

COUNCIL MEMBERS:

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



AGENDA
 Meeting of the Twin Falls City Council
Monday, June 4, 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: None

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of a request to approve the accounts payable for May 29 – June 4, 2012. 2. Consideration of a request to approve the May 14, 2012, City Council Minutes. 3. Consideration of a request to approve the Findings of Fact, Conclusions of Law and Decisions for a Zoning District Change & Zoning Map Amendment Denial, Maverik, Inc. 4. Consideration of the Final Plat of Eastland Heights Amended Subdivision, 1.34 (+/-) acres consisting of 2 lots on property located at 870 Eastland Drive.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Mitch Humble Mitch Humble
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to appoint Dave Benefiel to the Traffic Safety Commission for a three year term. 2. Consideration of a request to authorize city staff to move forward with re-financing two outstanding DEQ loans. 3. Consideration of a request to award the contract for the 2012 Eastland – Addison Intersection project to PMF Inc., of Twin Falls Idaho, in the amount of \$1,246,387.50. 4. Consideration of a request to allow greater than standard building height for a proposed new structural addition to be constructed at the Amalgamated Sugar plant and a request to waive the requirements to install a sprinkler system for this addition on property located at 2320 Orchard Drive in accordance with Twin Falls City Code 10-7-3. 5. Public input and/or items from the City Manager and City Council.	Action	Anthony Barnhart Lorie Race Troy Vitek Mitch Humble
6:00 P.M.		
6. 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. 7. Consideration of adoption of an ordinance 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 intersection of Blue Lakes Boulevard North and Fillmore Street. 8. 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.	Action	Mitch Humble Mitch Humble Mitch Humble
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 1. Consideration of a request to increase swimming pool daily rates and swimming pool annual and monthly swim passes.	Public Hearing	Dennis Bowyer
V. <u>ADJOURNMENT:</u>		

Agenda

Monday, June 4, 2012

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****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.



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:)	
)	FINDINGS OF FACT,
<u>Zoning District Change &</u>)	
<u>Zoning Map Amendment Denial</u> , Application)	CONCLUSIONS OF LAW
)	
<u>Maverik, Inc</u>)	
<u>c/o Todd Meyers</u>)	AND DECISIONS
Applicant(s).)	
)	

This matter having come before the City Council of the City of Twin Falls, Idaho on April 2, 2012 for public hearing pursuant to public notice as required by law for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 acres (+/-) for purpose of allowing for a planned development consisting of a combination of neighborhood commercial uses and including a convenience store/gas station on property located at the northwest corner of Addison Avenue East and Eastland Drive North and the City Council having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 acres (+/-) for purpose of allowing for a planned development consisting of a combination of neighborhood commercial uses and including a convenience store/gas station on property located at the northwest corner of Addison Avenue East and Eastland Drive North
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: January 26, 2012 & February 23, 2012.

3. The property in question is zoned R-2 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Neighborhood Center in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-21, 10-6-1 through 4, 10-7-6, 10-10-1 through 3, 10-11-1 through 9, 10-14-1 through 6 Twin Falls City Code.

5. The existing neighboring land uses in the immediate area of this property are: to the north, Residential; to the south, Addison Avenue East/Professional Office and Residential; to the east, Eastland Drive North/Purity Spa/Kelly Garden Nursery; to the west, Residential.

6. There are already three gas station/convenience stores in the neighborhood, so the proposed gas station/convenience store is not needed to serve the local neighborhood, contrary to the stated purpose of the NCO District. TFCC 10-4-21.1.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 acres (+/-) for purpose of allowing for a planned development consisting of a combination of neighborhood commercial uses and including a convenience store/gas station on property located at the northwest corner of Addison Avenue East and Eastland Drive North is not consistent with existing character of the neighborhood.

2. The proposed use is not consistent with the provisions of the Zoning Ordinance of the City of Twin Falls, and in particular Section 10-4-21.1 Twin Falls City Code.

3. The application for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 acres (+/-) for purpose of allowing for a planned development consisting of a combination of

neighborhood commercial uses and including a convenience store/gas station on property located at the northwest corner of Addison Avenue East and Eastland Drive North should be denied.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 acres (+/-) for purpose of allowing for a planned development consisting of a combination of neighborhood commercial uses and including a convenience store/gas station on property located at the northwest corner of Addison Avenue East and Eastland Drive North is hereby denied.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

APPLICATION #: 2498



Public Meeting: **Monday June 04, 2012**

To: Honorable Mayor Lanting and City Council

From: Mitch Humble, Community Development Department

CONSIDERATION ITEM I-

Request: Consideration of the Final Plat of Eastland Heights Amended Subdivision, 1.34 (+/-) acres consisting of 2 lots on property located at 870 Eastland Drive, c/o Mike Lee, EHM Engineer, Inc on behalf of Gary Thietten.

Time Estimate:

There is no presentation unless the City Council has questions.

Background:

Applicant:	Status: Owner/Developer	Size: 1.34 (+/-) acres
Gary Thietten 2138 Tuscan Creek Way Draper, UT 84020	Current Zoning: R-6 PRO	Requested Zoning: Approval of a final plat
	Comprehensive Plan: Office/Professional	Lot Count: 2 lots
	Existing Land Use: Professional Office	Proposed Land Use: Professional Office
Representative:	Zoning Designations & Surrounding Land Use(s)	
EHM Engineers, Inc. c/o Mike Lee 621 North College Road, Suite 100 Twin Falls, ID 83301 208-734-4888	North: C-1 PUD; 9 th Ave E/Lighthouse Christian	East: R-2; Residential
	South: R-2 PRO; Professional Office	West: R-2; Eastland Dr/Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-6, 10-6-1 through 4, 10-7-6, 10-10-1 through 3, 10-11-1 through 9, 10-12-2.3	

Approval Process: 10-12-2.4; FINAL PLAT

(D) Administrator Review:

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

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

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

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

Budget Impact:

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

Regulatory Impact:

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

History:

On November 15, 1999, the Council approved a rezone from R-2 to R-2 PRO for the property and approved Ordinance #2634. The Eastland Heights Subdivision final plat was recorded on October 10, 2000.

On December 1, 2003, the Council approved Ordinance #2768 to rezone the property from R-2 PRO to R-6 PRO so that a 5-bed nursing home facility could be permitted.

On December 30, 2003 the Planning & Zoning Commission approved Special Use Permit #856 allowing the operation of a professional office and a hospice inpatient care facility. The following conditions were placed on the special use permit: **1)** Assure compliance with all building and zoning codes; **2)** Arterial approach on Eastland Drive to be completed by September 30, 2004.

