS, ID 83301

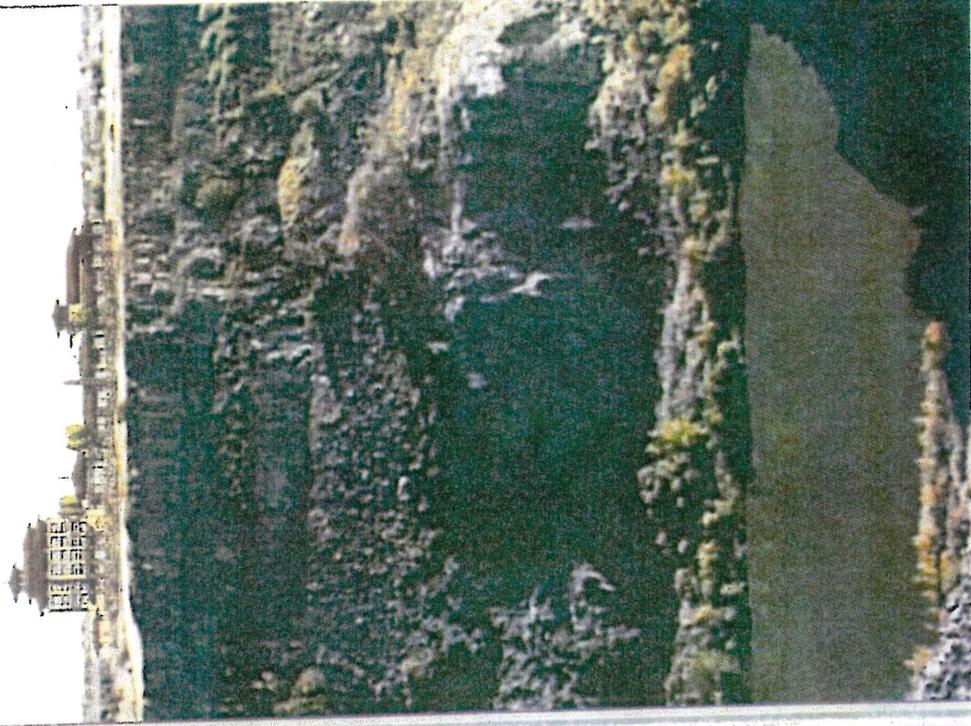
Canyon Park Development



*An exclusive development opportunity
bringing planned expansion
and economic growth to
the Magic Valley.*



Canyon Park Hotel and Convention Center





Canyon Park

Developer Profile

Craig H. Neilsen

Craig H. Neilsen, a long-time Twin Falls and Jackpot resident, is the owner of Neilsen & Company, a well-established real estate development and construction company. Neilsen & Company constructed a number of projects in southern Idaho including municipal facilities, public schools, exclusive planned residential communities and condominiums, along with resort hotels and casinos in Jackpot, Nevada.

Mr. Neilsen's most recent real estate endeavor is one of the area's most exclusive developments. Breckenridge, a planned residential community, is located on the Snake River Canyon between Fillmore Street and Canyon Springs Road, north of Twin Falls.

Since 1993, Mr. Neilsen has been the President and Chief Executive Officer of Ameristar Casinos, Inc., the parent company of Cactus Petes Resort Casino located in nearby Jackpot, Nevada. Mr. Neilsen now resides in Las Vegas, Nevada where Ameristar's corporate office is located near the company's newest casino hotel operation, The Reserve, of Henderson, part of metropolitan Las Vegas.

Ameristar Casinos, Inc. is an innovative, small-cap gaming company known for its distinctive, quality resort hotel casinos. Publicly held since November 1993, the corporation operates five properties in Nevada, Mississippi and Iowa; two of which boast the prestigious Four Diamond designation awarded by the American Automobile Association.

NEILSEN & COMPANY

550 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Canyon Park Development



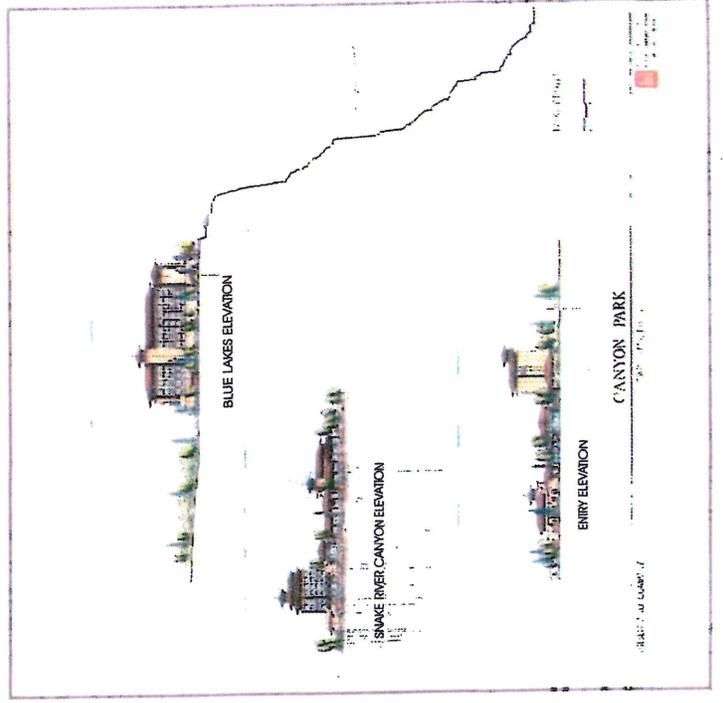
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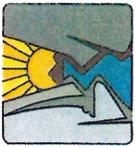
Canyon Park Hotel and Convention Center

Access and Recreational Improvements

With the support of the City of Twin Falls, the State of Idaho and the Twin Falls Chamber of Commerce, the project will be accented by the continuation of a canyon rim nature which features spectacular scenic overlooks.

This portion of the trail provides access to a vantage point of the canyon rim which has never had public right-of-way. The view from this area of the Snake River Canyon and the Perrine Bridge is considered by many to be the most exciting within Twin Falls city limits. With the development of the Canyon Park Hotel and Convention Center, residents and visitors alike will be able to appreciate the unparalleled beauty.





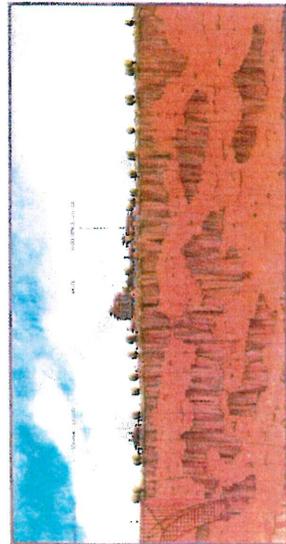
Overview of Opportunity

Canyon Park, an exclusive development opportunity, will reflect the natural beauty of Twin Falls and the canyon rim. Native materials will be used on the exterior to compliment its surroundings and lush landscape design will intentionally repeat the rugged high-desert setting of the Snake River Canyon.

Economic Benefits

The signature component of the project is a beautifully executed hotel and convention center. The project will contain 175 guest rooms and 15,000 to 25,000 square feet of convention space. The hotel and convention center will be an upscale facility for leisure and business travelers. Canyon Park will create many direct and indirect jobs in local tourism, restaurant, retail and other related businesses.

Bringing conventions and more tourism into Twin Falls will generate more spending dollars and reinvestments in the local economy.

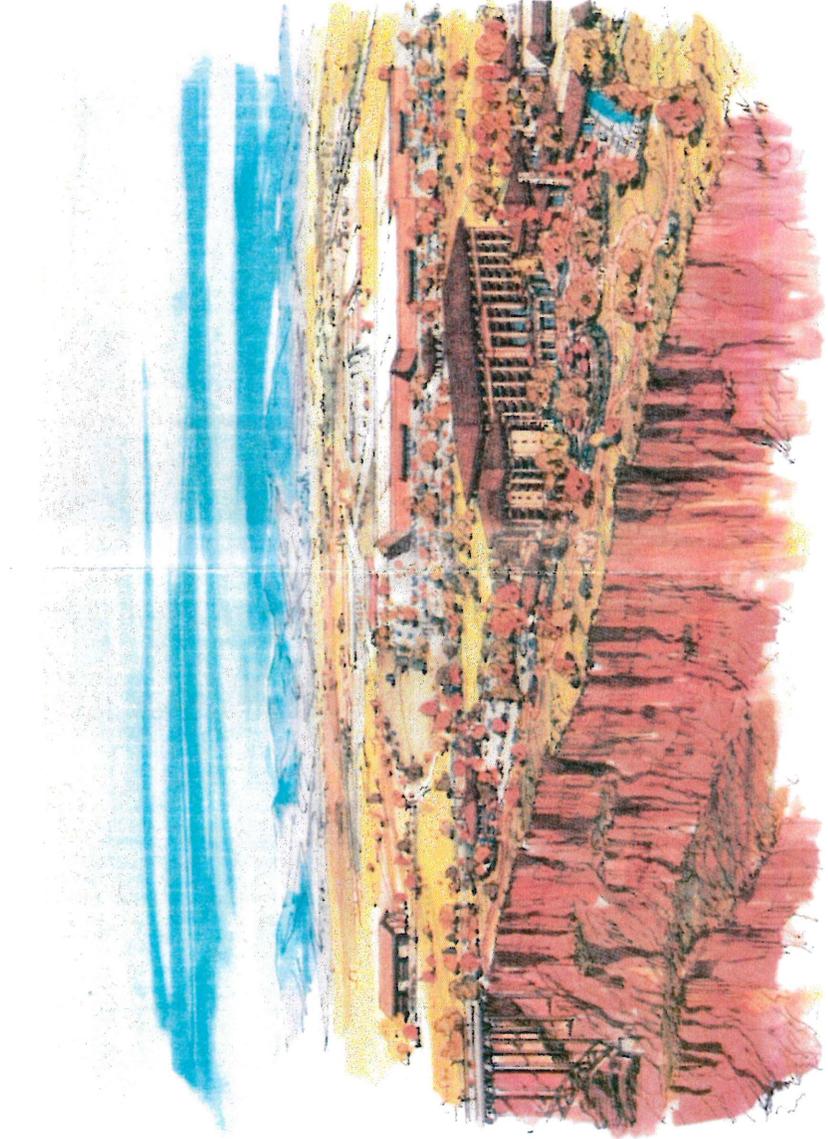


Canyon Park Hotel and Convention Center

Access and Impri

With the support of the of Idaho and the Twin Falls project will be access canyon rim nature which overlooks.

This portion of the trail point of the canyon rim right-of-way. The view River Canyon and the Pe many to be the most ex limits. With the develc Hotel and Convention C alike will be able to beauty.





Canyon Park

Profile

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Twin Falls and Jackpot
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is located on the Snake
Street and Canyon Springs

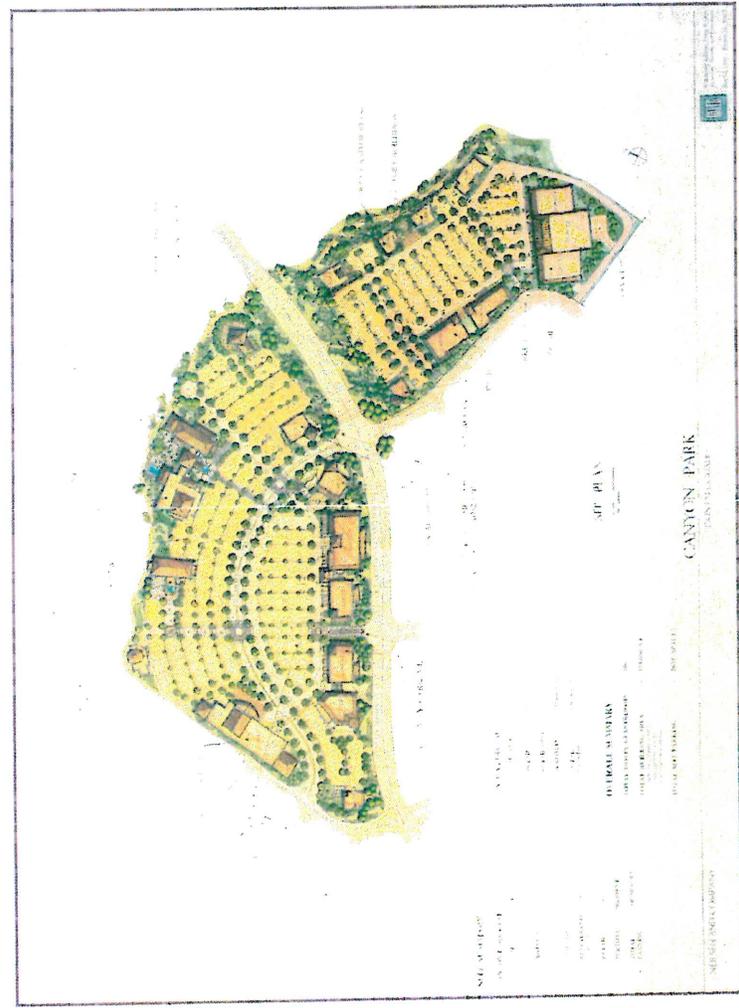
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Casinos, Inc., the parent
t Casino located in nearby
now resides in Las Vegas,
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an Las Vegas.

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: American Automobile

COMPANY

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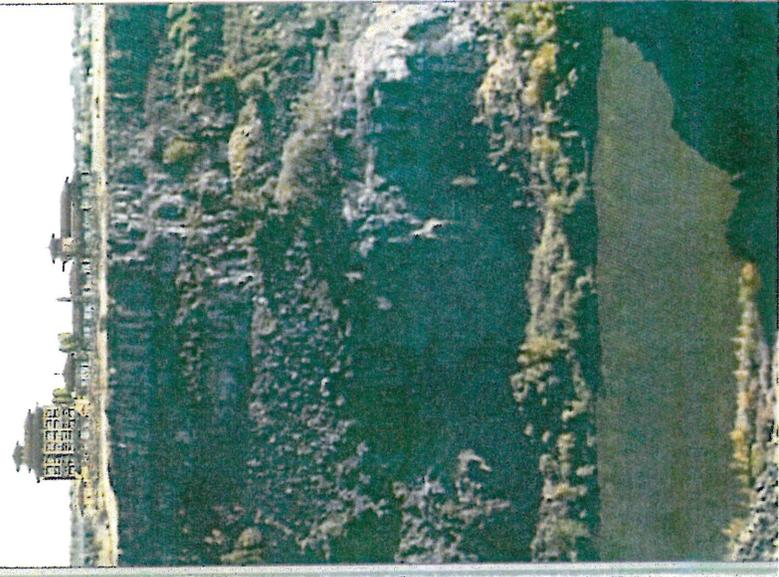
Canyon Park Development



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Canyon Park Hotel and Convention Center



Neilsen hotel is right vision for the future

Change is not necessarily a bad thing. It usually just takes some getting used to. Viewing Twin Falls' growth from the College of Southern Idaho campus over 30 years, the outward expansion of Twin Falls has certainly been dramatic. Since CSI has been responsible for some of this development, I would like to think it has been positive for Twin Falls and its citizens.

Craig Neilsen's proposed Canyon Park property development on the canyon rim is a perfect example of such future development. The horses are gone. The pasture is now graded and prepared to become a major business development. The once nearly secret road leading down to Canyon Springs Golf Course now turns into a wide thoroughfare that gives access to two existing hotels and lanes that lead to future stores, restaurants, movie theaters and a hotel and convention center. The crowning achievement in the Neilsen plan is a 175-room hotel and convention center.

Here's why I think it would be a very good development for Twin Falls and the Magic Valley.



READER
COMMENT
Gerald
Meyerhoeffer

When northern Idaho visionary Duane Hagedone wanted to build his resort and golf course on the Coeur d'Alene shoreline, a number of Coeur d'Alene residents were afraid that it would spoil the lake's appearance. It's actually done just the opposite. The beauty of the high-rise hotel and its modern, tasteful surroundings have added yet more grandeur to the lake. Coeur d'Alene has become a tourist destination resort.

Similarly, the Snake River Canyon is a wonderful natural vista for southern Idaho. A well-planned, modern hotel on the canyon rim won't hurt it. Instead, the Neilsen development plans appear to compliment, highlight, and draw more attention to the rugged beauty of the canyon. It's virtually certain that travelers with money to spend will want to

stop over in Twin Falls.

I also see tremendous additional employment opportunities for graduates from the College of Southern Idaho's Hotel and Restaurant Management, Culinary Arts and Business departments. Our best local graduates of these programs too often pursue their careers far from southern Idaho. A business of this magnitude could be the perfect destination for some of our best and brightest.

Finally, let's give credit to Craig Neilsen and his company for having the integrity to build and maintain a high quality operation. Mr. Neilsen and his family have been conscientious and supportive members of the Twin Falls business community for many years. We needn't worry that the Neilsen Co. would build anything that would detract from our scenic treasure.

Craig Neilsen knows and appreciates our community standards. If you look at other Neilsen businesses, you know this development will reflect all the positive beauty of the Snake River Canyon and will make us all very proud.

Gerald Meyerhoeffer is the president of the College of Southern Idaho.

Neilsen's vision of a canyon-rim hotel

There has been great enthusiasm, and some questions as well, about the Canyon Park Hotel and Convention Center. And, as others have been leading the discussions, I thought you should hear directly from me.

Throughout the last several weeks, I have followed the many newspaper and chamber endorsements and the unsolicited praise extended to our offices. I've also been keenly aware that some residents are not supporting the development.

I view this project as a natural progression in the city's evolution as a place of commerce and expansion. It had been said lately that this particular site is an important community location – that is something I have long known and appreciated. I have, as you may know, maintained this land for more than 20 years. Throughout that time, there have been numerous opportunities to develop this unique parcel, but I've waited until I felt the location had matured and realized its full potential.

The Canyon Park Hotel is the culmination of my lifelong dream to bring Twin Falls a landmark that serves as its centerpiece. As envisioned, this project will be important to the vitality and tourist appeal of the Magic Valley much as the Coeur d'Alene resort and other highly esteemed properties bring a desirable profile and enhanced revenue to other communities.

I recognize the value of the canyon and its importance to residents and am extremely sentimental about the area. Because of these long-held convictions, I see the hotel as a true gateway to Twin Falls. It will, in many ways, become a community center – with access to nature trails that provide an entirely new view of the bridge and the Snake River Canyon rim. The trails are truly a unique part of the project as they are designed for everyone to enjoy the scenic surroundings. With this in mind, I propose to build a vertical structure which will provide a green



READER
COMMENT
Craig Neilsen

What's your opinion?

The Times-News is eager to know your opinion of Craig Neilsen's hotel proposal. Letters of no more than 400 words can be:

- Mailed to P.O. Box 548, Twin Falls, ID, 83303
- Hand-delivered to our office at 132 Third St. W.
- E-mailed to letters@magicvalley.com

belt and open space, as opposed to the construction of a series of low-rise buildings that will form a wall along the canyon rim which will greatly reduce public access. In addition to creating a spacious and more environmentally sensitive project, the smaller "footprint" of a taller building will also provide visitors with even more impressive views of the canyon.

Those of you who are acquainted with my work in the hospitality industry know that I strive to create projects that reflect a great attention to detail. While Canyon Park is an independent endeavor of mine and will not be affiliated with Ameristar Casinos, this same philosophy and diligent consideration applies. My intimate involvement with every aspect – from conceptualization to construction – ensures that the facility will carry my personal signature. The emphasis will be on quality and ambiance throughout to provide a distinctive and highly memorable guest experience.

From an architectural perspective, Canyon Park will reflect the elements and color palette indigenous to the site and incorporate natural materials in an artistic, upscale treatment. Further, the

landscaping will soften the profile of the building and create continuity with the local terrain and complement the golf courses in the canyon below.

Canyon Park may be tied to a proposed new visitors center that will heighten interest as travelers come across the Perrine Bridge. The development will accent the area's existing attractions while enriching Twin Falls' beauty and prominence and strengthening the conveniences extended to the Magic Valley. Related to this point, the Canyon Park convention center will increase area commerce by bringing more regional travelers to the city and will be a cooperative partner in ongoing economic development activities. Long-term advantages of this project are likely to mean stronger airline connections and the creation of Twin Falls travel packages. Most immediately, Canyon Park will create flexible jobs and career opportunities for residents interested in lodging, property management and culinary positions.

Although I now reside in Las Vegas, my connections to Twin Falls are pronounced, and I am devoted to strengthening the community's economic development. When I relocated to Nevada because of other projects, it was an intentional decision on my part not to move the Neilsen & Co. offices – that business is an integral part of Twin Falls and a historic connection to my late parents. I am immensely proud of being a long-standing Twin Falls developer and employer.

While we've recently heard from a vocal minority, the project's strong economic benefits and the creation of a gateway to Twin Falls far surpass any concerns that have been raised. I hope you will agree with the integrity of this proposal and will lend your support to the Canyon Park plan.

Craig H. Neilsen is president of Neilsen & Co., a Twin Falls construction firm, and the developer of the proposed Canyon Park Hotel and Convention Center.

General Inquiry/Request for Service/Complaint Form

#137

Category: City
 Priority: 3
 Assigned To: Williams Mike
 Submitted: 4/4/2012 10:42 AM
 Source: Website 174.27.73.98

SUBMITTER

Laura Peterson
 Mountain View Dr.
 Twin Falls, Id 83301

[View Request](#)

CONTACT

laurapeterson2003@yahoo.com
 (208) 731-0869

REQUEST DETAILS

Description

Please complete the online form below to submit your request.

Contact Information

Name

Laura Peterson

Address

Mountain View Dr.

State:

Id

Zip

83301

Home Phone Number

(208) 731-0869

Daytime Phone Number

(208) 731-0869

Email Address

laurapeterson2003@yahoo.com

Please Specify General Inquiry, Request for Service or Complaint

I read the "Letter to the Editor" in Saturdays Times News written by Barbara Beck. I am writing to voice my objection to the proposed plan for the Big Box store as she described it in her letter. I have NO Problem with a development taking place in that area of town. It is only expected that that partial of land will be developed. But I DO OBJECT to the back side of any of the stores face the canyon rim and trail area. I am a frequent user of the Canyon Rim Trail and would hate to see the back side of retail stores when using the trail or approaching our beautiful city from the Perrine Bridge. I think it only fair that any new development must have to meet the standards and tone set by the stores built where Best Buy is located. PLEASE stick to your guns and take some time and enforce strict guidelines on any development that is proposed along our precious canyon and trails.

Thank you.

Laura R. Peterson

Frequent user of the Canyon Rim Trail and Proud citizen of Twin Falls.

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>			



Meeting of the Twin Falls City Council
April 16, 2012
 City Council Chambers
 305 3rd 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: **DISABILITY AWARENESS WEEK**

AGENDA ITEMS	Purpose	By:
I. CONSENT CALENDAR: 1. Consideration of accounts payable for April 10 – 16, 2012. 2. Consideration of the April 2, 2012, City Council Minutes. 3. Consideration of a request for the approval for beer to be served at the Ice Breaker Softball Tournament on Saturday, May 19, 2012, from 4:00 p.m. until 8:00 p.m. at Harmon Park. 4. Consideration of a request by Rosalinda Paiz to approve the 27 th Annual Mother’s Day and Latin Fiesta to be held at the City Park. 5. Consideration of a request by Snake Harley-Davidson to approve its sixth season of outdoor customer appreciation concerts at their facility beginning at 6:00 p.m. and ending at 9:00 p.m. on various Friday evenings throughout the spring and summer, in addition to their annual ORU Fundraiser to be held on Sunday, June 3, 2012, from 5:00 p.m. to 9:00 p.m.	Action	Staff Report Sharon Bryan L. Sanchez Dennis Pullin Dennis Pullin Dennis Pullin
II. ITEMS FOR CONSIDERATION: 1. A presentation by the Human Resources team reviewing the status of employee compensation. This presentation will provide an overview of how our current employment market was determined, market data collection and analysis, as well as drafted strategies for consideration. 2. Public input and/or items from the City Manager and City Council.	Presentation/ Action	Susan Harris
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 - None		
V. ADJOURNMENT Executive Session 67-2345 (1)(a) To consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office. Executive Session 67-2345(1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.		

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

Present: Shawn Barigar, Lance Clow, Don Hall, Gregory Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington
Absent: None
City Staff: City Manager Travis Rothweiler, Community Development Director Mitch Humble, Human Resource Director Susan Harris, Human Resource Analyst and Risk Management Gretchen Scott, Staff Sergeant Dennis Pullin, Staff Sergeant Dan McAtee, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him and with Boy Scouts from Troop 180. A quorum was present. Mayor Lanting introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested that the April 2, 2012, Minutes be removed from the Consent Calendar. The minutes would be placed on the April 23, 2012, agenda.

MOTION:

Councilperson Hall made a motion to remove the April 2, 2012, Minutes from the Consent Calendar. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

PROCLAMATIONS: **DISABILITY AWARENESS WEEK - Mayor Lanting read the proclamation.**

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for April 10 – 16, 2012, total: \$1,583,634.66.
April 16, 2012, total: \$ 579.25
April 13, 2012, Payroll: \$103,416.01
2. Consideration of the April 2, 2012, City Council Minutes
3. Consideration of a request for the approval for beer to be served at the Ice Breaker Softball Tournament on Saturday, May 19, 2012, from 4:00 p.m. until 8:00 p.m. at Harmon Park.
4. Consideration of a request by Rosalinda Paiz to approve the 27th Annual Mother's Day and Latin Fiesta to be held at the City Park.
5. Consideration of a request by Snake Harley-Davidson to approve its sixth season of outdoor customer appreciation concerts at their facility beginning at 6:00 p.m. and ending at 9:00 p.m. on various Friday evenings throughout the spring and summer, in addition to their annual QRU Fundraiser to be held on Sunday, June 3, 2012, from 5:00 p.m. to 9:00 p.m.

MOTION:

Councilperson Barigar made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. A presentation by the Human Resources team reviewing the status of employee compensation. This presentation will provide an overview of how our current employment market was determined, market data collection and analysis, as well as drafted strategies for consideration.

Susan Harris, Human Resource Director, gave the presentation.

On February 13, 2012, the City Manager requested to shift \$12,500 from the Human Resource Department's budget for the purpose of completing a compensation survey. The Council opted not to approve the request but directed staff to provide an analysis of the city's current compensation package and a plan to bring wages to the current market.

Susan Harris continued to discuss the history on the 2010 salary survey, shared statistical data as to how it relates to the organization and requested to seek council guidance and collaboration in identifying strategies that can be used in setting the foundation of a future compensation plan.

Following is what was presented in the PowerPoint presentation:

- 2012 Salary survey and shared statistical data and strategies.
- Step & Grade
- Pay for Performance

-SEED

In 2009, the City sought the services of the BDPA to conduct a comprehensive study and benefit survey. Because of several contributing factors the Council lacked confidence in the final report and understandably was uncomfortable in moving forward with the information which showed on the average the City of Twin Falls was approximately 7.5% behind market. Gretchen Scott transitioned into the H/R Department on a full time basis and recruitment became one of her primary responsibilities. It has provided her with an excellent sense of what is going on in the organization and has positioned her to address some of the challenges experienced with recruitment over the last few years.

Gretchen Scott stated that she will be presenting details, percentages, and averages, as defined by the Department of Labor.

She reviewed the following using a PowerPoint presentation:

- Cost of living indices
- How has this affected hiring?
- In which grades are increases occurring?
- Where are our applicants from?
- Where are they going? Voluntarily separated from the City.
- Department of Labor – 2011 Occupational Employment & Wage Survey
- 2012 Public Safety Salary/Benefit (Survey by the -City of Nampa)
- Comparison with Market Cities.
- Our market position.

In summarization, the City is 8% to 10%, behind market.

Susan Harris stated that compensation theory is not an exact science. She once heard compensation theory defined as conflict resolution. Many employees feel they are not paid enough and others wonder why they are paid what they are.

Discussion followed:

Councilperson Talkington asked if what was presented was wage only and did not include the total compensation benefits.

Susan Harris stated that benefits were not addressed at this point because in the last survey a great deal of time was spent on looking at the benefits. The City had the BDPA survey, and the City did their own survey on local employers as it related to the benefits and found that it was rather a push. For this presentation staff only looked at salary.

City Manager Rothweiler stated that under the BDPA study, a full market comparison was done. The BDPA study basically said that the benefits that the City offers to employees are generally no better and no worse than the market people.

Susan Harris stated that in order to maintain the ability to retain and attract a quality workforce, work needs to be done collaboratively to address the salary plan, and to strive to make sure, from three factors, that it is internally equitable, fiscally responsible, and addresses the internal compression. The market has been defined and the City is on an average 8% to 10%, behind market. She read a quote from the Times News regarding City officials updating employee salaries. In moving into the budgetary process and beginning to develop the new strategic plan, staff is committed to address the issues that are on the board. A general consensus is needed to address the total compensation philosophy to determine whether the decision is to lag behind the market, be equal with the market, or to try to be a leader. Once the philosophy is defined, staff will work to create a plan that will mesh the salary table with the philosophy, and then move to develop a strategy to bring employees in line. This can be taken one step further by changing the salary structure to address compression. Separate pay tables may be created, if necessary, for different departments. If the Council is comfortable with the market and the range that has been established, implementation can be addressed. Staff would like to bring information back to the Council.

The Council commended both Susan Harris and Gretchen Scott for their presentation.

Councilperson Talkington stated that at this point the Council needs to begin looking at dollars and cents, and what various incremental increases will get wages closer to a comparable range; in other words, if wages are bumped across the board or in the definition area by 4% what would this equate to, dollarwise.

Susan Harris stated that part of the implementation schedule that is being looked at is not only adjusting the table but doing some kind of comp ratio. To make that leap would not be a fair comparison, but to give the Council a perspective, every 1% rate adjustment is approximately \$156,000.

Councilperson Mills Sojka stated that she understood from the presentation that other employers exercise a difference between entry wages and experienced wages and that may be something that the organization needs to do in changing the table; and that overall, changes need to be made to get employees to market value to acquire experienced people. She asked if this was correct.

Susan Harris stated that staff needs the support in the definition of the philosophy. Budget is obviously a major consideration. When looking at the implementation strategy it may be found that it can be done in one year or may need to be implemented over several years. Staff will come back with several options for consideration. At this point, the compensation philosophy of where the Council wants to be is important to staff.

Councilperson Barigar suggested that one of the first things that needs to be done, independent of the strategic planning process, is to have the discussion of the kind of employer the City wants to be and what is that philosophy.

Councilperson Munn stated that during future discussions the entire performance evaluation system should be re-evaluated. The SEED program, from his personal perspective, did not receive the desired results and was disastrous. This needs to be looked at closely because it caused huge morale problems across the organization. He stated that he hoped this is looked at as part of the overall strategy for compensation and employee benefits.

Vice Mayor Hall stated when he worked for the City in 1988 the City of Twin Falls was a municipality of choice. Over the last several years the City has lost ground. When you lose ground you lose experience and service. He stated his philosophy is to pay as well as possible and stay competitive as possible in order to recruit and retain the proper employees to provide services to the community.

Councilperson Clow stated he struggled on how the next step is to be implemented. A comment was made on how the City compares to experienced versus the mean and the entry, yet statistics that were given show that the City is not hiring at the entry level, so is there one chart for experienced, and another chart for no experience? He also asked when do they move from one to another. He stated that he struggled with the Hay Study. He stated that he feels that it might be better to have different tables for the workforce.

Mayor Lanting stated that he is concerned that money is spent on training for employees, and they are the most likely to be hired away from the City if the City is not competitive.

City Manager Rothweiler stated that May 7 is the budget kickoff. Chief Financial Officer Race will give another financial update and will go through the process to discuss where the City stands in the current fiscal year on revenue collections. It may be an appropriate meeting to discuss philosophy and targets. On May 8, the City is having a community open house in relationship to the strategic plan.

2. Public input and/or items from the City Manager and City Council.

City Manager Rothweiler stated that Josh Palmer, who is with the Times News, will be the City's new Public Information Officer on April 30, 2012.

Cheri Condie, 2135 Oakwood Court, stated that she would like to speak on the Canyon Park Development on the Canyon Rim. She believes this proposal violates the City Code for the Canyon Rim Overlay District. It does not enhance the Canyon Rim but detracts from it. The Canyon has some breathtaking views from the property and the bridge. Perrine Memorial Bridge is a world famous site and BASE jumpers come from all over the world. The City has beauty, tourism, and now another strip mall. Community leaders are being relied on to make sure that this shopping center is built with respect and creativity. This is an opportunity for Twin Falls to stand out and to be the "go to" city in the Magic Valley. It would be to the City's benefit to have a shopping center that is pedestrian friendly and uses state of the art planning.

Mayor Lanting stated that several citizens contacted him the past week about the possible appeal process of some of the decisions made, more specifically by the Planning & Zoning Commission. He asked Community Development Director Humble to explain the options or lack of options concerning the process of the appeal of the Planning & Zoning Commission approval of the preliminary plat. Concerns have been raised on how close the shopping center is to the canyon rim.

Community Development Director Humble stated that the Planning & Zoning Commission approved the preliminary plat of the Canyon West Development. A preliminary plat is an item considered the final decision of the Planning & Zoning Commission, meaning the Council does not usually see a preliminary plat for action. Council's role comes in the process with the approval of the final plat. The platting is a land subdivision process and plats are reviewed per conformance with comprehensive plans, zoning ordinance, and PUD. The Commission will make a decision based on that conformance. The Commission approved the preliminary plat. Typically an appeal process would be requested by the applicant if they did not agree with the conditions placed or if the plat was denied. The Timberlake Apartments plat was appealed. That preliminary plat was denied by the Commission and the applicant appealed to the City Council. The Council went through the process and approved the preliminary plat. Some decisions by the Planning & Zoning Commission set out a process for the aggrieved party. An aggrieved party, not necessarily the applicant, can appeal the decision of the Planning & Zoning Commission. Regarding Special Use Permits, an aggrieved party who in person spoke at the hearing or who provided written comments can appeal the decision of the Commission. For the preliminary plats, there is no such provision provided in the City Code. There is a section in the code regarding the Planning & Zoning Commission's duty that the City Council can review a final decision of the Planning & Zoning Commission. It uses the term Council, not a member of the Council. The body as a whole can make a motion to direct staff to bring back a review to Council to consider and act on the preliminary plat. The time frame is 15 days after approval.

Council discussion followed:

Mayor Lanting stated that a final plat is placed on the Council's agenda but is not a public hearing.

Community Development Director Humble stated that a preliminary plat is not a public hearing, the public is invited to the meetings, and notification is sent to property owners within 300' requesting their input. The Planning & Zoning Commission will allow public comment with preliminary plats. The City, by State law, is told how to handle final plats. Preliminary plats are a complete creation of City Code. Final plats are placed on the Council agenda as a consent item and are not public hearings. It is up to the Mayor's discretion to allow comment on the final plat.

Councilperson Mills Sojka asked which part of the code addresses appeals and when will the Council see the PUD and approve the PUD agreement.

Community Development Director Humble stated that the typical process is to have a hearing on the rezone request. On April 9, 2012, a rezone request was heard on the Canyon Park Development and the PUD was discussed as part of the hearing, the development criteria proposed and the master development plan. Staff will run the process of creating a PUD agreement when going through the development review process for the plats. A PUD agreement will be brought before the Council around the same time the final plat comes to the Council. The section on appeals is in City Code 10-17-2, stating that says the Council can review a decision of the Planning & Zoning Commission.

Councilperson Barigar stated that in regards to the preliminary plat process, even with an appeal of that process to the Council, changes to the plat do not change the placement of the buildings adjacent to the Canyon Rim, unless there is a lot.

Community Development Director Humble stated that preliminary and final plats are a subdivision of property, and do not relate as to how a building sits on the property. In some of the zones one building per lot is allowed, and other zones allow multiple buildings per lot. A commercial zone allows multiple buildings per lot.

Councilperson Talkington referred to City Code 10-17-2 (the appeal process) asking if public safety consideration is worthy of scientific investigation, speaking specifically of an unusual, not replicated, situation at Canyon Park West. The final site would be 50' to 100' from the canyon rim depending on geological waivers. With a number of big box and retailers, there is a question of public safety and if the 50' or 100' setbacks are justified. The geology of the area is dynamically evolving and constantly in the process of sloughing off the canyon wall. He asked staff if the Council should exercise an appeal process asking for the burden of proof to be on the applicant, to not have substantial setbacks in excess of 100'.

Community Development Director Humble stated that in City Code Section 10-17-2, the Council can appeal the Planning & Zoning Commission's decision and the Council would need to determine if there is a "significant adverse impact" as the result of the Commission's action, which is a determination to be made by Council and not staff. If the Council, as a body, determines that approval of this plat can lead to a significant adverse impact, safety issues can certainly be significant adverse impact. He stated that he would raise the question if the division of land causing a significant adverse impact. On April 9, 2012, as part of the presentation it was clarified that setbacks would be at least 100'. The Master Development Plan was approved and will not allow any building to be closer than the 100' setback.

City Manager Rothweiler requested that the Council refrain from making any decisions until legal counsel is present to discuss the process to fully understand roles and responsibilities.

Mayor Lanting asked if the PUD Agreement can be amended by the Council at approval time.

Community Development Director Humble answered in the affirmative.

Mayor Lanting stated that Ms. Condie stated her concern of whether or not the proposed development would enhance the aesthetic value of the Canyon, and he asked staff what are her avenues.

Community Development Director Humble stated that Ms. Condie brought her concern to the Council and has done what is available to her.

City Manager Rothweiler stated that the intent of the public open meeting law is to allow the public to have the right to know the items being contemplated and being discussed before an elected body. A motion tonight would be inappropriate because this has not been placed on the amended agenda. He recommended that an item for discussion be placed on the agenda, allowing legal counsel and both parties to be present.

Council asked staff to clarify the 15 day appeal process rule.

Mayor Lanting directed that discussion of the issue be placed on the April 23, 2012, agenda.

Kathy McMillan asked if the 15 day appeal process can be adjusted if a discussion is being held because staff is waiting for clarification from legal counsel. She asked if a group can appeal the approval of the preliminary plat.

City Manager Rothweiler stated that the code does not allow flexibility of that interpretation. Staff does not believe that any other group besides the City Council has the right to appeal the matter and the question. Members of the community have the right to be able to submit their thoughts and their comments in writing.

Kathy McMillan stated that this may require a different geological stability if the code is for buildings that are actually more for isolation and the 100' setback is dealing with individual buildings. She would encourage the Council to get another opinion.

City Manager Rothweiler stated that the decision the Council will make on April 23, 2012, is whether or not the Council would like to go through a review process, and not the actual review.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Talkington stated his concern that in the accounts payables for the last pay period over \$1,050,000 was spent on three payables related to the water and sewer projects. He stated that several engineering and construction firms are making a comfortable living in this partnership with the City.

IV. PUBLIC HEARINGS: 6:00 - None

V. ADJOURNMENT

Executive Session 67-2345 (1)(a) To consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office.

Executive Session 67-2345(1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

MOTION:

Vice Mayor Hall made the motion to move to Executive Session as presented. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The meeting adjourned at 7:06 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

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
Monday, April 23, 2012
 City Council Chambers
 305 3rd 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:
I. <u>CONSENT CALENDAR:</u> 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
II. <u>ITEMS FOR CONSIDERATION:</u> 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
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 - None		
V. <u>ADJOURNMENT:</u>		

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

Present: Shawn Barigar, Lance Clow, Gregory Lanting, Jim Munn, Rebecca Mills Sojka, Chris Talkington, Don Hall

Absent: None

City Staff: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Sergeant Dennis Pullin, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. Mayor Lanting introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: Arbor Day Proclamation

Mayor Lanting presented the proclamation to Parks & Recreation Director Dennis Bowyer.

Arbor Day will be celebrated on April 27, 2012, at 4:00 P.M. at the Ascension Soccer Fields, Friday.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for April 17 - 23, 2012, total: \$598,503.49, Prepay April 24, 2012, \$26,561.25
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.

MOTION:

Councilperson Talkington made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Presentation of the Annual Jim A. Mildon Traffic Safety Award to Jean and Ron Gray and Jamie and Stepheni Gray.

Staff Sergeant Pullin explained the request.

Mayor Lanting and Vice Mayor Hall presented Jean and Ron Gray the Annual Jim A. Mildon Traffic Safety Award for their dedication to the field of traffic safety.

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.

Staff Sergeant Pullin explained the request.

Staff has recommended approval of the request and recommends that the on-duty Patrol Supervisor be given the authority to order the event organizers to mitigate the sound of amplified music.

Council discussion followed.

Shayne Carpenter, applicant, clarified the following:

- \$10 fee for a designated driver.
- Anticipate selling 1,000 tickets.

MOTION:

Councilperson Munn made a motion 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., with the provisions and stipulations described by Staff Sergeant Pullin. The motion was seconded by Councilperson Clow. Roll call vote showed Councilperson Munn, Talkington, Barigar, Clow, Hall and Lanting. Approved 6 to 0, with one abstention.

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

Parks & Recreation Director Bowyer explained the request.

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

Council discussion followed.

Councilperson Mills Sojka referred to item 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." She stated that it may be a good idea to have a general working term of the word "significant."

She also referred to the following, "Commission will forward their recommendation to City Council for their consideration." She stated that she would like to take public input at that time.

Councilperson Talkington asked that under the proposal, if the City Council would be allowed renaming.

Parks & Recreation Director Bowyer stated that the City Council could waive any requirements or procedures in the policy. If the Council chooses to rename a street the Council can initiate the process.

Councilperson Clow asked if the Council should limit to the Parks & Recreation Commission an open window to apply for changes.

Parks & Recreation Director Bowyer stated that this was not discussed but this can be considered as an option.

Vice Mayor Hall stated that in regards to Councilperson Mills Sojka's suggestion to have the word "significant" defined, he likes the ability to look at something and be somewhat objective as to what is significant, without having a monetary amount or percentage amount. The City has been very conservative as a community in naming or re-naming of park and recreational facilities.