The remodel on the existing home to an office and 5-bed facility was issued a certificate of occupancy on April 20, 2004.

On November 8, 2011, the Planning & Zoning Commission approved Special Use Permit #1254 for the construction and operation of two (2) assisted living facilities 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 the property being subdivided so that each facility will be located on its own lot; **3)** Subject to the access to Eastland Drive being eliminated and the 9th Avenue East access meeting all minimum code requirements. The applicant also applied for a Variance to the building setback requirements on November 8, 2011. This application was denied because he did not meet the criteria for a variance.

Analysis:

This Final Plat for the Eastland Heights Subdivision Amended includes 1.34 (+/-) acres and is zoned R-6 PRO. The request is to plat two (2) lots. The site is located at 870 Eastland Drive. The property is currently being used as a professional office and five bed in-patient care facility. The property to the north is C-1 PUD, and is developed as Lighthouse Christian Church & School. To the west is Eastland Drive and property zoned R-2. Property to the east is currently zoned R-2 and is mostly developed as the Eastland Heights residential subdivision. To the south is property zoned R-2 PRO and is developed as a professional office complex.

The intended use for the Eastland Heights Subdivision Amended is to construct two assisted living facilities. There is not a minimum lot square footage requirement in the PRO zone for professional office 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 subdivision does include two (2) public right-of-ways on the north and west perimeters of the property. Eastland Drive is located on the west and is considered an arterial street. The developer will dedicate an additional six feet of road right-of-way. To the north is 9th Avenue East which is a collector street. The developer is platting a five foot pedestrian access/sidewalk easement to ensure adequate access for future development of roadway width. The two lots will share an access off 9th Avenue East. The existing access off of Eastland Drive will be removed and curb, gutter and sidewalk constructed. A Cross-Use or Access Agreement will be required between the lots to allow for travel throughout the subdivision.

The developer will not be required to reconstruct Eastland Drive at this time. A deferral agreement with the city for construction of curb, gutter, sidewalk and roadway improvements will need to be approved & by the City Council & recorded prior to recordation of the plat.

The existing facility and accessory buildings will be removed prior to construction of the new assisted living facility(s).

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

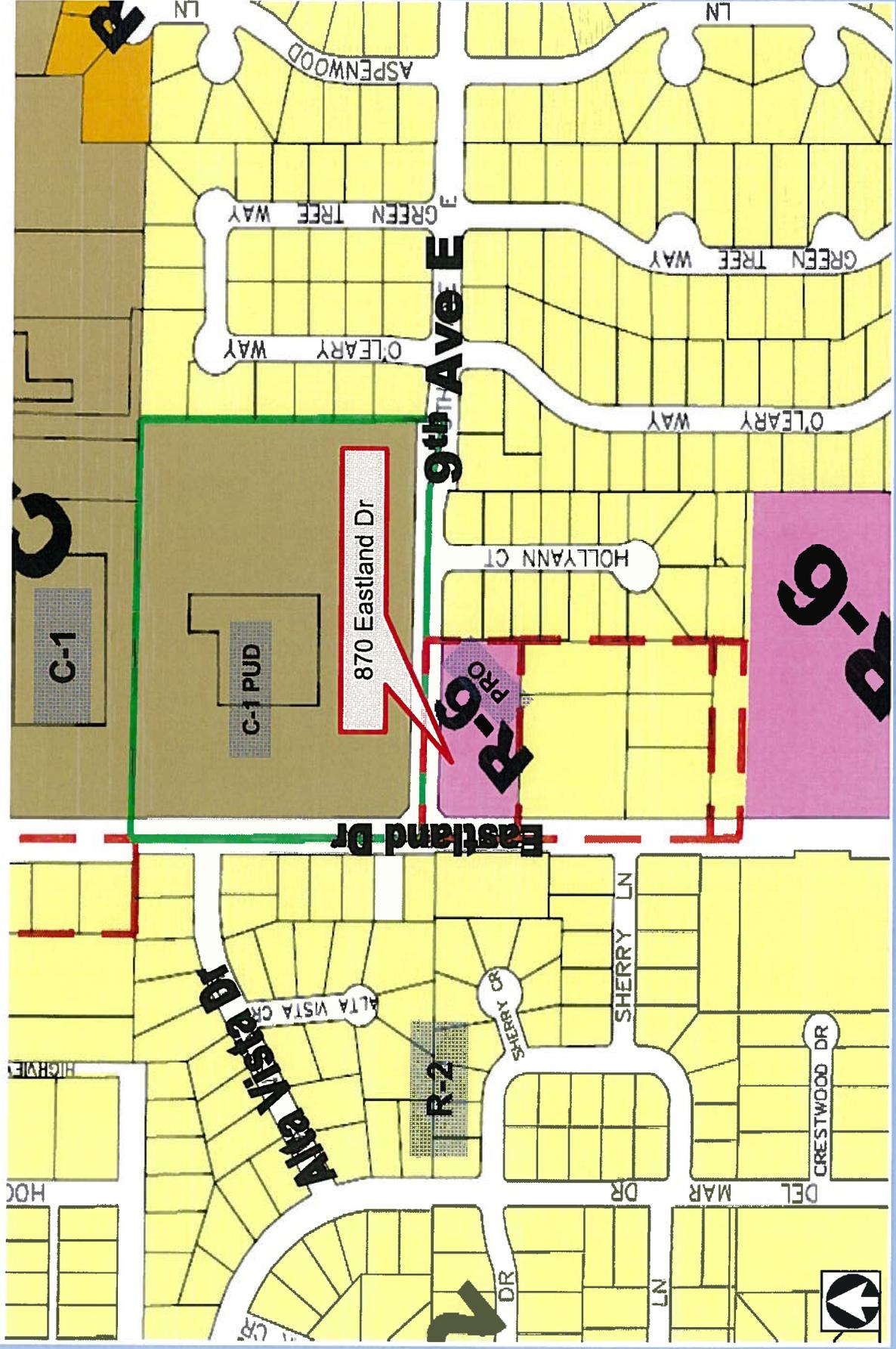
On April 24, 2012 the Planning & Zoning Commission unanimously approved the preliminary plat as presented subject to the following conditions:

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 a deferral agreement for the development of curb, gutter, sidewalk and road improvements being executed before recordation of final plat.

Attachments:

1. Vicinity Map
2. Area Zoning Map
3. Aerial of the Project Site
4. Comprehensive Plan Future Land Use Map
5. Preliminary Plat, as approved
6. Final Plat
7. SUP #1254 & attachments (4)
8. Portion of the April 24, 2012 P&Z minutes

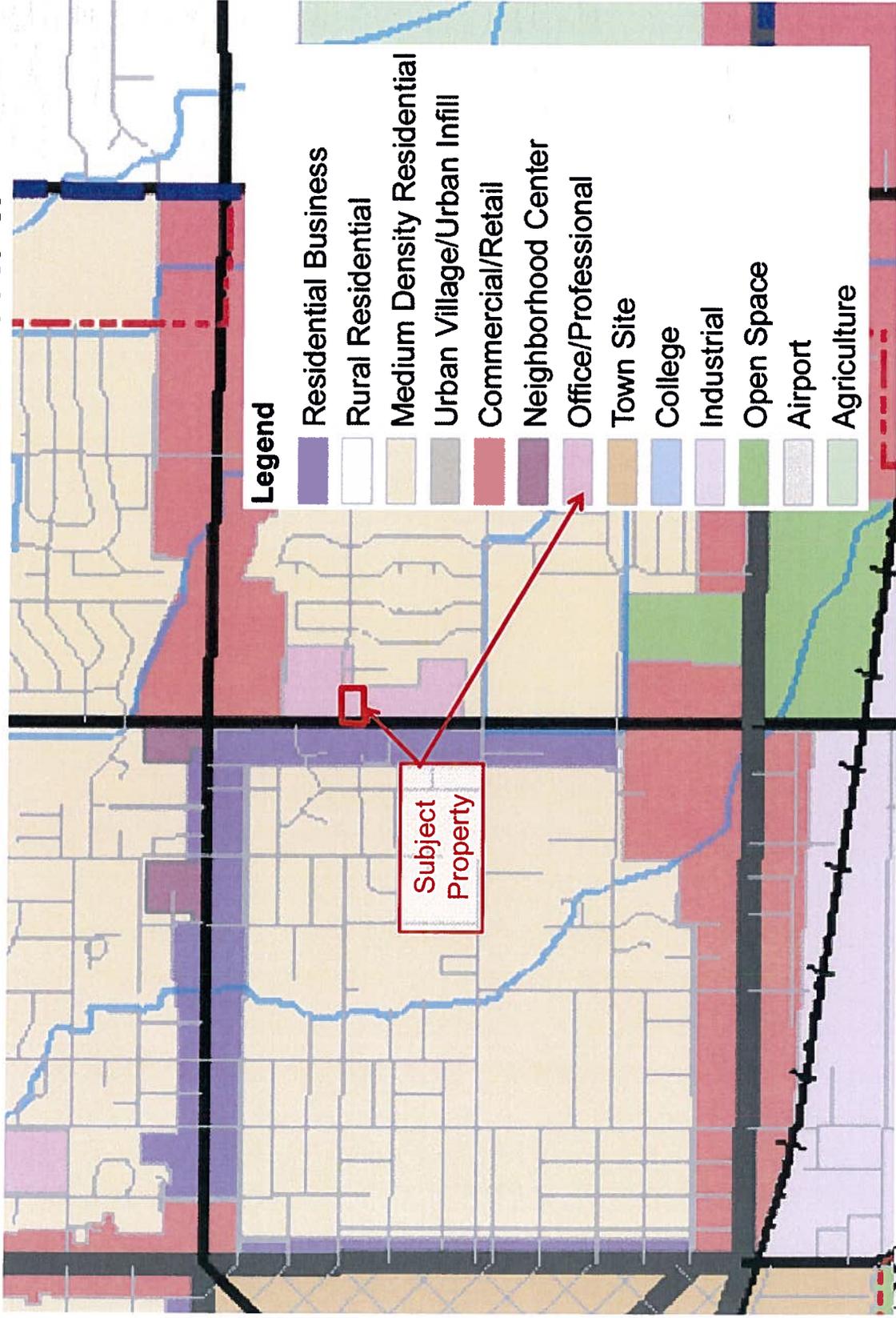
ZONING MAP



AERIAL MAP



COMPREHENSIVE PLAN MAP



RECEIVED
MAY / 8 2012
 CITY OF TWIN FALLS
 BUILDING DEPT.

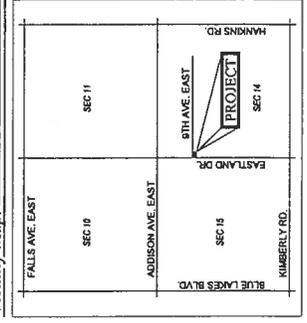


SCALE IN FEET
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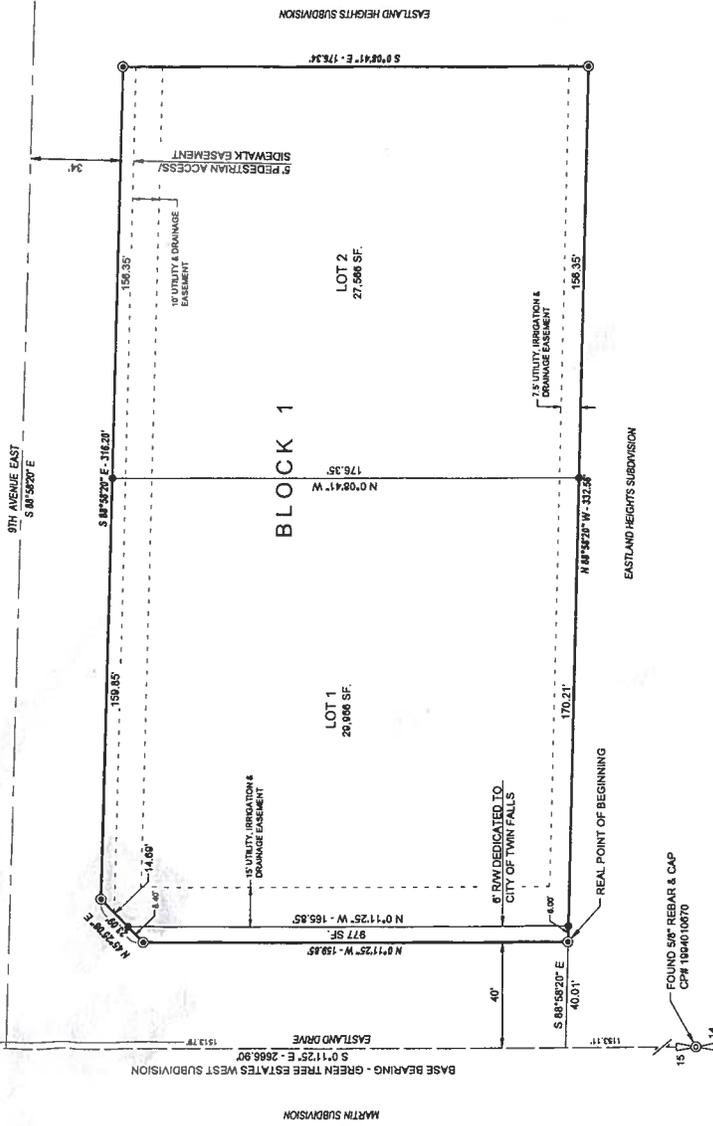
Eastland Heights Amended Subdivision
 A Resubdivision of Lot 6
 Eastland Heights Subdivision
 Located in
 A Portion of
 NW⁴ SW⁴ NW⁴, Section 14,
 Township 10 South, Range 17 East
 Boise Meridian
 Twin Falls County, Idaho
 2012