MOTION:

Councilperson Talkington made the motion to adopt the naming policy as presented. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. 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.

City Attorney Wonderlich explained the process. He explained that he has one recollection of an appeal of a preliminary plat to the Council. This was for a large apartment development off of Kimberly Road, in which access was through a street to the south. The Planning & Zoning Commission voted against the preliminary plat.

The Council may be reviewing the decision of the Planning & Zoning Commission. The Council has delegated their authority to the Planning & Zoning Commission to act on their behalf in certain circumstances. If the Council disagrees with a Planning & Zoning Commission decision, the Council has the right to bring it back to themselves and decide for themselves. An applicant would have the right to appeal to the Council if they did not agree with a decision made by the Planning & Zoning Commission. The Council's decision is whether or not to review the decision of the Planning & Zoning Commission.

If an applicant disagrees with the decision, the applicant has standing because they have a personal interest and economic interest in the outcome. Adjoining property owners would have standing, but someone who is just interested in the general development of the City would not have standing. They do not have a personal interest or economic interest in that decision. Because this affects a particular parcel of land, this is a quasi judicial decision, meaning to act like a judge and not like a legislator. This is quasi judicial because the applicant has an economic interest in the outcome. The applicant has due process rights. Council has received emails, in which legal counsel has advised Council not to read emails or letters. In reading the emails or letters, the Council would be violating their quasi judicial function and violating the rights of the applicant.

The request for the Council is whether the decision of the approval of the preliminary plat should be reviewed. This is not a debate as to whether the development is good or bad. This is a process decision. The discussion tonight is whether or not the preliminary plat

has significant adverse impact on the City, and if so, does the Council want to proceed with a hearing. If the Council votes yes on the adverse impact on the City and to have a public hearing, staff will schedule a public meeting so contact can be made with everyone who initially received notification of the preliminary plat. This will be the time to provide information to the Council for consideration.

Vice Mayor Hall stated that Community Development Director Humble was instructed to respond to all correspondence.

Councilperson Talkington asked for clarification on the process. He asked if this is for a motion to review the Planning & Zoning Commission decision of the preliminary plat and has nothing to do with the substance at this time.

City Attorney Wonderlich stated that this is associated with a finding or determination that there may significant adverse impact as a result of the action of the Planning & Zoning Commission.

Councilperson Clow asked if the *adverse finding* means that the Planning & Zoning Commission made a mistake by not following zoning rules.

City Attorney Wonderlich stated that *adverse finding* does not mean a finding of error but a disagreement of their policy and decision. In the last preliminary plat appeal brought before the Council, the Council upheld the Planning & Zoning Commission decision. The plat had a negative adverse impact of adjoining properties to try to funnel traffic through a street that was designed for local traffic.

MOTION:

Councilperson Talkington made a motion to review the Planning & Zoning Commission's preliminary plat decision concerning the Canyon Park Amended Subdivision. The motion was seconded by Councilperson Mills Sojka.

Council discussion followed.

Councilperson Barigar asked that whoever is in support of the motion would define the *significant adverse impact*.

Councilperson Mills Sojka stated that at the public hearing the public stated their concerns regarding safety issues and citizens felt that the City is violating the Canyon Rim Overlay code.

Councilperson Talkington stated that there was a lack of in-depth questioning from the Planning & Zoning Commission regarding traffic management and the geologic issue. He stated that he is not sure if the geological issue as specified by the City is appropriate.

Councilperson Clow stated that in regards to the safety issue with the geologic study he has some concern. The project is outside the 100' setback requirement which developers have been following for the past 17 years. Inside the 100' setback a geological study is required to verify the safety of their buildings. The properties along the rim that are within the 100' setback haven't been deemed as a safety issue. The development's setback is necessary because the area is needed between the buildings and the rim for access and mobility of traffic around their facilities. The geological issue does not appear to be something that plays into the decision.

Councilperson Mills Sojka, liaison to the Planning & Zoning Commission, stated that she attended the preliminary plat hearing and in Section B of the Canyon Rim Overlay code it states, "To protect the view and create a unique environment on the canyon rim." In the April 10, 2012, Planning & Zoning Commission meeting minutes, questions were raised as to who designed the plan and criteria. The answer was basically major users and marketers. She stated that she wants to affirm that she is not violating the code.

Councilperson Clow stated that he and Councilperson Talkington were involved in the approval of the Canyon Rim Overlay. As he recalled, the statement "protect the views" was from the bottom of the canyon up and out. It wasn't from the buildings down.

Councilperson Mills Sojka stated the code as written doesn't give the background information and is open to interpretation.

Roll call vote on the motion showed Councilpersons Lanting, Mills Sojka, Talkington voted in favor of the motion. Councilpersons Barigar, Clow, Hall and Munn voted against the motion. Failed 3 to 4.

City Attorney Wonderlich stated the final plat, the ordinance on rezoning the property to the PUD, PUD agreement and road maintenance agreement will be brought before the City Council at a future meeting.

Vice Mayor Lanting requested that the minutes be provided from where the PUD was first originally designed and the promises made by the developer at that time.

Councilperson Mills Sojka asked if when the PUD agreement is brought before Council will the public be able to comment.

Community Development Director Humble stated that public comment is at the discretion of the Mayor.

Councilperson Clow stated that in the mid-90's, the City established a moratorium on the development on the canyon rim to do a study on the canyon rim. He suggested that the report be shared with the Council and placed on the City's website. The report will show how we went from no regulations on the Canyon Rim to where we are today and why the 100' setback was established in City Code.

Councilperson Talkington stated that he has heard unconfirmed reports that there is some evidence of geologic instability in existing houses on either side of the Perrine Bridge

Councilperson Barigar stated that if there is true imminent danger within the 100' of the rim this should be explored. He does not believe the concern should be explored with the development.

Councilperson Munn asked if there are geological studies that were done in the mid-90's or in the recent past that can be reviewed by staff or by Council.

Community Development Director Humble stated that the City does have generic studies and specific studies for specific properties where the developer was required for a building to go in less than 100' to the rim. In every case the studies were reviewed and approved by the City Engineer.

City Manager Rothweiler stated that Gerald Martens, who is the engineer on record, shared that he does have a study in regards to the property and staff will make it available upon receipt for the Council's review.

Councilperson Talkington asked who paid for the geologic survey.

City Manager Rothweiler stated that the survey was paid for by the landowner during the hotel study.

3. Public input and/or items from the City Manager and City Council.

Matt Vandernoot of Twin Falls asked how a citizen speaks to a representative, as part of a constituency, on an issue they will be judging prior to the citizen's ability to speak to them about an issue.

Mayor Lanting stated that he will allow public input on the development's final plat and PUD.

Councilperson Barigar stated that in general there is a due process. The Planning & Zoning Commission and the City Council hold public hearings where public testimony is received.

Councilperson Mills Sojka asked if there is a preliminary date on the PUD and final plat.

City Manager Rothweiler stated that staff has not scheduled a time for the PUD and final plat. He stated that staff will notify the public of when they will be placed on the agenda.

Patty Coffman, 2171 Selway Street, asked if the Perrine Bridge project is on tonight's agenda and if the citizens of Twin Falls will be allowed input.

Mayor Lanting clarified that the discussion at this meeting was regarding the preliminary plat of the Canyon Park Amended Subdivision. He stated he will allow public input on the PUD and final plat.

Cheri Condie asked City Attorney Wonderlich what part of the code indicates that City Code does not allow a citizen to appeal a final decision, what part of the code interprets a citizen has to have standing with an economic interest among the community, and she would like to know the exact steps an affected person would take to start the mediation process.

City Attorney Wonderlich stated that the code does not have an appeal process for a preliminary plat; therefore, the City reverts back to constitutional law. It is an economic outcome of the decision that allows the due process right, otherwise you are an interested citizen. The City is required to include the mediation provision by the Local Use Planning Act. It applies to an affected person, so it

comes to defining who is an affected person. City Code 10-17-5 (A) states that mediation can be requested by the applicant or by an affected person. An affected person is not necessarily only the applicant, it is anyone else who can argue that their property values are affected by the action of the Council.

Mayor Hall asked the City Attorney what recourse a person has if they don't agree with his interpretation of an affected person. Will they be able to sue the City?

City Attorney Wonderlich stated that he didn't know of any recourse. A person would have to state the claim. City Code makes a presumption that anyone living within 300' of a special use, for example, is an affected person. In regards to the appeal of the preliminary plat for the high density apartments, someone could live beyond the 300' and because of the potential of hundreds of vehicles coming back and forth in front of the house; this would be an affected person.

Councilperson Talkington stated that he has been an advocate of getting rid of downtown parking meters, but received a setback when attending the City of Albuquerque's 306th birthday, and found they still have parking meters. He stated he is giving up the battle regarding meters.

Councilperson Clow read a letter stating his resignation from the Council effective the end of April. He will be taking on new responsibilities in the Idaho legislature.

Mayor Lanting explained the procedure to fill the seat.

-Interested individuals need to submit a letter of interest and a resume by 5:00 P.M. on April 30, 2012.

-To be considered, a candidate must be a "qualified elector."

-Interested individuals will be asked to appear before a selection committee on May 1, 2012, at 7:00 P.M. at the Council Chambers.

-Each candidate will give a 3 minute presentation and explain why he/she is interested in serving on the City Council.

-Select applicants may be asked to be interviewed by the committee on either May 3, 4, or 5.

-Full council consideration is scheduled to occur on May 7, 2012.

Councilpersons Mills Sojka and Munn stated their concern of giving the public only one week to apply.

Mayor Lanting explained that he would like to have to have the Councilperson on board by May 8, 2012. Many people have expressed interest the moment Councilperson Clow announced his resignation

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 - None

V. ADJOURNMENT: The meeting adjourned at 6:31 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



May 7, 2012, City Council Meeting

To: Honorable Mayor and City Council

From: Sharon Bryan, Deputy City Clerk

Request:

Approval of an Alcohol License Application Transfer for The Smoke-N-Head, Inc., located at 287 Washington Street North.

Time Estimate: Consent Calendar.

Background:

Approval of Beer: Bottled for consumption off the premises only.

Wine: Retail Sales for consumption on off premises.

Approval Process: Consent of the Council.

Budget Impact: N/A

Regulatory Impact: City and State Code Compliance

Conclusion: Staff recommends approval of the application.

Attachments: Alcohol License Application



ALCOHOL LICENSE APPLICATION

BUSINESS NAME The Smoke-N-Head Inc. STATE LICENSE # 6921
 (Please attach a copy of your state license)
 DOING BUSINESS AS The Smoke-N-Head Inc.
 BUSINESS ADDRESS 287 Washington St. North Twin Falls, Id. 83301
 LEGAL DESCRIPTION OF PLACE OF BUSINESS Twin Falls Delong addition
 Lot N. 175 of Block E. 100 Subdivision LOT 19 Twin Falls Delong addition
 MAILING ADDRESS 287 Washington St. North Twin Falls, Id. 83301
 CONTACT PERSON Stephanie Nagel PHONE # 208-421-1192

BEER:	<i>Bottled for consumption off the premises only</i>	(\$ 50.00)	(Check) <input checked="" type="checkbox"/>
	<i>Bottled for consumption on premise</i>	(\$ 150.00)	<input type="checkbox"/>
	<i>Bottled & Draught for consumption on premises</i>	(\$200.00)	<input type="checkbox"/>
WINE:	<i>Retail Sales for consumption off premises only</i>	(\$200.00)	<input checked="" type="checkbox"/>
	<i>Wine by the Drink for consumption on premises only</i>	(\$200.00)	<input type="checkbox"/>
LIQUOR:	<i>Liquor license & fees cover wine license & fees</i>	(\$562.50)	<input type="checkbox"/>

As provided by the laws of the City of Twin Falls, Idaho for the term ending **June 30, 2010** tendered herewith is the license fee of \$ _____ . (Ordinance #2708)

APPLICANT IS AN INDIVIDUAL () PARTNERSHIP () CORPORATION (X)

IF A PARTNERSHIP, NAME ALL PARTNERS: (PLEASE PRINT)

NAME: _____ RESIDENCE: _____

NAME: _____ RESIDENCE: _____

NAME: _____ RESIDENCE: _____

IF A CORPORATION OR ASSOCIATION, NAME ALL OFFICERS:

NAME: Stephanie Nagel ADDRESS: 3295 Longbow Dr. T.F. ID.
 TITLE: Owner / President

NAME: Allen Nagel ADDRESS: 3295 Longbow Dr. Twin Falls.
 TITLE: Owner / Secretary

NAME: _____ ADDRESS: _____

TITLE: _____

NAME: _____ ADDRESS: _____

TITLE: _____

DATE OF INCORPORATION OR ORGANIZATION 2007 Oct.

PLACE OF INCORPORATION OR ORGANIZATION Twin Falls, Id

PRINCIPAL PLACE OF BUSINESS IN IDAHO Twin Falls, Id. 347 Washington St North

OWNER OF PREMISES (Please Print) Allen + Stephanie Nagel

NAME OF PERSON WHO WILL MANAGE BUSINESS OF SELLING BEER AT RETAIL:
(Please Print) Stephanie Nagel

(IF A PARTNERSHIP, ALL PARTNERS NEED TO SIGN)

SIGNATURE OF APPLICANT _____

NAME (Please Print) _____ BIRTHDATE: _____

RESIDENCE OF APPLICANT _____

LENGTH OF RESIDENCE IN IDAHO _____

SIGNATURE OF APPLICANT _____

NAME (Please Print) _____ BIRTHDATE: _____

RESIDENCE OF APPLICANT _____

LENGTH OF RESIDENCE IN IDAHO _____

SIGNATURE OF APPLICANT _____

NAME (Please Print) _____ BIRTHDATE: _____

RESIDENCE OF APPLICANT _____

LENGTH OF RESIDENCE IN IDAHO _____

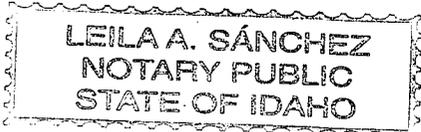
SIGNATURE OF APPLICANT _____

NAME (Please Print) _____ BIRTHDATE: _____

RESIDENCE OF APPLICANT _____

LENGTH OF RESIDENCE IN IDAHO _____

Subscribed and sworn to before me this 17th day of April, 2012.



[Signature]
Notary Public for Idaho
Residing at: Twin Falls
Notary Expiration Date: 5-18-2018

CITY STAFF USE ONLY:

APPROVALS:

PLANNING AND ZONING: Yes ✓ NM No _____ DATE: 4/30/12

COMMENTS: _____

POLICE DEPT: Yes ✓ gw No _____ DATE: 04/30/12

COMMENTS: _____

CITY CLERK: Yes ✓ [Signature] No _____ DATE: 4/30/12

COMMENTS: _____

State of Idaho Idaho State Police

Cycle Tracking Number: 59367

License Year: 2012
License Number: 6921

Retail Alcohol Beverage License

Premise Number: 2T-6921

This is to certify, that
doing business as:

The Smoke-N-Head Inc
The Smoke-N-Head Inc
287 Washington St N, Twin Falls, Twin Falls County

is licensed to sell alcoholic beverages as stated below at:

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.

Allen Abad
Signature of Licensee, Corporate Officer, LLC Member or Partner

Liquor	No	
Beer	Yes	\$20.00
On-premise consumption	No	
Kegs to go	No	
Restaurant	No	
Wine by the bottle	Yes	\$20.00
Wine by the glass	No	
Multipurpose arena	No	
TOTAL FEE:		\$40.00

THE SMOKE-N-HEAD INC
THE SMOKE-N-HEAD INC
287 WASHINGTON ST N
TWIN FALLS, ID 83301
Mailing Address

License Valid: 04/26/2012 - 06/30/2012
Expires: 06/30/2012

Jerry Russell
Director of Idaho State Police



Date: Monday, May 7, 2012, Council Meeting

To: Honorable Mayor and City Council

From: Staff Sergeant Dennis Pullin

Request:

Consideration of a request to approve the “Bed Races” Fundraiser for the Multiple Sclerosis Society to be held on Saturday, June 16, 2012, from 11:00 a.m. to 4:00 p.m. on the 100 Block of Main Avenue between Shoshone Street and Gooding Street.

Time Estimate:

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

Background:

Bev O’Connor, on behalf of John and Judy Fisher and the Multiple Sclerosis Society, has submitted a Special Events Application to hold the Bed Races Fundraiser event for the Multiple Sclerosis Society on Saturday, June 16, 2012, from 11:00 a.m. to 4:00 p.m. This event will be held in the 100 Block of Main Avenue between Shoshone Street and Gooding Street. The application requests the closure of Main Street in this area to allow beds to be on display in the parking stall areas. The actual bed races will take place in the street. Depending upon interest generated before the bed races, there may be children’s car races with Barbie Jeep-type vehicles. Barricades will be provided by the applicants, and they will be responsible for the street closure and the re-opening of the street. The applicants will also provide their own cleanup in and around the area affected by the event. The applicants will provide port-a-potties for the event.

There will not be alcohol served, other than from local businesses in the area who are licensed to sell from their own establishments. There will not be any live or amplified music.

From 11:00 a.m. until 4:00 p.m., Main Avenue will be closed from Shoshone Street to Gooding Street.

Downtown business owners have been advised of this event. We have had no negative responses from business owners.

Approval Process:

Consent of the Council.

Budget Impact:

There will not be any budget impact to the City of Twin Falls.

Agenda Item for May 7, 2012
From Staff Sergeant Dennis Pullin
Page Two

Regulatory Impact:

N/A

Conclusion:

Relevant members of City Staff have met on this special event request and have approved the Special Events Application with the agreement that the applicants will provide a cleanup plan and provide port-a-potties. With approval of this request, we would ask approval for the on- duty Twin Falls Police Department Supervisor to close down the event if the need arises due to noise or other disturbances.

Based on this request and the information provided, Staff recommends this event be approved.

Attachments:

None

DP:aed



Date: Monday, May 7, 2012, Council Meeting

To: Honorable Mayor and City Council

From: Staff Sergeant Dennis Pullin

Request:

Consideration of a request to approve the Annual Classic Cruisers event to be held on Friday, June 22; Saturday, June 23; and Sunday, June 24, 2012.

Time Estimate:

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

Background:

The Annual Classic Cruisers event will begin on Friday, June 22, 2012, at 6:00 p.m. and will conclude at 11:00 p.m. on that day. Included in the request is the approval of a street dance on June 22nd with a DJ providing music in front of The Bakehouse on Main Avenue South from 6:00 p.m. to 10:00 p.m. The organizer of the event will control the volume of the music being played. Alcohol will not be provided by the Classic Cruisers. The event sponsor has requested the closure of Main Avenue East/South from Shoshone Street to Idaho Street. Included in this section will be the street closure of Hansen Street East from Main Avenue to 2nd Avenue East. The organizers will be responsible for providing barricades and for blocking the streets at the beginning of the event and for the removal of the barricades at the conclusion of the Friday night event. The street closure will be from 6:00 p.m. until 11:00 p.m. Shoshone Street will remain open. Cars being displayed will be parked in parking areas, not blocking the streets.

Arrangements have been made by Classic Cruisers to assure the cleanup of the street and surrounding area.

Classic Cruisers have included in their Special Events Application the utilization of the Twin Falls City Park on Saturday, June 23, 2012, from 8:00 a.m. until 8:00 p.m. On Sunday, June 24, 2012, the event will commence at 7:00 a.m. and conclude at 3:00 p.m.; breakfast will be served at 9:30 a.m. The Classic Car Show will display vehicles on the grass of the City Park both days. There will be food vendors and MBC vendors. Alcohol will not be served at the City Park. There will be a live DJ providing music on both days. The amplified music will be played on Saturday from 12:00 p.m. until 8:00 p.m. and on Sunday from 12:00 p.m. until 3:00 p.m.

Approval Process:

Consent of the City Council

Budget Impact:

There will not be any budget impact to the City of Twin Falls.

Regulatory Impact:

None

Agenda Item for May 7, 2012
From Staff Sergeant Dennis Pullin
Page Two

Conclusion:

Relevant City Staff Members have met and approved this Special Events Application. The Fire Department has also approved and signed the application.

Downtown business owners affected by the street closure were contacted and no negative responses were received.

Staff recommends that the Council approve the Classic Cruisers' application for the three-day event. Twin Falls Police Department Staff requests approval for the on-duty Patrol Supervisor to have the ability to close down the event based on non-compliance of noise complaints from the music if they should arise.

Attachments:

None

DP:aed



Date: Monday, May 7, 2012, City Council Meeting

To: Honorable Mayor and City Council

From: Staff Sergeant Dennis Pullin

Request:

Consideration of a request to approve the Annual Magic Valley Bank Customer Appreciation Event to be held in the 100 Block of Main Avenue West and North. This event will be sponsored by the Magic Valley Bank. This event will be held on Monday, June 11, 2012, from 5:00 p.m. to 9:00 p.m.

Time Estimate:

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

Background:

This event will require the closure of Main Avenue West and Main Avenue North from Shoshone Street to the west side area of the Magic Valley Bank. The event is for invited guests of the Magic Valley Bank, not the general public. The organizers of this event expect 250 to 300 people to attend. The Pressbox will provide alcohol sales to guests between the hours of 5:00 p.m. to 8:00 p.m. Guests will be required to have wristbands for the purchase of alcohol. The Pressbox has obtained a catering permit. Barricades will be provided by the Magic Valley Bank for the street closure. There will be light music provided through a sound system, which will be controlled by members of the Magic Valley Bank. There will also be port-a-potties provided for guests. The Magic Valley Bank will provide garbage cans and will provide cleanup of the area at the conclusion of the event. Tables for dining will be set up on the sidewalk in front of the Magic Valley Bank, along with the Pressbox, and the sound system. The Snug Lounge will be providing food for the event. The closure of the street will be for guests.

The Twin Falls Police Department did not receive any calls for service pertaining to this event in 2011.

Approval Process:

Consent of the Council.

Budget Impact:

N/A

Regulatory Impact:

The Council's approval of this request will allow for the street closure in the 100 Block of Main Avenue North/West for approximately four (4) hours. The downtown business owners have been advised of the event, and I have not received any response or concerns from business owners.

Agenda Item for May 7, 2012
From Staff Sergeant Dennis Pullin
Page Two

Regulatory Impact:

N/A

Conclusion:

Relevant members of City Staff have met on this special event request and have approved the Special Events Application with the agreement that the applicants will provide a cleanup plan and provide port-a-potties. With approval of this request, we would ask approval for the on-duty Twin Falls Police Department Supervisor to close down the event if the need arises due to noise or other disturbances.

Based on this request and the information provided, Staff recommends this event be approved.

Attachments:

None

DP:aed



May 7, 2012 City Council Meeting

To: Honorable Mayor and City Council

From: Sharon Bryan, Deputy City Clerk

Request:

Consideration of a request to adopt a resolution 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 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:

POLICE DEPT.

- 2001 Case Reports (excluding NCIC files; homicide reports, sexual abuse reports; officer-involved shooting reports; fatal traffic accidents; and all death reports).

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

, 2012

SIGNED BY THE MAYOR

, 2012

Mayor Greg Lanting

Attest:

Sharon Bryan, Deputy City Clerk



Date: Monday, May 7, 2012
To: Honorable Mayor and City Council
From: Mitch Humble, Community Development Director

Request:

Presentation on the upcoming Twin Falls City Historic Preservation Commission's Walking Tour, May 19, 2012 from 9:00 am to 12:00 pm, by Darrell Buffaloe, Commission Chairman.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background:

May is Idaho Archaeology and Historic Preservation Month. Idaho State Historical Society asked that all Historic Preservation Commissions think about doing something to celebrate. Twin Falls City Historic Preservation Commission decided a Walking Tour of the Warehouse Historic District would be a great way to educate the public on the old warehouses located in the Old Town Zoning District.

There will be a short informational presentation, the walking tour, food, railroad car display, along with other informational displays.

Approval Process:

N/A

Budget Impact:

There is no significant budget impact associated with this presentation.

Conclusion:

The Historic Preservation Commission would like to invite all to attend the Walking Tour activities on May 19, 2012 from 9:00 am to 12:00 pm.

Attachments:

None



Date: Monday, May 7, 2012
To: Honorable Mayor and City Council
From: Susan Harris, HR Director

Request:

To continue the discussion of the city's current compensation status and to define the Council's philosophy that will guide the development of an implementation plan.

Time Estimate:

The HR team will give a brief overview of the presentation from April 16, 2012, followed by Council discussion and questions. I would estimate this item will take approximately forty-five minutes.

Background:

At the February 13, 2012 meeting City Manager Rothweiler asked Council for permission to reallocate funds from the Human Resources budget to complete a Compensation Study which would determine the organization's market competitiveness. At the conclusion of Council discussion the HR Department was directed to complete an analysis of employee compensation, develop an implementation plan for adjusting to market wages, and develop a strategy to alleviate wage compression issues within departments.

At the April 16, 2012 meeting the HR team gave a presentation reviewing the status of employee compensation. Included in the material were a comparison of the movement of private business wages relative to our salary table, an overview of how our employment market was determined, and an analysis of our current salaries in comparison to other municipalities and private business.

Approval Process:

We are not submitting a specific request for approval.

Budget Impact:

This discussion is to determine the general philosophy that will be used to in the development of the implementation plan and schedule.

Regulatory Impact: None

Conclusion:

The HR team is soliciting a general consensus from the Council regarding a compensation philosophy for our organization, and acceptance of the defined market that we compete in for our employees and a general perspective and suggested timeline on how to move forward.

Attachments: None



May 7, 2012 City Council Meeting

To: Honorable Mayor and City Council

From: Bill Carberry, Airport Manager

Request: Consideration of an agreement between the City of Twin Falls and the Bureau of Land Management (BLM) for the construction of a vehicle parking lot at their Joslin Field facility.

Time Estimate: Staff estimates this item will take 5 minutes with additional time for questions.

Background: In the spring of 2010, the City of Twin Falls and the BLM signed a lease modification agreement wherein the City of Twin Falls would contract for the design of future improvements for the BLM, at their airport facility, to include a building expansion, an aircraft parking apron, and a vehicle parking lot with BLM reimbursing the City for the design contract. The design was performed by Riedesel Engineering and was completed in the fall of 2010.

The BLM has held the design since 2010 and now that funding has become available they are ready to work with the City again to construct the vehicle parking lot portion of the design. All of the design and construction phases (helipad, tank farm/loading ramp, new bldg) of the BLM complex have been developed through a partnership approach that has the City contracting for design and construction services and the BLM providing funding.

The engineering estimate, provided by Riedesel, for the construction of the parking lot with a 10% contingency included totals \$104,500. The bidding and construction engineering services contract with Riedesel (a follow-up to this agreement) would be \$17,000, with the total anticipated cost for the project at \$121,500. Any bids higher than the anticipated amount would have to be approved by the BLM before awarding the contract.

The agreement is formatted through a modification of the existing lease agreement with the BLM. The modification updates the leased premise description, discusses the effective ground rental dates and rates, and commits a payment to the City in the amount of \$121,500 available to fund the project.

Approval Process: This item would require a majority of the Council vote to be approved.

Budget Impact: As a means of protecting the city from potentially higher construction costs than available funding, the agreement carries a clause requiring the BLM to approve any additional funding for the project if costs exceed the estimates and available funding in the agreement.

Regulatory Impact: None anticipated

Conclusion: After working in conjunction with the BLM Contracting Officer and the review of the City Attorney on this agreement, staff recommends City Council approval authorizing the Mayor to sign the agreement.

Attachments: Modification/Agreement

**DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SUPPLEMENTAL LEASE AGREEMENT**

No. 9

DATE
April 10, 2012

TO LEASE NO. L01PL00220

ADDRESS OF PREMISES **492 Airport Loop, Twin Falls, Idaho**

THIS AGREEMENT, made and entered into this date by and between

Joslin Field Magic Valley Regional Airport
whose address is: 492 Airport Loop
PO Box 1907
Twin Falls, Idaho 83301 1907

hereinafter called the **Lessor** and the UNITED STATES OF AMERICA, hereinafter called the **Government**:

WHEREAS, the parties hereto desire to amend the above Lease. NOW THEREFORE, these parties for the consideration hereinafter mentioned covenant and agree that the said Lease is amended, effective **May 1, 2012** as follows:

Supplemental Lease Agreement No. 9 is issued to reflect the following revisions:

1. Paragraph 2 is changed to add parking lot square footage
2. Paragraph 4 is changed to add parking lot payment effective October 1, 2013
3. Paragraph 27 to add cost for parking lot improvements.

Therefore, lease Paragraphs No. 2, and 4 are hereby deleted in their entirety and replaced with the following:

"2. LOCATION AND DESCRIPTION OF LEASED PREMISES:

Location	Joslin Field Magic Valley Regional Airport Description of Function Area	Total Square Feet
Lot 4, Block 12	Helipad Area (See Attached Exhibit A)	55,100
Lot 15, Block 10	Operation Building Area	13,020
Lot 1, Block 12	Tank Farm Loading Pits, & Lagoon Area	130,260
	Total Square Feet	198,380
Lot 19, Block 10	BLM Parking Lot (Payment Effective October 1, 2013) (See Exhibit Map 03/22/12)	20,608
	Total Square Feet Effective October 1, 2013	218,988

4. RENTAL

- A. **Effective October 1, 2009**, the Government shall pay the Lessor annual rent of **\$26,781.30** (based on the 2009 commercial rate of \$0.135 per square foot times 198,380 square feet)
- B. **Effective October 1, 2013**, the rental rate will be adjusted to reflect the current commercial lease rate as set forth in the airport fee schedule in effect on October 1, 2013. The total Square Feet will increase on October 1, 2013 as reflected in paragraph 2 above.
- C. **Effective October 1, 2018**, the rental rate will be adjusted to reflect the current commercial lease rate as set forth in the airport fee schedule in effect on October 1, 2018.
- D. The parties agree that on or before the first business day of each November thereafter, the Government shall pay the annual rent in advance and subject to modification as provided herein. Rent for a period less than one year shall be prorated.
- E. Rent shall be made payable through the Automated Clearing House (ACH) payment system to Joslin Field, Magic Valley Regional Airport according to the data in the Central Contracting Registration.

Paragraph 27 is hereby incorporated into the lease agreement as follows:

27. Upon completion, inspection and acceptance by the BLM Fire Management Officer of the following work items, the Lessor will submit an invoice to the Contracting Officer for payment:

The parking lot will provide 62 parking spaces with 3 ADA handicap accessible spaces on 20,600 square foot site in accordance with city of Twin Falls standards. The parking lot will be located north of the existing BLM Operations Building as depicted on design plans completed in October 2010. Parking Lot construction consist of excavation and embankment, drainage pipe and structure, subgrade prep, aggregate placement and asphalt paving with concrete curb and gutter.

The estimated costs for the Parking lot will not exceed the estimate below without written notification to the BLM Contracting Officer prior to execution of the parking lot construction contract. The Contracting Officer will determine if the increase is fair and reasonable and provide notice to proceed.

Bidding	\$7,000
Parking Lot Construction Cost	\$95,000
Contingency (10%)	\$9,500
Construction Management	<u>\$10,000</u>
Parking Lot Total	\$121,500

"

All other terms and conditions of the lease shall remain in force and effect.

IN WITNESS WHEREOF, the parties subscribed their names as of the above date.

LESSOR:

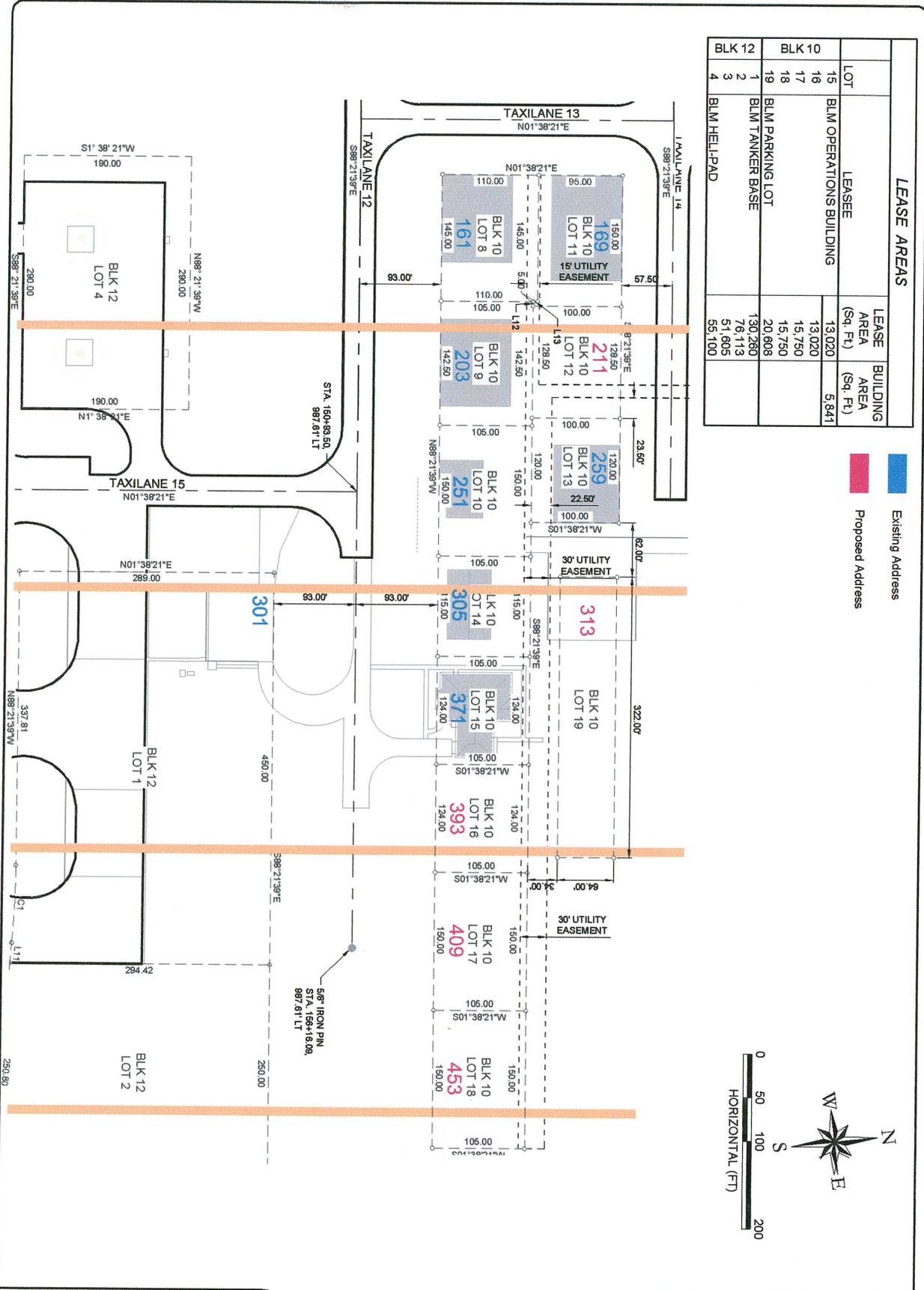
BY _____
Mayor, City of Twin Falls, Idaho (Signature) (Title/Member/General Partner)

IN THE PRESENCE OF

Name (Signature) (Title/Member/General Partner)

UNITED STATES OF AMERICA: BUREAU OF LAND MANAGEMENT

BY _____
Terry Baker (Signature) CONTRACTING OFFICER (Title)





May 7, 2012, City Council Meeting

To: Honorable Mayor and City Council

From: Bill Carberry, Airport Manager

Request: Consideration of an engineering agreement between the City of Twin Falls and Riedesel Engineering for services related to the bidding & construction of a BLM vehicle parking lot at Joslin Field.

Time Estimate: Staff anticipates this item will take approximately 5 minutes to present with additional time for questions.

Background: In the spring of 2010, the City of Twin Falls and the BLM signed an agreement wherein the City of Twin Falls would contract for the design of a bldg expansion, aircraft parking apron, and a new vehicle parking lot and the BLM would provide the funding. The design was performed by Riedesel Engineering and was completed in the fall of 2010.

The BLM has held the design and now that funding has become available they are ready to work with the City again to construct the new parking lot. All of the design and construction phases (helipad, tank farm/loading ramp, new bldg) of the BLM complex have been developed through this same partnership approach that has the City contracting for design and construction services and the BLM providing funding.

The engineering estimate, provided by Riedesel, for the construction of the parking lot totals \$104,500. The bidding and construction engineering contract with Riedesel would be \$17,000, with the total anticipated cost for the project at \$121,500.

The attached contract between the City and Riedesel would be for engineering work related to the bidding and construction services needed for the construction phase. The construction would be based on the parking lot design produced for the City & BLM under the design contract with Riedesel in 2010.

Approval Process: This item would require a majority of the Council vote to be approved.

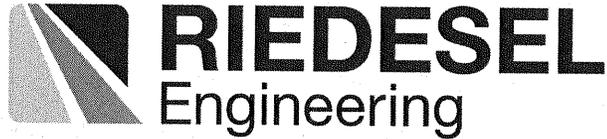
Budget Impact: The cost of the engineering contract will be reimbursed to the City per the agreement between the BLM and the City for the construction of the parking lot.

Regulatory Impact: None anticipated

Conclusion: Staff recommends City Council approve the Agreement for Engineering Services with Riedesel Engineering for the amount not to exceed \$17,000, contingent upon the execution of an agreement with the BLM for the construction and funding of the Parking Lot Project.

Attachments: Agreement for Engineering Services, BLM Parking Lot Project

April 30, 2012



Mr. William Carberry
Airport Manager
Joslin Field, Magic Valley Regional Airport
PO Box 1907
Twin Falls, ID 83301

RE: BLM Project
Parking Lot Project (Bidding and Construction Management)
Scope and contract Proposal

Dear Mr. Carberry:

I have attached for your review three copies of the Scope of Work and agreement for the BLM project, consisting of a parking lot project at the airport. These task lists are in accordance with the Scope of Work dated April 2012.

The project will consist of Bidding and construction management services for Parking Lot construction. Riedesel Engineering completed the design for this project in October 2010.

Our proposed fee is summarized for each project task as follows:

Phase 1 – Bidding	\$ 7,135.00
Phase 2 – Construction Management	\$ 9,865.00
TOTAL PROPOSED FEE	\$ 17,000.00

Should you have any questions, do not hesitate to call.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Kent Atkin".

M. Kent Atkin, P.E.
Project Manager

202 Falls Avenue
Twin Falls, ID 83301
208/733-2446
Fax 208/734-2748

PO Box 782
Meridian, ID 83680
208/898-9165
Fax 208/734-2748

77 Southway, Suite C
Lewiston, ID 83501
208/743-3818
Fax 208/743-3819

1845 Terminal Drive, Suite 150
Richland, WA 99352
509/946-3559
Fax 509/946-3554

CITY OF TWIN FALLS
AGREEMENT FOR ENGINEERING SERVICES

JOSLIN FIELD, MAGIC VALLEY REGIONAL AIRPORT
BLM Parking Lot Project (Bidding & Construction)

THIS AGREEMENT is made as of this ___ day of _____, 2012, by and between the City of Twin Falls, Idaho, hereinafter referred to as the OWNER, and Riedesel Engineering, Inc., 202 Falls Avenue, Twin Falls, Idaho, hereinafter referred to as the ENGINEER.

Whereas the OWNER intends to make certain improvements and/or modifications to the Joslin Field, Magic Valley Regional Airport consisting of the following:

This project consists of preparing a bid packet and the Construction Management of a vehicle parking lot previously designed by Riedesel Engineering for the BLM Air Attack Base Firefighting Facility.

hereinafter referred to as the Project, and the ENGINEER agrees to perform or furnish the various professional services stipulated in this Agreement for the design of said Project.

WITNESSETH:

For and in consideration of the mutual covenants and promises between the parties hereto, it is agreed:

ARTICLE 1
ENGINEERING SERVICES

1.01 BASIC SERVICES

The ENGINEER agrees to perform or furnish professional engineering services in connection with the Project, including normal civil engineering and architectural services related thereto, as set forth in the Scope of Consultant Services attached as Exhibit "A" and contained within this document.

1.02 ADDITIONAL SERVICES

When authorized by the OWNER, the ENGINEER agrees to furnish or obtain from others, additional professional services in connection with the Project, as set forth below and as otherwise contained within this Agreement.

(1) Services as required due to changes in the scope of the Project or its design, including but not limited to, changes in size, complexity, schedule or character of construction.

(2) Revising studies, reports, design documents, drawings or specifications which have previously been approved by the OWNER, or when such revisions are due to causes beyond the control of the ENGINEER.

(3) Preparation of design documents for alternate bids or for out-of-sequence work requested by the OWNER.

(4) The ENGINEER agrees to perform or furnish professional engineering services for future phases of the Project, including construction observation, and normal civil and architectural engineering services related thereto. The future phases of this Project may include vehicle parking, access road, air attack building, facility lighting, warehouse building, and storage building. The engineering services for future phases may be completed as a new separate agreement or as a change order for additional services.

ARTICLE 2 OWNER'S RESPONSIBILITIES

2.01 OWNER'S RESPONSIBILITIES

The OWNER shall:

(1) Provide to the ENGINEER, upon ENGINEER'S request, all available criteria, design and construction standards and full information as to the OWNER's requirements for the Project. Review and approve the ENGINEER's selection of Project design criteria and construction standards at the Preliminary Design Phase.

(2) Designate in writing a person authorized to act as the OWNER'S contact. The OWNER or his designated contact shall receive and examine documents submitted by the ENGINEER, interpret and define the OWNER'S policies and render decisions and authorizations in writing promptly to prevent unreasonable delay in the progress of ENGINEER'S services.

(3) Furnish the ENGINEER with copies of all known available field data and maps which pertain to any aspect of the Project, including maps, surveys, property descriptions, borings, soil reports and other available information pertaining to the ENGINEER's work.