- Legend:**
- SUBDIVISION BOUNDARY LINE
 - LOT LINE
 - SECTION LINE
 - ROADWAY CENTERLINE
 - EASEMENT LINE
 - FOUND 1/2" REBAR & CAP (LS 1000)
 - REPLACED WITH 5/8" x 24" REBAR & CAP (LS 1000)
 - FOUND 3/8" REBAR & CAP
 - SET 1/2" x 24" REBAR & CAP (LS 1000)
 - FOUND BRASS CAP
 - SECTION QUARTER CORNER
 - SECTION CORNER

Vicinity Map:



UNPLATTED



Notes:

1. CROSS USE ACCESS, UTILITY, DRAINAGE AND CROSS USE PARKING AGREEMENT RECORDED AS INSTRUMENT # 1904010870 ACROSS THE NON-BUILDABLE PORTIONS OF THE PROPERTY.

Health Certificate:

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 59, CHAPTER 13, SECTION 90-1301, AND CHAPTER 13, SECTION 90-1302, IN ACCORDANCE WITH IDAHO CODE TITLE 59, CHAPTER 13, SECTION 90-1301, BY ISSUANCE OF A CERTIFICATE OF DISAPPROVAL.

DATE: _____ SOUTH CENTRAL DISTRICT HEALTH DEPT., ENG

EHM Engineers Inc.
 ENGINEERS/SURVEYORS/PLANNERS



MINUTES
Twin Falls City Planning & Zoning Commission
April 24, 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
Frank
Grey
Jacobson
Sharp

ABSENT:

Derricott
Ihler

AREA OF IMPACT MEMBERS

PRESENT:

Woods

ABSENT:

DeVore

CITY COUNCIL MEMBERS PRESENT: Mills Sojka

CITY STAFF PRESENT: Carraway, Strickland, Vitek,

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

- 1. Request for approval of Eastland Height Amended preliminary plat, 1.34 (+/-) acres consisting of 2 lots located at 870 Eastland Drive c/o Mike Lee, EHM Engineer, Inc on behalf of Gary Thietten.**
- Request for the reinstatement of Special Use Permit #1102 granted on July 8, 2008 to the Church of Jesus Christ of Latter Day Saints for the purpose of constructing a religious facility on five (5) acres located at the northwest corner of Field Stream Way, extended and North College Road West, extended c/o Church of Jesus Christ of Latter Day Saints c/o Jim Lystrup

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:

- Approval of Minutes from the following meeting(s): April 10, 2012
- Approval of Findings of Fact and Conclusions of Law:
 - Canyon Park Amended (pre-plat 04-10-12)

Motion:

Commissioner Frank made a motion to approve the consent calendar, as presented. Commissioner Woods seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

- 1. Request for approval of Eastland Height Amended preliminary plat, 1.34 (+/-) acres consisting of 2 lots located at 870 Eastland Drive c/o Mike Lee, EHM Engineers, Inc on behalf of Gary Thietten.**

APPLICANT PRESENTATION:

Dave Thibault, EHM Engineers, Inc, representing the applicant state he is here to request approval of the Eastland Heights Amended preliminary plat. The plat is approximately 1.34 acres and consist of 2 lots. This subdivision was a condition of approval for a special use permit on November 8, 2011. This is a lot spit that will allow the applicant to construct an assisted living

facility. The only request that the applicant has is that the deferral to construct curb, gutter and sidewalk be waived as a condition of the preliminary plat approval because the improvements already exist. The standard specifications for the improvements have changed since they were constructed and if constructed under today's standards would have to be widened out 6 inches. His client has had conversations with the Engineering Department regarding this requirement and they have agreed the reconstruction of the existing curb, gutter and sidewalk would not be necessary at this time, so he asked that the Commission remove this condition.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a preliminary plat approval. In December of 2003 this property was rezoned from R-2 PRO to R-6 PRO and a Special Use Permit was granted to allow the property to be developed with a professional office complex along with a 5 bed hospice facility. There is no specific lot size in a professional office overlay but it does require that all site development meet code and only allows for one building per lot, which is the reason for this subdivision. The applicant would like to construct an assisted living facility on the second lot. All of the existing structures on the property would have to be removed prior to development.

Zoning & Development Manager Carraway stated the plat is consistent with zoning and the Comprehensive Plan. It is consistent with the uses and staff recommends approval 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 a recorded Cross-Use Agreement being provided prior to recordation of final plat.
3. Subject to a deferral agreement for the development of curb, gutter, sidewalk and road improvements being executed before recordation of final plat.

Zoning & Development Manager Carraway explained that staff had discussed the third condition and staff does agree that it doesn't make a lot of sense to require the improvement currently however waiving a deferral is not something that the Commission can approve. It will go to the City Council for final plat approval and the a request to waive the deferral can be requested by the applicant at this time.

Assistant City Engineer explained that in this instance standards changed after the work had been completed and to have them replace the existing curb and gutter to meet the current standards staff would not be in support of at this time, however the decision to waive the deferral entirely has to be made by the City Council.

P&Z COMMENTS/QUESTIONS:

- Commissioner Woods asked from a planning perspective if there are any parking considerations that are made based on the fact that this will be an assisted living facility and that it may require more than one handicapped parking space. Currently the plans only show one handicapped space and having an elderly parent that lives in an assisted living facility he has become more aware of the need for more than one handicap space at these types of facilities.
- Assistant City Engineer Vitek explained that the parking design would be need to be based on the current City Code requirements and would be looked at during the plan review process at the time the building permit is submitted for approval. ADA approaches along Eastland Drive and 9th Avenue will be constructed to meet current requirements, and as for parking the ADA code and Zoning code dictate the number of spaces required a

- recommendation could be made that additional spaces be constructed but minimum standard are all that we require.
- Commissioner Jacobson clarified that the request to waive the deferral agreement requirement from the conditions of approval would be presented at the final plat approval stage but that the Commission could recommend this be considered.
- Zoning & Development Management Carraway explained code requires a deferral as part of the preliminary plat approval conditions but the Commission can make a recommendation to consider a waiver if they feel it is appropriate.

PUBLIC Comments: OPENED

- Gary Thietten, applicant requested that the Commission recommend that the deferral waiver be considered. This is and will continue to be a nice development with landscaping and it would be nice if he didn't have to replace the existing curb, gutter and sidewalk.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Woods made a motion to approve the request, as presented, with the recommendation that the City Council consider deferring the curb, gutter and sidewalk reconstruction. Commissioner Jacobson seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS & RECOMMENDATION

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 a recorded Cross-Use Agreement being provided prior to recordation of final plat.
3. Subject to a deferral agreement for the development of curb, gutter, sidewalk and road improvements being executed before recordation of final plat. (The Commission recommends the City Council consider approving the deferral agreement)



Date: Monday, June 4, 2012, Council Meeting
To: Honorable Mayor and City Council
From: Captain Anthony Barnhart, Traffic Safety Commission

Request:

Consideration of a request from Captain Anthony Barnhart for the appointment of a new Traffic Safety Commission Member. The candidate from the last oral board process being considered is Dave Benefiel.

Time Estimate:

Staff presentation will take approximately five minutes.

Background:

The Traffic Safety Commission has had one recent opening on the board due to Suzanne Hawkins being appointed to the Twin Falls City Council.

The City of Twin Falls announced openings on the Traffic Safety Commission to the public on January 24, 2012. This announcement was published several times. The deadline to apply was February 17, 2012. An oral board was held for candidates on March 7, 2012. Members of the oral board were Mayor Greg Lanting; City Councilman Jim Munn, Council Liaison for the Traffic Safety Commission; Kirk Brower, Traffic Safety Commission Member; and Staff Sergeant Dan McAtee, Twin Falls Police Department.

The oral board met with each candidate and made their selections. Dave Benefiel applied for an open seat at that time and is the next applicant in line to fill the current open position.

If approved by the City Council, Mr. Benefiel will serve a three-year term on the Traffic Safety Commission. If appointed, Mr. Benefiel will begin his term on June 14, 2012.

Approval Process:

Approval by the City Council

Budget Impact:

This appointment will not impact the City budget.

Regulatory Impact:

None

Conclusion:

On behalf of the Traffic Safety Commission and the selections made by the oral board, we request that the Twin Falls City Council appoint Dave Benefiel to the Traffic Safety Commission to fill the current vacancy.

Attachments:

None



Date: Monday, June 4, 2012

To: Honorable Mayor and City Council

From: Lorie Race, CFO

Request:

Consideration of a request to authorize city staff to move forward with re-financing two outstanding DEQ loans.

Time Estimate:

Cameron Arial, VP of Zion's Bank Public Finance, will give a presentation, followed by any questions Council may have. I would estimate this taking approximately 10 minutes.

Background:

The City currently has two outstanding loans with DEQ. The City borrowed \$6.4 million at 4% for 20 years in 2002 to make improvements to the water system. The City also borrowed approximately \$8.36 million at 4% for 19.5 years in 2002 to make various improvements to the wastewater system.

The direction would be to team up with several other entities to refinance this debt by bonding through the Idaho Bond Bank. The City would benefit from lower interest rates and shared costs of issuance. With the lower anticipated interest rates, it's estimated the City would save approximately \$900,000 over the remaining life of this debt, combined.

Approval Process:

The City Council would simply need to vote to authorize staff to continue working to refinance current DEQ debt.

Budget Impact:

The City would be able to save interest expense of approximately \$50,000 per year in the Water Fund, and approximately \$68,700 per year in the Wastewater Fund.

Regulatory Impact:

There is no regulatory impact.

Conclusion:

Staff recommends that Council approve this request and authorize the Finance Team to move forward to refinance this debt.

Attachments:

No attachments



Date: Monday, June 4, 2012
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Consideration of a request to award the contract for the 2012 Eastland – Addison Intersection project to PMF Inc. of Twin Falls Idaho, in the amount of \$1,246,387.50.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background:

The 2012 Eastland – Addison Reconstruction project is located within the intersection and extends approximately 400' in all directions. The roadway will be removed and reconstructed in concrete along with approaches rebuilt to current ADA standards. An additional right turn bay will be added on Eastland proceeding South to allow an easier turn to the West.

On Thursday May 24th 2012, bids were opened for the 2012 Eastland – Addison Intersection project. Two bids were received with the lowest bid coming from PMF Inc. in the amount of \$1,246,387.50. PMF Inc.'s bid package was checked for completeness and no irregularities were found.

Approval Process:

City Council makes recommendation for Mayor to execute agreement.

Budget Impact:

The bid amount for this project is \$1,246,387.50. This is part of the Eastland Improvement projects being funded through reserves.

Conclusion:

Staff recommends that City Council approve and award the contract to PMF Inc., in the amount of \$1,246,387.50.

Attachments:

1. Vicinity Map
2. Bid Tabulation



EASTLAND & ADDISON INTERSECTION

**EASTLAND / ADDISON INTERSECTION
Bid Tabulation**

Prepared by: Kristi Fehringer
Date: May 24, 2012

Item No.	Bid Item Description	Est. Qty.	Unit
1	Excavation	9,371	SY
2	Asphalt Removal and Off hauling	10,235	SY
3	Concrete Removal and Off hauling	1,711	SY
4	Sawcutting	182	LF
5	Rock Excavation	50	CY
6	4" Plant Mix Pavement	203	SY
7	3/4" Type 1 Aggregate	591	CY
8	1 1/2" Type 1 Aggregate	2,955	CY
9	8 1/2" Concrete with dowels finished in place	9,063	SY
10	10" Concrete with dowels finished in place	1,575	SY
11	Reset Section Corner and Well	1	EA
12	8" C-900 PI Main	838	LF
13	8" C-900 PI Cap	1	EA
14	8" 90 deg C-900 PI Elbow	1	EA
15	Thrust Block for PI Main	1	EA
16	Locating Wire for PI Main & Gravity Irrigation Line	1,337	LF
17	"T" Type Metal Fence Post for PI Stubout Location	3	EA
18	Engineering, Testing, Inspection	1	LS
19	Construction Surveying	1	LS
20	Storm Water Management, SWPPP, NOI	1	LS
21	Traffic Control Including Drums, Markers, Signage, & Flaggers	1	LS
22	Additional Signage at Business Owner's Discretion	100	SF
23	Mobilization	1	LS
24	Catch Basins	3	EA
25	18" C-905 Storm Drain Pipe	225	LF
26	Manhole Rim Adjustments	6	EA
27	Sanitary Sewer Manhole	1	EA
28	Storm Drain/Gravity Irrigation Manhole	3	EA
29	Fire Hydrants	3	EA
30	8" C-900 Water Main	102	LF
31	8"x6" Reducer	3	EA
32	8" Valves	3	EA
33	4" Pressure Irrigation Stubouts	110	LF
34	8" Sewer Main	45	LF
35	6" Conduit	100	LF
36	Signal Pole Relocation & Additional Apputenances	1	LS
37	Concrete Islands	308	SY
38	30' Commercial Approach, Inclusive of ADA Ramps	9	EA
39	40' Commercial Approach, Inclusive of ADA Ramps	1	EA
40	15' Commercial Approach, Inclusive of ADA Ramps	1	EA
41	16' Commercial Approach, Inclusive of ADA Ramps	1	EA
42	13' Wide Residential Approach	1	EA
43	20' Wide Residential Approach	1	EA
44	Standard Vertical Curb & Gutter	410	LF
45	5' Wide Sidewalk	265	SY
46	ADA Ramps	8	EA
47	Lawn, Landscaping & Irrigation Repair	1	LS
48	Roadway & Concrete Island Striping	1	LS
49	2' Approach Patchback	400	SY
50	12" C-900 Gravity Irrigation Pipe	488	LF
51	4" C-900 Caps	2	EA
52	Light Pole Relocation	1	EA

Engineers Estimate	
Unit Price	Extension
\$8.00	\$74,968.00
\$2.50	\$25,587.50
\$5.50	\$9,410.50
\$2.00	\$364.00
\$150.00	\$7,500.00
\$20.00	\$4,060.00
\$32.00	\$18,912.00
\$32.00	\$94,560.00
\$55.00	\$498,465.00
\$70.00	\$110,250.00
\$500.00	\$500.00
\$20.00	\$16,760.00
\$120.00	\$120.00
\$250.00	\$250.00
\$200.00	\$200.00
\$0.30	\$401.10
\$20.00	\$60.00
\$20,000.00	\$20,000.00
\$10,000.00	\$10,000.00
\$4,500.00	\$4,500.00
\$70,000.00	\$70,000.00
\$12.00	\$1,200.00
\$50,000.00	\$50,000.00
\$1,840.00	\$5,520.00
\$55.00	\$12,375.00
\$300.00	\$1,800.00
\$2,000.00	\$2,000.00
\$2,000.00	\$6,000.00
\$3,000.00	\$9,000.00
\$40.00	\$4,080.00
\$200.00	\$600.00
\$800.00	\$2,400.00
\$15.00	\$1,650.00
\$30.00	\$1,350.00
\$20.00	\$2,000.00
\$50,000.00	\$50,000.00
\$40.00	\$12,320.00
\$5,000.00	\$45,000.00
\$6,000.00	\$6,000.00
\$4,000.00	\$4,000.00
\$4,000.00	\$4,000.00
\$1,500.00	\$1,500.00
\$1,750.00	\$1,750.00
\$20.00	\$8,200.00
\$34.00	\$9,010.00
\$1,500.00	\$12,000.00
\$5,000.00	\$5,000.00
\$17,000.00	\$17,000.00
\$25.00	\$10,000.00
\$45.00	\$21,960.00
\$40.00	\$80.00
\$5,000.00	\$5,000.00

PMF	
Low Bid	
Unit Price	Extension
\$7.00	\$65,597.00
\$2.00	\$20,470.00
\$4.00	\$6,844.00
\$2.00	\$364.00
\$150.00	\$7,500.00
\$20.00	\$4,060.00
\$35.00	\$20,685.00
\$30.00	\$88,650.00
\$58.00	\$525,654.00
\$65.00	\$102,375.00
\$350.00	\$350.00
\$25.00	\$20,950.00
\$150.00	\$150.00
\$300.00	\$300.00
\$150.00	\$150.00
\$0.50	\$668.50
\$50.00	\$150.00
\$20,000.00	\$20,000.00
\$15,000.00	\$15,000.00
\$10,000.00	\$10,000.00
\$65,000.00	\$65,000.00
\$15.00	\$1,500.00
\$15,000.00	\$15,000.00
\$1,200.00	\$3,600.00
\$55.00	\$12,375.00
\$300.00	\$1,800.00
\$1,750.00	\$1,750.00
\$1,750.00	\$5,250.00
\$2,500.00	\$7,500.00
\$45.00	\$4,590.00
\$150.00	\$450.00
\$750.00	\$2,250.00
\$15.00	\$1,650.00
\$35.00	\$1,575.00
\$20.00	\$2,000.00
\$47,128.00	\$47,128.00
\$30.00	\$9,240.00
\$5,000.00	\$45,000.00
\$5,500.00	\$5,500.00
\$4,000.00	\$4,000.00
\$4,000.00	\$4,000.00
\$1,500.00	\$1,500.00
\$2,000.00	\$2,000.00
\$22.00	\$9,020.00
\$35.00	\$9,275.00
\$2,000.00	\$16,000.00
\$4,500.00	\$4,500.00
\$15,000.00	\$15,000.00
\$15.00	\$6,000.00
\$55.00	\$26,840.00
\$25.00	\$50.00
\$5,127.00	\$5,127.00

Stutzman Inc.	
2nd Low Bid	
Unit Price	Extension
\$9.50	\$89,024.50
\$4.70	\$48,104.50
\$3.00	\$5,133.00
\$2.50	\$455.00
\$140.00	\$7,000.00
\$41.00	\$8,323.00
\$28.00	\$16,548.00
\$28.00	\$82,740.00
\$67.00	\$607,221.00
\$79.00	\$124,425.00
\$1,400.00	\$1,400.00
\$27.00	\$22,626.00
\$700.00	\$700.00
\$900.00	\$900.00
\$600.00	\$600.00
\$1.00	\$1,337.00
\$100.00	\$300.00
\$21,597.00	\$21,597.00
\$5,950.00	\$5,950.00
\$2,500.00	\$2,500.00
\$81,270.00	\$81,270.00
\$9.00	\$900.00
\$68,000.00	\$68,000.00
\$1,650.00	\$4,950.00
\$56.00	\$12,600.00
\$300.00	\$1,800.00
\$2,300.00	\$2,300.00
\$2,200.00	\$6,600.00
\$6,070.00	\$18,210.00
\$26.00	\$2,652.00
\$240.00	\$720.00
\$1,300.00	\$3,900.00
\$15.00	\$1,650.00
\$20.00	\$900.00
\$17.00	\$1,700.00
\$51,840.00	\$51,840.00
\$67.00	\$20,636.00
\$5,700.00	\$51,300.00
\$6,500.00	\$6,500.00
\$4,725.00	\$4,725.00
\$4,725.00	\$4,725.00
\$1,400.00	\$1,400.00
\$1,600.00	\$1,600.00
\$16.00	\$6,560.00
\$38.00	\$10,070.00
\$1,125.00	\$9,000.00
\$6,400.00	\$6,400.00
\$19,680.00	\$19,680.00
\$28.00	\$11,200.00
\$36.00	\$17,568.00
\$60.00	\$120.00
\$5,900.00	\$5,900.00