(4) Hold promptly all required special meetings, serve all required public and private notices, receive and act upon all protests and fulfill all requirements necessary in the development of the Project and pay all costs incidental thereto.

(5) Provide legal, title insurance, deeds, accounting, and insurance counseling services necessary for the Project, legal review of the Construction Contract Documents, and such auditing services as the OWNER may require to account for the expenditure of construction funds.

(6) Furnish permits and approvals from all governmental authorities having jurisdiction over this Project and from others as may be necessary for completion of the Project.

- (7) Guarantee full and free access for the ENGINEER to enter upon all property required for the performance of the ENGINEER's services under this Agreement.
- (8) Give prompt written notice to the ENGINEER whenever the OWNER observes or otherwise becomes aware of any defect in the Project or other event, which may substantially affect the ENGINEER'S performance of services under this Agreement.
- (9) Furnish above services at the OWNER'S expense and in such manner that the ENGINEER may rely upon them in the performance of his services under this Agreement.
- (10) Compensate the ENGINEER for services rendered under this Agreement.

ARTICLE 3
COMPENSATION FOR ENGINEERING SERVICES

3.01 BASIC SERVICES COMPENSATION

The ENGINEER shall provide services in connection with the terms and conditions of this Agreement and the OWNER shall compensate the ENGINEER therefore as follows:

(1) Phase 1 – Bidding

The OWNER shall compensate the ENGINEER for Phase 1, Bidding, as described in Exhibit "A", Scope of Consultant Services, on the basis of a lump sum in the amount of seven thousand one hundred and thirty five dollars (\$7,135.00).

(2) Phase 2 – Construction Management

The OWNER shall compensate the ENGINEER for Phase 2, Construction Management described in Exhibit "A", on the basis of a time and materials payment. OWNER shall reimburse the ENGINEER his incurred costs at the certified hourly rates in place at the time of the work being performed.

It is further agreed that the cost ceiling established at nine thousand eight hundred and sixty five dollars (\$9,865.00) under this Phase reflects the ENGINEER's best estimate of the cost to perform the contract tasks. If, for justifiable reasons, it appears the cost ceiling will be exceeded by the ENGINEER, the ENGINEER and OWNER will amend the contract in writing to reflect a new cost ceiling.

3.02 ADDITIONAL SERVICES

The OWNER and ENGINEER further agree that:

- (1) The OWNER agrees to compensate the ENGINEER for additional services on the basis of time and materials payment or on a negotiated amount agreed to by both the OWNER and ENGINEER. The OWNER shall reimburse the ENGINEER his materials costs at the actual cost plus ten percent.

(2) Progress payments shall be made in proportion to services rendered as indicated within this Agreement and shall be due and owing within thirty (30) days of the ENGINEER'S submittal of his monthly statement. The ENGINEER will work with the OWNER in an attempt to meet the cash flow requirements of the Project.

(3) If the OWNER fails to make monthly payments due the ENGINEER, the ENGINEER may, after giving seven (7) days written notice to OWNER, suspend services under this Agreement.

(4) If the Project is delayed or if the ENGINEER'S services for the Project are delayed or suspended for more than three (3) months for reasons beyond the ENGINEER'S control or beyond the OWNER's control, the ENGINEER or the OWNER, after giving seven (7) days written notice, may terminate this Agreement and the OWNER shall compensate the ENGINEER in accordance with the termination provision contained hereafter in this Agreement.

ARTICLE 4 GENERAL PROVISIONS

4.01 DELEGATION OF DUTIES

Neither the OWNER nor the ENGINEER shall delegate, assign, sublet or transfer his duties under this Agreement without the written consent of the other.

4.02 TERMINATION

The OWNER reserves the right to terminate this Agreement at any time, upon written notice should any of the following events occur:

- (1) Upon the completion of any phase of the Agreement.
- (2) If the Project is abandoned or indefinitely postponed.
- (3) If the ENGINEER'S services are, in the judgment of the OWNER, unsatisfactory.
- (4) If the ENGINEER fails to prosecute the work with due diligence or fails to complete the work within the time limits specified herein or as subsequently extended.

Except upon voluntary abandonment of the Project by the ENGINEER, in the event the OWNER terminates this Agreement, the OWNER shall be obligated to pay the ENGINEER an amount equal in value to that of the services satisfactorily performed until the time of the termination.

4.03 EXTENT OF AGREEMENT

This Agreement represents the entire and integrated agreement between the OWNER and the ENGINEER and supersedes all prior negotiations, representations or agreements, either written

or oral. This Agreement may be amended only by written instrument signed by both the OWNER and the ENGINEER.

4.04 GENERAL

(1) Should litigation or arbitration occur between the two parties relating to the provisions of this Agreement, all court costs and reasonable attorney fees incurred by the prevailing party shall be paid by the non-prevailing party.

(2) Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents, or other events beyond the control of the other or the other's employees and agents.

(3) In the event any provisions of this agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provisions, terms, conditions or covenants shall not be construed by the other party as a waiver of subsequent breach of the same by the other party.

(4) The ENGINEER has not been retained or compensated to provide design review services relating to the Contractor's safety precautions or to means, methods, techniques, sequences or procedures required for the Contractor to perform his work but not limited to aircraft safety precautions, shoring, scaffolding, underpinning, temporary retainment of excavations and any erection methods and temporary bracing.

(5) The ENGINEER shall render his services under this Agreement in accordance with generally accepted professional practices.

(6) Any opinions of the estimates Construction Cost prepared by the ENGINEER represents his judgment as a design professional and is supplied for the general guidance of the OWNER. Since the ENGINEER has no control over the cost of labor or materials, or over competitive bidding or market conditions, the ENGINEER does not guarantee that such opinions will conform to actual bids received or actual costs to the OWNER.

(7) In soils investigation work and in determining subsurface conditions for the Project, the characteristics may vary greatly between successive test points and sample intervals. The ENGINEER will coordinate this work in accordance with generally accepted engineering practices and make no other warranties expressed or implied, as to the professional advise furnished by others under the terms of this Agreement.

(8) Any notices or other communications required or permitted by this contract or by law to be served on, given to, or delivered to either party hereto, by the other party shall be in writing and shall be deemed duly served, given, or delivered when personally delivered to the party to whom it is addressed or in lieu of such personal service, when deposited in the United States mail, certified mail, return receipt requested, addressed to the OWNER at P.O. Box 1907, Twin Falls, Idaho 83303-1907 or to the ENGINEER at 202 Falls Avenue, Twin Falls, Idaho 83301. Either party, the OWNER or the ENGINEER, may change his address for the purpose of this

paragraph by giving written notice of such change to the other party in the manner provided in this paragraph.

ARTICLE 5
SPECIAL PROVISIONS

5.01 INSURANCE AND INDEMNITY

(1) ENGINEER'S Insurance

The ENGINEER shall acquire and maintain statutory workmen's compensation insurance coverage, employer's liability, and comprehensive general liability insurance coverage.

5.02 RESERVATIONS AND COMPLIANCE

(1) The OWNER and any of their duly authorized representatives shall have access to any books, documents, papers, and all other records which directly pertain to this Project for the purpose of making audit, examination, excerpts, and transcriptions.

5.03 SUCCESSORS AND ASSIGNMENTS

(1) The OWNER and ENGINEER each bind themselves, their partners, successors, executors, administrators, and assigns to the other parties to this Agreement and to the successors, executors, administrators and assigns of such other party in respect to all covenants of this Agreement.

(2) This Agreement shall not be assigned without the written consent of the OWNER.

5.04 LIMIT OF LIABILITY

The OWNER agrees to limit the ENGINEER's liability to the OWNER, and to all construction Contractors or subcontractors on the Project, due to the ENGINEER's negligent acts, errors, or omissions, such that the total aggregate liability of the ENGINEER to all those named shall not exceed Two hundred fifty thousand dollars (\$250,000.00).

IN WITNESS WHEREOF, the OWNER and the ENGINEER hereto have made and executed this Agreement as of the day and year first above written.

OWNER:
ATTEST:

CITY of TWIN FALLS

Name: _____

Name: _____

Title: _____

Title: _____

OWNER:
ATTEST:

TWIN FALLS COUNTY

Name: _____

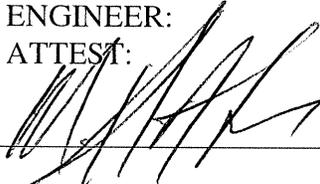
Name: _____

Title: _____

Title: _____

ENGINEER:
ATTEST:

RIEDESEL ENGINEERING, INC.





Name: M. Kent Atkin, P.E.

Name: Aaron L. Wert, P.E.

Title: Project Manager

Title: Principal

PROJECT DESCRIPTION PRINC P.M. P.E. P.L.S. ENG Sr.DES DES DRAFT SEC TOTAL

PROJECT DESCRIPTION	PRINC	P.M.	P.E.	P.L.S.	ENG	Sr.DES	DES	DRAFT	SEC	TOTAL
Phase 1 - Bidding										
1.1 Meet with Owner and BLM, project requirements	1	1								2
1.2 One site visit	1	2								3
1.3 Revise bid package completed previously					8				4	14
1.4 Construction Contract Documents	1	2								3
1.5 Contact potential contractors						2				2
1.6 Pre-bid conference,						4				6
1.7 Prepare Addendum										2
1.8 Assit in bid opening										2
1.9 Prepare bid summary		1								2
1.10 Prepare contracts		1								6
1.11 Provide assist in award proceedings		2								7
1.12 Owner coordination through bidding		4								4
1.13 Project Management / Corres. / Assur.		4								8
Total	0	7	27	0	0	12	0	0	14	60

Labor Cost Summary	Hrs.	@	\$	=	\$
Principal Engineer	0	Hrs.	175.00	=	0.00
Project Manager	7	Hrs.	150.00	=	1,050.00
Professional Engineer	27	Hrs.	140.00	=	3,780.00
Professional Land Surveyor	0	Hrs.	90.00	=	0.00
Engineer	0	Hrs.	120.00	=	0.00
Sr. Designer	12	Hrs.	90.00	=	1,080.00
Designer	0	Hrs.	80.00	=	0.00
Drafterperson	0	Hrs.	70.00	=	0.00
Secretary	14	Hrs.	50.00	=	700.00
Subtotal - Labor				=	6,610.00

EXPENSES	Mi.	@	\$0.50 / Mile	=	\$
Auto Expense	50	Mi.	\$0.50 / Mile	=	25.00
Motel		Ea.	\$65.00 / Each	=	0.00
Meals	0	Ea.	\$10.00 / Each	=	0.00
Phone/Postage/Supplies/Computer Time	1	Lump Sum		=	500.00
Subtotal - Expenses				=	525.00

Subtotal - Labor	6,610.00
Subtotal - Expenses	525.00
TOTAL Phase 2 -	\$ 7,135.00

PROJECT DESCRIPTION PRINC P.M. P.E. P.L.S. ENG Sr.DES DES DRAFT SEC TOTAL

PROJECT DESCRIPTION	PRINC	P.M.	P.E.	P.L.S.	ENG	Sr.DES	DES	DRAFT	SEC	TOTAL
Phase 2 - Construction Management										
2.1 Pre-Construction Management			2							2
2.2 Submittal Review			4							8
2.3 Project Manager Site Visits			2							2
2.4 Construction Progress Review			4			40				44
2.5 Resident Observation (40 hours)			4			2				6
2.6 Pay Estimates and Weekly Progress Reports			2			2				6
2.7 Final Inspection and Acceptance			1			2				3
2.8 Record Drawings			2							2
2.9 Project Fiscal Coordination			1							1
2.10 Project Schedule Coordination			4							8
2.11 Project Management			4							8
Total	0	10	28	0	0	46	0	0	0	84

Observ I

Labor Cost Summary	Hrs.	@	=	\$
Principal Engineer	0	175.00	=	\$ 0.00
Project Manager	10	150.00	=	\$ 1,500.00
Professional Engineer	28	140.00	=	\$ 3,920.00
Professional Land Surveyor	0	90.00	=	\$ 0.00
Engineer	0	120.00	=	\$ 0.00
Sr. Designer / Obser II	46	90.00	=	\$ 4,140.00
Designer	0	80.00	=	\$ 0.00
Draftsperson	0	70.00	=	\$ 0.00
Secretary	0	50.00	=	\$ 0.00
Subtotal - Labor			=	\$ 9,560.00

EXPENSES	100	Mi. @	=	\$
Auto Expense	0	\$0.50 / Mile	=	\$ 50.00
Motel	0	\$65.00 / Each	=	\$ 0.00
Meals	0	\$10.00 / Each	=	\$ 0.00
Phone/Postage/Supplies/Computer Time	1	Lump Sum	=	\$ 255.00
Subconsultants			=	\$ 305.00
Subtotal - Expenses			=	\$ 305.00

Subtotal - Labor	9,560.00
Subtotal - Expenses	305.00
TOTAL Phase 3 -	\$ 9,865.00

MANHOUR SUMMARY

Joslin Field, Magic Valley Regional Airport

	Hours	Rate	Amount
Principal Engineer	0	175	0.00
Project Manager	17	150	2,550.00
Professional Engineer	55	140	7,700.00
Professional Land Surveyor	0	90	0.00
Engineer	0	120	0.00
Sr. Designer / Obser II	58	90	5,220.00
Designer	0	80	0.00
Draftsperson	0	70	0.00
Secretary	14	50	700.00
TOTAL HOURS	144		\$16,170.00

	Labor	Expenses	Total
Phase 1 - Bidding	6,610.00	525.00	7,135.00
Phase 2 - Construction Management	9,560.00	305.00	9,865.00
TOTALS	\$16,170.00	\$830.00	\$17,000.00

PHASE 1 – BIDDING

Assist the OWNER in the competitive sealed bid and contractor selection process; provide bid documents and contact potential contractors. Prepare and process contract award documents. Bidding phase services shall include:

- 1.1 Meet and consult with the OWNER and BLM, to ascertain the OWNER's requirements for the project.
- 1.2 One site visit to review the airport's needs and the specific aspects of the project with the OWNER and BLM.
- 1.3 Revise bid packet prepared as a part of the contract completed in October 2010.
- 1.4 Provide Fifteen (15) sets of the approved Building Contract Documents for supplying the Contractors requesting plans for purposes of bidding, furnishing the OWNER and the BLM each with one (1) set for their files, and three (3) sets to the Contractor for use during construction.
- 1.5 Contact potential contractors and notify them of the building project. Respond to contractor/supplier questions during the pre-bid period. Answer contractors' questions about the scope of the project.
- 1.6 Conduct a Building Pre-Bid Conference to familiarize bidders and interested parties with the construction project scope and requirements. Provide meeting minutes to everyone in attendance at the meeting.
- 1.7 Addendum. Provide an Addendum which shall include pre-bid conference meeting minutes with a section to address questions or comments established in the pre-bid conference. The Addendum shall also include the Official Bid Proposal with an updated bid form to insure the Bid Proposal is not removed from the bound Construction Contract Document. Any required design and or bidding revisions shall also be included in the Scheduled Addendum No. 1.
- 1.8 Assist at the parking lot bid opening, review bids as received, assist in resolving bidding informalities or irregularities.
- 1.9 Prepare parking lot bid summary and distribute same to all plan holders and regulatory agencies, analyze bids and make recommendations to OWNER.
- 1.10 Prepare the parking lot contracts for review and approval by the OWNER submit copies of the contract for award to the various approving agencies for their review and approval. Issue Notice of Award to lowest qualified bidder.
- 1.11 Prepare and give general assistance in contract and grant award proceedings.

- 1.12 Meet with and coordinate with the OWNER throughout the bidding process to keep them aware of the project status and to inform them of bidding results.
- 1.13 Manage the project assisting the OWNER in maintaining the project schedule, fiscal requirements, assurances, paperwork and general requirements of the project.

PHASE 2 - CONSTRUCTION ADMINISTRATION AND OBSERVATION

The Construction Administration and Observation shall include review of submittals, providing survey control, quality assurance testing, scheduling, on-site construction observation, and provide record drawings. Construction Administration and Observation services shall include:

- 2.1 Schedule and coordinate a pre-construction conference to be held with the OWNER, BLM, Contractor, subcontractors, and other interested parties prior to commencing of the construction work. Issue Notice to Proceed.
- 2.2 Review the necessary tests, samples and other submissions of the Contractor for conformance with the design concept of the project and for compliance with the specifications given in the contract documents.
- 2.3 Provide construction control staking for the establishment of the base lines for the parking lot. An independent surveyor as a sub-consultant to the ENGINEER may do part or all of the surveying services on the project. The contractor will provide detailed staking for construction.
- 2.4 Review Contractors construction schedule and coordinate schedule with OWNER. Interpret the Plans and Specifications as the construction schedule submitted or updated by the construction Contractor.
- 2.5 Provide an on-site construction observation personnel for 40 working hours spread out over the 14 days for construction to act as agents of the OWNER, under the supervision of the ENGINEER in the implementation of the project. As defined in the construction contract, personnel will be present on a day-to-day basis to keep records, notes, plans and maps for use in preparing record drawings for the project.
- 2.6 Determine the amount of work performed on the project by the Contractor and prepare estimates of the amount of payment due the Contractor.
- 2.7 Conduct a construction progress review related to the Contractor's date of completion, receive written guarantees, certifications, and related data assembled by the Contractor, and issue to the OWNER a Certificate of Final Payment. When the project has been completed and is ready for final acceptance, arrange for inspection of the finished work by the OWNER, the Contractor and the ENGINEER.

- 2.8 Provide one (1) set of reproducible record drawings, based on surveys after the completion of the contract, which reasonably show the conditions at the termination of the project.
- 2.9 Assist OWNER with overall budget, cash flow status, and project funding coordination. Maintain project cost status documentation and update on a monthly basis.
- 2.10 Meet with the OWNER and BLM weekly to inform them of the status of the project and review any changes or alterations to be recommended.
- 2.11 Manage the project assisting the OWNER in maintaining the project schedule, fiscal requirements, paperwork and general requirements of the project. Provide administration of the construction contract as provided in the General Conditions of the Contract Documents and Specifications.



MONDAY May 7, 2012
To: Honorable Mayor and City Council
From: Mitch Humble, Community Development Director

Request:

Consider and act on a resolution declaring the City's intent to sell underutilized City owned property located at the northeast corner of Gooding Street North and 3rd Ave. North to the Twin Falls Urban Renewal Agency, and establishing a public hearing date consider the sale.

Time Estimate:

The staff presentation will take approximately 5 minutes. Time will be needed for discussion and questions.

Background:

The City owns several public parking lots downtown. One of the lots that the City owns is located at the northeast corner of Gooding Street North and 3rd Avenue North. The City uses a color coding system to identify our various parking lots. This lot is identified as the "Brown Lot". The Brown Lot is located on about 0.29 acre and has 36 parking spaces.

Most of the City's parking lots include about half of their spaces dedicated to free public parking and half dedicated as leasable parking spaces. The Brown Lot is located in an area that has very little public parking demand. Therefore, the entire lot is dedicated to leasable spaces. Historically, the Brown Lot has also had low lease demand. In August 2011, when the City held a downtown parking open house meeting, only 4 of the 36 spaces in the lot were leased. Currently, there are only 14 spaces leased. The Brown Lot is not in a great location and is underutilized because of that location.

City staff has had recent discussions with the Urban Renewal Agency leadership about this parking lot. These discussions have focused on the idea that the Brown Lot is underutilized and may be more valuable to be used as an incentive to encourage downtown revitalization and economic development. The Urban Renewal Agency has more available options when it comes to disposing of property for downtown redevelopment or economic development purposes. If the City can sell this underutilized property to the Urban Renewal Agency, then perhaps they can make the property part of a proposal to encourage additional downtown redevelopment in the area.

The attached resolution declares the Brown Lot to be excess to City needs. It also declares the City's intent to sell the property to the Urban Renewal Agency. Finally, the resolution establishes a date for the required public hearing on the sale of the property. That hearing date is tentatively scheduled for the May 28th Council meeting.

Process:

State code describes the process a City must follow to dispose of excess public property. The first step is for the Council to declare the property as excess to the City's needs and that they intend to dispose of the property. The Council shall then declare a minimum value for the property. Approval of the attached resolution accomplishes these steps as well as establishing a public hearing date to consider the disposition of the property.

Following these declarations, a public hearing must be held to allow input on the disposition of the property. After the public hearing, the Council can then direct staff to dispose of the property. In this case, the

property is proposed to be sold to the Urban Renewal Agency. The Council can authorize the sale of the property to another tax supported government agency by adopting an ordinance to that end.

Budget Impact:

There is no significant budget impact associated with the Council's approval of this request. There will be a small cost to notify the public hearing. Following the public hearing, the City will receive some revenue from the sale of the property to the Urban Renewal Agency. Staff hired Western Appraisal to perform an appraisal of the property. That appraisal indicated the value of the Brown Lot to be \$55,000. It is anticipated that, should the Council decide to sell the lot to the Urban Renewal Agency following a public hearing, the City would sell it for \$55,000 plus the cost of the appraisal (\$2,800).

Regulatory Impact:

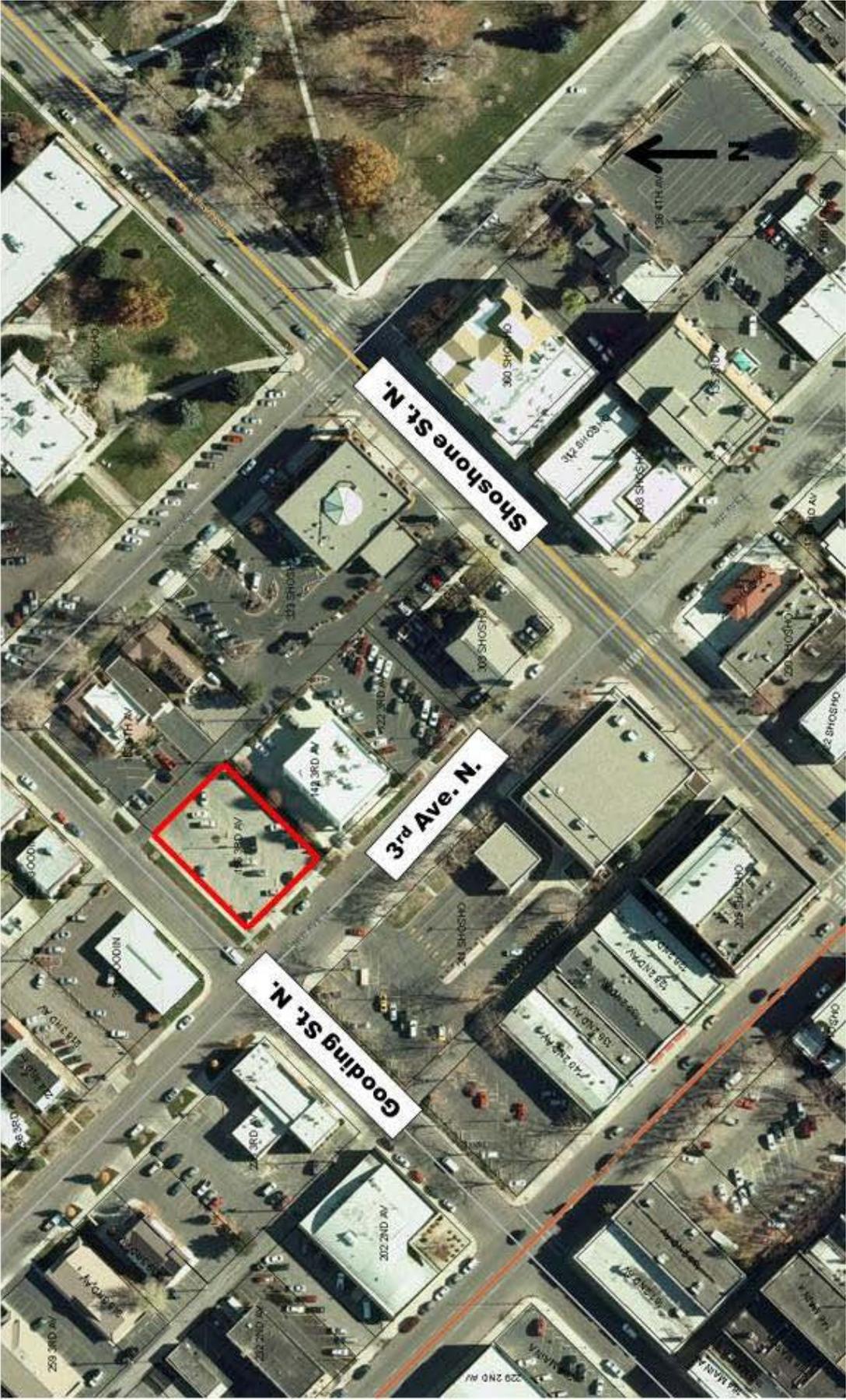
As discussed above, approval of this request will initiate the disposition process for the described property. This is the first step in the process to be followed by a public hearing.

Conclusion:

Staff recommends that the Council approve the attached resolution as presented and set Monday, May 28, 2012 at 6:00 p.m. for a public hearing to consider the sale of the described property to the Urban Renewal Agency.

Attachments:

1. Location Map
2. Resolution



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DECLARING THE INTENTION OF THE CITY TO DISPOSE OF REAL PROPERTY, AND SETTING A DATE FOR A PUBLIC HEARING.

WHEREAS, The City of Twin Falls owns Lots 17-20, Block 57, of the Twin Falls Townsite, Twin Falls County, Idaho, which is not needed for the City's public purposes; and,

WHEREAS, The Urban Renewal Agency of the City of Twin Falls wishes to acquire the subject property to aid its urban renewal efforts.

WHEREAS, The subject property has been appraised at a value of \$55,000.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

Section 1: That the City of Twin Falls hereby declares its intention to sell lots 17-20, Block 57, of the Twin Falls Townsite, Twin Falls County, Idaho, to the Urban Renewal Agency of the City of Twin Falls, for the appraised value of \$55,000.

Section 2: That the City Council will conduct a public hearing on the exchange on Monday, May 28, 2012, at 6:00 PM in Council Chambers, 305 3rd Avenue East, Twin Falls, Idaho.

Section 3: That this Resolution of Intention be published in the Times News at least 14 days before the public hearing date.

PASSED BY THE CITY COUNCIL _____, 2012.
SIGNED BY THE MAYOR _____, 2012.

Mayor Greg Lanting

ATTEST:

Deputy City Clerk

PUBLISH:



DATE: MONDAY -- MAY 07, 2012
To: Honorable Mayor and City Council
From: Mitch Humble, Community Development Director

AGENDA ITEM

Request:

Consideration of adoption of one (1) ordinance(s) regarding a request for the annexation of a 37 (+/-) acres for property located approximately 565' west of the western boundary of 3767 North 3300 East, c/o John Winnie, Chobani Director of Operations on behalf of Agro Farma. (app. 2506)

Time Estimate:

Staff presentation may be approximately five (5) minutes.

Approval Process:

As per TF City Code: 10-15-2(C) & (D)

(C) The Council, prior to adoption, amendment or repeal of the plan or Zoning Ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the hearing of the Council, if the Council makes a material change in the plan or zone, further notice and hearing shall be provided before the Council adopts the plan or zone.

(D) Concurrently or immediately following the adoption of an ordinance of annexation, the Council shall amend the planning and zoning regulations as shall be found to be necessary. (Ord. 2012, 7-6-1981)

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of this Title upon the preparation and passage of an ordinance. (Ord. 2012, 7-6-1981)

Idaho State Statute §50-222(5)a(iv)

Compliance with the notice and hearing procedures governing a zoning district boundary change as set forth in section [67-6511](#), Idaho Code, on the question of whether the property should be annexed and, if annexed, the zoning designation to be applied thereto; provided however, the initial notice of public hearing concerning the question of annexation and zoning shall be published in the official newspaper of the city and mailed by first class mail to every property owner with lands included in such annexation proposal not less than twenty-eight (28) days prior to the initial public hearing. All public hearing notices shall establish a time and procedure by which comments concerning the proposed annexation may be received in writing and heard and, additionally, public hearing notices delivered by mail shall include a one (1) page summary of the contents of the city's proposed annexation plan and shall provide information regarding where the annexation plan may be obtained without charge by any property owner whose property would be subject to the annexation proposal.

Budget Impact:

Approval of this request will not impact the City budget.

Regulatory Impact:

The Council's adoption of the ordinance(s) will allow the property to be annexed into the city limits and developed as approved.

History:

On March 13, 2012 the Commission unanimously recommended the existing M-2 zoning as appropriate.

On April 09, 2012, the City Council unanimously approved a request for the annexation of a 37 (+/-) acres for property located approximately 565' west of the western boundary of 3767 North 3300 East as presented.

Analysis:

The ordinance has been prepared as directed by the Council and is recommended for adoption as submitted.

Conclusion:

Staff recommends that the Council adopt the attached ordinance as submitted.

Attachments:

1. Ordinance
2. Portion of the April 09, 2012 City Council Minutes

ORDINANCE NO. _____

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

WHEREAS, **AGRO-FARMA, C/O JOHN WINNIE, CHOBANI DIRECTOR OF OPERATIONS** has made application for annexation of property located approximately 565' west of the western boundary of 3767 North 3300 East; 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 13th day of March, 2012, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 9th day of April, 2012, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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

SECTION 1. The following described real property be and the same is hereby annexed into and declared to be a part of the City of Twin Falls, Idaho:

SEE ATTACHMENT "A"

AND all public streets, highways, alleys and public rights-of-way adjacent and within this description.

SECTION 2. The real property described in Section 1 hereof be and the same is hereby zoned M-2.

SECTION 3. 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 annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

SECTION 4. 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 newly incorporated real property as hereby zoned.

SECTION 5. The City Clerk shall, within ten (10) days following the passage and publication of this Ordinance, certify copies of the same and file said certified copies with the county auditor, treasurer, assessor, and the Idaho state tax commission. The City Clerk shall cause one (1) copy of the legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the City as altered, to be recorded with the county recorder and filed with the county assessor and with the state tax commission within thirty (30) days following the effective date but no later than the tenth day of January of the year following.

PASSED BY THE CITY COUNCIL

, 20____

SIGNED BY THE MAYOR

, 20____

Mayor

ATTEST:

Deputy City Clerk

ATTACHMENT "A"

A parcel of land located in the S½ NE¼ of Section 24, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

COMMENCING at the Northeast corner of Section 24; said point lies North 00°27'29" East 2635.15 feet from the East quarter corner of Section 24;

THENCE South 00°27'29" West 1317.58 feet along the East boundary of Section 24 to the Northeast corner of the S½ NE¼;

THENCE North 89°49'59" West 1047.92 feet along the North boundary of the S½ NE¼ to the REAL POINT OF BEGINNING.

THENCE South 02°39'05" East 1134.38 feet along the centerline of a Twin Falls Canal Company lateral to a point on the Northerly right of way boundary of a railroad mainline;

THENCE North 80°47'45" West 1710.09 feet along said Northerly right of way to a point on the West boundary of the S½ NE¼ of Section 24;

THENCE North 00°08'34" West 864.41 feet along the West boundary of the S½ NE¼ of Section 24 to the Northwest corner thereof;

THENCE South 89°49'59" East 1637.75 feet along the North boundary of the S½ NE¼ of Section 24 to the REAL POINT OF BEGINNING.

Containing approximately 38.04 acres.

COUNCIL MEMBERS:

SHAWN LANCE DON GREGORY JIM REBECCA CHRIS
 BARIGAR CLOW HALL LANTING MUNN, JR. MILLS SOJKA TALKINGTON

Vice Mayor Mayor



5:00 P.M.

Meeting of the Twin Falls City Council
April 9, 2012
 City Council Chambers
 305 3rd Avenue East -Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: *Child Abuse Prevention Month and National Library Week 2012.*

AGENDA ITEMS	Purpose	By:
<p>I. CONSENT CALENDAR:</p> <ol style="list-style-type: none"> 1. Consideration of accounts payable for April 3 – 9, 2012. 2. Consideration of the Findings of Fact, Conclusions of Law, and Decision for the following: <ol style="list-style-type: none"> a. Zoning District Change & Zoning Map Amendment, Application, for Wills Inc., c/o Brad Wills. b. Final Plat, Application, for Eldridge Commercial Condominium Subdivision. c. Final Plat, Application, for W.S. & V Subdivision– a PUD. d. Appeal of Condition on Special Use Permit for All State Auto c/o Allen Nagel & Jeffery E. Rolig. e. Vacation, Application, for Wills, Inc., c/o EHM Engineers, Inc. f. Vacation, Application, UMPQUA Bank, c/o Mike Bideganeta. 3. Consideration of a request to approve the Western Days Special Events Application and Western Days Parade Application. Western Days is scheduled to be held on Friday, June 1; Saturday, June 2; and Sunday, June 3, 2012. The Western Days Parade is scheduled to be held on Saturday, June 2, 2012. 4. Consideration of a request to approve a Half Marathon sponsored by Magic Valley Community Fun Run Organization. This event will be held on Saturday, June 2, 2012, and will coincide with the Western Days Event and Parade. 	<p><u>Action</u></p>	<p><u>Staff Report</u> Sharon Bryan Mitch Humble</p> <p>Dennis Pullin</p> <p>Dennis Pullin</p>
<p>II. ITEMS FOR CONSIDERATION:</p> <ol style="list-style-type: none"> 1. Consideration of a request to acknowledge the recent graduation of Police Officer Matt Triner from the FBI's Hazardous Devices School and to present Officer Triner with his Bomb Technician certification. 2. Tour of the Public Works facilities located at Fairfield West and Bridge Street. 3. Public input and/or items from the City Manager and City Council. 	<p>Action</p> <p>Tour</p>	<p>Dan Lewin</p> <p>Jon Caton</p>
<p>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</p>		
<p>IV. PUBLIC HEARINGS: 6:00</p> <ol style="list-style-type: none"> 1. For a Zoning Title Amendment which would amend Twin Falls City Code 10-4-13.2 (OT Zone) by requiring a Special Use Permit for Residential - dwellings-multiple household (5 units or more); amending 10-4-7.2 (CB Zone) and 10-4-13.2 (OT Zone) by requiring a Special Use Permit for Residential dwellings-attached single dwellings-attached single household; dwellings-duplex; dwellings-triplex and four-plex, c/o Twin Falls Urban Renewal Agency. (app. 2505) 2. For annexation, consisting of 37 (+/-) acres, located approximately 565' west of the western boundary of 3767 North 3300 East, c/o John Winnie, Chobani Director of Operations on behalf of Agro Farma. (app. 2506) 3. Appeal of a required improvement as part of the approval for a Special Use Permit to operate a chiropractor's office and to include a residential apartment for the business owner or an employee of the business on property located at 1015 Washington Street North. (app 2500) 4. For a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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. (app. 2508) 5. Request for Vacation of the 2000-2190 blocks of Fillmore Street, c/o Gerald Martens, EHM Engineers, Inc on behalf of Tina Luper / Canyon Park Development, LLC (app. 2509) 		<p>Mitch Humble</p> <p>Mitch Humble</p> <p>Mitch Humble</p> <p>Mitch Humble</p> <p>Mitch Humble</p>
<p>V. ADJOURNMENT: Executive Session 67-2345 (1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.</p>		

Present: Shawn Barigar, Lance Clow, Don Hall, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jacqueline Fields, Staff Sergeant Dennis Pullin, Staff Sergeant Dan Lewin, Public Works Director Jon Caton, Assistant to the City Manager Mike Williams, Library Director Susan Ash, Deputy City Clerk/Recording Secretary Leila A. Sanchez

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

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS:

Child Abuse Prevention Month

National Library Week 2012

Mayor Lanting and Councilperson Talkington presented the National Library Week 2012, proclamation to Library Director Susan Ash.

Mayor Lanting presented the Child Abuse Prevention Month proclamation to Roseanne Campbell with the College of Southern Idaho, Twin Falls Head Start/Early Head Start.

AGENDA ITEMS

IV. PUBLIC HEARINGS: 6:00

2. For annexation, consisting of 37 (+/-) acres, located approximately 565' west of the western boundary of 3767 North 3300 East, c/o John Winnie, Chobani Director of Operations on behalf of Agro Farma. (app. 2506)

Community Development Director Humble explained the request.

On March 13, 2012, the Commission unanimously recommended the existing M-2 zoning as appropriate.

If the City Council should approve the request for annexation staff would concur the existing M-2 zoning designation as appropriate.

Public testimony opened and closed with no public input.

Rebuttal: None.

The public hearing was closed.

Council discussion followed.

Community Development Director Humble stated for clarification that by annexation this falls under the URA tax increment taxing to pay back the financing.

MOTION:

Councilperson Barigar made a motion to approve an annexation, consisting of 37 (+/-) acres, located approximately 565' west of the western boundary of 3767 North 3300 East, c/o John Winnie, Chobani Director of Operations on behalf of Agro Farma. (app. 2506)
The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion.
Approved 7 to 0.



MONDAY May 7, 2012
To: Honorable Mayor and City Council
From: Fritz Wonderlich and Mitch Humble

Request:

Consider and act on a request for mediation from Barbara Beck and the Breckinridge Estates Homeowners Association regarding various City zoning and development requests from Canyon Park Development, LLC for the Canyon Park Amended Subdivision.

Time Estimate:

The staff presentation will take approximately 2 minutes. Time will be needed for discussion and questions.

Background:

Idaho Code 67-6510 requires the City to have a mediation process option available upon the written request of applicants or affected persons. Twin Falls City Code 10-17-5 contains the City's mediation process. We have received a written request from Barbara Beck and the Breckenridge Homeowners Association, as affected persons. They are property owners within 300' feet of the proposed development.

The City Council must decide whether to order mediation, and if so, must pay the expense of the mediator for the first meeting. The applicant and affected person must participate in at least one mediation session, if directed to do so by the governing board.

Any resolution of differences through mediation must be the subject of another public hearing before the City Council. If the Council decides to order mediation, it is recommended that the Council table its decisions on the Rezone Ordinance, PUD Agreement and Final Plat, pending notification from either party that mediation has failed, or that a resolution has been reached.

The mediation process shall not be part of the official record regarding the applications.

Process:

A simple majority vote of the City Council is needed to order mediation.

Budget Impact:

If the Council orders mediation, the City will be responsible to pay for the first mediation session.

Regulatory Impact:

If the Council orders mediation, staff recommends that the Council table their actions on the other Canyon Park items on tonight's agenda pending notification from either party that mediation has failed, or that a resolution has been reached. If mediation is ordered, staff will select a mediator and schedule the mediation session as soon as possible.

Conclusion:

Staff recommends that the Council review the attached mediation request and determine whether or not to direct the applicant and the affected party to participate in a mediation session. If the Council orders mediation, then staff also recommends that the Council direct staff to select a mediator and schedule the mediation session.

Attachments:

Mediation request

RECEIVED
MAY 2 2012
BY:

May 2, 2012

Twin Falls City Council
321 2nd Avenue East
Twin Falls, Idaho 83301

Hand delivered by

Barbara Luper

Date:

May 3, 2012

Received by

Gen. A. Saich

Date:

May 3, 2012

Honorable Mayor and Distinguished City Council Members:

This letter will serve as an application by the undersigned, individually and collectively, to REQUEST MEDIATION for the following actions taken:

By: The Twin Falls City Council
When: April 9, 2012

Public Hearing 4: For a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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 (app 2508).

Final Decision: 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 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

(Mediation) 2.

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. 8. Forbid any signage to the back of the buildings.

By: The Twin Falls City Council

When: April 9, 2012

Public Hearing 5. For a Vacation of the 2000-2190 blocks of Fillmore Street, c/o Gerald Martens, EHM Engineers Inc. on behalf of Tina Luper/Canyon Park Development LLC (app 2509).

Final Decision: Approved.

By: The Planning and Zoning Commission

When: April 10, 2012

Item of Consideration III: Request for the 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.

Final Decision: 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. 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 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.

By: The Twin Falls City Council
When: April 23, 2012

Item for Consideration 4: To discuss and determine whether there may be significant adverse impact as a result of the Planning & Zoning Commissions' 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.

Final Decision: No review.

We request mediation for further consideration of the economic impact of the Canyon Park proposal on housing values. Code 10-17-5 sets forth our due process entitlement. We feel the development would have an adverse affect on the Canyon Rim trail and promenade that is used by many of us. Additionally, a re-engineering of the private street, Fillmore, would affect the speed of traffic coming through the neighborhood. Among the detrimental changes would be:

- The backside of the strip mall would be toward the canyon-side trail --- in spite of screening, users would be subject to an industrial environment of semis, loading docks, shipping facilities and dumpsters. The degradation to our neighborhood trail would be irreparable and cause a devaluation of our neighboring property values.
- Decreased access --- once behind the building, promenade and trail users would have to walk or bicycle nearly three football field lengths to egress the trail.
- The 6' high, 225' long retaining wall adjacent to the trail behind the westernmost edge of the building would aggravate icy conditions for winter walkers by creating shaded areas.
- By eliminating the intersection dip at Fillmore and Canyon Springs, adding free-running rights, turn lanes and bays, widening the road and making it no-parking (street parking is a traffic-calming strategy), vehicular traffic on Fillmore, once out of the proposed roundabout, would be faster and more dangerous as it enters the neighborhood.

We believe the City's passing of the Canyon Park proposal would violate the City ordinance for the Canyon Rim Overlay District (10-4-19) which states, "Protect views and create a unique visual environment along the canyon rim; preserve and improve the aesthetic appearance of the canyon rim for the enhancement of the quality of life in the community."

The approved preliminary plat is flawed aesthetically. Two PUDs had to be combined to try to accommodate the size of this development. The mass of the structure forces the main tenant locations to be placed on the edge of the property at the canyon rim side. The strip mall layout forces the backsides of the buildings to create a linear wall of loading docks and waste facilities on the rim promenade, creating an industrial look to the facility as seen from the trail leading from the Chamber of Commerce Buzz Langdon Visitor's Center. The Visitor's Center received the most visits in the state of Idaho last year for this type of center. The approved plat would be detrimental to the Visitor Center's operation and purpose, and invasive to the character of the canyon rim as a tourist attraction and gateway to Twin Falls.