ESTIMATED TOTAL \$1,279,663.10

TOTAL \$1,246,387.50

TOTAL \$1,484,260.00

Section 202 "Bid Proposal" Signed/Submitted:
Section 203 "Bid Schedule" Correct:
Section 204 "Bid Bond" Submitted:
Public Works License for Prime/Subs:
RESPONSIVE BID:

YES

YES
NO
YES
YES
YES

Mathematical discrepancy



Date: JUNE 04, 2012

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Director

Request:

Consideration of a request to allow greater than standard building height for a proposed new structural addition to be constructed at the Amalgamated Sugar plant and a request to waive the requirements to install a sprinkler system for this addition on property located at 2320 Orchard Drive in accordance with Twin Falls City Code 10-7-3.

Time Estimate:

Staff presentation will be approximately five (5) minutes

Approval Process:

A simple majority vote of the Council.

Budget Impact:

Does not impact the budget

Regulatory Impact:

Approval of this request will allow Amalgamated Sugar to proceed with the process to construct a new structural addition without a sprinkler system as proposed.

Background:

Attached is a letter from Gary Pool, Plant Manager for The Amalgamated Sugar Company, LLC, Twin Falls Facility requesting City Council approval of additional building height in accordance with Twin Falls City Code Section 10-7-3. The property is zoned M-2 within the Area of Impact. The standard allowable building height in the M-2 zone is 50 feet. They are asking to be allowed to construct an addition with a maximum height of 85 feet. In addition they are requesting that the additional height not be restricted by the addition of a sprinkler system, as required by 10-7-3. The proposed addition will be used for the final product production of the final sugar product. The plans are still under design however the anticipated wall height is 85 feet. The location of the proposed addition is approximately 510 feet south of Orchard Drive and would be surrounded by existing buildings/structures/towers some of which exceed 125 feet.

The addition will be used to house equipment handling the final sugar product; the installation of a sprinkler system would be undesirable due to potential product contamination or product loss from sprinkler activation.

The addition will be an equipment enclosure with remote controlled equipment and not occupied except for normal maintenance operations.

Section 10-7-3 states, "The council may allow greater than standard building heights with or without extra setback requirements, in the CB, C1, M1 and M2 zoning districts and subdistricts, providing all floors have a fire sprinkler system approved by the fire chief and city engineer. The requirement for a fire sprinkler system may be waived by the council, based on recommendations from the fire chief, for a building which is accessory to a farming use and not intended for human occupancy providing the property owner releases the city from all fire protection responsibility and liability. (Ord. 2045, 7-6-1982; amd. Ord. 2526, 5-20-1996)"

Staff reviewed the request with both the building and fire departments who expressed their agreement of this request upon approval of the City Council and receipt of a waiver by the applicant releasing the City from all fire protection responsibility.

Approval of this request will allow the applicant to construct an addition to their existing food processing plant up to 85' tall without a sprinkler system, as presented.

Conclusion:

Staff recommends the Council grant the request for additional building height and a waiver of the installation of a sprinkler system, as presented, subject to the following conditions:

1. Receipt of a waiver from the applicant releasing City of Twin Falls from all fire protection responsibility and liability from the approval of waiving the installation of a sprinkler system.
2. Subject to site plan amendments as required by Building, Fire, and Zoning Officials to ensure compliance all applicable City Code requirements and standards.

Attachments:

1. Narrative/Letter of Request
2. Aerial/Street/Zoning Maps
3. Site Plan
4. Elevations (4)



The Amalgamated Sugar Company LLC
TWIN FALLS ENGINEERING

PO Box 127
Lamont Squires, P.E.
2320 Orchard Drive East
Twin Falls, Idaho 83303
Legal Description: 2320 Orchard Drive, RPT # 10S 17E 260600
May 14, 2012

Zoning Department
City Of Twin Falls Planning
324 Hansen St. E.
Twin Falls, Idaho 83301

Title: The Amalgamated Sugar Company, 3rd White Pan Building Height Variance

Dear Sir/Madam:

The Amalgamated Sugar Company (TASCO) is planning an upgrade to its Twin Falls factory. The proposed building is 85 feet above grade and does not meet the building height limitations of city ordinance 10-4-10.3 of 50 feet. Section 10-7-3 states that a variance may be approved by the city council for building heights greater than the 50 feet providing all floors have a fire sprinkler system. The requirement for a fire sprinkler system may also be waived by the council providing the property owner releases the city from all fire protection responsibility and liability.

The Amalgamated Sugar Company cordially requests a building height variance to ordinance 10-4-10.3. per section 10-7-3. TASCO also requests that a variance be granted to the requirement of a fire sprinkler system being installed on all floors of buildings receiving a variance to ordinance 10-4-10.3.

History:

The Amalgamated sugar company is a sugar beet refining company. It was founded in 1897 in Logan, Utah. The Twin Falls plant was constructed in 1916 and has operated continually since that time. The company markets its sugar under the White Satin brand. A white pan is used in the plant to extract the sugars from beet juice. Two white pans were installed in the plant in 1963 on the fourth floor (elevation 42'-6" above grade).

Site:

The main building with a height of 81 feet above grade is located to the east of the proposed building. A 90 foot tall screen building and seven 152 foot tall sugar silos are located to the south of the proposed project. A 109 foot tall diffuser tower is located to the north. An 84 foot tall separator building and an 84 foot tall CVP building are located to the west.

RECEIVED

MAY 17 2012

CITY OF TWIN FALLS
BUILDING DEPT.

May 14, 2012

Page 2

The proposed addition is located 510 feet south of Orchard Dr. East. The factory grounds are located within the Area of Impact and is zoned M-2. Other neighbors to the east, west and south are located more than 1000 feet from the proposed project.

Scope:

TASCO is proposing to add a 3rd White Pan to its food processing plant. The White Pan is part of the final product production and is therefore required to be protected from the environment. The proposed equipment enclosure building is expected to be between 3 to 5 feet higher than the existing pan building at approximately 85 feet above grade. The proposed addition is located over the existing roof that was added to the main building in 1946 that is approximately 40 foot above grade and over a 1964 addition that is approximately 43 feet high. The footprint is approximately 550 square foot with 2 additional levels of access to the pan.