Canyon Park East has been established as precedence for CRO development. The platting of Canyon Park East placed the buildings on the south side of the property away from the rim, and the parking facilities next to the canyon to keep the aesthetic vistas and access to the trail open.

We are familiar with studies of the positive economic impact of urban trails on housing values. The Canyon Rim Trail in our vicinity would be compromised as a superior recreational asset, should the City decide to approve the Canyon Park Development proposal. By facilitating vehicular traffic speed through our neighborhood, the City's approval would be detrimental to the financial investments we have made in our homes.

In order to address the Mediation procedure and mutually agreeable outcome, we hope to be in contact with you soon. We also offer any administrative assistance which may be allowable by law. Please advise on which city department and who on staff should be contacted to proceed.

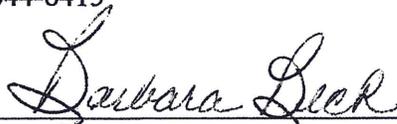
Sincerely,



Cheri Condie, Concerned Citizens for our
Canyon, Committee Member
2135 Oakwood Ct., Twin Falls, Idaho
644-6415



Terry Tracy, Breckenridge Homeowners
Association, Inc.
867 Canyon Park Avenue, Twin Falls, Idaho
735-5164



Barbara Beck, Breckenridge Homeowners
Association, Inc.
~~4099~~ Riverview Dr., Twin Falls, Idaho
944-4149
699 River View Dr.



Jerry Hunter
1751 RiverView Dr
Twin Falls Id

208-421-4888

CAROLINE / GEORGE MCKOVICH
712 RIVERVIEW DR
735-9998 - 208-*Caroline L McKovich*

BOB & MARILYN DONNELLEY

811 CANYON PARK AVE.

TWIN FALLS, ID 7339139

Lori Schut

882 Canyon Park Ave.

Twin Falls ID 220-1009

RECEIVED

BY: May 2, 2012

Twin Falls City Council
321 2nd Avenue East
Twin Falls, Idaho 83301

Hand delivered by Barbara Leek

Date: May 3, 2012

Received by L.A. Danis

Date: May 3, 2012

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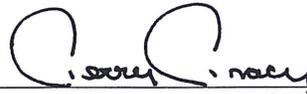
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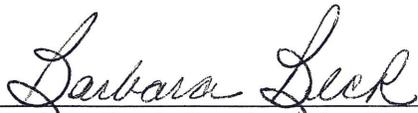
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Cheri Condie, Concerned Citizens for our
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2135 Oakwood Ct., Twin Falls, Idaho
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Terry Tracy, Breckenridge Homeowners
Association, Inc. *Individual Homeowner*
867 Canyon Park Avenue, Twin Falls, Idaho
735-5164



Barbara Beck, Breckenridge Homeowners
Association, Inc. *Individual Homeowner*
699 Riverview Dr., Twin Falls, Idaho
944-4149



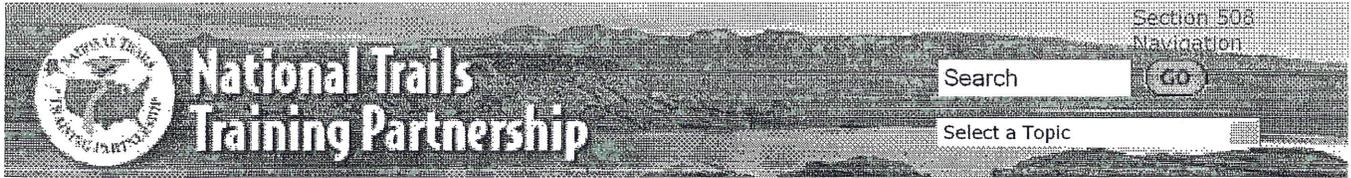
83 Riverview
T.F. Id. 83301

Jerry Hunter
1751 Riverview Dr.
421-4888

CAROLINE MCKOVICH / GERGE MCKOVICH
712 RIVERVIEW DR
735-9998 Caroline & Gerge

BOB & MARILYN DONNELLEY
811 CANYON PARK AVE 733-9139

Feri Sobel
882 Canyon Park Ave
733-10009



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Impacts of Trails and Trail Use

Hosted by AmericanTrails.org

Omaha Recreational Trails: Their Effect on Property Values and Public Safety

[Download the complete study \(pdf 2.9 mb\)](#)



The study was completed in 2001 by Project Director Donald L. Greer, Ph.D., of the University of Nebraska at Omaha, Recreation and Leisure Studies Program.

CONCLUSIONS

Some of the key findings include:

The Omaha recreational trails are used often by nearby residents. Over half (58.4%) of the responding used the trails daily or weekly.

Omaha trails are generally perceived by nearby residents as an economic benefit. Almost two-thirds of those surveyed felt the trails would increase the selling price of their home.

Property owners do not appear to have a widespread concern for their safety. Trespassing, theft and vandalism by trail users were relatively infrequent events.

Very few residents in the sample had increased home security, considered moving or wanted the trail closed.

Residents living along the trails appear to perceive there to be a positive relationship between the trails and neighborhood quality of life (75%).

There are noticeable differences between trails (or neighborhoods) in residents' reaction to Omaha trails. All neighborhoods reacted positively to the trails, but the responses were higher among residents living near the West Papio Trail.

BACKGROUND

During the past decade, few metropolitan areas have developed their recreational trail systems as rapidly as Omaha, Nebraska. From a complete absence of recreational trails and greenways in early 1989, Omaha has developed a system that today contains approximately 67 miles of paved recreational trails.

Another 35 miles of trails are scheduled for completion within the next eight years, and trail planning has become a continued feature of the urban and suburban park master planning process. Resources for this rapid development have come from a variety of sources, including the City of Omaha, Douglas County, and the Papio-Missouri Natural Resource District.

Despite increased promotion of trails for health and recreation, critics of new trail development continue to raise questions about the suitability of trails in neighborhoods. Concerns often focus on the impact of trails on property values and public safety in different types of neighborhoods.

METHODOLOGY

To address these concerns, this research sought to examine the impact of the existing trail system, focusing on residents living within one-block of each of three targeted trail segments. Trail selection was accomplished by consulting with the Omaha Parks and Recreation Department. Criteria included the desire to examine trails in areas of the city with old and new housing, short

Section 508
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April 15, 2007
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- [Rails to trails](#)
- [Safe Trails Forum](#)
- [Planning](#)

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- [Tools](#)
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For more opportunities for training on trail design, construction, and management see the [National Trails Training Partnership](#) area.

Although we have gone to some length to achieve acceptable methodological rigor in this investigation, a few of its limitations should be mentioned in closing. The purpose of this investigation was not to establish an absolute or "true" increment of value that results when residential property is located next to a trail. Rather, we only sought to determine whether or not a subjective effect on property value exists in the minds of residents. This finding is consistent with the results of other recent surveys in Omaha and Council Bluffs (Omaha Master Planning Survey, 1998; Council Bluffs Master Planning Survey, 1999). Findings showed a substantial number of randomly selected respondents reported that they would pay more for residential property located near public parks and recreation facilities.

Finally, a decision that may strike some as a significant limitation was the selection of our sample to cover only residents living in close proximity to the target trails. We can defend this decision on a number of grounds. Persons living near trails, whether users or nonusers, are the most likely to be aware of the safety and economic issues that were central to our purpose.

[Download the complete study \(pdf 2.9 mb\)](#)

first published on the internet 2001

Need trail skills and education? Do you provide training? Join the [National Trails Training Partnership!](#)
The [NTTP Online Calendar](#) connects you with courses, conferences, and trail-related training
Promote your trail through the [National Recreation Trails Program](#)



Some of our documents are in PDF format and require free *Adobe Acrobat Reader* software.
[Download Acrobat Reader](#)



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Updated March 18, 2007

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To: Real Estate Manager – West (Kohl's)
Subject: **Preserve the visual treasure of the Snake River Canyon rim.**
Letter: Ms. Steffens:

I just signed a petition calling on Kohl's to choose an alternative site for their new store in Twin Falls, Idaho. By locating on one of many other different properties available, you would preserve the unique visual environment by the Perrine Memorial Bridge over the Snake River Canyon.

Our city's Canyon Rim Overlay District code states: "Protect views, preserve and improve the aesthetic appearance of the canyon rim for the enhancement of the quality of life in the community." Your plans would create a 200,000 square foot strip mall to be built 130 feet from the breathtaking rim. Worst of all, the backs of the buildings would face the scenic promenade along the canyon side used and valued by tourists and locals alike. Truck docks and garbage facilities, even if screened, would give the rim environment an industrial quality that would have an adverse impact on the community and our visitors.

http://magicvalley.com/news/local/twin-falls/city-official-kohl-s-coming-to-twin-falls/article_88510c3b-5fbb-5975-b40e-7c5c158bea9d.html

There are questions raised about the geological and public safety effects of your current plan. If, as your environmental green scene states, you're "taking big steps to ensure we leave a smaller footprint," then I believe this also applies to the sensitive canyon-side environment of the Snake River. I'm calling on you to do the right thing, and reconsider your choice of an iconic and vulnerable overlook on the rim to put your store.

No doubt you have a Plan B for the Twin Falls site. Place your new building on a more appropriate arterial highway that is more in keeping with your strip mall format. Or simply rotate the building to face the trail and create better access to it. The community is ready to welcome you --- we've been hoping to catch your attention for many years. Working with us to choose a more suitable site would prevent much disappointment and earn you the respect and gratitude of many happy residents and customers.

Sincerely,

Name, City, State, Zip Code, Country, Signed On Cheri Condie, ..., 2012-04-27 Robert Carleson, Arroyo Grande, California, 93420, United States, 2012-04-28 Tom Carleson, Ferndale, Washington, 98248, United States, 2012-04-28 Kathryn Ryser, SLC, Utah, 84117, United States, 2012-04-28 Beth Van Antwerp, Los Angeles, California, 90007, United States, 2012-04-28 Lynn Sheehan, Twin Falls, Idaho, 83301, United States, 2012-04-28 Jim Sylva, Hansen, Idaho, 83334, United States, 2012-04-29 Claudia Haynes, Nampa, Idaho, 83686, United States, 2012-04-29 John Condie, Twin Falls, Idaho, 83301, United States, 2012-04-29 Ralph & Judy Friedemann, Jerome, Idaho, 83338, United States, 2012-04-29 Lee Bush, Salem, Oregon, 97305, United States, 2012-04-30 Lynne Olson, SLC, Utah, 84105, United States, 2012-04-30 Laura Peterson, Twin Falls, Idaho, 83301, United States, 2012-04-30 Tereasa Bendele-Nichols, Twin Falls, Idaho, 83301, United States, 2012-04-30 Doug Peterson, Twin Falls, Idaho, 83301, United States, 2012-04-30 Monica Brown, Jerome, Idaho, 83338, United States, 2012-04-30 Walt Kidd III, Portland, Oregon, 97223, United States, 2012-04-30 Cynthia Woods, Twin Falls, Idaho, 83301, United States, 2012-04-30 Jen Gardner, Twin Falls, Idaho, 83301, United States, 2012-04-30 Maureen Loucks, Twin Falls, Idaho, 83301, United States, 2012-04-30 gary roberts, Boise, Idaho, 83706, United States, 2012-04-30 Jeremy Dong, Mesa, Arizona, 85203, United States, 2012-04-30 Colette Armstead, Twin Falls, Idaho, 83301, United States, 2012-04-30 Karen White-Condie, West Jordan, Utah, 84801, United States, 2012-04-30 Concerned Citizen, New City, New York, 10956-2406, United States, 2012-05-01 Jennifer Nauman, Twin Falls, Idaho, 83301, United States, 2012-05-01 Vicky Hasselbring, Twin Falls, Idaho, 83301, United States, 2012-05-01 glenda gibson, boise, Idaho, 83713, United States, 2012-05-01 Darrin Weeks, Twin Falls, Idaho, 83301, United States, 2012-05-01 Leah Garey, Twin Falls, Idaho, 83301, United States, 2012-05-01 Theresa Jensen, Twin Falls, Idaho, 83301, United States, 2012-05-01 Jane MULLOWNEY, Hailey, Idaho, 83333, United States, 2012-05-01 Lisa Matthews, Murtaugh, Idaho, 83344, United States, 2012-05-01 Cindy Schroeder, Taylorsville, Utah, 84129, United States, 2012-05-01 TERRY TRACY, Twin Falls, Idaho, 83301, United States, 2012-05-02 Alma Hasse, Fruitland, Idaho, 83619-0922, United States, 2012-05-02 Heather Kearn, St George, Utah, 84790, United States, 2012-05-02

I. EXECUTIVE SUMMARY

PURPOSE

The purpose of this study was to determine what effect, if any, the Burke Gilman Trail has had on property values and crime rates of property owners near and adjacent to the trail. The need for the study became apparent when property owners in a different area of the city expressed concern over the development of a new trail project on the basis that it might reduce their property values, increase crime, and generally reduce the quality of life. These concerns are similar to concerns raised by property owners who bought their homes prior to the construction of the Burke-Gilman Trail.

TRAIL PROFILE

The Burke Gilman Trail is a 12.1 mile (9.85 miles are in Seattle) multi-purpose trail that follows an abandoned railroad right-of-way. Most of the trail passes through residential neighborhoods. In Seattle, there are 152 single-family homes and 607 condominiums immediately adjacent to the trail, and 320 single-family homes within one block of the trail. The trail also passes through an industrial area, several neighborhood commercial areas, the University of Washington, and links six different parks. The trail was constructed in 1978 and has about three quarters of a million users per year.

METHODOLOGY

Data was collected via telephone by interviewing residents near and adjacent to the trail, real estate agents who buy and sell homes near the trail, and police officers who patrol neighborhoods adjacent to the trail. Residents were asked questions regarding: their decision to buy their home; what effect they thought the trail would have on selling their home; what problems, if any, they have had with break-ins and vandalism by trail users; and how the trail has affected their overall quality of life. Real estate agents were asked similar questions on how the trail affects the selling price of homes along the trail. In addition, police officers were asked questions regarding trail users breaking into and vandalizing homes. A bi-weekly survey of newspaper real estate advertisements and real estate magazines was also conducted to determine whether homes were being advertised as being near or on the Burke-Gilman Trail.

An attempt was made to compare the selling prices and assessed values of homes along the trail with homes in comparable neighborhoods. However, due to the many variables that determine the value of a home, it was impossible to isolate the trail as a determinant of increased or decreased home value using this method.

CONCLUSIONS/RECOMMENDATIONS:

Property near but not immediately adjacent to the Burke-Gilman Trail is significantly easier to sell and, according to real estate agents, sells for an









Robertson & Slette, p.l.l.c.

ATTORNEYS AT LAW

J. EVAN ROBERTSON
GARY D. SLETTE

Robin L. Moore - Paralegal

134 Third Avenue East
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 933-0700
FAX (208) 933-0701GARY D. SLETTE
gslette@rsidaholaw.com

May 4, 2012

VIA FACSIMILE 732-0741Mayor and City Council
City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907**RE: Canyon Park Subdivision**

Dear Mayor and Members of the City Council:

Our law firm has been requested to represent Canyon Park Development, LLC. In that capacity, I have been provided with a copy of a mediation request submitted by the Breckenridge Homeowners Association, Inc., Concerned Citizens for Our Canyon, and six other individuals. With regard to Concerned Citizens for Our Canyon, I have searched the Idaho Secretary of State's website, and there is no organization or entity by that name existing in Idaho. Consequently, that entity cannot be an "affected person" as defined by Idaho Code § 67-6521(a). Additionally, I question which, if any, of the individuals who signed this request, do actually have standing to be classified as an "affected person" under that statute.

Perhaps more importantly, while the individuals who signed this letter have attempted to style their request as an "application", there is no such provision in the Local Land Use Planning Act for an application for mediation. While an affected person may request mediation, there is nothing in either the state statutes or the local ordinance that qualifies such a request to be an application which requires either a hearing process or a permit granting process.

Idaho Code § 67-6510(1) provides:

Mediation may occur at any point during the decision-making process
or after a final decision has been made.

By virtue of the permissive word "may", it is apparent that the legislature was not about to compel a

Mayor and City Council
City of Twin Falls
May 4, 2012
Page 2

local governing body to require a mediation even if it was requested. Subsection (2) of that code section also couches the mediation process as being permissive, i.e., "if mediation is requested by the commission or the governing board." The Idaho Supreme Court recently had an opportunity to consider a governing board's discretion and wisdom in declining to order mediation. In *Dry Creek Partners, LLC v. Ada County Commissioners*, 148 Idaho 11, 217 P.3d 1282 (2009), the Idaho Supreme Court stated:

Moreover, unlike the submission of a final plat, participation in mediation is not a prerequisite to obtaining a permit authorizing development. Although Dry Creek's ability to complete the final plat may have been greater had mediation been successful, mediation is not a necessary step in the application process. Further, a decision by the Board to deny an applicant's request for mediation does not foreclose the issuance of a permit and, thus, does not necessarily preclude an applicant from developing its property. Similarly, a successful mediation outcome does not guarantee development will be authorized. For these reasons, jurisdiction to review the Board's actions regarding mediation is lacking. Because this Court lacks jurisdiction to review the Board's decisions concerning mediation, Dry Creek's claims that the Board's mediation decision violated Idaho Code section 65-6710 and deprived Dry Creek of procedural due process will not be addressed.

(Emphasis added). 217 P.3d at 1289.

It is conceded that my client's zoning applications have been contentious at times, and that there are individuals and groups with strong feelings regarding its approval. Those individuals and groups, however, have been afforded the requisite procedural due process prescribed in the Local Land Use Planning Act and in the Twin Falls City Ordinances. My client and its representatives have participated in six (6) hearings or meetings in which public comment was taken. Mindful of the applicant's own due process rights, and its intent to decline to participate in any proposed mediation as provided in Idaho Code § 67-6510(2), my client respectfully asks that you decline this mediation request. Consistent with the Court's holding in *Dry Creek Partners, LLC*, a decision denying a request for mediation is not an action that is subject to review in a judicial proceeding. If the City of Twin Falls declines the request, not unlike the Ada County Board of Commissioners in the *Dry Creek* case, there is absolutely no repercussion that would be visited upon the City from a legal perspective. Having had ample opportunities to participate in the public hearing process, my client believes that those who have requested mediation are seeking to employ a tool of delay at the final plat stage. A final plat approval should be regarded as a relatively perfunctory matter if the final plat conforms to the approval of the preliminary plat.

Mayor and City Council
City of Twin Falls
May 4, 2012
Page 3

It is my client's contention and belief that if a motion to deny the request for mediation is passed at Monday night's hearing, the matter can be summarily disposed of in order to allow the scheduled hearings to take place. In reality, there is really nothing that can be meaningfully mediated in this matter. Respecting both my client's due process rights and its property rights, I am hopeful that this matter will be resolved expeditiously. If people disagree with the City's decision in the event the applications are approved, they can certainly avail themselves of any statutory rights as they might deem appropriate.

Yours truly,



GARY D. SLETTE

GDS:rlm

cc: Canyon Park Development, LLC
Gerald Martens – EHM Engineers
Fritz Wonderlich – TF City Attorney

\\rlm\gds\letters\city TF_council.5

From: Les and Shirl Bennett [mailto:bennetts@bennosis.com]

Sent: Monday, May 07, 2012 10:40 AM

To: Don Hall; Chris Talkington; Greg Lanting; Jim MUnn; Rebecca Sojka; Shawn Barigar

Subject: Canyon Park development

Dear Council member,

I have been following the plans for this plat and signed a petition requesting a change in plans for this development. I would like the beauty and accessibility of the canyon rim maintained as much as possible. Unfortunately, it's too late to preserve our side of the canyon as an undeveloped area. It would be nice to drive across the bridge and not see the back of stores, trucks unloading and large garage bins. Landscaping is an improvement, but it doesn't hide everything. Drive down Poleline and look at the back of Norco - not attractive. Our canyon is gorgeous and we are privileged to live here and be able to enjoy. Let's keep it as beautiful as possible.

Shirl Bennett

From: Noani Brown <ipadndb@gmail.com>

Date: May 4, 2012 4:15:22 PM MDT

To: <dhall@csi.edu>, Jim MUnn <JMunn@tfid.org>, Shawn Barigar <SBarigar@tfid.org>

Subject: Canyon rim mall

Dear Councilmen,

As a resident of Twin Falls who appreciates the natural beauty of the Snake River Canyon, I would hope you would take time to reconsider the placement of the buildings for the proposed Canyon Rim mall. Boutique shops , cafes with outdoor seating , walkways and landscaping could enhance the rim and be a welcome respite for walkers taking advantage of the trails. A place to meet with friends while looking over the unique feature that makes Twin Falls so special: the Snake River Canyon. To place a large department store with the back of the building facing the canyon is an affront to the citizens of this town. That decision implies that the community has no appreciation for nature's gift to Magic Valley. Kohl's department store would be a welcome addition to Twin but its location needs to be reconfigured. PLEASE reconsider your decision.

Thank you for your time.

Noanie Brown
771 Riverview Dr., Twin Falls

Sent from my iPad..

Leila Sanchez - Canyon Rim Development

From: Donna Clark <ddclark643@gmail.com>
To: <lsanchez@tffd.org>
Date: 5/7/2012 11:52 AM
Subject: Canyon Rim Development

I am sending emails to members of the city council objecting to the development as planned. I think that backing the retail stores to the walking path will not only detract from the path and the canyon itself, but create a crime area. Crime lives where things can't be seen, and that will be the walking path if the development is allowed to be built as currently planned. Thank you,
Donna Clark
643 Riverview Drive
Twin Falls, Id

From: Robert Donnelley <bobdonnelley@q.com>

Date: May 6, 2012 4:11:21 PM MDT

To: <dhall@csi.edu>

Subject: configuration of new strip mall

DON HALL..... PLEASE REVIEW AND RECONSIDER THE CONFIGURATION OF THE NEW STRIP MALL. THE PROJECT NEEDS TO BE MORE ACCESSIBLE TO THE CANYON.

THANK YOU,

BOB AND MARILYN DONNELLEY
811 CANYON PARK AVE.
TWIN FALLS

From: Frank Ellis [mailto:ellis.fn@gmail.com]

Sent: Thursday, May 03, 2012 7:38 AM

To: Don Hall; amy.steffens@kohls.com; Chris Talkington; Greg Lanting; Jim MUnn; lclow@tfid.org; Rebecca Sojka; Shawn Barigar

Subject: Concerned Citizens for our Canyon

Dear City Council Members:

We will be out-of-town on Monday and unable to attend the City Council meeting. However, we wish to lend our voices to our neighbor's concerns about reconfiguring the new strip mall planned along the canyon rim. We don't feel it's in the best interest of the community to lose public access to the canyon rim. We strongly encourage you to plan the development to allow for a picturesque area along the canyon rim. Thank you for listening.

Frank and Jeanene Ellis
876 Briarwood Drive
Twin Falls, ID 83301
(208) 734-3831

From: Ann Flannery <flanannery@gmail.com>
To: "lsanchez@tfid.org" <lsanchez@tfid.org>, "jmunnn@tfid.org" <jmunnn@tfid.or...>
Date: 5/6/2012 3:39 PM
Subject: Please consider...

I am sharing this email with you because I am disappointed that the design and layout of the future shopping area on the canyon rim will be a large tall single structure that will not embrace the beauty of our unique natural environment. I would like to be assured that the idea that this and future projects will be designed so that there is seamless interface for all of us between our beautiful natural surroundings and our living spaces.

I will do all I can to attend the meeting at our Twin Falls City Hall tomorrow night to take a stand in support of building and developing our community in concert with our canyon and other landscapes inlieu of walling off our breath-taking views.

Ann Flannery

>>> Kathleen MacMillan <kwmac@cableone.net> 5/3/2012 9:53 PM >>>

Ms Strickland - Please forward these composite photos to the city council as an example showing potentially what the new "entry" into Twin Falls could look like if the PUD Plat is approved as proposed. This appearance is not in line with the Twin Falls aesthetics code and expectations for the canyon rim and vistas. These composites are created totally from the north side and using the back of the Sportsmans to Best Buy Canyon Park East complex wall - this is what is proposed as the plan for the retail development. In addition to the public safety issue, this wall is totally in stark contrast to the open plan of all other buildings and structures all along the canyon rim including Neilsen and Company's own precedent in the Best Buy Canyon Park East development.

Thank you,
Kathy MacMillan 1172 Hankins Road N
Twin Falls, ID 83301







From: "Jan Mittleider <JMittleider@csi.edu>" <JMittleider@csi.edu>

Date: May 2, 2012 3:50:05 PM MDT

To: "Chris Talkington" <CTalkington@tfid.org>

Subject: Thanks for serving again and one concern about canyon rim

Hi, Chris,

As a very seasoned council member, I hope you will give very careful attention to the canyon use directly behind the proposed Kohl's building with adequate, beautiful green space to use as a buffer against the block of building. If I had the money, I would buy the land and make it a park as a most welcoming gateway to our community and encourage building in other retail building in more ordinary spots in our community. This space along the canyon rim is one of the most exquisite. It seems very short sighted to fill the area with concrete when there are so many other locations without the view.

Best,

Jan

Jan Mittleider

jmittleider@csi.edu

Department of Physical Education
the

Gym 228 - 208 732-6488

will

College of Southern Idaho

PO Box 1238

315 Falls Ave, Twin Falls, ID 83301

"How far we go in life depends on our being tender with

young, compassionate with the aged, sympathetic with the
striving, and strong...because some day in our lives, we

have been all of these." -George Washington Carver

From: "Jan Mittleider <JMittleider@csi.edu>" <JMittleider@csi.edu>

Date: May 2, 2012 3:36:25 PM MDT

To: "Greg Lanting" <Glanting@tfid.org>

Subject: **Congratulations on your new role and concerns about strip mall along canyon**

Congratulations, Greg, on your new role as Mayor of Twin Falls and thanks for being willing to serve when much of your time will be spent trying to solve problems that typically are more complicated than most people realize. (I married Leon when he was the newly elected mayor of Twin Falls so I have answered my share of phone calls.)

Since I do use the canyon walks often, I join the increasing numbers of people who are delighted to see more economic development coming to our city but less excited about the heavy building use next to the trail. I hope that the council will revisit that issue and make a very careful decision about the landscaping strip along the trail and canyon wall. If I had the money, I would love to buy the property myself and make it into a wonderful park for all of our citizens and visitors to enjoy near the gateway to our community.

I am hearing more voices about the short-sidedness of council members on this issue, for what it is worth.

Best,

Jan

Jan Mittleider

jmittleider@csi.edu

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From: "Jan Mittleider <JMittleider@csi.edu>" <JMittleider@csi.edu>

Date: May 2, 2012 3:50:05 PM MDT

To: "Chris Talkington" <CTalkington@tfid.org>

Subject: Thanks for serving again and one concern about canyon rim

Hi, Chris,

As a very seasoned council member, I hope you will give very careful attention to the canyon use directly behind the proposed Kohl's building with adequate, beautiful green space to use as a buffer against the block of building. If I had the money, I would buy the land and make it a park as a most welcoming gateway to our community and encourage building in other retail building in more ordinary spots in our community. This space along the canyon rim is one of the most exquisite. It seems very short sighted to fill the area with concrete when there are so many other locations without the view.

Best,

Jan

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jmittleider@csi.edu

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have been all of these." -George Washington Carver

From: Jan Mittleider [mailto:JMittleider@csi.edu]
Sent: Wednesday, May 02, 2012 3:42 PM
To: Don Hall
Subject: Thanks for all you do along with a canyon concern

Hi, Don,

I know that serving on the Council can be a thankless task so thanks for taking the time and caring about our community in very visible ways. (I married Leon when he was the newly elected mayor of Twin Falls about a hundred years ago so I have answered my share of phone calls about city issues.) I do share a concern about the use of the canyon rim directly behind the proposed Kohl's building and the strip of landscaping that could be enjoyed as a buffer to so much building. I hope you will give careful attention to this matter since *I am hearing increased concern about it. If I had the money, I would buy the property and make it into a park that could be enjoyed by all of our citizens and visitors as a gateway into our community.*

Best,
Jan

Jan Mittleider

jmittleider@csi.edu

Department of Physical Education
the
Gym 228 - 208 732-6488

will
College of Southern Idaho
PO Box 1238
315 Falls Ave, Twin Falls, ID 83301

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From: LA*MAR N ORTON [mailto:lorton1@msn.com]
Sent: Monday, May 07, 2012 10:12 AM
To: Don Hall; Jim MUnn; Shawn Barigar
Subject: Canyon Park Plan

I know you've already read the Comprehensive Plan and I just want to quote what it says about the Canyon Rim. "The Canyon Rim area is a particularly important resource area that is under pressure to accommodate a range of uses and needs. Any changes to the Canyon Rim area should be carefully considered to ensure that the integrity of the area is not compromised...the edges of the community should be preserved to the greatest degree possible to maintain a strong link with the natural systems inherent to the area. It also states seven keys for improving community design and enhancing the Twin Falls "Sense of Place", two of those being:

- * Protect and Preserve the Canyon Rim Experience
- * Improve the Sense of Arrival into the Community

Section 8 Environmental Considerations

Twin Falls is surrounded by unique and nationally important natural resources that are highly valued by residents and visitors. Snake River Canyon and Rock Creek Canyon are significant natural features formed by geologic and hydrologic forces that have influenced the city's pattern of development, economy and community character since the city was founded."

The Canyon Rim District needs protection and who better to do that than our City Council and P&Z members. Just because a developer wants to do something, do we give it to him at all costs to our community? It's curious to me that the area was changed to commercial in the first place when the guidelines of the Comprehensive Plan want to preserve the integrity of the Canyon. Now that it is commercial I'm sure it can be developed commercially in a way that is sensitive to the values of the community as stated in the Comprehensive Plan. The proposed plan does not represent those values.

Sincerely,
Rosalie Orton

From: Sylvia Pretti [mailto:spretti@safelink.net]

Sent: Wednesday, May 02, 2012 2:35 PM

To: Don Hall

Subject: Concerned Citizens for our Canyon

Mr. Hall:

Please reconsider the configuration of the new strip mall. We truly need to have more accessibility to Canyon.

Thank you for your consideration.

Sylvia Pretti

From: Judy Schroeder [mailto:judyschroeder@cableone.net]
Sent: Wednesday, May 02, 2012 10:19 AM
To: Don Hall
Subject: configuration of new strip mall

Hello. I wanted to let you know of my concerns about the new strip mall along the canyon. In Twin Falls, we have a unique aspect of the beautiful canyon for all of us to enjoy. When businesses build along the canyon, it removes that uniqueness. It also ruins the beauty of the canyon. Please reconsider your vote of the configuration of the strip mall. My choice would be to not have it there at all. Why can't down town Twin Falls be promoted by the city council instead of everything going along Blue Lakes and the canyon? But if it is to be there, please don't let the accessibility to the canyon be destroyed. Thank you. Judy Schroeder

Leila Sanchez - agenda for May 7th meeting

From: Char Sinclair <psgolfers@gmail.com>
To: <lsanchez@tfid.org>
Date: 5/6/2012 11:27 PM
Subject: agenda for May 7th meeting

In Re: The agenda item to be reviewed at the May 7th City Council meeting which is the proposed shopping complex on the Snake River canyon rim west of Blue Lakes Blvd. I have been out of town and this has just come to my attention. I'd like to explain some of my concerns, but first, let me introduce myself.

I am Char Alexander Sinclair. My family is five generations strong in the Twin Falls/Filer/Buhl/Castleford area. My grandparents lived on Poleline Road East near the canyon at the early concept of the city of Twin Falls, around 1908, if memory of their diaries serve me correctly. They were neighbors and my Grandfather proposed to my Grandmother while sitting on the canyon rim edge looking at Pillar Falls. Our current family home sits in the canyon by the Snake River in Kanaka Rapids Ranch. I play golf in that canyon. I have read the history of I.B. Perrine and our forefathers who dedicated their lives to grow this town. I have had a love affair with this gorge all my life. I have been involved in the Magic Valley area in business, volunteerism, civic duty (Twin Falls County Planning and Zoning, Canyon Rim Advisory Committee) media broadcasting and I raised my sons here. I took each duty seriously. One of the hardest jobs I committed to (raising children, notwithstanding) was the Canyon Rim Advisory Committee. It was months of hard work, research, meetings, soul searching and compromise. But it was accepted and put forth.

Imagine my surprise after being gone for a few years to come back across the Perrine Bridge to view the entrance to our city flanked with neon signs and large commercial properties. It was a sad day for me. Now I understand the west side may look like it's "twin", only larger. The dream of most of the committee members during this process was to, not only protect the canyon rim, but to protect property owners as well. Buildings, whether they were residential or commercial, were to blend with the land, in both color and architecture designs, height restrictions, set backs, landscaping requirements, and geological survey requirements for safety. I can't see how this new shopping complex follows those wishes.

Growth will come. It's a good thing. But growth without some control and thought is senseless use of our beautiful land. We already have Old Navy, Best Buy, et al on the east side. That doesn't make it right. Please take a look at what this is going to look like. Of all the land that is available to house a large retail company, the canyon rim is the very last place they should be allowed to build because once it's there....it's there forever. As a dear friend of mine who was my Real Estate Broker so wisely told me, "You Only Get One Chance To Make A First Impression". Be strong, take a stand on this one and make the right decision.

Char Alexander Sinclair
4488 Silver Creek Rd
Buhl, ID 83316
208-543-4138

From: Kathy Stover [pakastover@hotmail.com]

Sent: Sunday, May 06, 2012 11:06 PM

To: Don Hall; Chris Talkington; Greg Lanting; Jim Munn; Rebecca Sojka; Shawn Barigar

Subject: configuration of canyon rim mall

Dear Members of the Twin Falls City Council,

We are very concerned about the configuration of the new strip mall proposed along the canyon rim. Surely the area can be configured to make it an open, attractive area that people will enjoy visiting. In our opinion, making a solid wall of buildings fronted by a huge parking lot is unimaginative and ugly! Forcing people who would like to enjoy walking the canyon trail to view backs of buildings instead of the beauty of nature would be such a shame. We feel the area should be a gathering place, not just for shopping, but for socializing and enjoying access to canyon views from multiple points.

Please, please do everything possible to force the creation of open and landscaped canyon access points between stores, trees and landscaping in the parking lot, walls and landscaping to camouflage the backs of stores, etc. The entrance to our city should be beautiful and inviting, not a continuous row of stores.

Thank you for your consideration in this important manner.

Kathy and Paul Stover
670 Riverview Drive
734-6676

From: terry tracy <terrytra@msn.com>

Date: May 3, 2012 4:38:44 PM MDT

To: <dhall@csi.edu>, <ctarkington@tfid.org>, Greg Lanting <Glanting@tfid.org>, Jim MUnn <JMunn@tfid.org>, Rebecca Sojka <RSojka@tfid.org>, Shawn Barigar <SBarigar@tfid.org>

Subject: FW: Twin Falls, ID Store

This is a copy of the email that I sent to Amy Steffens at Kohl's Department Stores. I would appreciate if you would take the time to read the email and consider the contents. Thank you for your time and attention.

Sincerely,
Terry Tracy

From: terrytra@msn.com

To: amy.steffens@kohls.com

Subject: Twin Falls, ID Store

Date: Thu, 3 May 2012 13:50:18 -0600

Dear Ms. Steffens,

I am a resident of Twin Falls, ID and I will be one of your neighbors when you build your new store on the Snake River Canyon. I am not opposed to the development and I am looking forward to having Kohl's in our community. I am, however, very much opposed to the proposed design/configuration of the development. A campus type layout of the buildings, rather than "a wall of stores" along the canyon rim, would send a message that KOHL'S TRULY CARES. And, while protecting the trail, the rim and the views, it would become a win-win situation and offer a much better shopping experience. As the proposal now stands it has become a somewhat divisive issue.

I do hope that Kole's cares enough to reconsider the design and configuration of the buildings and consider the impact this development will have on our canyon and our community.

Thank you.

Sincerely,

Terry Tracy
867 Canyon Park Ave.
Twin Falls, ID 83301
(208)735-5164

From: Ruth Turner [mailto:krtturner80@gmail.com]

Sent: Friday, May 04, 2012 3:05 PM

To: Don Hall

Subject: new mall

Dear Don,

I'm writing to express my concern about the configuration being proposed for the new strip mall. It would be a shame to have the view of the canyon completely blocked by a wall of buildings. Please consider either changing the location of the mall to the other site considered or have the stores arranged so there are some breaks between buildings.

Thank you for your consideration to this point of view which is shared by many other Twin Falls' residents.

Ruth Turner

Leila Sanchez - Fwd: Configuration of new strip mall on the canyon's edge

From: <vla45@q.com>
To: <lsanchez@tfid.org>, <glanting@tfid.org>, <ctalkington@tfid.org>
Date: 5/6/2012 7:55 PM
Subject: Fwd: Configuration of new strip mall on the canyon's edge
CC: <amy.steffens@kohls.com>

From: vla45@q.com
To: dhall@tfid.org, sbarigar@tfid.org, jmun@tfid.org
Sent: Saturday, May 5, 2012 10:27:43 AM
Subject: Configuration of new strip mall on the canyon's edge

Gentlemen:

I am e-mailing you to ask that you step back and take a look and analyze the decision to place the back of the buildings and create a tall wall next to our canyon wall.

We have a real treasure with the Snake River Canyon Rim and any building placement should add to and not subtract from the overall beauty, safety and use. If done properly this treasured area will provide for all of us, be it walkers, tourists, or generations to come, enjoyment from these natural resources that will be compatible with businesses while adding the natural beauty of the surrounding area.

I think of the San Antonio River Walk and the scenic beauty that was created by open areas and entrances to businesses that everyone enjoys. I think the design employed there is a calling card for their city and I think if done properly, we too could enjoy and add a new dimension for locals to use as well as visitors to Twin Falls.

So without belaboring the issue please allow an open process to explore ideas that build consensus and a decision that is acceptable to the community. A mistake in placing the building without a due process will be a big error.

Respectfully submitted,
Vince Alberdi

From: Shawn Willsey [mailto:swillsey@csi.edu]

Sent: Wednesday, May 02, 2012 3:59 PM

To: Don Hall; Chris Talkington; Greg Lanting; Jim MUnn; lclow@tfid.org; Rebecca Sojka; Shawn Barigar

Subject: Canyon Rim Development Comment from geologist

City Officials:

Sorry if you have already received this but I have been informed that now is the time to submit comment to you regarding the new development along the canyon rim. This was previously submitted to you in an email on April 23. Thank you for your service and time.

City Officers and City Council Members:

I am writing in regards to tonight's meeting which will discuss the proposed shopping complex to be located near the canyon rim west of Blue Lakes Boulevard. At this point I am sure you have heard (or will hear) from a concerned citizens group that would like to see the canyon rim views and aesthetics preserved. While I completely agree with their position and recommend that you carefully weigh their opinion, I would also like to add a different perspective.

As a licensed professional geologist with the state of Idaho (PG #1111), I am requesting that you carefully consider the setback distance of these shopping buildings with respect to the canyon rim. As you are probably aware, the sheer basalt cliffs of the Snake River Canyon are prone to infrequent, but damaging and significant rockfall events. Our most recent event occurred in June of 2006 when rockfall occurred on the Canyon Springs Road (thankfully at night with no impact to people or property). The Canyon Springs Road was closed for more than a day as crews cleared away loose rock and repaired the damaged road. At the time, there was concern that the Jazz in the Canyon festival might have to be moved or postponed.

The process of rockfall along the canyon rim is more accentuated on the south rim (where the proposed development is to be located). The basaltic rock in our area is riddled with fractures and rubble zones between lava flows that act as conduits for groundwater migration (this is the same rock that yields our life-giving aquifer). As the south rim of the canyon faces north and does not receive direct sunlight through most of the year, the action of frost wedging (freeze/thaw cycles) ultimately widens fractures as the water expands when it freezes. This process of frost wedging ultimately acts to destabilize large rock masses and compromises the structural integrity of the cliff face.

As rockfall (and other mass wasting process) are inevitable and always a risk, certain measures can be undertaken to mitigate the hazard. I believe city code requires a minimum 100-foot setback from canyon rims or cliffs for construction projects. Given the scale of the proposed development, I would encourage you to increase the setback distance (several times to perhaps 500+ feet) of the shopping center from the canyon rim. I feel a layout similar to that on the east side of Blue Lakes Boulevard (the Best Buy, Old Navy, Sportsmans, etc. shopping center) is ideal as it places inexpensive and replaceable parking areas and trails near the canyon rim and rockfall hazard rather than expensive buildings/infrastructure. This design would also allow for unobstructed canyon views to shoppers and canyon recreationalists.

I urge you to consider an alternate design to the proposed development that places the shopping buildings further away from the canyon and allows for all concerned parties to enjoy the aesthetics of the canyon. As it has since its inception, the Snake River Canyon will continue to widen through natural geologic processes such as mass wasting and erosion along the river corridor. It is imperative that as citizens, we use our knowledge and foresight to recognize this hazard and develop our community in a responsible, sustainable way.

Thank you for your consideration.

**Sincerely,
Shawn Willsey**

Shawn P. Willsey, MS, PG
Professor of Geology
College of Southern Idaho
315 Falls Avenue
Twin Falls, Idaho 83301
office: (208) 732-6421



DATE: Monday May 07, 2012
To: Honorable Mayor and City Council
From: Mitch Humble, Community Development Director

AGENDA ITEM

Request:

Consideration of adoption of the CANYON PARK WEST AMENDED C-1 CRO PUD AGREEMENT between the City of Twin Falls and Canyon Park I, LLC and Canyon Park Development, LLC.

Time Estimate:

The approval process of these documents is not typically opened for public comment, however, due to the public interest expressed regarding this project upon completion of the presentation there will be an opportunity for the public to make a comment.

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 will be assessed at a higher value than undeveloped property.

Regulatory Impact:

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

History:

On April 09, 2012 the City Council approved a request for a Zoning District Change and Zoning Map Amendment from C C-1 PUD and SUI PUD to C-1 CRO PUD for 25 +/- acres, as presented, subject to the following conditions: located at the south west corner of Hwy 30 / Kimberly Road and 3300 East Road, as presented, by a vote of 5 for and 2 against – 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 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.
8. **Prohibit any signage from being placed on the back of the buildings facing the canyon.**

Analysis:

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

Conclusion:

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

Attachments:

1. PUD Agreement
2. Portion of the April 9, 2012 City Council Minutes

**CANYON PARK WEST AMENDED
C-1 CRO PLANNED UNIT DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made and entered into this _____ day of _____, 2012, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and CANYON PARK I, LLC and CANYON PARK DEVELOPMENT, LLC, an Idaho limited liability company (hereinafter called "Developer") whose address is PO Box 5478, Twin Falls, Idaho 83303.

RECITALS

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A" attached hereto, which land is bounded by the Snake River Canyon to the North, Blue Lakes Boulevard North to the East and South and residential & commercial development to the West, consisting of 24 +/- acres (hereinafter called the "Property"): and

WHEREAS, The City of Twin Falls and Canyon Park LLC have executed the Canyon Park North No. 1 C-1 Planned Unit Development Agreement dated November 21, 2000: and

WHEREAS, The City of Twin Falls and Canyon Park LLC have executed the Canyon Park West No. 1 C-1 Planned Unit Development Agreement dated March 15, 2000: and

WHEREAS, The City of Twin Falls and Canyon Park LLC agree that development of the property will be best accomplished by development of a new C-1 CRO Planned Unit Development Agreement: and

WHEREAS, Developer has developed and intends to develop or sell all or portions of the Property from time to time: and

WHEREAS, Fillmore Street has been developed within the Canyon Park North Subdivision and Canyon Park West Subdivision within platted right-of-ways. Fillmore Street within the two specified subdivisions was completed to City of Twin Falls standards and has been accepted by the City of Twin Falls for perpetual maintenance: and

WHEREAS, Developer has made request of the City to develop a commercial subdivision (hereinafter called the "Project") on the Property and has submitted to the City a Master Development Plan attached in Exhibit "B" "C-1 CRO PUD" by the City Council of the City: and

WHEREAS, the new Master Development Plan necessitates relocation of the Fillmore Street to a new location: and,

WHEREAS, relocation of Fillmore Street will require vacation of the platted right-of-way for Fillmore Street: and,

WHEREAS, the Developer has made a request to reconstruct Fillmore Street as a private road as shown in the Master Development Plan: and,

WHEREAS, the City has determined that Fillmore Street within Canyon Park West Amended Development may be a private street to be maintained by Canyon Park Development, LLC,; and,

WHEREAS, City, by and through its City Council, has agreed to the development of said land within the City of Twin Falls, Idaho subject to certain terms, conditions and understanding, which terms, conditions and understandings is the subject of this agreement.

COVENANTS

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

1. **NATURE OF THE AGREEMENT:** This agreement shall become part of the “C-1 CRO PUD” zone with respect to the Property upon its full execution and recording. Developer and its assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein. This agreement amends and restates, in their entirety, (less two lots currently operating as Zions Bank and the Golden Corral Restaurant) the Canyon Park North No.1 C-1 Planned Unit Development Agreement dated November 21, 2000 and the Canyon Park West No. 1 C-1 Planned Unit Development Agreement dated March 15, 2000.

2. **NATURE OF THE DEVELOPMENT:** It is agreed by the parties hereto that certain language and requirements pertaining to the “C-1 CRO PUD” zone shall be interpreted as follows:
 - A. **COMMON AREA AND PROPERTY OWNERS ASSOCIATIONS AND MAINTENANCE:** There is no requirement for common area within the Project. In the event a common area is created for the benefit of the property owners and tenants, a Property Owners’ Association shall be established for the maintenance and care of the common area.

 - B. **USES:** The use language of the underlying “C-1 PUD” and “CRO” zones, as amended, shall apply with regard to permitted uses, special uses, and prohibited uses on the Property or any portion thereof.

 - C. **PHASING OF DEVELOPMENT:** Developer shall be permitted to develop the property in phases. So long as those phases are in compliance with the Master Development Plan, this Agreement, and an approved preliminary plat, approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses and buildings on the Master Development Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be a maximum of three (3) years between phases unless the City grants approval of an extension of time.

3. **STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS:** Developer shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property (hereinafter "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 prepared by a registered professional engineer for that development phase, showing all Improvements contemplated within that phase of the development (hereinafter "Improvement Plans"). The Improvement Plans and all Improvements shown thereon shall meet the approval of the City, which approval shall be given if such plans conform with published City requirements.
- B. **FILLMORE STREET:** It is agreed that the city will vacate the existing right-of-way for Fillmore Street and all public-utility easements therein and accept a permanent roadway public access and maintenance easement for the new right-of-way as shown on the Master Development Plan. It is further agreed that the existing Fillmore Street will remain and be open for public use until the relocated private Fillmore Street is constructed and approved by the City of Twin Falls. The construction shall be constructed in accordance with the Master Development Plan and City of Twin Falls standards.
- Fillmore Street, including the curb, gutter, sidewalk and asphalt surfacing, and gutter sidewalk and asphalt base, shall be maintained by the Canyon Park Property Owners Association.
- In the event the developer or the Canyon Park property owners fail to maintain the curb, gutter sidewalk and asphalt surfacing in a manner acceptable to the City of Twin Falls, the City may complete the necessary maintenance and request reimbursement from the Canyon Park Property Owners Association.
- Fillmore Street shall be kept open for public use at all times unless otherwise approved by the City of Twin Falls.
- C. **IMPROVEMENT DESIGN AND CONSTRUCTION:** Developer shall cause to be designed, constructed and installed, in accordance with the approved Improvement Plans and at its expense, all Improvements shown on the Improvement Plans. Notwithstanding the foregoing, nothing in this agreement shall prohibit City participation in the cost of financing of improvements on the Property if mutually agreed to by the parties hereto.
- D. **PHASED CONSTRUCTION:** Developer may install the Improvements all at once or in phases. Developer shall provide the City with written notification of when and of what phases of said Improvements it intends to complete at that time and agrees to make such modifications and/or construct any temporary facilities necessitated by such phased

construction work as shall be required and approved by the City, which approval shall not be unreasonably withheld.

The public trail improvements including all screen walls, landscaping and trail modifications shall be completed in Phase One.

- E. 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 constructed in accordance with the approved Improvement Plans.
 - F. NON-COMPLIANCE: 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 non-compliance. Developer shall cure said non-compliance within thirty (30) days of its receipt of notice (or, in the case of non-compliance that will take in excess of thirty (30) days to cure, Developer shall commence to cure within thirty (30) days of receipt of notice and diligently pursue the same to completion). In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates 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.
 - G. FEES: Developer shall pay, or cause to be paid, to City all applicable fees if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.
 - H. MAINTENANCE OF IMPROVEMENTS: City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City standards.
4. PLATS: Developer agrees to file with the City an amended subdivision plat, prepared by a registered professional engineer, of the real property which is the subject of this agreement. Final plats for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-way the City agrees to accept herein and in the Standard Developers Agreement. It is agreed that said plats and any amendments thereto must first be approved by the City.

5. **INDIVIDUAL PARCEL DEVELOPMENT CRITERIA:** The property or any portion thereof shall be developed in accordance with criteria set forth in this Section 5.
- A. **APPROVAL AND CONSTRUCTION:** All improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed with drawings and specifications and shall first be approved by City and meet City standards, which approval shall not be unreasonably withheld.
- B. **BUILDING SETBACKS:** All buildings on lots adjacent to Blue Lakes Boulevard North and Fillmore Street are to be constructed with minimum setback as required to meet the Twin Falls City Code. Buildings shall additionally be set back one-hundred (100) feet adjacent to the Snake River Canyon or fifty (50) feet with an approved geologic study.
- C. **LANDSCAPING:** Perimeter landscaping shall be required to be installed on each parcel of the Property and in the public right-of-way adjacent thereto at the time site and building improvements are completed thereon or by the next planting season for the proposed vegetation. Such landscaped perimeter shall be installed from the back of the curb in the public right-of-way, and shall be extended to the dimensions set forth below.

Each property owner shall maintain the landscaping on his property and in the public right-of-ways adjacent thereto. Notwithstanding the forgoing, in the event Developer chooses to designate certain landscaped areas and other areas as "common area". Developer shall have the right to create an association, which shall be responsible for the maintenance of "common area."

- D. **LANDSCAPING PLAN:** At the time of development, each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of street frontage of landscaping shall have berms with a ridge elevations of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevations of (30") in height. The landscaped perimeter shall have a minimum of one tree per five hundred (500) square feet of landscaped area and minimum of one shrub per one hundred (100) square feet of landscaped area. At least fifty percent (50%) of the shrubs and trees shall be evergreen. Trees and shrubs may be grouped but not over seventy-five feet (75') between such groupings. All trees shall have a height of at least four feet (4') when planted. In addition to the foregoing, each individual parcel must also satisfy the landscaping requirements of the underlying "C-1" and "CRO" zone.
- E. **PUBLIC TRAILS:** A public trail system has been constructed by the Developer along the North boundary of the Property. The Developer reserves the right, with approval of the City, which shall not be unreasonably withheld, to alter the alignment, profile, construction materials and other appurtenant features to facilitate development of the Project or to enhance the quality of the trail system.

- F. **PUBLIC TRAIL SPECIFICATIONS:** Landscaping adjacent to the Snake River Canyon Rim will be coordinated with the City of Twin Falls. Landscaping between the Snake River Canyon Rim and the Public Trail shall utilize, to the extent possible, native plants, grasses, boulders and natural features. Landscaping on the Project side of the Public Trail shall be compatible with other Project landscaping. The landscaping on the project side of the trail shall be maintained by the Developer.

Developer will retain control of and maintain (and replace as needed) the existing evergreens adjacent to the public trail along the west boundary of the Property, Canyon Springs Rd. The City of Twin Falls agrees to maintain the asphalt of the public trail system throughout the Project.

The Developer shall construct a minimum of 20 vehicle parking spaces adjacent to public trail. The parking area shall include direct handicap access to the trail. The parking and access shall be maintained by the Developer.

- G. **BUILDING STANDARDS:** Buildings and improvements shall comply with the following standards.

1. **Outside Storage:** Refuse and outside storage areas shall be totally visually screened from streets, adjacent properties and public view. All such areas shall be located to the rear of the building or to the side of a building, other than street side.

To the extent possible all refuse and truck loading and unloading areas shall be screened with landscaping and berms adjacent to the trail or the area surrounding the refuse or truck loading and unloading areas.

2. **Utilities:** All on-site utility service lines, including electrical lines and telephone lines, located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visually screened from the view from streets, with appropriate screening material.
3. **Architectural:**
 - a. **Building Colors:** Building exterior colors shall be muted earth tones, provided, however, that accent colors other than muted earth tones may be used if they do not create continuous vertical or horizontal stripes and will not cover more than 10% of the exterior wall surface. The accent colors may be used around doorways, windows and architectural projections as a contrast to the muted earth tones and shall not dominate the color scheme of the building.

- b. Exterior Materials: Building exterior materials should be stone, architectural masonry, EIFS, architectural metals, brick, wood, architectural concrete and other materials as may be approved by the Developer's Architectural Control Committee. These materials shall be used on all exposed sides of all buildings.
- c. Building Roofs: Exposed roofing materials shall be tile, architectural composite, architectural metal, wood shingles or slate. Flat roofs and roof top mechanical equipment shall not be visible from adjacent streets or the Project parking areas.
- d. Architectural Style: Architectural style shall be consistent with the Master Development Plan.
- e. Glass: Glass shall be of a non-reflective finish.
- f. Lighting: All area lights shall be shielded to preclude exposure of the light source from adjacent streets and adjacent properties and the public trail. Neon accent lighting shall be subtle and compatible with the building architecture.
- g. Building Height: Building height shall conform to the restrictions in the Canyon Rim Ordinance.
- h. Signage: Signage shall conform to the restrictions in the Canyon Rim Ordinance. Buildings located on lots 6,7,8,9 and 10 shall have not have signs on the building wall adjacent to the Snake River Canyon Trail.
- i. Compliance with Canyon Rim Ordinance: To the extent not defined above, all other development and improvements shall comply with the Canyon Rim Ordinance to the extent any portion of the Property is within the boundaries of the Canyon Rim Overlay.
- j. Reports: All buildings constructed within this project shall include a foundation and geological report prepared by a registered professional engineer licensed in the State of Idaho.
- k. Trailhead Park: The Developer shall develop, as part of Phase One of the project, a trailhead park on Lot 10 and adjacent to the Twin Falls Chamber of Commerce Visitors Center and the public trail a Trailhead Park, not to exceed 10,000 square feet. The park will include picnic tables, waste receptacles, trail user resting and meeting areas, drinking fountains and other amenities as may be mutually agreed upon by the City of Twin Falls and the Developer. The Trailhead Park will have direct access to the handicap parking area, the Visitors Center and the public trail. The Trailhead Park shall be maintained by the Developer. The Trailhead Park will also have direct access to and be designed to complement other improvements on Lot 10.

H. CODES: All construction on the Property shall be to the standards established by applicable codes.

- I. CONTROL DURING DEVELOPMENT OF INDIVIDUAL PARCELS:
Developer shall maintain control during development of the property or any part thereof. Recording of this agreement shall put all future owners of the Property, or such portions thereof, on notice of the required development criteria contained herein.
6. ACCESS TO BLUE LAKES BLVD. NORTH: Developer and subsequent property owners agree to prohibit access to Blue Lakes Boulevard North along the East boundary of the Property except as shown on the Master Development Plan.
7. ACCESS TO FILLMORE STREET: Developer and subsequent property owners agree to limit the location of accesses from Fillmore Street and Canyon Springs Road to those shown on the Master Development Plan.
8. TIME LIMITATION: "C-1 PUD" zone designation on the property described in Exhibit "A": attached hereto is expressly conditioned upon submission to the City Council of a final plat of the first phase within one (1) year from the date hereof.
9. STANDARD DEVELOPER'S AGREEMENT: It is understood and agreed by the parties hereto that it shall be necessary for Developer to execute City's Standard Developer's Agreement.
10. DEDICATIONS AND LAND EXCHANGES: The development of this Property includes land dedications, easements and land reservations necessary to provide necessary public rights-of-ways for construction of public roadways, trails and utilities. These include:
 - A. CANYON RIM RIGHT-OF-WAY: The Developer has granted a fifty-foot (50') easement along the Snake River Canyon Rim as shown on the approved plat.
 - B. WEST BOUNDARY EASTMENT: The Developer has granted a public access easement as shown on the approved plat. The buildings shall be set back a minimum of twenty feet (20') from the east edge of the public trail.
 - C. BUILDING SETBACKS: The building setbacks shall be calculated in accordance with Section 5.B above.
11. GENERAL PROVISIONS:
 - A. COOPERATION: The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications, and working drawings required by the City.
 - B. ENTIRE AGREEMENT: This agreement constitutes the entire agreement between the parties concerning the Property and Improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduced to writing and signed by the parties.

C. APPLICABLE LAW: This agreement shall be constructed in accordance with the laws of the State of Idaho.

D. NOTICES: If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at its addresses last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". On the date of this agreement, the addresses of the parties are as follows:

Developer: Canyon Park, LLC
% Tina F. Luper
PO Box 5478
Twin Falls, ID 83303

City: City of Twin Falls
321 Second Avenue East
P.O. Box 1907
Twin Falls, ID 83303-1907

E. SUCCESSORS AND ASSIGNS: This agreement shall be binding upon the successors, assigns and legal representative of the parties hereto. Except for the obligation of Developer set forth in paragraph 5.I, transfer of all or a portion of the Property shall create a novation releasing the transferee from obligations under this agreement with respect to said transferred property.

F. SEVERABILITY: In the event any portion of this agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this agreement, and the remaining portions shall not be affected thereby.

G. SIGNATORIES: Each of the persons executing this agreement hereby represent and warrant that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing and that this agreement is binding on, and enforceable against, such entity.

H. EFFECTIVE DATE: This "PUD" agreement shall become valid and binding only upon its approval by City, through its City Council, and upon its execution by the Mayor and Developer.

I. ATTORNEY FEES: In the event that either party should be required to retain an attorney because of the default or breach of the other or 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 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.
- M. **COUNTERPARTS:** This agreement may be executed in as many counterparts as may be deemed necessary and convenient, and by the different parties hereto on separate counterparts, each of which, when so executed, shall be deemed an original, but all such counterparts shall constitute one and the same instrument.

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

CITY OF TWIN FALLS

BY: _____
Greg Lanting, Mayor

ACKNOWLEDGEMENTS

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public for Idaho, personally appeared, Greg Lanting, known to me to be the Mayor of the City of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

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

Notary Public for Idaho
Residing at _____, Idaho
My Commission Expires _____

CANYON PARK DEVELOPMENT, LLC

By: Estate of Craig H. Neilsen, Manager

By: _____
Ray H. Neilsen, Co-Executor

By: _____
Gordon R. Kanofsky, Co-Executor

CANYON PARK I, LLC

By: Canyon Park Management I, Inc., Manager

By: _____
Ray H. Neilsen, President

STATE OF _____)
County of _____)ss.
_____)

On this _____ day of _____, 20____, before me, _____ a Notary Public in and for said State, personally appeared Ray H. Neilsen, known or identified to me to be the co-executor of the Estate of Craig H. Neilsen, one of the managers of Canyon Park Development, LLC, a limited liability company, and the manager of one of the managers who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said estate, and that such estate executed the same in said company name.

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 _____
Residing at _____,

STATE OF _____)
)ss.
County of _____)

On this _____ day of _____, 20____, before me,
_____ a Notary Public in and for said State, personally appeared Ray H. Neilsen, known or identified to me to be the President of Canyon park Management I, Inc. a corporation, one of the managers of Canyon Park Development I, LLC, a limited liability company, and the manager of one of the managers who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said such corporation executed the same in said company name.

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 _____
Residing at _____,

State of _____)
County of _____)

On _____ before me, _____
DATE Some title of officer - e.g., "Jane doe, notary public"

personally appeared _____
name(s) of signers

personally known to me **-OR-** proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- INDIVIDUAL
- CORPORATE OFFICER(S)
_____ Title(s)
- PARTNER(S) LIMITED
- ATTORNEY-IN-FACT GENERAL
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER:

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

TITLE OR TYPE OF DOCUMENT _____

NUMBER OF PAGES _____ DATE OF DOCUMENT _____

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

SIGNER(S) OTHER THAN NAMED ABOVE

REZONE FOR Canyon Park

A parcel of land located in a portion of the SW¼ SW¼ and Government Lot 3, in Section 34, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the Southwest corner of Section 34. Thence North 01°22'48" East 1115.96 feet along the West boundary of Section 34 to the Southwesterly corner of "Canyon Park North Subdivision", and being the REAL POINT OF BEGINNING.

Thence North 01°22'48" East 798.02 feet to the Northwesterly corner of "Canyon Park North Subdivision";

Thence North 60°28'44" East 313.01 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 70°39'37" East 68.20 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 49°33'00" East 135.87 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 47°22'55" East 159.13 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 53°47'30" East 55.78 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 69°07'09" East 78.06 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 69°23'20" East 142.78 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 80°36'05" East 58.55 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence South 86°46'13" East 76.04 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 75°08'36" East 94.07 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence South 09°12'18" West 269.27 feet along the boundary of "Canyon Park North Subdivision";

Thence South 09°03'07" West 276.99 feet along the boundary of "Canyon Park North Subdivision";

Thence along a curve Right along the Northerly Right of boundary of Fillmore Street:

$\Delta - 07^{\circ}58'09''$

R - 432.00'

A - 60.09'

C - 60.04'

LCB - South $82^{\circ}58'35''$ East

Thence North $09^{\circ}03'07''$ East 320.86 feet along the boundary of "Canyon Park North Subdivision";

Thence South $80^{\circ}44'31''$ East 263.82 feet along the boundary of "Canyon Park North Subdivision";

Thence South $13^{\circ}40'49''$ West 138.43 feet along the boundary of "Canyon Park North Subdivision";

Thence South $22^{\circ}46'03''$ West 240.46 feet along the boundary of "Canyon Park North Subdivision";

Thence North $58^{\circ}01'28''$ West 45.73 feet along the Northerly Right of Way of Fillmore Street;

Thence along a curve Left along the Northerly Right of Way of Fillmore Street:

$\Delta - 24^{\circ}36'53''$

R - 432.00'

A - 185.59'

C - 184.17'

LCB - North $70^{\circ}19'54''$ West

Thence South $09^{\circ}03'07''$ West 64.03 feet;

Thence along a curve Right along the Southerly Right of Way of Fillmore Street:

$\Delta - 24^{\circ}54'32''$

R - 368.00'

A - 159.99'

C - 158.73'

LCB - South $70^{\circ}28'44''$ East

Thence South $58^{\circ}01'28''$ East 87.46 feet along the Southerly Right of Way of Fillmore Street;

Thence along a curve Right along the Southerly Right of Way of Fillmore Street:

$\Delta - 93^{\circ}28'03''$

R - 30.00'

A - 48.94'

C - 43.69'

LCB - South $11^{\circ}17'26''$ East

Thence along a curve Right along the Northerly Right of Way of Blue Lakes Boulevard North:

$\Delta - 19^{\circ}19'02''$
R – 1080.92'
A – 364.43'
C – 362.71'
LCB – South $45^{\circ}06'07''$ West

Thence South $54^{\circ}45'37''$ West 360.19 feet along the Northerly Right of Way of Blue Lakes Boulevard North;

Thence North $35^{\circ}14'23''$ West 171.13 feet;

Thence South $54^{\circ}45'37''$ West 204.29 feet;

Thence South $35^{\circ}14'23''$ East 171.13 feet;

Thence South $54^{\circ}45'37''$ West 99.71 feet along the Northerly Right of Way of Blue Lakes Boulevard North;

Thence along a curve Left along the Northerly Right of Way of Blue Lakes Boulevard North;

$\Delta - 04^{\circ}21'49''$
R – 1210.92'
A – 92.22'
C – 92.20'
LCB – South $52^{\circ}34'43''$ West

Thence North $43^{\circ}12'43''$ West 176.34 feet;

Thence South $55^{\circ}02'06''$ West 115.88 feet;

Thence along a curve Right along the Southerly Right of Way boundary of Fillmore Street:

$\Delta - 16^{\circ}37'10''$
R – 262.00'
A – 76.00'
C – 75.73'
LCB – South $63^{\circ}04'13''$ West

Thence South $71^{\circ}22'48''$ West 3.82 feet along the Southerly Right of Way of Fillmore Street;

Thence along a curve Left along the Southerly Right of Way of Fillmore Street:

$\Delta - 70^{\circ}00'00''$
R – 30.00'
A – 36.65'
C – 34.41'
LCB – South $36^{\circ}22'48''$ West

Thence North $01^{\circ}22'48''$ East 110.72 feet;

Thence along a curve Right along the Right of Way of Canyon Springs Road:

Δ - 45°34'23"

R - 30.00'

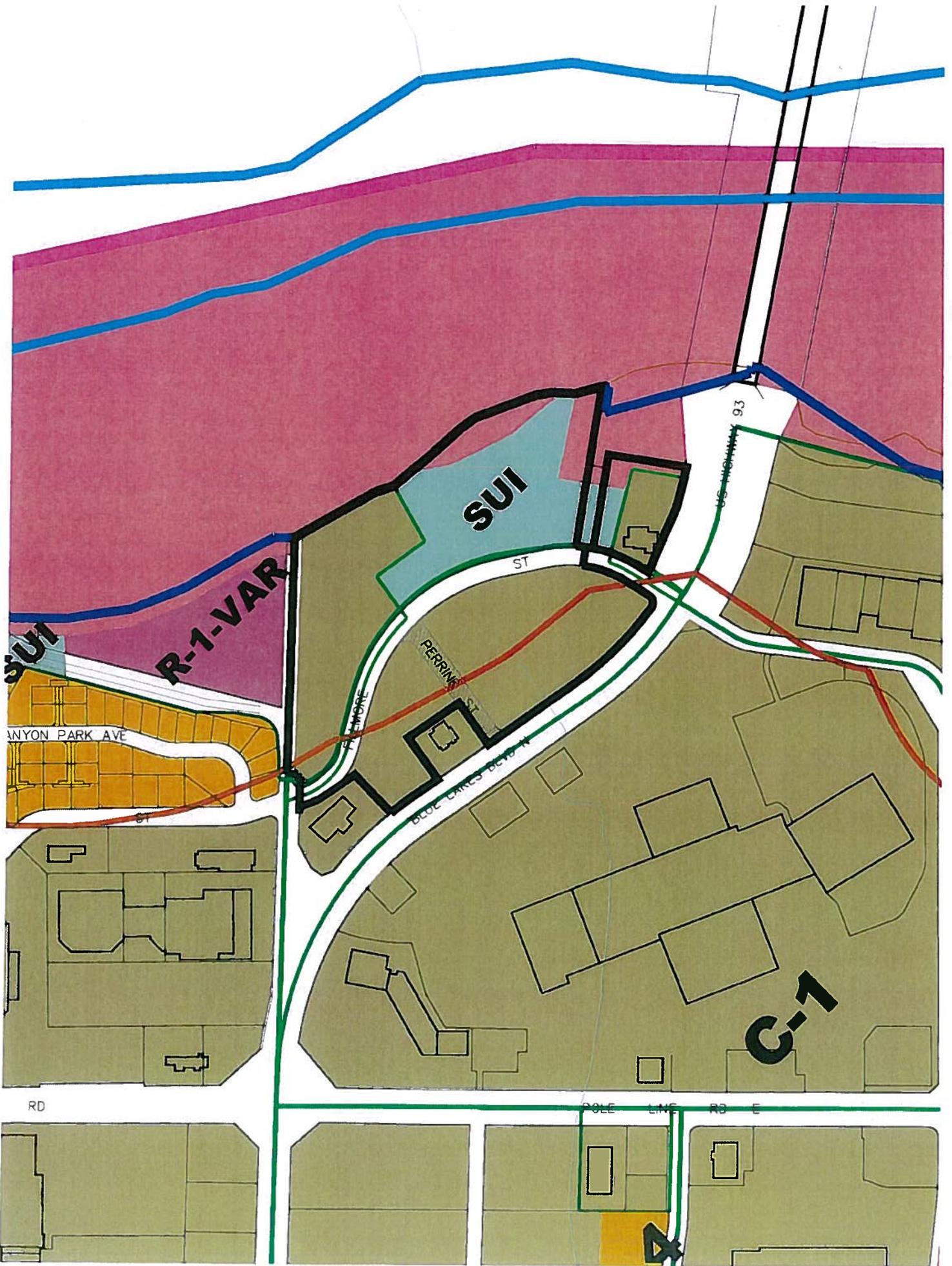
A - 23.86'

C - 23.24'

LCB - North 21°24'24" West

Thence North 88°37'12" West 35.00 feet to the REAL POINT OF BEGINNING.

Containing approximately 25.94 acres.



ANYON PARK AVE

R-1-VAR

SUI

FERRINS ST

US HIGHWAY 93

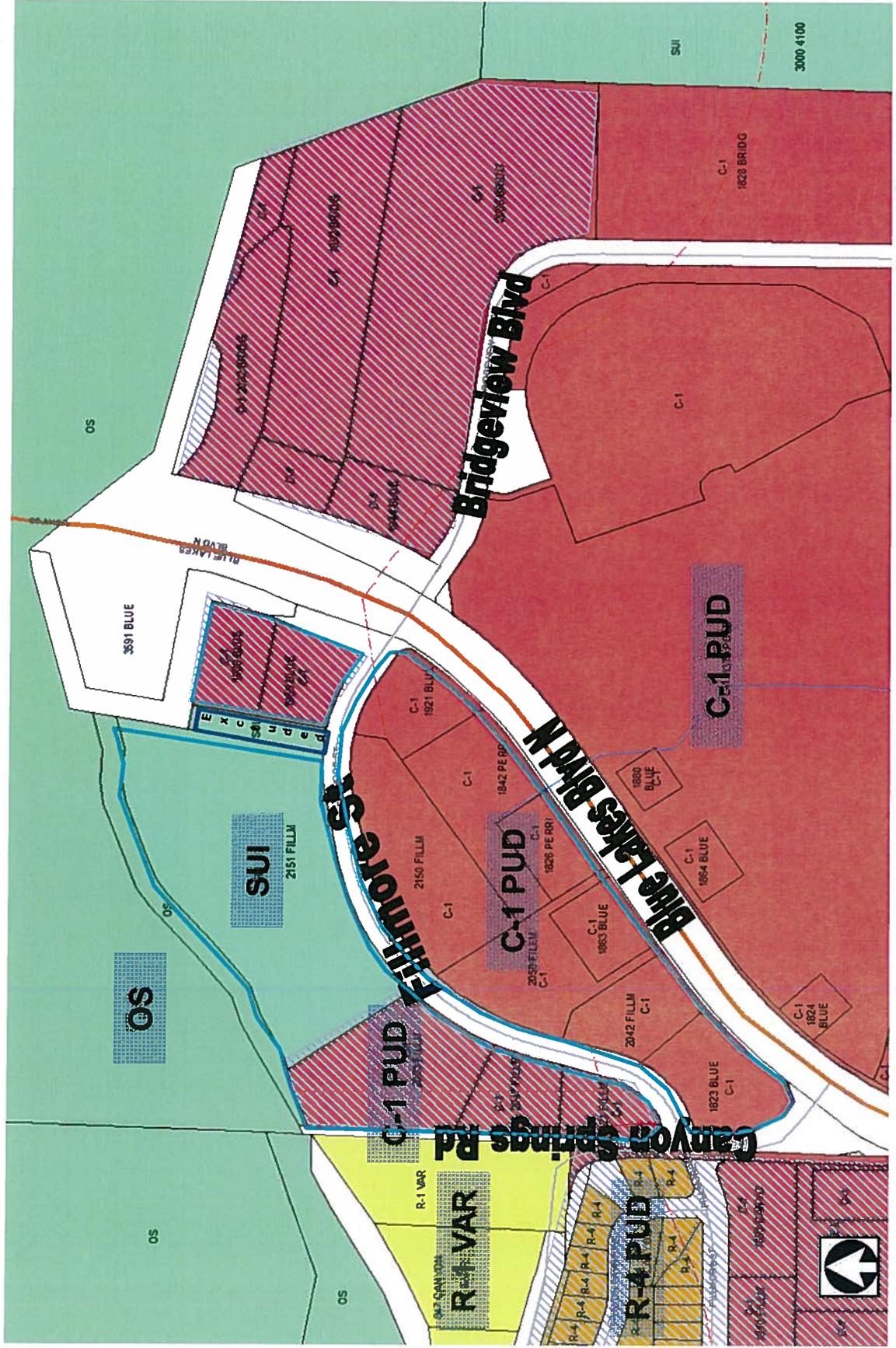
C-1

RD

POLE LINE RD E

A

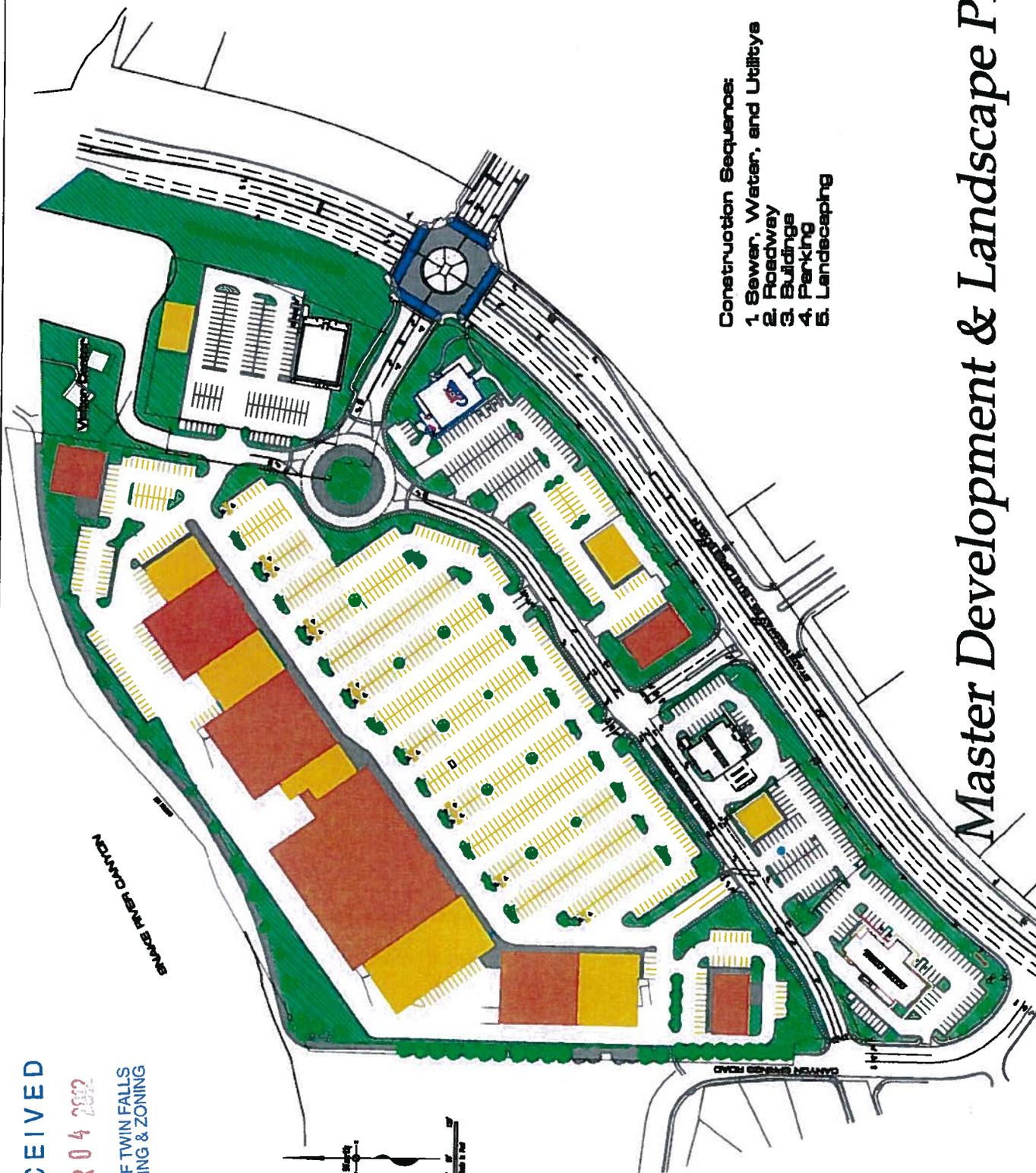
ZONING MAP



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APR 04 2002

CITY OF TWIN FALLS
PLANNING & ZONING



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

Master Development & Landscape Plan

EHM
Engineers Inc.
200 N. GARDNER ST. SUITE 100
TWIN FALLS, IDAHO 83402
PHONE: 334-2000
FAX: 334-2001

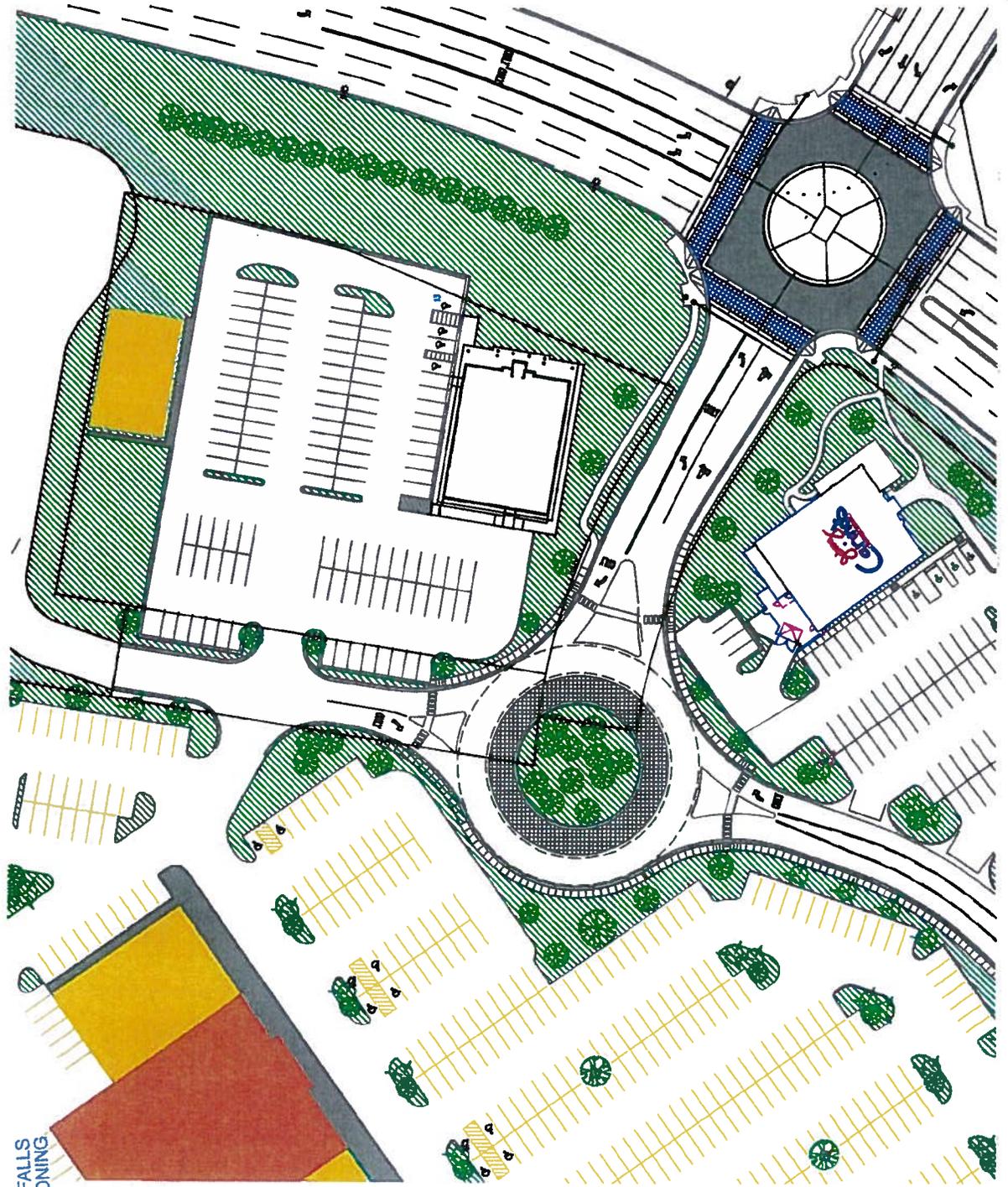
Master Development Plan For
Canyon Park Amended Subdivision
Twin Falls, Idaho

DATE	2001.12.14
BY	W. J. BROWN
CHECKED	W. J. BROWN
SCALE	AS SHOWN
PROJECT	CANYON PARK AMENDED SUBDIVISION
CLIENT	W. J. BROWN
LOCATION	TWIN FALLS, IDAHO
DATE	2001.12.14
BY	W. J. BROWN
CHECKED	W. J. BROWN
SCALE	AS SHOWN
PROJECT	CANYON PARK AMENDED SUBDIVISION
CLIENT	W. J. BROWN
LOCATION	TWIN FALLS, IDAHO

RECEIVED

APR 04 2012

CITY OF TWIN FALLS
PLANNING & ZONING



RECEIVED

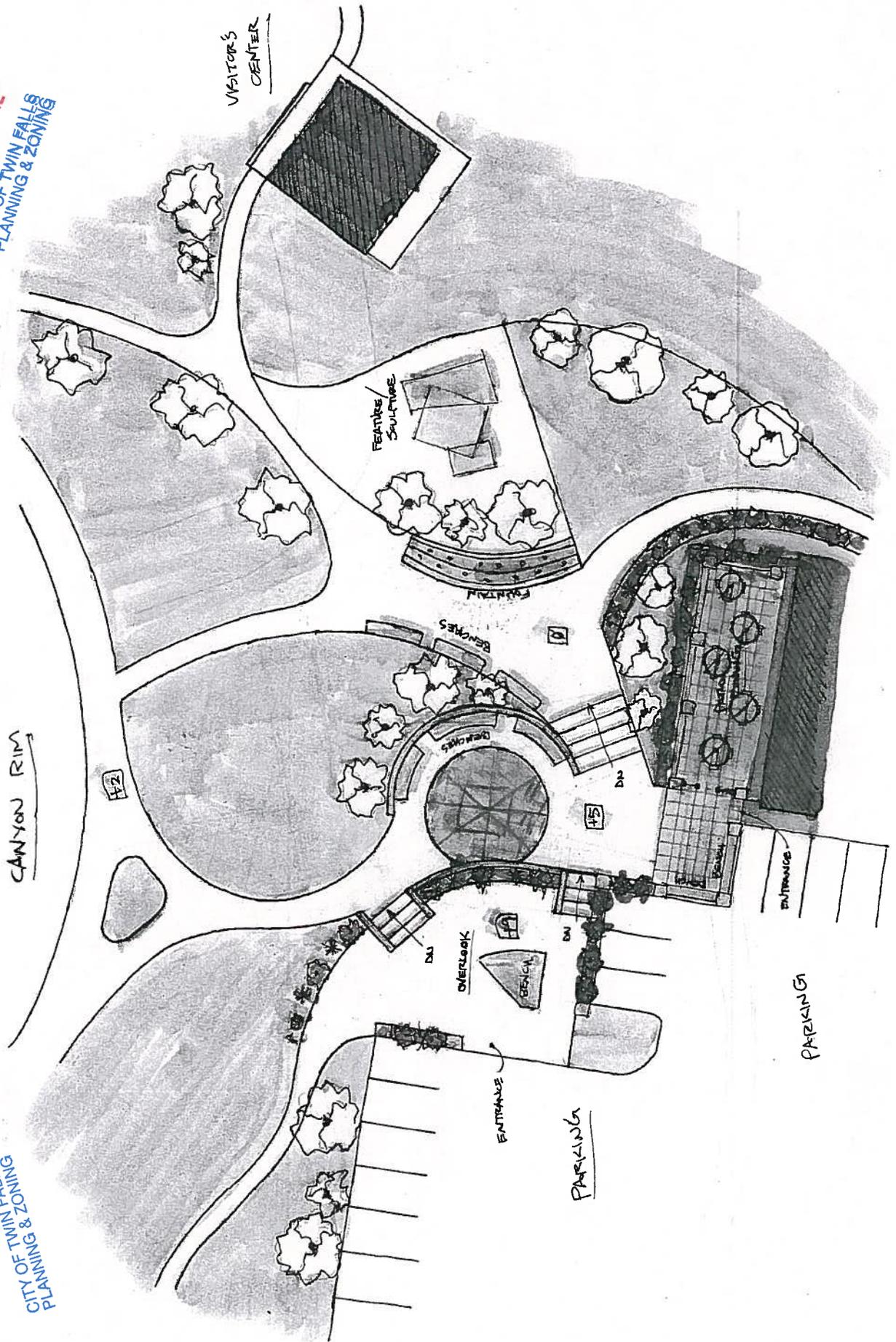
MAY 01 2012

CITY OF TWIN FALLS
PLANNING & ZONING

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MAY 01 2012

CITY OF TWIN FALLS
PLANNING & ZONING



VISITOR'S
CENTER

FEATURES/
SCULPTURE

FOUNTAIN

BENCHES

BENCHES

CANYON RIM

42

45

OVERLOOK

BENCH

ENTRANCE

PARKING

ENTRANCE

PARKING









COUNCIL MEMBERS:

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



5:00 P.M.

**Meeting of the Twin Falls City Council
 April 9, 2012
 City Council Chambers
 305 3rd Avenue East -Twin Falls, Idaho**

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: *Child Abuse Prevention Month and National Library Week 2012.*

AGENDA ITEMS		Purpose	By:
I. CONSENT CALENDAR:		<u>Action</u>	<u>Staff Report</u>
1. Consideration of accounts payable for April 3 – 9, 2012. 2. Consideration of the Findings of Fact, Conclusions of Law, and Decision for the following: a. Zoning District Change & Zoning Map Amendment, Application, for Wills Inc., c/o Brad Wills. b. Final Plat, Application, for Eldridge Commercial Condominium Subdivision. c. Final Plat, Application, for W.S. & V Subdivision– a PUD. d. Appeal of Condition on Special Use Permit for All State Auto c/o Allen Nagel & Jeffery E. Rorig. e. Vacation, Application, for Wills, Inc., c/o EHM Engineers, Inc. f. Vacation, Application, UMPQUA Bank, c/o Mike Bideganeta. 3. Consideration of a request to approve the Western Days Special Events Application and Western Days Parade Application. Western Days is scheduled to be held on Friday, June 1; Saturday, June 2; and Sunday, June 3, 2012. The Western Days Parade is scheduled to be held on Saturday, June 2, 2012. 4. Consideration of a request to approve a Half Marathon sponsored by Magic Valley Community Fun Run Organization. This event will be held on Saturday, June 2, 2012, and will coincide with the Western Days Event and Parade.			Sharon Bryan Mitch Humble
			Dennis Pullin
			Dennis Pullin
II. ITEMS FOR CONSIDERATION:		<u>Action</u>	
1. Consideration of a request to acknowledge the recent graduation of Police Officer Matt Triner from the FBI's Hazardous Devices School and to present Officer Triner with his Bomb Technician certification. 2. Tour of the Public Works facilities located at Fairfield West and Bridge Street. 3. Public input and/or items from the City Manager and City Council.		<u>Tour</u>	Dan Lewin Jon Caton
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:			
IV. PUBLIC HEARINGS: 6:00			
1. For a Zoning Title Amendment which would amend Twin Falls City Code 10-4-13.2 (OT Zone) by requiring a Special Use Permit for Residential - dwellings-multiple household (5 units or more); amending 10-4-7.2 (CB Zone) and 10-4-13.2 (OT Zone) by requiring a Special Use Permit for Residential dwellings-attached single dwellings-attached single household; dwellings-duplex; dwellings-triplex and four-plex, c/o Twin Falls Urban Renewal Agency. (app. 2505) 2. For annexation, consisting of 37 (+/-) acres, located approximately 565' west of the western boundary of 3767 North 3300 East, c/o John Winnie, Chobani Director of Operations on behalf of Agro Farma. (app. 2506) 3. Appeal of a required improvement as part of the approval for a Special Use Permit to operate a chiropractor's office and to include a residential apartment for the business owner or an employee of the business on property located at 1015 Washington Street North. (app. 2500) 4. For a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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. (app. 2508) 5. Request for Vacation of the 2000-2190 blocks of Fillmore Street, c/o Gerald Martens, EHM Engineers, Inc on behalf of Tina Luper / Canyon Park Development, LLC (app. 2509)			Mitch Humble Mitch Humble Mitch Humble Mitch Humble Mitch Humble
V. ADJOURNMENT:			
Executive Session 67-2345 (1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.			

Present: Shawn Barigar, Lance Clow, Don Hall, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jacqueline Fields, Staff Sergeant Dennis Pullin, Staff Sergeant Dan Lewin, Public Works Director Jon Caton, Assistant to the City Manager Mike Williams, Library Director Susan Ash, Deputy City Clerk/Recording Secretary Leila A. Sanchez

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

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS:
Child Abuse Prevention Month

National Library Week 2012

Mayor Lanting and Councilperson Talkington presented the National Library Week 2012, proclamation to Library Director Susan Ash.

Mayor Lanting presented the Child Abuse Prevention Month proclamation to Roseanne Campbell with the College of Southern Idaho, Twin Falls Head Start/Early Head Start.

AGENDA ITEMS

IV. PUBLIC HEARINGS: 6:00

Recess at 6:54 P.M.
Reconvened at 7:07 P.M.

Public hearings IV. 4 and IV.5.

4. For a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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. (app. 2508)
5. Request for Vacation of the 2000-2190 blocks of Fillmore Street, c/o Gerald Martens, EHM Engineers, Inc on behalf of Tina Luper / Canyon Park Development, LLC (app. 2509)

Gerald Martens, 621 North College, representing the developer, explained the requests.

The request is to bring the property to the appropriate zoning of C-1 CRO PUD for the entire 25 acres, west of Blue Lakes Blvd.

The second request is for the modification to the road plan. On overhead projection he showed the proposed plan relocating Fillmore and constructing a roundabout.

The applicant has worked with staff on a PUD agreement. Key points in the PUD are architectural which are the same used in Canyon Park East development.

- Extensive use of stone. All four sides of the building will be finished.
- Trail enhancements . The trail will be maintained and enhanced with additional landscaping. This would include a buffer between the buildings.
- The back of the buildings will have delivery and service area but all of the loading docks and the refuse dumpsters will be screened.
- The roof top units will be screened.

He continued to explain the road plan. It basically is a parking field separated by landscaping and existing buildings, three potential additional pads along Blue Lakes Blvd., a parking field broken up with landscaping at the end of the islands and out in the islands. There will be retaining walls with an extensive combination of walls and landscaping between the back of the buildings and the rim. Because the buildings are not within the 100' setback, a geological report will not need to be done. There will be a detailed foundation investigation done for the design.

Vice Mayor Hall asked the applicant to address the concern of the back of the buildings facing the canyon rim.

Gerald Martens stated that the development will look like Bridgeview between the Magic Valley Mall and Canyon Park East. It is screened with retaining walls, landscape walls, and the loading dock areas are enclosed. Trucks back in an enclosed area. Dumpsters will not be seen, other than when they are on the truck leaving. Trucks are seen only when arriving and departing the loading docks.

Councilperson Clow asked for clarification who built Fillmore Road from Blue Lakes Blvd. to Canyon Springs Road.

Gerald Martens stated the developer of Canyon Park built the road. The developer is proposing that a new street be constructed and to make the street private. The reason to privatize the street allows flexibility on driveways and gives additional potential

opportunities for accesses into the project, but to do that, additional turn lanes are being built over and above the city standard. It could also potentially help on some setbacks from arterials and collectors.

Councilperson Talkington asked if the developer will be asking for a variance or a waiver on the building height restrictions.

Gerald Martens stated that the PUD agreement specifies that building heights will remain at the standard 35' and the developer would not be asking for a variance or waiver. There shouldn't be a need for a height variance.

Community Development Director Humble explained the benefits to the developer of keeping a private street versus keeping a public right of way. On Fillmore Street there is a 62' setback from the centerline and as Fillmore Street is being relocated closer to some of the existing buildings, Zion's Bank and Golden Corral, this is creating a non-conforming building situation; but if it becomes a private road setback issue goes away. There will be an easement open to the public.

Mayor Lanting asked if this would limit the City in the future to make the road wider if it becomes private.

Community Development Director Humble stated that if the road is public, the city can acquire right of way. If this is not a public road, this would not be an option, but if this is a concern for the Council, staff can work this out in a maintenance agreement with the developer. The road would be developed to meet capacity requirements.

Community Development Director Humble reviewed the requests.

On March 13, 2012 the Commission for the zoning request unanimously recommended approval of the request 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 Fillmore Street (Public Right-of-way) being vacated and Fillmore Street (Private) is 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.

Staff concurs with the Commission's recommendation.

On March 13, 2012, the Planning & Zoning Commission for the vacation recommended approval of the vacation of Fillmore Street, as presented, by a vote of 4 for and 3 against 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 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.

Staff concurs with the Commission's recommendation.

Letters from Laura Peterson, Jeff & Phyllis Lotz, Joyce Ballard, Dave Duhaime, and Cheri Condie were entered into the record and shown on overhead projection.

Councilperson Talkington asked the City Attorney that with the development and the control of Fillmore as a private road is public safety in any way inhibited, primarily police and fire access.

City Attorney Wonderlich stated that the developer will need to satisfy the fire department requirements or they will not receive a building permit. The police will still have access to the private road. There is an issue with traffic enforcement in which the city police will not be able to help. The city does not do traffic enforcement on the internal roads at the mall.

Community Development Director Humble stated that every building will meet or exceed the 100' setback. That is a building setback from the canyon rim.

Councilperson Hall asked the City Engineer if there is a public safety concern with the proposed roundabout.

City Engineer Fields stated that signs will be posted at the roundabout. Studies show that roundabouts are an excellent way to eliminate certain types of high accident locations in lieu of adding a signal. Placing a signal at this location is problematic because it will be difficult to maintain primacy on the state highway, which is Blue Lakes, and not have people backing out of the intersection at certain times of year for certain events. This helps people move through with great facility and ultimately less confusion. Initially there will be a learning curve. There was a concern about the dominant left turn movement off of Blue Lakes onto Fillmore. If you choose not to go the Visitor's Center, you will be making a left turn. This will be the dominant movement. This will handle the number of cars that are stacking up.

Councilperson Clow asked the diameter size of the roundabout.

Gerald Martens stated that it is 90' radius in size. The roundabout keeps traffic moving and is a traffic calming feature. The roundabout will be 3 legged exits.

Councilperson Clow referenced the older part of the development along Blue Lakes and asked if there adequate parking for future development.

Gerald Martens stated that there is adequate parking.

Opened the public testimony of the hearing:

Cheri Condie, 2135 Oakwood Court, spoke against the request. She stated that the project would be detrimental to the Canyon Rim Trail, the existing Visitor Center, and anybody on foot. The proposal is in violation of CRO 10-4-19.

Laura Peterson, 794 Mountain View Drive, spoke against the request. She stated that she does not want to see the back end of the stores. She would like to have the parking lot facing the canyon.

Barbara Beck, 699 Riverview Drive, spoke against the request. She read a Times News article reader comment from Craig Neilsen (attached). She stated her concern of the back of a building facing the canyon rim and increase of traffic. She proposed that this development provide a very upscale landscaping. She stated her concern of the proposed roundabout.

Gerald Beck, 699 Riverview Drive, spoke against the request. He explained the difference between economic development and retail development. He stated his concern of the proposed roundabout. He stated that big box stores undermine small business, hurt retail wages, and cause loss of open spaces and natural resources. Big box stores accelerate the dying of the downtown community. Big box stores do not offer any fringe benefits, but offer part-time jobs and poverty wages. Public assistance is increased.

Closed the public hearing portion of the hearing.

Gerald Martens addressed the following issues:

- Ability to expand the road in the future. As the road maintenance and development agreement is being developed, the road will meet current standards, and there will be adequate buffers or room for which expansion can be accomplished.
- Access to the trail. On overhead projection he showed the designation for the public to park and access the trail.
- The weed area is a canal company drain. It will be piped and put into a dry wall.
- The trail. The trail will be developed and given to the city. The trail will be maintained by the development.
- Turning the stores around. He stated that he is not the planner. There is more exposure from Blue Lakes than when you approach the City.

Councilperson Mills Sojka asked Gerald Martens to comment on the building footprint.

Gerald Martens stated that there will be multiple tenants and multiple ownership and will be developed according to the C-1 standards allowed for connected buildings or common wall construction. The building is 200,000 square feet.

Community Development Director Humble read from Canyon Rim Overlay section of the code for buildings having a footprint of more than 3,000 square feet.

Gerald Martens stated there will be a varying setbacks, heights, materials and earth tone colors. Logos with accent colors are allowed. The PUD will allow individuality of the business's sign that is placed on the wall and logo. The materials will be architecturally selected that will provide variety but consistency.

Councilperson Talkington stated that coming across the bridge there will be a gigantic expanse of the back of the buildings with logos and security and service lights. He asked if this was correct.

Gerald Martens stated that no light source can be seen according to the PUD. There will be down lights enough for security and safety on the back of the building. The light standards will be 20' tall maximum in the front parking area and on the back parking area there will be security and safety lighting, which are down lit. Lighting will not be seen from coming across the road. Signage on the back of the buildings has not been brought up in discussions.

Councilperson Clow asked if the back of Wal-Mart had a sign.

Gerald Martens stated that additional restrictions were made on Wal-Mart signage.

Councilperson Mills Sojka asked the locations for pedestrian access from the Visitor's Center.

Gerald Martens showed pedestrian accesses on overhead projection.

-Building signage

Community Development Director Humble stated that restrictions on signage can be added to the conditions of the motion.

Councilperson Clow asked how the City obtained the right of way to all of the trails.

City Attorney Wonderlich stated that everything near the City was conditioned of development.

Barbara Beck stated her concern of safety when on the canyon trail.

The public hearing was closed.

Deliberations:

MOTION:

Councilperson Talkington made a motion to approve a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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, as presented.

The motion failed because a lack of a second.

MOTION:

Councilperson Clow made a motion to approve a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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, subject to the following conditions as set forth by the Planning & Zoning Commission:

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 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.

The motion failed for the lack of a second.

MOTION:

Vice Mayor Hall made an amendment to the main motion to prohibit any signage from being placed on the back of the buildings facing the canyon. The motion was seconded by Councilperson Munn and roll call vote showed Councilpersons Clow, Hall, Lanting, Munn, Mills Sojka and Talkington voted in favor of the motion. Councilperson Barigar voted against the motion. Approved 6 to 1.

Roll call vote on the main motion as amended showed Councilpersons Barigar, Clow, Hall, Munn, and Talkington voted in favor of the motion. Councilpersons Lanting and Mills Sojka voted against the motion. Approved 5 to 2.

MOTION:

Councilperson Barigar made the motion to approve the vacation of the 2000-2190 blocks of Fillmore Street, subject to the following conditions as set forth by the Planning & Zoning Commission:

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 motion was seconded by Councilperson Munn.

Councilperson Clow asked legal counsel if there a way Fillmore Street could remain a public street to accommodate the development's ingress/egress and the setbacks.

Gerald Martens stated that the development would meet all of the standards in terms of roadway section with the city standards being the minimum. The development would be allowed to go beyond the minimum in terms of turn lanes, landscaping, crosswalks, and some of the amenities you find going through large retail centers. He asked for clarification in regards to police enforcement on the private street.

City Attorney Wonderlich stated that the City does police enforcement and traffic infraction enforcement on public streets. On a private street, police officers will not have any authority to write traffic tickets.

Councilperson Munn clarified that the police officers can enforce misdemeanors and other serious offenses on a private lot open to public use.

City Manager Rothweiler stated that in the roundabout there would be decorative features, and if this becomes a public street, staff would strongly discourage any of those types of improvements placed in the public right of way, because the city would need to maintain them. In addition, Item IV has been approved with conditions 3. and 4 . and would need to be reconsidered if Fillmore Street is made public street.

City Engineer Fields explained that if there is a proliferation of driveways along the roadway, eventually those access points reduce the capacity on the road. The goal for roads is to try to limit the numbers of driveways to some reasonable access points. This has been accomplished. The placement of the driveways on the roadway as a public roadway will be acceptable.

Councilperson Clow asked that if the development is built out and completed, if he envisioned future buildings on the property to be built to a non-conforming setback to the new private road. Also, after the development is built out, could the city ask for the road to become public.

Gerald Martens stated that two of the pads will be non-conforming due to the 62' setback. He stated that it can be written in the PUD agreement and in the maintenance and development agreement that at some trigger point the city could accept taking over the maintenance.

Roll call vote showed that all those present voted in favor of the motion. Approved 7 to 0.

V. ADJOURNMENT:

Executive Session 67-2345 (1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

MOTION:

Vice Mayor Hall made the motion to approve to move to Executive Session as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



Public Meeting: **MONDAY, MAY 07, 2012**

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Department

AGENDA ITEM

Request:

Request for consideration of the Final Plat of Canyon Park Amended Subdivision – A PUD, 25 (+/-) acres consisting of 12 commercial lots and on property located west and north of the intersection of Blue Lakes Boulevard North and Fillmore Street. c/o Gerald Martens, EHM Engineers, Inc. on behalf of Canyon Park Development, LLC., c/o Tina Luper.

Time Estimate:

The approval process of these documents is not typically opened for public comment, however, due to the public interest expressed regarding this project upon completion of the presentation there will be an opportunity for the public to make a comment.

Background:

Applicant: Canyon Park Development, LLC c/o Tina Luper P.O. Box 5478 Twin Falls, ID 83303 208-421-8296 tina.luper@neilsenco.com	Status: Owner	Size: 25 (+/-) acres
	Current Zoning: C-1 PUD and SUI PUD	Requested Zoning: Approval of a preliminary plat
	Comprehensive Plan: Commercial Retail	Lot Count: 12 lots
	Existing Land Use: vacant	Proposed Land Use: Mixed commercial uses Planned Unit Development project
Representative: EHM Engineers, Inc. c/o Gerald Martens 621 North College Road, Suite 100 Twin Falls, ID 83301 208-734-4888	Zoning Designations & Surrounding Land Use(s)	
	North: Snake River Canyon Rim, Visitor's Center	East: C-1 PUD, Blue Lakes Blvd N, - Canyon Park East – commercial development
	South: C-1 PUD, Blue Lakes Blvd N, Magic Valley Mall	West: R-1 VAR/R-4 PUD/C-1 PUD, residential, commercial
	Applicable Regulations: 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, 10-12-2.4	

Approval Process:

Upon approval of a preliminary plat by the Planning & Zoning Commission a final plat, in conformance with the approved preliminary plat and any conditions placed by the Commission is reviewed by the Engineering Dept. Upon acceptance that the final plat is in general conformance with minimum requirements it is scheduled before the City Council. If approved the developer/owner has 2 years to record the plat. The code does allow the developer/owner to request one extension of the approval for a maximum of an additional two years. Failure to record the plat within this time shall make the approval null and void.

Budget Impact:

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, Planned Unit Development Agreement and any conditions placed on the approval.

History:

On December 19, 1994 the 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 aka Canyon Park West.

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.

On February 7, 2000 the 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 – aka Canyon Park East, and they also approved a Zoning District Change and Zoning Map Amendment 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 20000 block of Blue Lakes Blvd N and north of the 2100 block of Fillmore Street- aka Canyon Park North No. 1. There was a 7 +/- acre section in the middle of Canyon Park North No. 1 that was not rezoned but retained the R-1 43,000 zoning designation. This area had been under review for a hotel/convention center but the City Council wanted to review this part of the development further.

The final plat for Canyon Park North, Phase 1 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 March 13, 2012 the Planning & Zoning Commission heard a rezone request – which included both Canyon Park North No. 1 PUD & Canyon Park West PUD and also included the 7 +/- acres previously excluded. The development was recommended for approval as presented subject to several 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 heard a request and recommended approval for Vacation of the 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.

On April 9, 2012 the City Council heard both the rezone request and the vacation request and approved both requests, as presented.

Analysis:

This Final Plat for the Canyon Park Amended Subdivision PUD includes 25 (+/-) acres and was rezoned on April 9, 2012 to C-1 CRO PUD. The request is to plat 12 lots for a mixed commercial development.

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, common areas, and a Trail Head park. 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. Also included is a 10,000 sq ft public Trailhead Park with amenities.

The Twin Falls Canal Company 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 prior to recordation of the plat.

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:

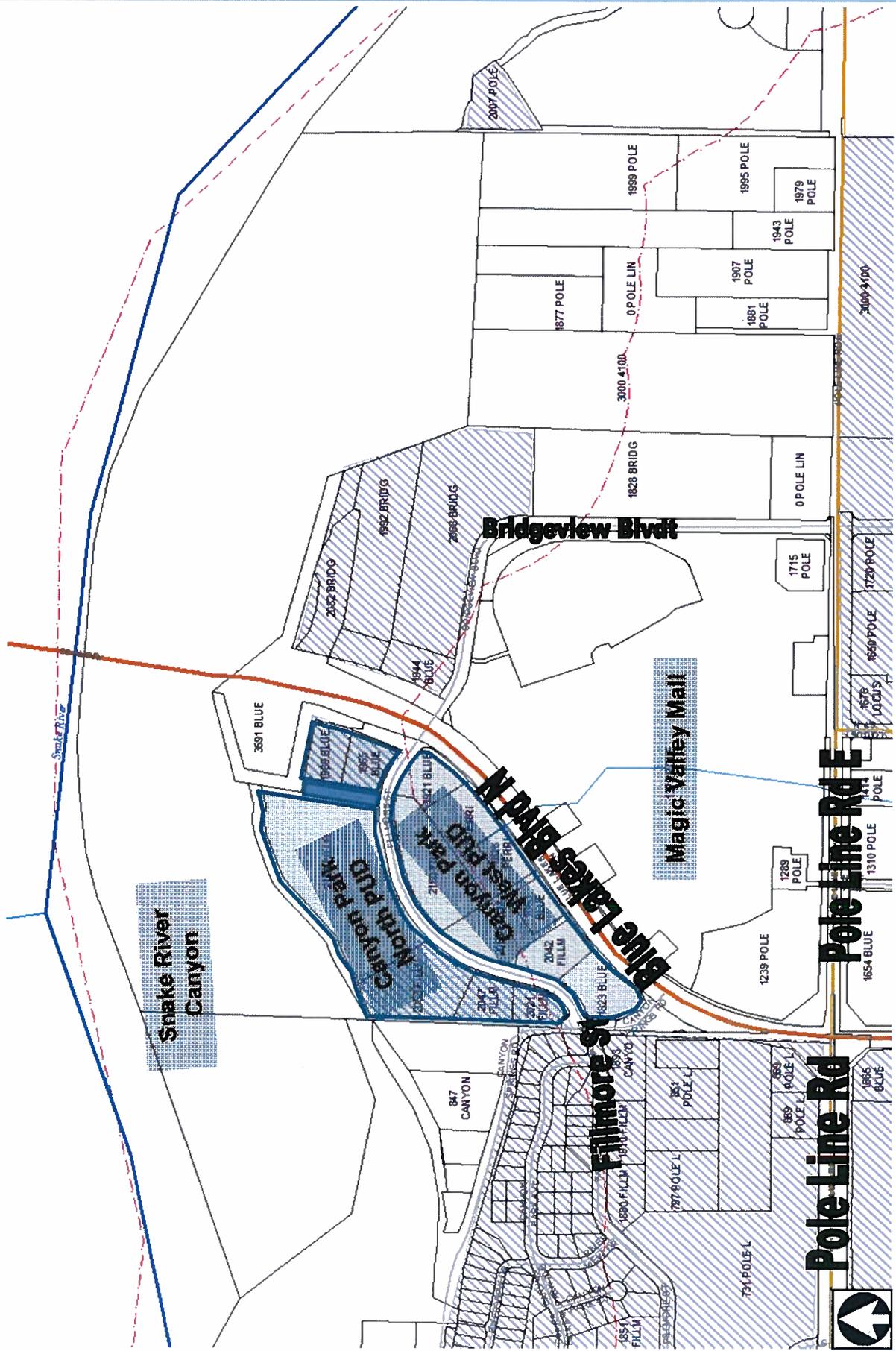
Should the Council approve the final plat of the Canyon Park Amended Subdivision – a PUD, as presented, staff recommends approval be subject to the eight (8) conditions placed upon the preliminary plat by the Commission **and including:**

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.
- 9. Subject to final approval by the City Engineer of the Construction Plans**

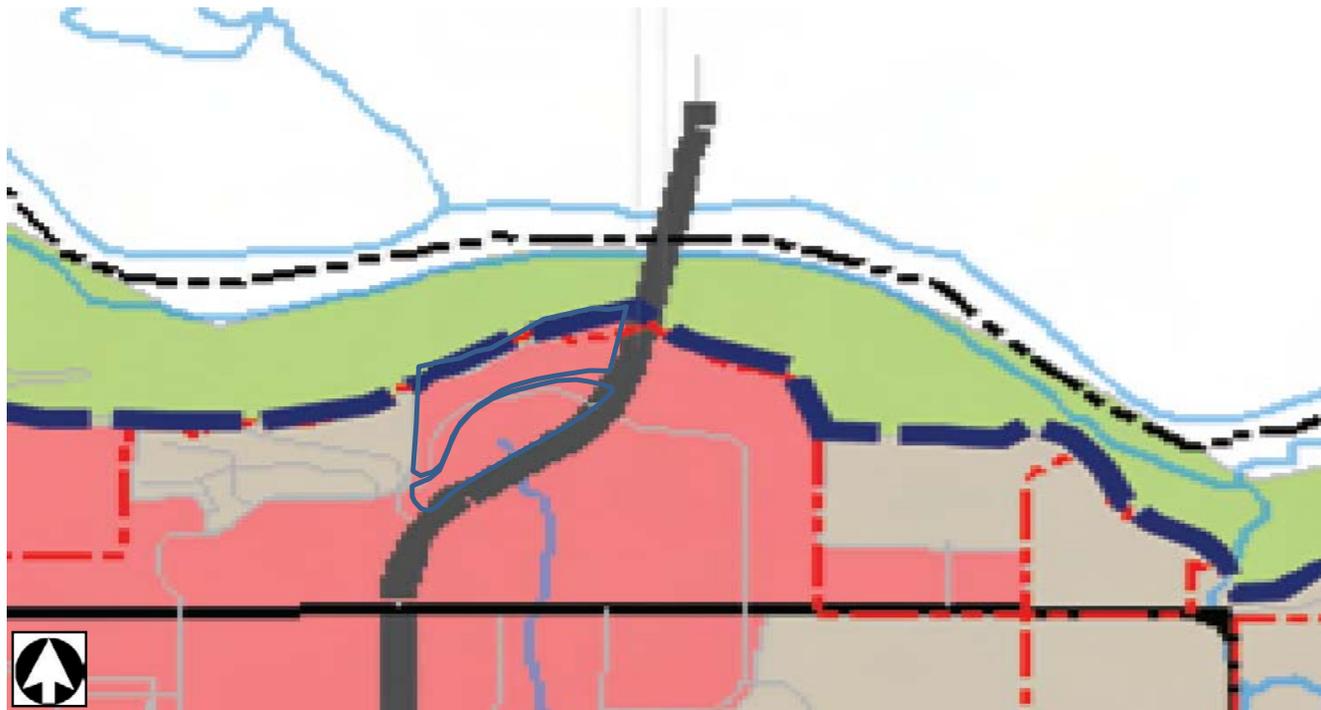
Attachments:

1. Vicinity Map
2. Area Zoning Map
3. Aerial of the Project Site
4. Approved Preliminary Plat (04-10-12)
5. Submitted Final Plat
6. Master Development Plan
7. Round-about Proposal
8. Letter from Cheri Condi dated April 6, 2012
9. Site Photos (4)
10. **DRAFT** Easement & Maintenance Agreement (05-02-12)
11. April 10, 2012 Planning & Zoning Minutes

VICINITY MAP



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 PARK ROAD

CANYON PARK ROAD

Engineers Inc.
 1000 S. 10th Street, Suite 100
 Twin Falls, Idaho 83421
 Phone: 208-735-1234
 Fax: 208-735-1235

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



PROJECT
 SHEETS
 OF 10

DATE	BY	DESCRIPTION
11/15/11	JL	PRELIMINARY DEVELOPMENT PLAN
11/15/11	JL	PRELIMINARY DEVELOPMENT PLAN
11/15/11	JL	PRELIMINARY DEVELOPMENT PLAN
11/15/11	JL	PRELIMINARY DEVELOPMENT PLAN
11/15/11	JL	PRELIMINARY DEVELOPMENT PLAN
11/15/11	JL	PRELIMINARY DEVELOPMENT PLAN
11/15/11	JL	PRELIMINARY DEVELOPMENT PLAN
11/15/11	JL	PRELIMINARY DEVELOPMENT PLAN
11/15/11	JL	PRELIMINARY DEVELOPMENT PLAN

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APR 04 2002

CITY OF TWIN FALLS
PLANNING & ZONING



SHAKE TREE CANYON

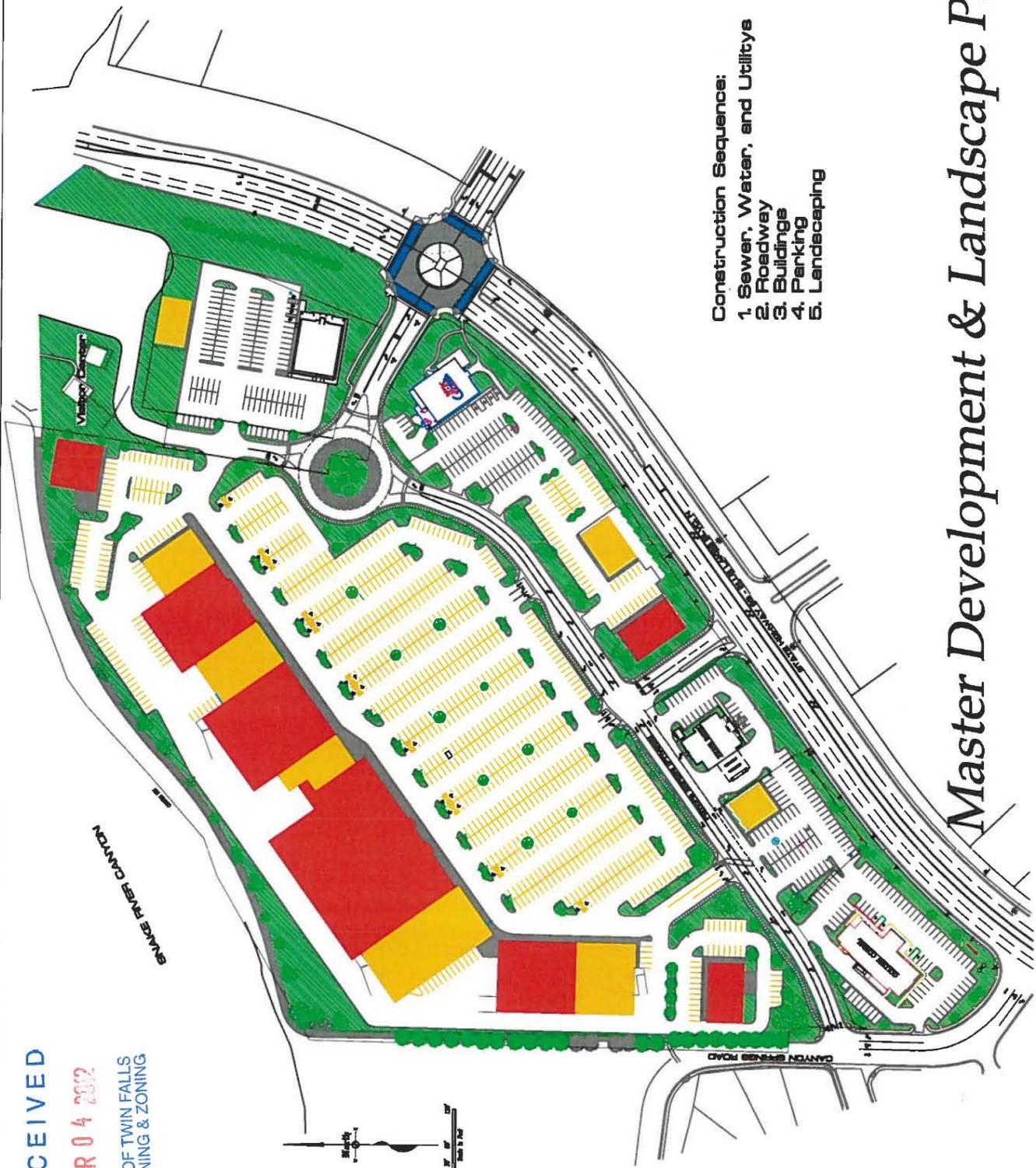
CANYON SERVICE ROAD

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.
2871 N. COLLEGE RD. SUITE 100
TWIN FALLS, IDAHO 83420
PHONE: 208.338.7288
FAX: 208.338.7289

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



DATE	NOV 15 2001
BY	J. L. BROWN
DATE	NOV 15 2001
BY	J. L. BROWN
DATE	NOV 15 2001
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DATE	NOV 15 2001
BY	J. L. BROWN

IN THE FIELDS OF:
PLANNING
SURVEYING
HIGHWAYS
WATER
SEWAGE
STRUCTURAL
SUBDIVISIONS
BRIDGES
ENVIRONMENTAL
QUALITY CONTROL
CONSTRUCTION MGMT.

RECEIVED
MAR 28 2012
CITY OF TWIN FALLS
PLANNING & ZONING

Date: March 27, 2012

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.

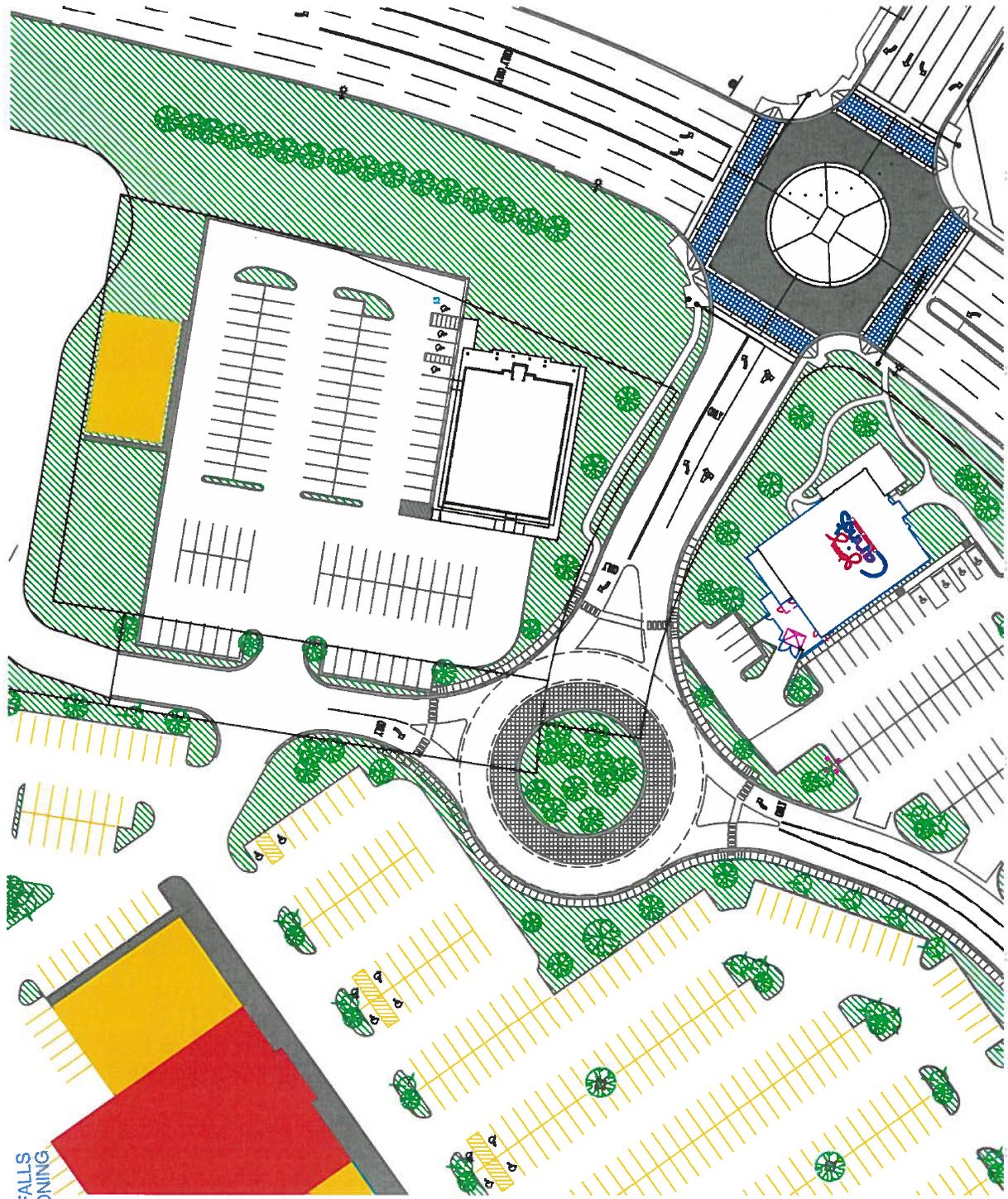
Please call me if there are further questions.

369-11

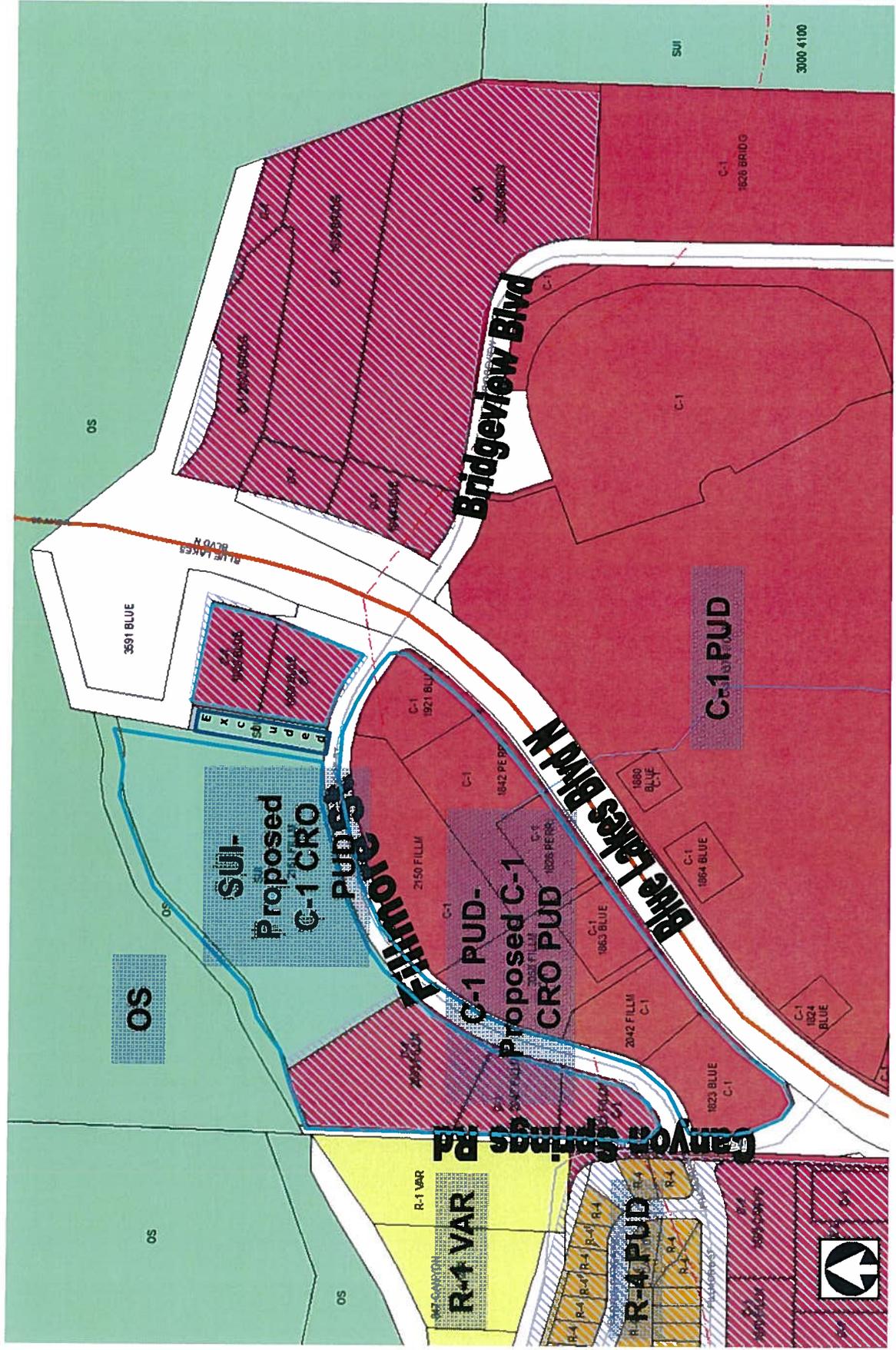
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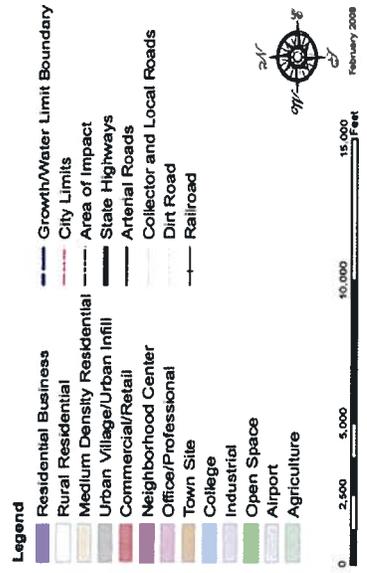
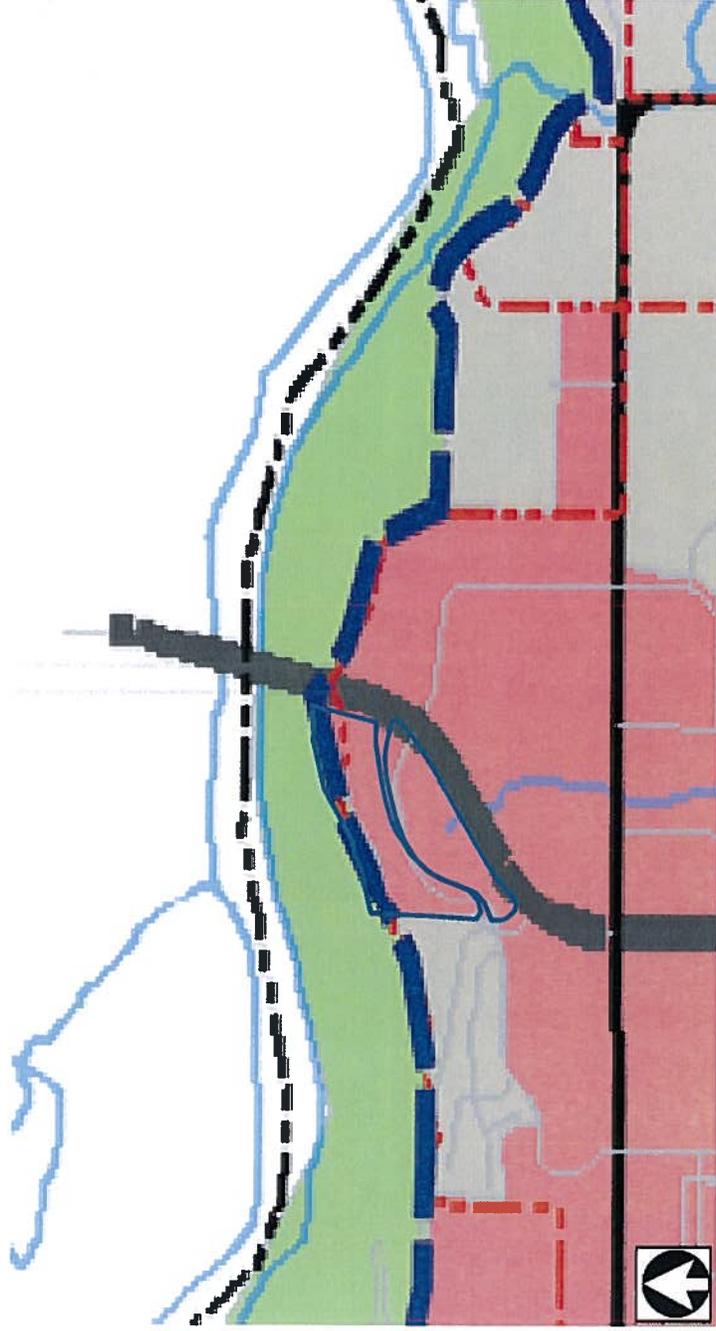
CITY OF TWIN FALLS
PLANNING & ZONING



ZONING MAP



FUTURE LAND USE MAP



**CANYON PARK AMENDED SUBDIVISION
A RESUBDIVISION AND RENAMING OF
A PORTION OF
CANYON PARK NORTH SUBDIVISION
AND A PORTION OF
CANYON PARK WEST NO. 1 SUBDIVISION
LOCATED IN**

**A PORTION OF
SW4 SW1, AND GOVT. LOT 3
SECTION 34,
TOWNSHIP 8 SOUTH, RANGE 17 EAST,
BOBBIE MERIDIAN,
TWIN FALLS COUNTY, IDAHO**

CURVE DATA

CHG.	BEHA.	POINTS	ARC	CHORD	PERCENT
1	24757.27	380.00	158.59	784.71	81.28
2	43785.07	300.00	44.44	43.89	31.87
3	14710.02	1080.00	264.63	262.71	163.96
4	16377.00	1200.00	300.00	292.55	187.50
5	16377.00	1200.00	300.00	292.55	187.50
6	16377.00	1200.00	300.00	292.55	187.50
7	70700.00	300.00	30.00	30.00	21.00
8	45243.25	300.00	30.00	30.00	21.00
9	20783.07	432.00	158.59	784.71	81.28
10	47253.39	432.00	158.59	784.71	81.28
11	51103.22	432.00	158.59	784.71	81.28
12	51103.22	432.00	158.59	784.71	81.28
13	80533.14	432.00	158.59	784.71	81.28
14	80533.14	432.00	158.59	784.71	81.28
15	27072.74	432.00	158.59	784.71	81.28
16	75232.74	1152.00	355.77	352.07	246.84
17	117144.64	2512.00	634.24	628.38	454.44
18	25727.00	2512.00	634.24	628.38	454.44
19	25727.00	2512.00	634.24	628.38	454.44
20	25727.00	2512.00	634.24	628.38	454.44
21	16377.00	300.00	30.00	30.00	21.00
22	11720.74	374.81	37.48	37.41	27.41
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38	11720.74	374.81	37.48	37.41	27.41
39	11720.74	374.81	37.48	37.41	27.41
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41	11720.74	374.81	37.48	37.41	27.41
42	11720.74	374.81	37.48	37.41	27.41
43	11720.74	374.81	37.48	37.41	27.41
44	11720.74	374.81	37.48	37.41	27.41
45	11720.74	374.81	37.48	37.41	27.41
46	11720.74	374.81	37.48	37.41	27.41
47	11720.74	374.81	37.48	37.41	27.41
48	11720.74	374.81	37.48	37.41	27.41
49	11720.74	374.81	37.48	37.41	27.41
50	11720.74	374.81	37.48	37.41	27.41

EASEMENT LEGEND

- A 10' WIDE LANDSCAPE, UTILITY, ACCESS, SIGNALS AND DRAINAGE EASEMENT
- B 20' WIDE CIVIL COMPANY EASEMENT
- C 20' WIDE LANDSCAPE, UTILITY, ACCESS, PROFESSIONAL, ONE PARK AND DRAINAGE EASEMENT
- D 50' WIDE UTILITY EASEMENT
- E 37' WIDE LANDSCAPE, UTILITY, ACCESS AND DRAINAGE EASEMENT
- F 60' WIDE LANDSCAPE, UTILITY, ACCESS AND DRAINAGE EASEMENT
- G 74' WIDE UTILITY EASEMENT
- H 20' WIDE SERVICE EASEMENT

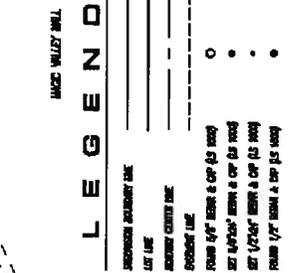
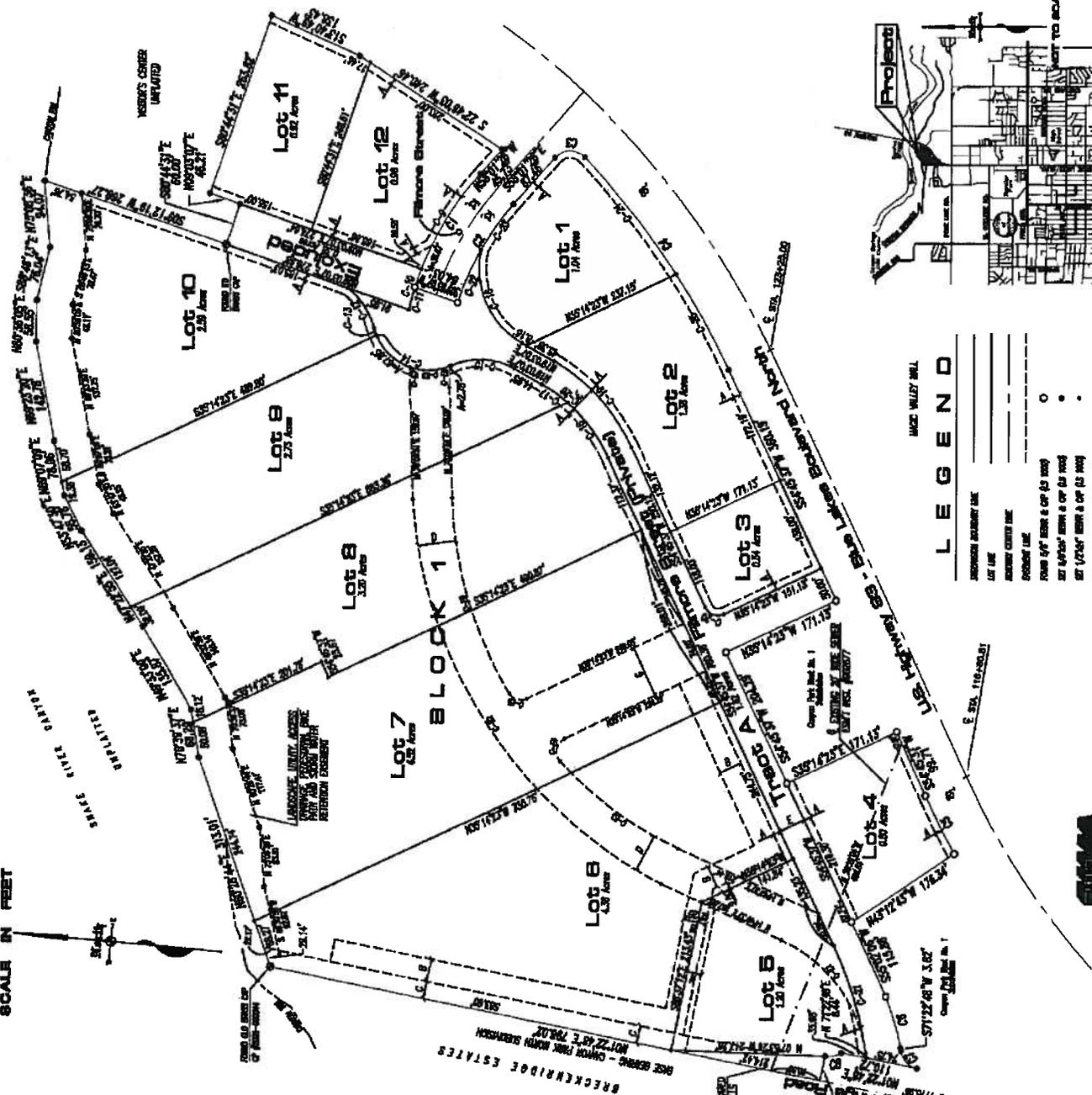
HEALTH CERTIFICATE

Sanitary conditions as required by Idaho Code Title 24, Chapter 13, have been satisfied. Sanitary conditions were determined in accordance with Idaho Code Title 24, Chapter 13, Section 24-1326, by the issuance of a Certificate of Occupancy.

Date: _____ South Central District Health Dept., IDH



SCALE IN FEET



LEGEND

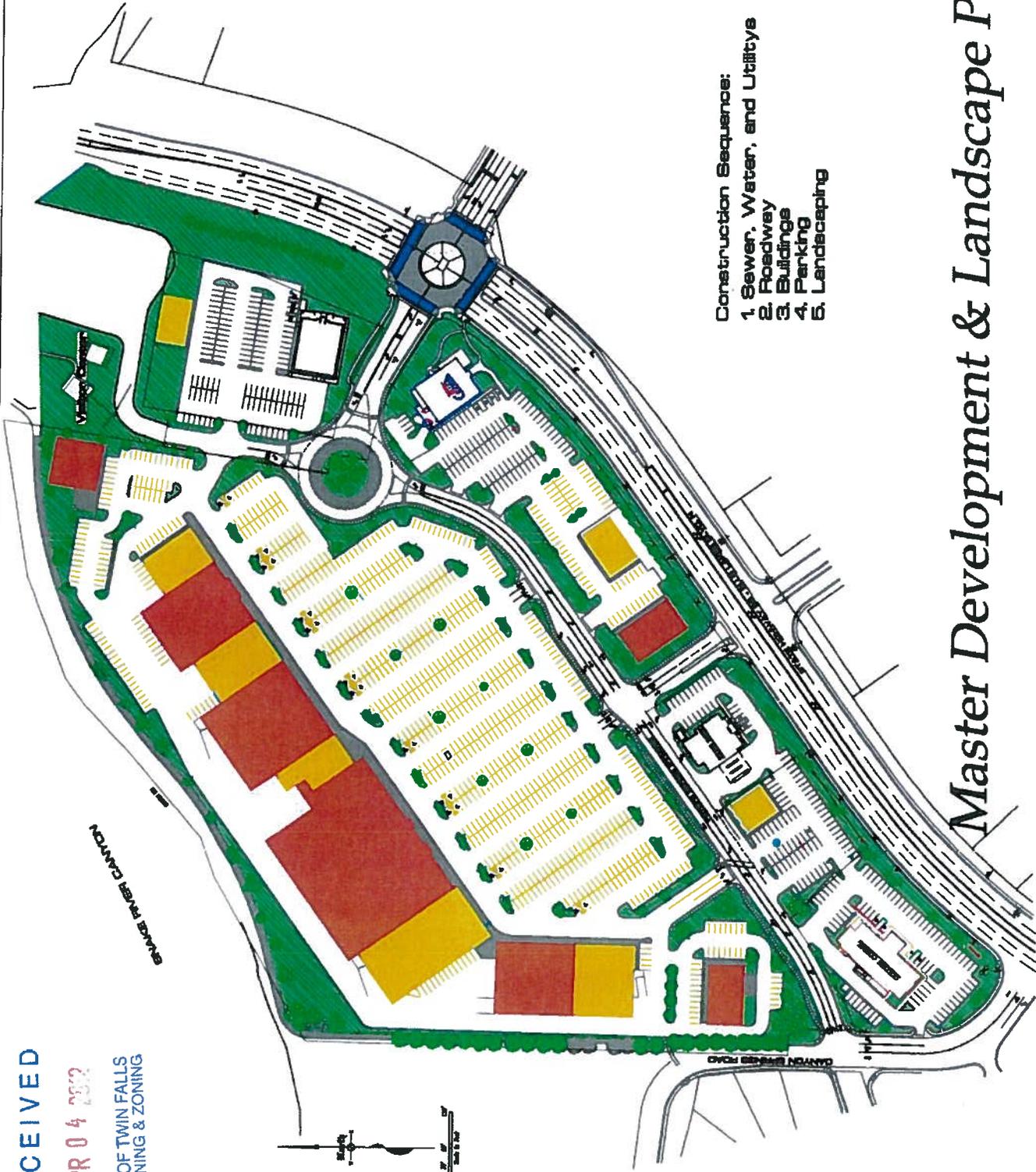
- EASEMENT BOUNDARY LINE
- LOT LINE
- CENTER LINE
- ROAD LINE
- ROAD 1/2" SCALE & 1" OF 1/2" ROAD
- ROAD 1/4" SCALE & 1" OF 1/4" ROAD
- ROAD 1/8" SCALE & 1" OF 1/8" ROAD
- ROAD 1/16" SCALE & 1" OF 1/16" ROAD

Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

RECEIVED

APR 04 2012

CITY OF TWIN FALLS
PLANNING & ZONING



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

Master Development & Landscape Plan

EHM Engineers, Inc.
 1000 S. COLLEGE BLVD. SUITE 100
 TWIN FALLS, ID 83402
 TEL: 208.338.8800
 FAX: 208.338.8801
 WWW.EHMENGINEERS.COM

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



NO.	DATE	DESCRIPTION
1	11/15/11	PRELIMINARY
2	1/10/12	REVISED
3	3/22/12	REVISED
4	4/11/12	REVISED
5	4/11/12	REVISED
6	4/11/12	REVISED
7	4/11/12	REVISED
8	4/11/12	REVISED
9	4/11/12	REVISED
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43	4/11/12	REVISED
44	4/11/12	REVISED
45	4/11/12	REVISED
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RECEIVED
MAR 28 2012
CITY OF TWIN FALLS
PLANNING & ZONING

Date: March 27, 2012
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.

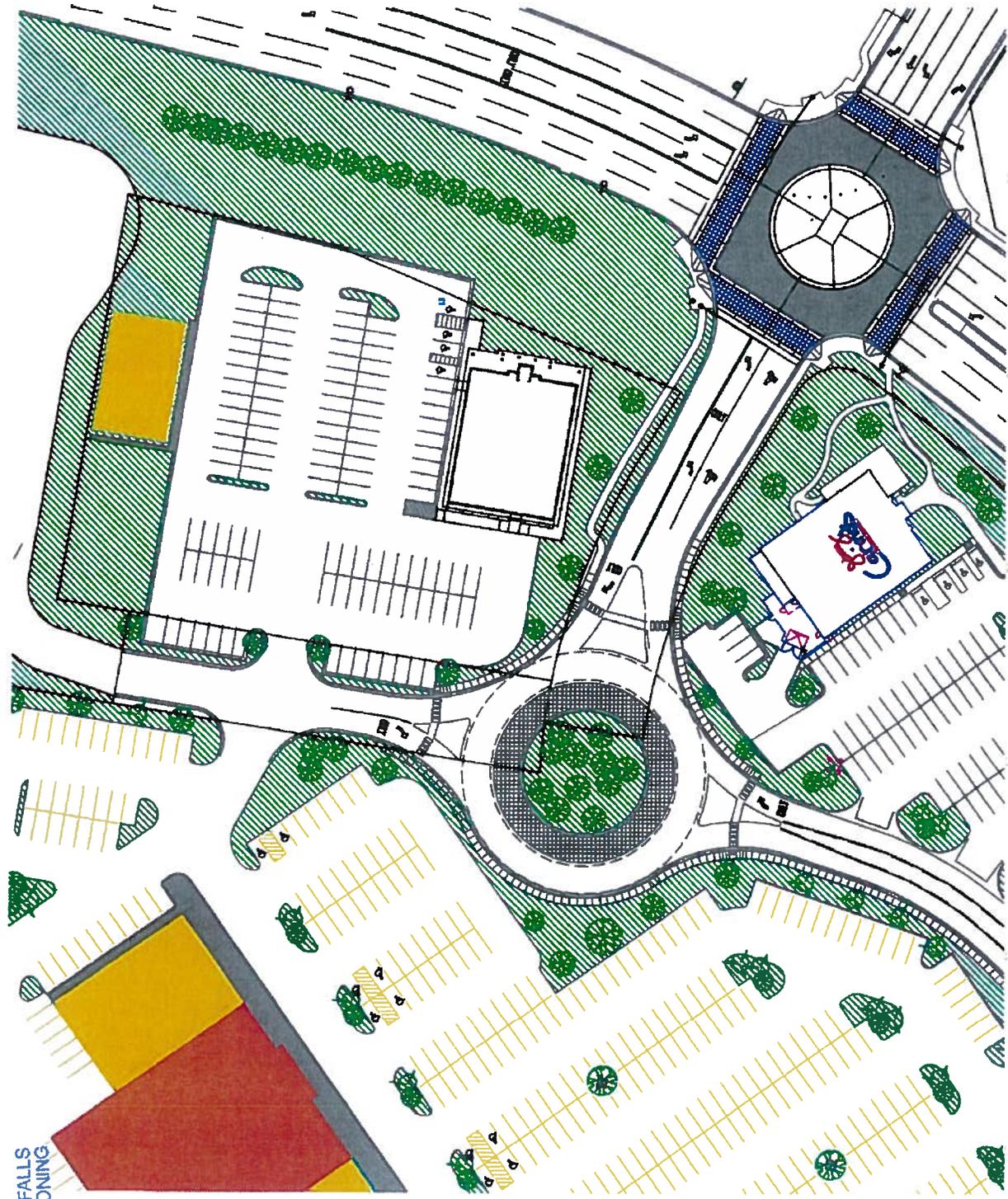
Please call me if there are further questions.

369-11

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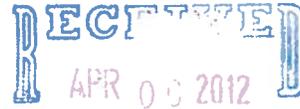
APR 04 2012

CITY OF TWIN FALLS
PLANNING & ZONING



2135 Oakwood Ct.
Twin Falls, Id. 83301
644-6415
April 5, 2012

Twin Falls City Council
321 Second Avenue East
Twin Falls, Idaho 83303-1907



Re: Canyon Park West rezone and street privatization

BY:.....

Honorable Council Members:

When I read that the proposed Canyon Park West development was going to meet the same requirements as Canyon Park East, I was dismayed. I thought Twin Falls would have upgraded its planning and zoning. The East sector represents the old habits of bad parking ratios, putting pedestrians at risk, and ignoring a unique natural attraction. Honoring current trends in urban development is necessary to keep Twin Falls attractive and livable.

I resided in Salt Lake City as a Trustee of the Sugar House Community Council when a commercial district called the Sugar House Commons was built. We worked extensively with the developer to create a retail and restaurant development that downsized its automobile focus, connected it to the pedestrian-friendly environment of the surrounding town, and maximized its placement along Parley's Creek. Today, Sugar House remains a highly desirable neighborhood of the city and its commercial sector has maintained its financial viability.

From this background, I'm urging you to postpone any decisions on Canyon Park development until you have seriously considered the difference between a rubber-stamp approval and what Twin Falls could have with some foresight and good negotiating skills.

- Is this the retail direction Twin Falls wants to take: We had furniture stores downtown --- the Banner building is around 12,000 ground level, with 12,000 up. With just that building alone, there's 24,000 square feet vacant on Main Street right now. Rumors are circulating about Best Buy going BK. Will we have another empty big-box store across Blue Lakes Boulevard from this proposal?

- Under zoning definitions, C-1 is defined as Neighborhood Commercial. "Provides a location for a limited number of retail commercial uses which serve the day-to-day needs of the residents of surrounding neighborhoods." The huge scope of this project seems more like a shopping center designation or C-2.

- Why vacate the streets. Besides Fillmore there is a Perrine Street platted (lots 1826 & 1842 Perrine). No public notice or city action has been taken with it. You would also have to go through the process to vacate part of Perrine.

- I'm categorically opposed to cities giving up control of their transportation corridors. A "permanent easement" is no substitute for public access and will only add a layer of red-tape for utilities and storm-water management. Private property is not taken for public use; public property should not be taken for private use.

- Reinstitute the Citizens Design Review Committee: They were involved in the 2007 plans and this year's proposals should also be approved by them.

- Pedestrian-friendly amenities. For instance; focus on the sidewalks, not the streets, break up the parking lots, include eye-catching amenities, spotlight unique features, incorporate visual art and public gathering areas such as plazas, shaded and sunny seating areas and room for cart-size vendors. Think of inside Magic Valley Mall and put those amenities outside throughout the PUD. In particular, I would recommend:

1. No "curvy" sidewalks. People walk and bike in straight lines.
2. Curb and gutters with landscaped parking strips separating the sidewalks from the streets. The Twin Falls Master Transportation Plan stresses "Pedestrian safety improvements needed. Require new developments to provide pedestrian safety."
3. Walls or fences to have gaps or gates for pedestrian access
4. Sidewalks should be a minimum of 8' widths of major corridors and 6' for minor walkways.
5. Secured bike stands.

- Connections: A tricky and expensive issue. Think of ways to get pedestrians across Blue Lakes Boulevard from Magic Valley Mall, Barnes & Noble, etc. Sugar House in Salt Lake City is currently working on an open underpass to connect two sites.

- Break down the parking. It's attractive to design several buildings scattered within the PUD, with parking sectioned and shared among the commercial tenants. Pedestrians will find themselves window shopping while walking past neighboring business, enhancing sales. See the attached re-designed map of the proposal.

- Parking stall minimums: Reduce the ratios to avoid the "asphalt ocean" look. A parking structure or garage would not be unwarranted in this situation.

- Landscape for the climate: It's getting more popular to connect people to the land around them these days --- look at the localvore movement. Xeriscaping should be mandatory. Protect those beautiful stands of native sagebrush. This small step would give the project a unique look and save water for the city.

- Buildings should be certified LEEDS --- CSI led the “green building “way with their Health Sciences Building. Twin Falls should take up the banner and require energy-efficient development.

- Get Twin Falls Canal Company approval first. I don’t think there will be an easy fix for this waterway. Consider the many issues of flooding, equipment accessibility, obstructions, or leakage.

**** Most importantly: Enforce Idaho State Code 10-4-19 Canyon Rim Overlay**

District I cannot stress the importance of protecting the viewscape and appearance of the canyon rim. This 700-foot-area ordinance protects one of the most unique features of Twin Falls and you should treat violations seriously. The Canyon Rim Trail should be the focal point of the entire project, and fits in nicely with pedestrian-friendly engineering and design.

- Mark off the canyon rim: Have Canyon Park get the city engineer to delineate the official rim (30% for 10 or more feet) throughout the property. Then within the 700 feet, standards must be observed regarding lot occupancy, use, setbacks, building heights, footprints, and landscaping. The trail area should be left sufficiently wide enough to accommodate bicyclists passing pedestrians, and the addition of future trail accessories such as benches and trashcans.

Think of the consequences of your actions now on the future of our town.

Sincerely,



Cheri Condie

Cc: Twin Falls Planning Commission

Attachments:

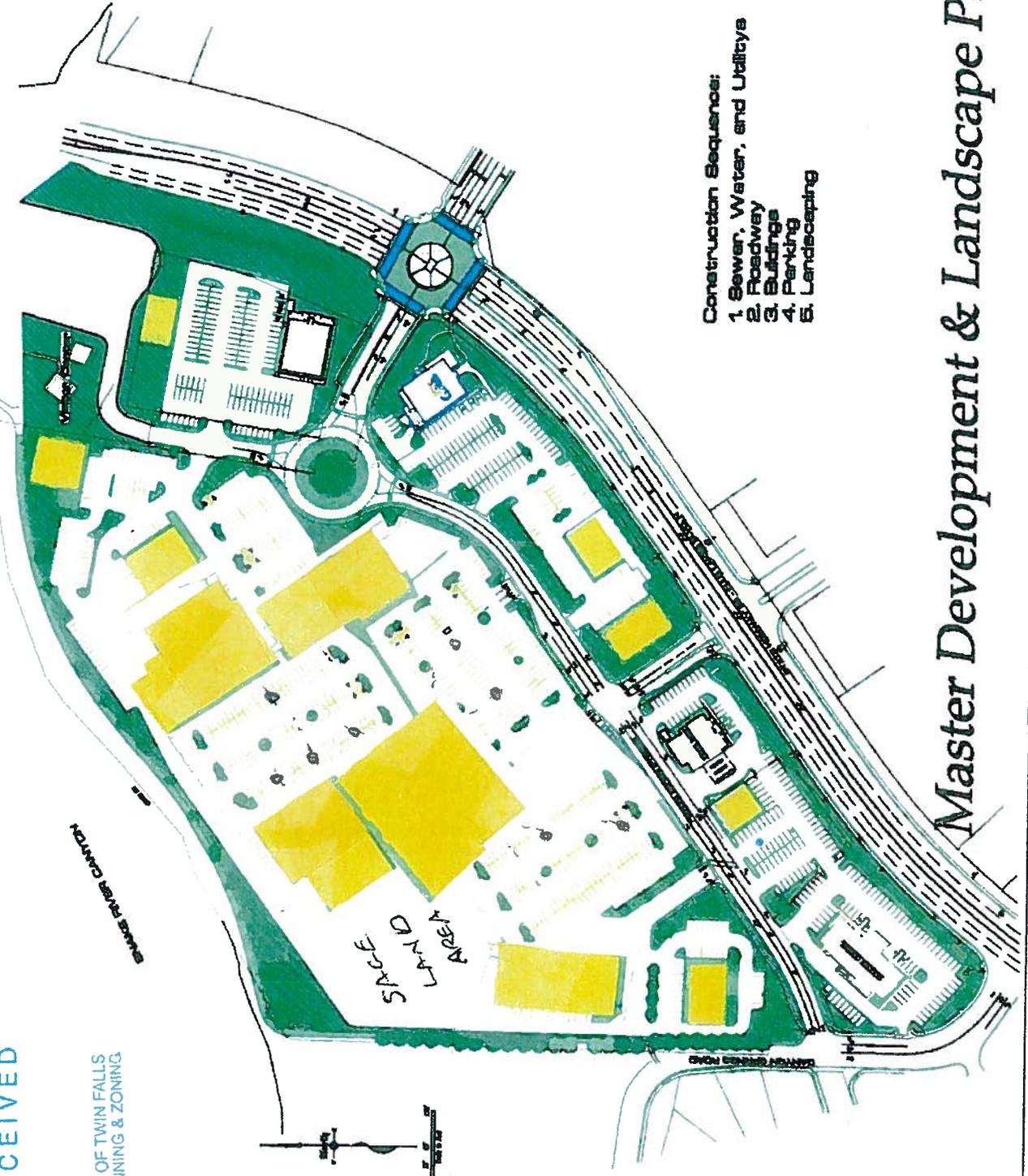
Pedestrian-friendly brochure
Re-designed map of proposal
Sugar House Business District Guidelines

Mission Statement of the City of Twin Falls

Our mission, as stewards of the public trust, is to meet current and future needs of the community, promote citizen involvement, preserve our heritage, conserve and protect our social and physical resources and enhance the quality of life in Twin Falls.

RECEIVED

CITY OF TWIN FALLS
PLANNING & ZONING



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

Master Development & Landscape Plan

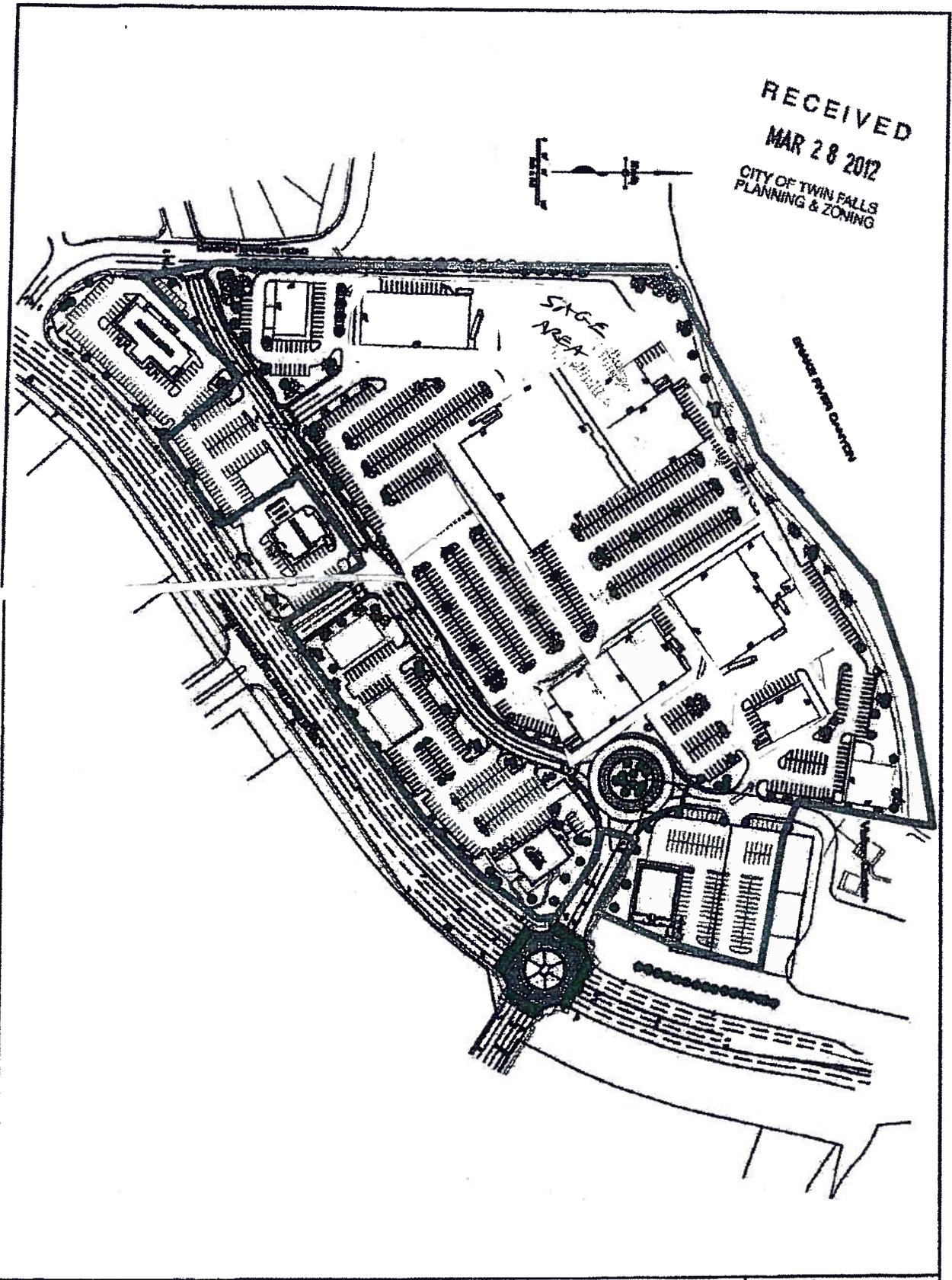
ERM
Engineers Inc.
1000 N. 10th St.
Twin Falls, ID 83421
208.333.1111

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



DATE	NOV 14 2014
BY	ERM
PROJECT	CANYON PARK
SHEET NO.	10
TOTAL SHEETS	10

RECEIVED
MAR 28 2012
CITY OF TWIN FALLS
PLANNING & ZONING



	<p>Preliminary Development Plan For Canyon Park Amended Subdivision Twin Falls, Idaho</p>	
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SUBREGIONAL PLANNING

[HOME](#)

[GLOSSARY](#)

[SUBREGIONAL
PLANS](#)

[PLANNING
TOOLS](#)

[CONTACT THE
TEAM](#)



PLANNING TOOLS

PEDESTRIAN-FRIENDLY DESIGN:

Purpose of Tool:

Pedestrian-friendly design creates places where people can meet, shop, recreate, and enjoy themselves walking. Pedestrian-friendly environments follow one simple rule— the pedestrian is the priority (not vehicular traffic). These areas tend to share the following physical characteristics(1):

- Pedestrians are effectively separated from moving traffic for safety purposes. Separation is provided through the use of wide sidewalks, on-street parking, landscaped areas, or other physical barriers.
- Pedestrians can cross the street safely and easily. Intersections are designed to reduce pedestrian crossing distances, crosswalks are clearly marked and aligned with sidewalks, and pedestrian crosswalk signals are automatic or easy to use.
- The streets are full of life. In pedestrian-friendly retail areas, storefronts and buildings are continuous and contain windows that create visual interest and variety.
- In commercial areas, on-street parking is available to support retail businesses.
- Well-designed paving, street furniture (such as seating areas, planters, etc.) and lighting make the public sidewalk a place where people want to be.
- Employment, residential and commercial districts are connected by a safe and easily walkable environment.
- Prototype design standards are used consistently to encourage pedestrian-friendly areas.

Benefits of Using Tool:

Pedestrian-friendly design has the following benefits(2):

- Whenever walking becomes a reasonable alternative to driving, some people will walk rather than drive, and taking these extra cars off the road will reduce vehicle miles traveled, having a positive impact on air quality.
- Fitness experts agree that regular daily activity is the key to good health. Walking is the most affordable and convenient way for most of us to stay active.
- Pedestrian-oriented streets encourage shoppers to linger. Retail and commercial developers have learned that a walkable environment sells commercial real estate.
- Street trees not only attract pedestrians, they also help clean the air, reduce storm water runoff, and moderate temperatures.
- Walking is the cheapest form of transport for everyone. Walkable communities have the most affordable and most efficient transportation system available.
- Streets that draw more pedestrians and encourage social interaction tend to have lower crime rates and other social problems.
- Cities and towns that offer interesting streets with active pedestrian life become vibrant cultural and economic centers that draw visitors from the surrounding region.

In just a few years, investments in pedestrian-oriented streetscape improvements may show visible and economic results in a community. These improvements can help make the community healthier, more vibrant, and a more attractive place to live, work and own a business.

Steps Involved to Use Tool:

According to the Federal Highway Administration Pedestrian Safety Guide and Countermeasure Selection System, in order to use a pedestrian-oriented design

approach, the following enhancements should be considered:

- **Sidewalks and Walkways**
 - While continuous walkways are the goal, retrofitting areas originally developed without them will usually occur in phases.
 - In retrofitting streets that do not have a continuous or accessible walkway system, locations near transit stops, schools, parks, public buildings, and other areas with high concentrations of pedestrians should be the highest priority.
 - Street furniture (i.e. benches, planters, etc.) placement should not restrict pedestrian flow.
- **Curb Ramps**
 - Follow the Americans with Disabilities Act (ADA) design guidelines.
 - Texture patterns must be detectable to blind pedestrians.
- **Marked Crosswalks and Enhancements**
 - Crosswalk locations should be convenient for pedestrian access.
 - Crosswalk markings alone are unlikely to benefit pedestrian safety. Ideally, crosswalks should be used in conjunction with other measures, such as curb extensions, to improve the safety of a pedestrian crossing, particularly on multi-lane roads with average daily traffic above about 10,000 vehicles per day.
 - Marked crosswalks are important for pedestrians with vision loss.
 - Crosswalk markings must align with the ramps so that a wheelchair user may remain within a marked crosswalk to access the ramp.
- **Transit Stops**
 - Ensure adequate room to allow wheelchair users access to the transit vehicle.
 - Ensure a clear and comfortable path for passing pedestrians when determining the location of transit shelters.
 - Locate transit stops on the far side of marked crosswalks, so that pedestrians cross behind stopped transit vehicles.
 - Transit stations must be wheelchair accessible, which generally results in long ramps on either end of overpasses.
- **Roadway Lighting Improvements**
 - Ensure that pedestrian walkways and crosswalks are well-lit.
 - Install lighting on both sides of wide streets and along all streets in commercial districts.
 - Use uniform lighting levels.
- **Other Considerations**
 - Lighting, drainage, graffiti removal, and security are major concerns with underpasses.

Special Requirements to Use Tools

According to the HWA PEDSAFE resources, special requirements and considerations for implementing pedestrian-oriented design include the following efforts:

- Develop prototypes that are consistent with local community conditions and respectful of the local culture.
- Develop a maintenance program for bicycle facilities.
- Use the Walkability Checklist published by the FHWA, to help determine where improvements are needed or to evaluate streetscapes after improvements are made.
- Develop and implement the plan of action, which should include clearly defined short-term, mid-term, and long-term goals.
- Begin seeking out immediate sources of funding for design and other initial costs. Tap into potential contributions from various stakeholders, including private developers, cities, counties, special improvement districts, regional agencies, and State Departments of Transportation in your area.
- Prepare a design code/revised ordinance/design guidelines for streetscape improvements.
- Invite public review of the code. Make necessary revisions to the code as a result of community preferences.
- Streamline the permitting process and consider other incentives to attract new development.
- Hire a staff person and give them adequate authority to oversee implementation.

Special Resources Needed to Use Tools

Many factors and resources are needed to implement high-quality pedestrian-friendly design measures. One approach is to establish a pedestrian-friendly design

task force that includes elected officials, representatives of the local police and public works departments, the school district, parents, teachers, students, and other concerned neighbors to get maximum community input and buy-in.

Communities / Agencies that Have Used Tools

Communities, agencies and individuals that have successfully implemented pedestrian-friendly design include:

City of Berkeley – Transportation Division

2180 Milvia Street, 5th Floor
Berkeley, CA 94704
Phone: (510) 981-7000

City of Boulder - Transportation Operations Department

PO Box 791
Boulder, CO 80306
Phone: (303) 441-3266
Fax: (303) 441-4271

City of Clemson

Planning and Codes Administration Department
PO Box 1566
Clemson, SC 29633
Phone: (864) 653-2050

Metrics to Use to Monitor Tool Effectiveness:

In many cases, implementing pedestrian-friendly design has helped meet community goals and objectives and improved quality of life. For example, the implementation of pedestrian-friendly design in the I-35 Corridor Study in Colorado showed:

- Decreased traffic speeds
- Decreased traffic volume
- Increased bicycle and pedestrian volume
- Increased traffic calming effect

List of Resources to Obtain Additional Info:

See the following sources for more information:

Walkable Communities, Inc.
Phone: (906) 454-3304,
E-mail: walkable@aol.com
Online: www.walkable.org

Partners for a Walkable America

Pedestrian and Bicycle Information Center

USDOT-The Walkability Checklist

Online: <http://www.walkinginfo.org/pdf/walkingchecklist.pdf>

FHWA Pedestrian Safety Guide and Countermeasure Selection System

Online: http://www.walkinginfo.org/pedsafe/pedsafe_download.cfm

Livable Streets Toolbox- China Town Renewal Project

Online: <http://www.streetsblog.org/2007/02/01/calming-traffic-in-chinatown/>

CITATION

1-2 Pedestrian Friendly Streets-Revitalizing Cities Series, Debra Ames, Marketing Director, Portland, Oregon.

BUILDING and ZONING CODE CHECKLIST
C-SHBD (Commercial Sugar House Business District)

- 1. Provide for commercial, office and high density residential use.
- 2. No minimum lot size is required.
- 3. No minimum front yard or corner side yard is required.
- 4. No interior side yard is required.
- 5. No minimum rear yard is required.
- 6. Maximum building size is 20,000 sq. ft.
- 7. Maximum building height on Hidden Hollow block is six stories, (90 feet.) Master Plan recommendation sets maximum height at from 4 to 6 stories.
- 8. Minimum First floor glass - First floor street front must be not less than 40% glass.
- 9. Roof top mechanical equipment must be screened.
- 10. Parking lot landscaping - all parking lots for fifteen or more parking spaces shall provide landscaping. Interior parking lots must have not less than 5% landscaping, dispersed throughout the lot. Landscaping areas shall be a minimum of 120 sq. ft. in area, and a minimum of 5 ft. in width.
- 11. Where parking lot is within 20' of a lot line, perimeter landscape shall be at least seven feet in width.

ARCHITECTURAL DESIGN GUIDELINES - CHECKLIST
SUGAR HOUSE BUSINESS DISTRICT

- _____ 1. Mass and scale of structures should be compatible with the surrounding uses.
- _____ 2. Buildings adjacent to the street should orient to the street.
- _____ 3. Interior building should orient to each other, and be adjoined or arranged in clusters.
- _____ 4. Maintain existing setbacks. Build to the street with either no setback or setbacks similar in size to the library lawn.

FOR BUILDINGS ALONG HIGHLAND DRIVE:

- _____ 5. Pedestrian orientation - if setback is used, it should be two to ten feet wide as an extension of the sidewalk. Materials may include brick paving, planter boxes, entrance walks; Uses include plazas that orient to the street or the Monument Plaza. Otherwise, no setback. Plaza should be landscaped and street furniture provided (benches, etc.).
- _____ 6. Maximum building height of three to four floors.
- _____ 7. Minimum first floor glass - 60 percent non-reflective (so people can see in.) No blank-walled facades.

FOR ALL BUILDINGS, from the Sugar House Master Plan:

- _____ 8. Building materials - Brick, aggregate, glass.
- _____ 9. Building facades should be lighted at the first floor.
- _____ 10. Large buildings should not cast shadows on public openspaces.
- _____ 11. Large buildings should not completely block the pedestrian view of the mountains.
- _____ 12. No off-street parking in front of buildings.
- _____ 13. Parking structures are encouraged. However, no parking structures along street.
- _____ 14. Development visible to or facing open spaces should present a "front door" image to the open space. Service areas should be screened.
- _____ 15. Pedestrian access through all areas should be provided. Major walkways should be a minimum of 8 ft. wide; others should be at least 6' wide.

OFF-SITE DEVELOPMENT DESIGN GUIDELINES

Off-site development includes work that occurs in the public way and on properties otherwise considered public such as the Parleys Creek property owned by Salt Lake City and any others that may be designated or assigned.

- > In addition to public sidewalks, pedestrian/bike corridors can be provided to enhance the existing pedestrian circulation systems in the city and to specifically accommodate circulation in the following locations:

- To the east along 2100 South and along Wilmington Avenue to Sugar House Park.
Between the Sugar House Plaza Monument area and surrounding uses and areas.

- Between the public open space at Parleys Creek and surrounding uses and areas.

- Along the rail/trail designated in the Salt Lake City Open Space Plan.

- To south and west to Fairmont Park.

- > Public transportation should be accommodated at the street edges. Coordinate with Utah Transit Authority on location and design of turnouts, bus stops and other transit facilities.
- > Sidewalks should use the standard paving materials currently being used in the area. Modifications to the patterns may be permitted and will require approval by Salt Lake City.
- > Park strips and public open space should be landscaped with street trees, shrubs, ground covers and lawn. Maintenance of park strips is the responsibility of the adjacent property owner.
- > Trees shall be selected with guidance from the Salt Lake City Urban Forester.
- > Existing vegetation along Parleys Creek should be preserved and maintained.
- > Design street and circulation system drainage grates to allow safe passage by bicycles.
- > Light fixtures must meet Salt Lake City standards and specifications and be of a design that is compatible with adjacent properties.
- > Publicly owned open space should include elements of visual interest and complexity including landscape, seating areas, furnishings, fountains, changes in grade, public art, etc. to add interest and excitement to the public spaces between buildings and along major circulation corridors.
- > Site furnishings such as drinking fountains, benches, trash receptacles and ash receptacles, telephones, newspaper stands, bicycle storage and other elements of outdoor open space and public space should be incorporated into the design and provided in designated locations. They should be coordinated and be compatible and complimentary to other site furnishings and design elements.
- > If seating is provided, the design should include a mixture of seating opportunities. Materials which are comfortable and vandal resistant are preferred.
- > Seatwalls, steps, fountain edges, grassy mounds, etc. are also attractive and offer the variety necessary to accommodate many different needs. If seatwalls are used they should be a minimum of 12" wide and 16" to 24" high for comfortable, flexible seating.

p. 47-48 w.kstrom



Canyon Park North Subdivision



Canyon Park North Subdivision



Canyon Park West Subdivision – looking at the north side of Golden Corral



Canyon Park West Subdivision – looking at the south side of Johnny Carino's

After Recording Return To:

Gary D. Slette
Robertson & Slette, PLLC
P.O. Box 1906
Twin Falls, ID 83303-1906

This Space Reserved for Recording Purposes

AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of May, 2012, by and between **CANYON PARK DEVELOPMENT, LLC**, an Idaho limited liability company, whose address is P.O. Box 5478, Twin Falls, Idaho, 83303, hereinafter referred to as "Developer", and the **CITY OF TWIN FALLS**, an Idaho municipal corporation, P.O. Box 1907, Twin Falls, Idaho, 83303, hereinafter referred to as "City".

RECITALS:

- DRAFT**
- A. The Developer is the owner of Canyon Park Amended Subdivision – A PUD, according to the official plat thereof recorded in Book ____ of Plats, pages ____, records of Twin Falls County, Idaho, the "Subject Property".
 - B. The Subject Property is bisected by a portion of a public thoroughfare known as Fillmore Street in the city of Twin Falls, which portion thereof is legally described in **Exhibit "A"** attached hereto, and by this reference incorporated herein (the "Fillmore Street Portion").
 - C. As a part of the proposed development of the Subject Property, Developer has sought and obtained the City's approval to vacate the Fillmore Street Portion, subject to certain conditions, including the provision of a private roadway, with full public access thereto, which is depicted on the plat of the Subject Property as Tract "A".
 - D. The parties desire to define the Developer's obligations with regard to Tract "A", and to define the rights of the City and the members of the public relative to Tract "A" prior to the time that the City formally adopts the ordinance vacating the Fillmore Street Portion.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree, for themselves, their successors and assigns, as follows:

1. Developer hereby grants to the City a permanent and perpetual easement (the "Easement") over, under and across Tract "A" as shown on the subdivision plat of the Subject Property.
2. The purpose of the Easement is to provide the City, and all members of the general public, with pedestrian and vehicular access on the lands described in Tract "A" which will be developed as a private road.

3. Developer shall construct the improvements on Tract "A" in conformity with the standards and requisite approvals of the City, and shall maintain, repair or replace the improvements thereon. Such Easement area shall be maintained in good condition and repair, unobstructed, and open to the public at all times, unless otherwise specifically agreed to by the City. The cost for snow removal shall be deemed to be a part of the care and maintenance of the private road within the Easement area. The Developer shall not permit noxious weeds or plants to grow within the bounds of such Easement, and it shall not allow garbage, debris, or other objectionable articles to accumulate or to be stored upon such Easement.
4. The private road to be located upon the Easement shall contain curb cuts to allow Developer to access its properties on both sides of such private road. To the extent that Developer desires to place landscaping materials or lighting within the Easement area, Developer agrees to be responsible for all costs associated therewith, as well as all costs of future maintenance thereof.
5. Upon completion of the construction of the roadway surface by the Developer in accordance with plans and specifications approved by the City, and the recordation of this Agreement, the City agrees to publish the ordinance vacating the Fillmore Street Portion in favor of the Developer.
6. In the event the Developer fails to maintain the curbs, gutters, sidewalk and asphalt surfacing on the Easement in a manner acceptable to the City, the City may, after thirty (30) days written notice to the Developer, complete the necessary maintenance, and obtain reimbursement from the Developer or its successors for the actual cost thereof.
7. In the event of a breach hereunder by any party, the non-breaching party shall have all remedies available at law or in equity, including injunctive or other equitable relief. In any suit, action or appeal therefrom to enforce or interpret this Agreement, the prevailing party shall be entitled to recover its costs incurred therein, including reasonable attorneys fees and disbursements.
8. This Agreement shall be binding upon the heirs, successors and assigns of the Owners. The Agreement shall run with the land and shall be recorded in the office of the Twin Falls County Recorder.
9. The stated purposes, terms, conditions, restrictions and covenants set forth herein, and each and all of them, may be specifically enforced or enjoined by proceedings in the District Court for the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls.
10. This Agreement and any instrument executed in connection herewith shall be construed and governed by and in accordance with the laws of the State of Idaho.
11. This Agreement shall not be amended without the parties or their successors signing an amendment in writing.

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this ____ day of _____, 2012, before me, a Notary Public for said County and State, personally appeared _____ and _____, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, that executed the said instrument, and acknowledged to me that such City of Twin Falls executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing at _____
My commission expires _____

!r!m\realestate\road maintenance agree_Canyon Park TF

DRAFT



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

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.
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.

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



DATE: Monday May 07, 2012
To: Honorable Mayor and City Council
From: Mitch Humble, Community Development Director

AGENDA ITEM

Request:

Consideration of adoption of one (1) ordinance(s) regarding a request for a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 +/- acres 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. (app. 2508)

Time Estimate:

The approval process of these documents is not typically opened for public comment, however, due to the public interest expressed regarding this project upon completion of the presentation there will be an opportunity for the public to make a comment.

Approval Process:

State Code: Idaho Code 67-6509
City Code: Title 10; Chapter 14; Zoning Amendments

10-14-7: ACTION BY COUNCIL:

The Council, prior to adopting, revising or rejecting the amendment to this Title as recommended by the Commission shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the Council hearing, if said Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Council adopts the amendment.

Upon granting or denying an application to amend this Title, the Council shall specify:

- (A) The regulations and standards used in evaluating the application.
- (B) The reasons for approval or denial.
- (C) The actions, if any, that the applicant could take to obtain a permit.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of this Title upon the preparation and passage of an ordinance. (Ord. 2012, 7-6-1981)

Budget Impact:

Approval of this request will not impact the City budget.

Regulatory Impact:

The Council's adoption of the ordinance(s) will allow the property to be zoned as approved and developed in compliance with the M-2 requirements.

History:

On April 09, 2012 the City Council approved a request for a Zoning District Change and Zoning Map Amendment from C C-1 PUD and SUI PUD to C-1 CRO PUD for 25 +/- acres, as presented, subject to the following conditions: located at the south west corner of Hwy 30 / Kimberly Road and 3300 East Road, as presented, by a vote of 5 for and 2 against – 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 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.
8. **Prohibit any signage from being placed on the back of the buildings facing the canyon.**

Analysis:

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

Conclusion:

Staff recommends that the Council adopt the attached ordinance as submitted.

Attachments:

1. Ordinance
2. Portion of the April 9, 2012 City Council Minutes
3. Letters: Citizen Input on Final Plat and PUD

ORDINANCE NO. _____

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, **CANYON PARK DEVELOPMENT, LLC, C/O TINA LUPER** had made application for a rezone of 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; 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 13th day of March, 2012, 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 9th day of April, 2012.

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 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 is the subject of a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO 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.

PASSED BY THE CITY COUNCIL

, 20__

SIGNED BY THE MAYOR

, 20__

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday,

, 20__

REZONE FOR Canyon Park

A parcel of land located in a portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and Government Lot 3, in Section 34, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the Southwest corner of Section 34. Thence North 01°22'48" East 1115.96 feet along the West boundary of Section 34 to the Southwesterly corner of "Canyon Park North Subdivision", and being the REAL POINT OF BEGINNING.

Thence North 01°22'48" East 798.02 feet to the Northwesterly corner of "Canyon Park North Subdivision";

Thence North 60°28'44" East 313.01 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 70°39'37" East 68.20 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 49°33'00" East 135.87 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 47°22'55" East 159.13 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 53°47'30" East 55.78 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 69°07'09" East 78.06 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 69°23'20" East 142.78 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 80°36'05" East 58.55 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence South 86°46'13" East 76.04 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence North 75°08'36" East 94.07 feet along the Northerly boundary of "Canyon Park North Subdivision";

Thence South 09°12'18" West 269.27 feet along the boundary of "Canyon Park North Subdivision";

Thence South 09°03'07" West 276.99 feet along the boundary of "Canyon Park North Subdivision";

Thence along a curve Right along the Northerly Right of boundary of Fillmore Street:
Δ - 07°58'09"
R - 432.00'
A - 60.09'
C - 60.04'
LCB - South 82°58'35" East

Thence North 09°03'07" East 320.86 feet along the boundary of "Canyon Park North Subdivision";

Thence South 80°44'31" East 263.82 feet along the boundary of "Canyon Park North Subdivision";

Thence South 13°40'49" West 138.43 feet along the boundary of "Canyon Park North Subdivision";

Thence South 22°46'03" West 240.46 feet along the boundary of "Canyon Park North Subdivision";

Thence North 58°01'28" West 45.73 feet along the Northerly Right of Way of Fillmore Street;

Thence along a curve Left along the Northerly Right of Way of Fillmore Street:
Δ - 24°36'53"
R - 432.00'
A - 185.59'
C - 184.17'
LCB - North 70°19'54" West

Thence South 09°03'07" West 64.03 feet;

Thence along a curve Right along the Southerly Right of Way of Fillmore Street:
Δ - 24°54'32"
R - 368.00'
A - 159.99'
C - 158.73'
LCB - South 70°28'44" East

Thence South 58°01'28" East 87.46 feet along the Southerly Right of Way of Fillmore Street;

Thence along a curve Right along the Southerly Right of Way of Fillmore Street:
Δ - 93°28'03"
R - 30.00'
A - 48.94'
C - 43.69'
LCB - South 11°17'26" East

Thence along a curve Right along the Northerly Right of Way of Blue Lakes Boulevard North:

$\Delta - 19^{\circ}19'02''$
R – 1080.92'
A – 364.43'
C – 362.71'
LCB – South $45^{\circ}06'07''$ West

Thence South $54^{\circ}45'37''$ West 360.19 feet along the Northerly Right of Way of Blue Lakes Boulevard North;

Thence North $35^{\circ}14'23''$ West 171.13 feet;

Thence South $54^{\circ}45'37''$ West 204.29 feet;

Thence South $35^{\circ}14'23''$ East 171.13 feet;

Thence South $54^{\circ}45'37''$ West 99.71 feet along the Northerly Right of Way of Blue Lakes Boulevard North;

Thence along a curve Left along the Northerly Right of Way of Blue Lakes Boulevard North:

$\Delta - 04^{\circ}21'49''$
R – 1210.92'
A – 92.22'
C – 92.20'
LCB – South $52^{\circ}34'43''$ West

Thence North $43^{\circ}12'43''$ West 176.34 feet;

Thence South $55^{\circ}02'06''$ West 115.88 feet;

Thence along a curve Right along the Southerly Right of Way boundary of Fillmore Street:

$\Delta - 16^{\circ}37'10''$
R – 262.00'
A – 76.00'
C – 75.73'
LCB – South $63^{\circ}04'13''$ West

Thence South $71^{\circ}22'48''$ West 3.82 feet along the Southerly Right of Way of Fillmore Street;

Thence along a curve Left along the Southerly Right of Way of Fillmore Street:

$\Delta - 70^{\circ}00'00''$
R – 30.00'
A – 36.65'
C – 34.41'
LCB – South $36^{\circ}22'48''$ West

Thence North $01^{\circ}22'48''$ East 110.72 feet;

Thence along a curve Right along the Right of Way of Canyon Springs Road:

Δ - 45°34'23"

R - 30.00'

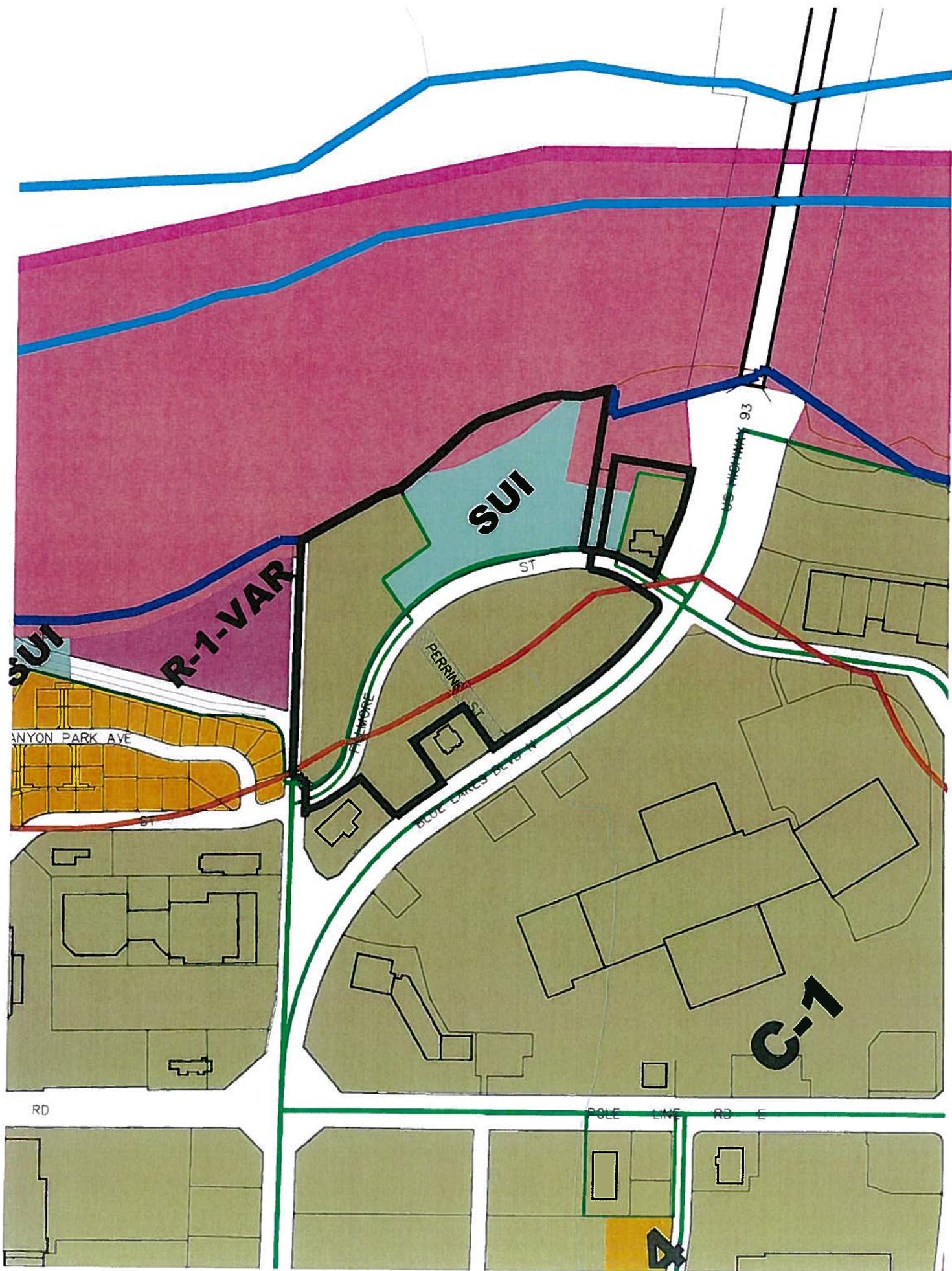
A - 23.86'

C - 23.24'

LCB - North 21°24'24" West

Thence North 88°37'12" West 35.00 feet to the REAL POINT OF BEGINNING.

Containing approximately 25.94 acres.



COUNCIL MEMBERS:

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



5:00 P.M.

**Meeting of the Twin Falls City Council
 April 9, 2012
 City Council Chambers
 305 3rd Avenue East -Twin Falls, Idaho**

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
 PROCLAMATIONS: *Child Abuse Prevention Month and National Library Week 2012.*

AGENDA ITEMS		Purpose	By:
I. CONSENT CALENDAR:		<u>Action</u>	<u>Staff Report</u>
1. Consideration of accounts payable for April 3 – 9, 2012. 2. Consideration of the Findings of Fact, Conclusions of Law, and Decision for the following: a. Zoning District Change & Zoning Map Amendment, Application, for Wills Inc., c/o Brad Wills. b. Final Plat, Application, for Eldridge Commercial Condominium Subdivision. c. Final Plat, Application, for W.S. & V Subdivision– a PUD. d. Appeal of Condition on Special Use Permit for All State Auto c/o Allen Nagel & Jeffery E. Rolig. e. Vacation, Application, for Wills, Inc., c/o EHM Engineers, Inc. f. Vacation, Application, UMPQUA Bank, c/o Mike Bideganeta. 3. Consideration of a request to approve the Western Days Special Events Application and Western Days Parade Application. Western Days is scheduled to be held on Friday, June 1; Saturday, June 2; and Sunday, June 3, 2012. The Western Days Parade is scheduled to be held on Saturday, June 2, 2012. 4. Consideration of a request to approve a Half Marathon sponsored by Magic Valley Community Fun Run Organization. This event will be held on Saturday, June 2, 2012, and will coincide with the Western Days Event and Parade.			Sharon Bryan Mitch Humble
			Dennis Pullin
			Dennis Pullin
II. ITEMS FOR CONSIDERATION:		<u>Action</u>	
1. Consideration of a request to acknowledge the recent graduation of Police Officer Matt Triner from the FBI's Hazardous Devices School and to present Officer Triner with his Bomb Technician certification. 2. Tour of the Public Works facilities located at Fairfield West and Bridge Street. 3. Public input and/or items from the City Manager and City Council.			Dan Lewin
		<u>Tour</u>	Jon Caton
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:			
IV. PUBLIC HEARINGS: 6:00			
1. For a Zoning Title Amendment which would amend Twin Falls City Code 10-4-13.2 (OT Zone) by requiring a Special Use Permit for Residential - dwellings-multiple household (5 units or more); amending 10-4-7.2 (CB Zone) and 10-4-13.2 (OT Zone) by requiring a Special Use Permit for Residential dwellings-attached single dwellings-attached single household; dwellings-duplex; dwellings-triplex and four-plex, c/o Twin Falls Urban Renewal Agency. (app. 2505) 2. For annexation, consisting of 37 (+/-) acres, located approximately 565' west of the western boundary of 3767 North 3300 East, c/o John Winnie, Chobani Director of Operations on behalf of Agro Farma. (app. 2506) 3. Appeal of a required improvement as part of the approval for a Special Use Permit to operate a chiropractor's office and to include a residential apartment for the business owner or an employee of the business on property located at 1015 Washington Street North. (app 2500) 4. For a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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. (app. 2508) 5. Request for Vacation of the 2000-2190 blocks of Fillmore Street, c/o Gerald Martens, EHM Engineers, Inc on behalf of Tina Luper / Canyon Park Development, LLC (app. 2509)			Mitch Humble Mitch Humble Mitch Humble Mitch Humble Mitch Humble
V. ADJOURNMENT:			
Executive Session 67-2345 (1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.			

Present: Shawn Barigar, Lance Clow, Don Hall, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, City Engineer Jacqueline Fields, Staff Sergeant Dennis Pullin, Staff Sergeant Dan Lewin, Public Works Director Jon Caton, Assistant to the City Manager Mike Williams, Library Director Susan Ash, Deputy City Clerk/Recording Secretary Leila A. Sanchez

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

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS:
Child Abuse Prevention Month

National Library Week 2012

Mayor Lanting and Councilperson Talkington presented the National Library Week 2012, proclamation to Library Director Susan Ash.

Mayor Lanting presented the Child Abuse Prevention Month proclamation to Roseanne Campbell with the College of Southern Idaho, Twin Falls Head Start/Early Head Start.

AGENDA ITEMS

IV. PUBLIC HEARINGS: 6:00

Recess at 6:54 P.M.
Reconvened at 7:07 P.M.

Public hearings IV. 4 and IV.5.

4. For a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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. (app. 2508)

5. Request for Vacation of the 2000-2190 blocks of Fillmore Street, c/o Gerald Martens, EHM Engineers, Inc on behalf of Tina Luper / Canyon Park Development, LLC (app. 2509)

Gerald Martens, 621 North College, representing the developer, explained the requests.

The request is to bring the property to the appropriate zoning of C-1 CRO PUD for the entire 25 acres, west of Blue Lakes Blvd.

The second request is for the modification to the road plan. On overhead projection he showed the proposed plan relocating Fillmore and constructing a roundabout.

The applicant has worked with staff on a PUD agreement. Key points in the PUD are architectural which are the same used in Canyon Park East development.

-Extensive use of stone. All four sides of the building will be finished.

-Trail enhancements. The trail will be maintained and enhanced with additional landscaping. This would include a buffer between the buildings.

-The back of the buildings will have delivery and service area but all of the loading docks and the refuse dumpsters will be screened.

-The roof top units will be screened.

He continued to explain the road plan. It basically is a parking field separated by landscaping and existing buildings, three potential additional pads along Blue Lakes Blvd., a parking field broken up with landscaping at the end of the islands and out in the islands. There will be retaining walls with an extensive combination of walls and landscaping between the back of the buildings and the rim. Because the buildings are not within the 100' setback, a geological report will not need to be done. There will be a detailed foundation investigation done for the design.

Vice Mayor Hall asked the applicant to address the concern of the back of the buildings facing the canyon rim.

Gerald Martens stated that the development will look like Bridgeview between the Magic Valley Mall and Canyon Park East. It is screened with retaining walls, landscape walls, and the loading dock areas are enclosed. Trucks back in an enclosed area. Dumpsters will not be seen, other than when they are on the truck leaving. Trucks are seen only when arriving and departing the loading docks.

Councilperson Clow asked for clarification who built Fillmore Road from Blue Lakes Blvd. to Canyon Springs Road.

Gerald Martens stated the developer of Canyon Park built the road. The developer is proposing that a new street be constructed and to make the street private. The reason to privatize the street allows flexibility on driveways and gives additional potential

opportunities for accesses into the project, but to do that, additional turn lanes are being built over and above the city standard. It could also potentially help on some setbacks from arterials and collectors.

Councilperson Talkington asked if the developer will be asking for a variance or a waiver on the building height restrictions.

Gerald Martens stated that the PUD agreement specifies that building heights will remain at the standard 35' and the developer would not be asking for a variance or waiver. There shouldn't be a need for a height variance.

Community Development Director Humble explained the benefits to the developer of keeping a private street versus keeping a public right of way. On Fillmore Street there is a 62' setback from the centerline and as Fillmore Street is being relocated closer to some of the existing buildings, Zion's Bank and Golden Corral, this is creating a non-conforming building situation; but if it becomes a private road setback issue goes away. There will be an easement open to the public.

Mayor Lanting asked if this would limit the City in the future to make the road wider if it becomes private.

Community Development Director Humble stated that if the road is public, the city can acquire right of way. If this is not a public road, this would not be an option, but if this is a concern for the Council, staff can work this out in a maintenance agreement with the developer. The road would be developed to meet capacity requirements.

Community Development Director Humble reviewed the requests.

On March 13, 2012 the Commission for the zoning request unanimously recommended approval of the request 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 Fillmore Street (Public Right-of-way) being vacated and Fillmore Street (Private) is 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.

Staff concurs with the Commission's recommendation.

On March 13, 2012, the Planning & Zoning Commission for the vacation recommended approval of the vacation of Fillmore Street, as presented, by a vote of 4 for and 3 against 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 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.

Staff concurs with the Commission's recommendation.

Letters from Laura Peterson, Jeff & Phyllis Lotz, Joyce Ballard, Dave Duhaime, and Cheri Condie were entered into the record and shown on overhead projection.

Councilperson Talkington asked the City Attorney that with the development and the control of Fillmore as a private road is public safety in any way inhibited, primarily police and fire access.

City Attorney Wonderlich stated that the developer will need to satisfy the fire department requirements or they will not receive a building permit. The police will still have access to the private road. There is an issue with traffic enforcement in which the city police will not be able to help. The city does not do traffic enforcement on the internal roads at the mall.

Community Development Director Humble stated that every building will meet or exceed the 100' setback. That is a building setback from the canyon rim.

Councilperson Hall asked the City Engineer if there is a public safety concern with the proposed roundabout.

City Engineer Fields stated that signs will be posted at the roundabout. Studies show that roundabouts are an excellent way to eliminate certain types of high accident locations in lieu of adding a signal. Placing a signal at this location is problematic because it will be difficult to maintain primacy on the state highway, which is Blue Lakes, and not have people backing out of the intersection at certain times of year for certain events. This helps people move through with great facility and ultimately less confusion. Initially there will be a learning curve. There was a concern about the dominant left turn movement off of Blue Lakes onto Fillmore. If you choose not to go the Visitor's Center, you will be making a left turn. This will be the dominant movement. This will handle the number of cars that are stacking up.

Councilperson Clow asked the diameter size of the roundabout.

Gerald Martens stated that it is 90' radius in size. The roundabout keeps traffic moving and is a traffic calming feature. The roundabout will be 3 legged exits.

Councilperson Clow referenced the older part of the development along Blue Lakes and asked if there adequate parking for future development.

Gerald Martens stated that there is adequate parking.

Opened the public testimony of the hearing:

Cheri Condie, 2135 Oakwood Court, spoke against the request. She stated that the project would be detrimental to the Canyon Rim Trail, the existing Visitor Center, and anybody on foot. The proposal is in violation of CRO 10-4-19.

Laura Peterson, 794 Mountain View Drive, spoke against the request. She stated that she does not want to see the back end of the stores. She would like to have the parking lot facing the canyon.

Barbara Beck, 699 Riverview Drive, spoke against the request. She read a Times News article reader comment from Craig Neilsen (attached). She stated her concern of the back of a building facing the canyon rim and increase of traffic. She proposed that this development provide a very upscale landscaping. She stated her concern of the proposed roundabout.

Gerald Beck, 699 Riverview Drive, spoke against the request. He explained the difference between economic development and retail development. He stated his concern of the proposed roundabout. He stated that big box stores undermine small business, hurt retail wages, and cause loss of open spaces and natural resources. Big box stores accelerate the dying of the downtown community. Big box stores do not offer any fringe benefits, but offer part-time jobs and poverty wages. Public assistance is increased.

Closed the public hearing portion of the hearing.

Gerald Martens addressed the following issues:

- Ability to expand the road in the future. As the road maintenance and development agreement is being developed, the road will meet current standards, and there will be adequate buffers or room for which expansion can be accomplished.
- Access to the trail. On overhead projection he showed the designation for the public to park and access the trail.
- The weed area is a canal company drain. It will be piped and put into a dry wall.
- The trail. The trail will be developed and given to the city. The trail will be maintained by the development.
- Turning the stores around. He stated that he is not the planner. There is more exposure from Blue Lakes than when you approach the City.

Councilperson Mills Sojka asked Gerald Martens to comment on the building footprint.

Gerald Martens stated that there will be multiple tenants and multiple ownership and will be developed according to the C-1 standards allowed for connected buildings or common wall construction. The building is 200,000 square feet.

Community Development Director Humble read from Canyon Rim Overlay section of the code for buildings having a footprint of more than 3,000 square feet.

Gerald Martens stated there will be a varying setbacks, heights, materials and earth tone colors. Logos with accent colors are allowed. The PUD will allow individuality of the business's sign that is placed on the wall and logo. The materials will be architecturally selected that will provide variety but consistency.

Councilperson Talkington stated that coming across the bridge there will be a gigantic expanse of the back of the buildings with logos and security and service lights. He asked if this was correct.

Gerald Martens stated that no light source can be seen according to the PUD. There will be down lights enough for security and safety on the back of the building. The light standards will be 20' tall maximum in the front parking area and on the back parking area there will be security and safety lighting, which are down lit. Lighting will not be seen from coming across the road. Signage on the back of the buildings has not been brought up in discussions.

Councilperson Clow asked if the back of Wal-Mart had a sign.

Gerald Martens stated that additional restrictions were made on Wal-Mart signage.

Councilperson Mills Sojka asked the locations for pedestrian access from the Visitor's Center.

Gerald Martens showed pedestrian accesses on overhead projection.

-Building signage

Community Development Director Humble stated that restrictions on signage can be added to the conditions of the motion.

Councilperson Clow asked how the City obtained the right of way to all of the trails.

City Attorney Wonderlich stated that everything near the City was conditioned of development.

Barbara Beck stated her concern of safety when on the canyon trail.

The public hearing was closed.

Deliberations:

MOTION:

Councilperson Talkington made a motion to approve a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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, as presented.

The motion failed because a lack of a second.

MOTION:

Councilperson Clow made a motion to approve a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development 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, subject to the following conditions as set forth by the Planning & Zoning Commission:

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 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.

The motion failed for the lack of a second.

MOTION:

Vice Mayor Hall made an amendment to the main motion to prohibit any signage from being placed on the back of the buildings facing the canyon. The motion was seconded by Councilperson Munn and roll call vote showed Councilpersons Clow, Hall, Lanting, Munn, Mills Sojka and Talkington voted in favor of the motion. Councilperson Barigar voted against the motion. Approved 6 to 1.

Roll call vote on the main motion as amended showed Councilpersons Barigar, Clow, Hall, Munn, and Talkington voted in favor of the motion. Councilpersons Lanting and Mills Sojka voted against the motion. Approved 5 to 2.

MOTION:

Councilperson Barigar made the motion to approve the vacation of the 2000-2190 blocks of Fillmore Street, subject to the following conditions as set forth by the Planning & Zoning Commission:

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 motion was seconded by Councilperson Munn.

Councilperson Clow asked legal counsel if there a way Fillmore Street could remain a public street to accommodate the development's ingress/egress and the setbacks.

Gerald Martens stated that the development would meet all of the standards in terms of roadway section with the city standards being the minimum. The development would be allowed to go beyond the minimum in terms of turn lanes, landscaping, crosswalks, and some of the amenities you find going through large retail centers. He asked for clarification in regards to police enforcement on the private street.

City Attorney Wonderlich stated that the City does police enforcement and traffic infraction enforcement on public streets. On a private street, police officers will not have any authority to write traffic tickets.

Councilperson Munn clarified that the police officers can enforce misdemeanors and other serious offenses on a private lot open to public use.

City Manager Rothweiler stated that in the roundabout there would be decorative features, and if this becomes a public street, staff would strongly discourage any of those types of improvements placed in the public right of way, because the city would need to maintain them. In addition, Item IV has been approved with conditions 3. and 4 . and would need to be reconsidered if Fillmore Street is made public street.

City Engineer Fields explained that if there is a proliferation of driveways along the roadway, eventually those access points reduce the capacity on the road. The goal for roads is to try to limit the numbers of driveways to some reasonable access points. This has been accomplished. The placement of the driveways on the roadway as a public roadway will be acceptable.

Councilperson Clow asked that if the development is built out and completed, if he envisioned future buildings on the property to be built to a non-conforming setback to the new private road. Also, after the development is built out, could the city ask for the road to become public.

Gerald Martens stated that two of the pads will be non-conforming due to the 62' setback. He stated that it can be written in the PUD agreement and in the maintenance and development agreement that at some trigger point the city could accept taking over the maintenance.

Roll call vote showed that all those present voted in favor of the motion. Approved 7 to 0.

V. ADJOURNMENT:

Executive Session 67-2345 (1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

MOTION:

Vice Mayor Hall made the motion to approve to move to Executive Session as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

Leila Sanchez - Fwd: Letter opposing Canyon Park Final Plat and PUD agreement

From: Lisa Strickland
To: Sanchez, Leila
Date: 5/3/2012 8:26 AM
Subject: Fwd: Letter opposing Canyon Park Final Plat and PUD agreement
CC: Carraway, Renee
Attachments: Canyon Park West-letter.docx

Leila,

Here is a letter regarding the Canyon Park request for Monday night Renee told me to send it over to you.

Lisa Strickland

Administrative Assistant
City of Twin Falls
Community Development Department
P.O. Box 1907
Twin Falls, ID 83303
208-735-7267

>>> Kathleen MacMillan <kwmac@cableone.net> 5/2/2012 10:17 PM >>>

Ms Strickland - Please find my letter to the City Council members attached in advance of the upcoming meeting regarding the final Plat and PUD agreement for the Canyon Rim property. You indicated that you would distribute this to all City Council Members (and P & Z Commission Members if possible) in advance of next week's meeting for their review.

I appreciate the option to submit my comments and opposition to this Final Plat and PUD agreement in writing since I have a conflict and am unable to attend this meeting.

Best Regards,
Kathy MacMillan

May 2, 2012

Dear City Council,

Based on votes from the city council, P & Z and articles in the Times News it appears to be inevitable that the Canyon Park West retail development will indeed become a reality. Personally, I still dream of lost opportunities with greater vision and foresight by our past city leaders who could have purchased this property from Neilsen and Company for an expanded city park along the canyon rim to interface with the visitor's center. However, that will never be. It now becomes our duty as a community along with our city leaders to ensure that this project is done properly and with every attention to aesthetics as our "new" entry vista into Twin Falls from the north and the adjacent view and landscaping for those enjoying the Snake River Canyon rim trail. A wall is proposed to follow the length or at least portions of this development all along the rim trail. Additionally, as presented and apparently demanded by the anchor tenants of this project (Kohl's per recent TN article) the backs of these retail buildings will now be the new rim view as they want the entry of their store fronts to face south in a linear fashion. It is still disappointing that more leverage could not be placed on these tenants for a more sophisticated and cutting edge design and layout of this development. We urge the developers to create as much green space and pedestrian friendly areas within this detail as possible – even greater green space than required by code to improve and enhance the aesthetics of this design. Another sea of parking spaces doesn't do much for aesthetics and certainly doesn't provide an environment in which to linger over a latte or snack.

Of even greater significance to this discussion is the concern over public safety and the current stance of the City Council not to step back and fully investigate the canyon rim being able to withstand the mass and stress of the proposed adjoined structures of this retail development in its current configuration. Even though the adjoined retail buildings are proposed to be at the 100 foot setback, the code is from an era when buildings and structures never were designed to be larger than an office building or restaurant facility. This geological issue and concern is also based on an email being circulated by CSI Geologist Shawn Willsey who warns of fractures and weakness in the canyon rim and is opposed to this retail development due to the risks it presents to the integrity to the canyon rim. Shouldn't the city council respect the warnings of this expert (I suspect that no one on the city council has a geology expertise) and at least have this PUD plat assessed for its integrity to withstand the buildings being proposed and in the locations they are proposing. I for one would hope that the city leaders would take a responsible and visionary approach by pausing this process and ensuring that all potential risks for public safety have been fully investigated which will be presented by such a massive structure and intrusion to the natural rock structure of the canyon rim. We must remember that we live adjacent to a geologically changing and shifting canyon rim as many of us know who have watched boulders crash down into the Snake River while recreating in the canyon floor. Again, yes, they are following the current code that requires a 100 foot setback but I doubt that code ever imagined such a massive structure to be built on the canyon rim. As our new entryway into Twin Falls, the city leaders and Neilsen and Company owe our community vision, attention to exceptional aesthetics, full access to the rim trail and a pedestrian friendly design with this project, but also one that is safe for the long term for our citizens and visitors. I only hope that their commitment is in keeping with promises made by Craig Neilsen regarding the development of this property in past days.

I strongly urge the city council to withhold approval of this final PUD Plat until geologic studies can be conducted for public safety and to ensure the integrity and beauty of our canyon and Twin Falls entry. I further urge you to not approve this design for the retail development and require a plan that incorporates the canyon and its vistas into the site – even if it is to mirror the precedent set by the developer with Canyon Park East.

Respectfully Submitted,

Kathy MacMillan

1172 Hankins Road N, Twin Falls, ID 83301

Leila Sanchez - Canyon Park

From: Cheri Condie <plectrumidaho@hotmail.com>
To: <lsanchez@tfid.org>
Date: 5/3/2012 7:09 AM
Subject: Canyon Park
Attachments: Canyon Park 006.jpg; Canyon Park 008.jpg; Canyon Park 004.jpg; Canyon Park 014.jpg

Honorable Mayor and Council Members:

I would like to draw your attention to some of the examples of why Twin Falls received such poor ratings on the National Citizen Survey for "ease of walking." Put yourselves in the place of pedestrians facing these obstacles.

You will note the sidewalk ending suddenly and prematurely, stairways and openings blocked by vegetation or going nowhere. These are all examples of the "walking facilities" provided by Canyon Park East. I fear we would get more of the same from Canyon Park to the west.

I urge you to deny the Canyon Park Final Plat and PUD Agreement. The current plan is not pedestrian-friendly, does not divulge necessary details, and violates the CRO Code as it would be detrimental to the safety as well as the aesthetic sensibilities of our community.

Respectfully,
Cheri Condie
Twin Falls
358-1166



IHOP RESTAURANT

Michaels BEST BUY OLD NAVY
Famous Footwear SPORTSMAN'S WAREHOUSE TJ-MAXX

60-153
THIS SIDE ONLY







Received a phone call from Ms. Jody Twiss on May 3, 2012, stating she is in favor of the Canyon Park West development.

Jody Twiss

743 River View Drive

Twin Falls, ID 83301