Justification:

Since the addition will be used to house equipment handling our final sugar product, the installation of a sprinkler system would be undesirable due to possible product contamination or loss from sprinkler activation. **The building qualifies for an exemption under the 2009 IBC Paragraph 503.1.1 which allows unusual building heights to house special machinery and equipment.** The application of this exemption allows for a building construction type that does not require a fire sprinkler system. The equipment located in the proposed addition is remotely controlled and not normally occupied except for routine maintenance and inspections. Other buildings on site are as tall as or taller than the proposed addition. The enforcement of the height restriction would result in unnecessary financial and feasibility hardship which would not allow for project completion.

Sincerely,



Gary Pool
Plant Manager

Enclosures:

- City Ordinance 10-4-10.3
- City Ordinance 10-7-3
- Variance Application Form
- Site Plan
- Building Elevations

10-4-10.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M2 district:

(A) Lot Area:

1. Nonresidential Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses not attached to an allowed use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Uses: No requirement.
2. Residential Uses: Same as that in the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

10-7-3: ADDITIONAL HEIGHT IN CB, C1, M1 AND M2 ZONING DISTRICTS AND SUBDISTRICTS:

The council may allow greater than standard building heights with or without extra setback requirements, in the CB, C1, M1 and M2 zoning districts and subdistricts, providing all floors have a fire sprinkler system approved by the fire chief and city engineer. The requirement for a fire sprinkler system may be waived by the council, based on recommendations from the fire chief, for a building which is accessory to a farming use and not intended for human occupancy providing the property owner releases the city from all fire protection responsibility and liability. (Ord. 2045, 7-6-1982; amd. Ord. 2526, 5-20-1996)



CITY OF TWIN FALLS
COMMUNITY DEVELOPMENT SERVICES
P.O. Box 1907
324 Hansen Street E
Twin Falls, ID 83303
PH: 208-735-7267 FAX: 208-736-2641

VARIANCE

10-13-2.1: Variance is a modification of the requirements of this Title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other Title provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots and public ways.

Date of the Application: 5/17/2012

Application No.: _____

Fee: **\$110.00**

A. APPLICANT INFORMATION:

1. Name of applicant: Gary Pool
Mailing Address: 2320 Orchard Dr. E.
City: Twin Falls State: ID Zip: 83301
Phone: 208-733-4104 Cell Phone: _____ E-mail: gpoole@amalsugar.com

Applicant Signature: *Gary Pool*

2. Name of Applicant Representative (if other than above): Lamont Squires
Mailing Address: 2320 Orchard Dr. E.
City: Twin Falls State: ID Zip: 83301
Phone: 208-735-5415 Cell Phone: 208-421-5900
Email Address: lsquires@amalsugar.com

B. REQUEST INFORMATION:

1. The following is a request that a VARIANCE be granted for the Real Property Located at (street address):
2320 Orchard Dr. E., Twin Falls, ID 83301

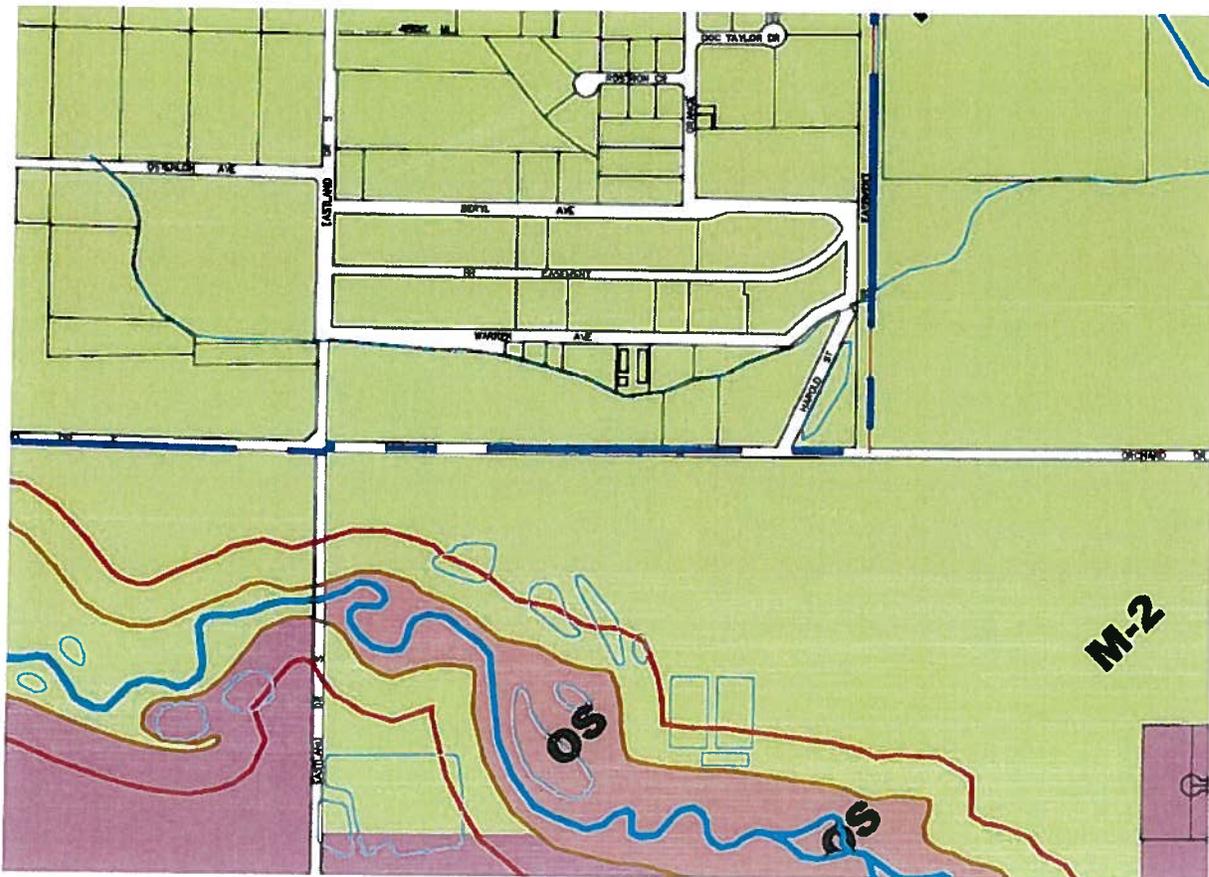
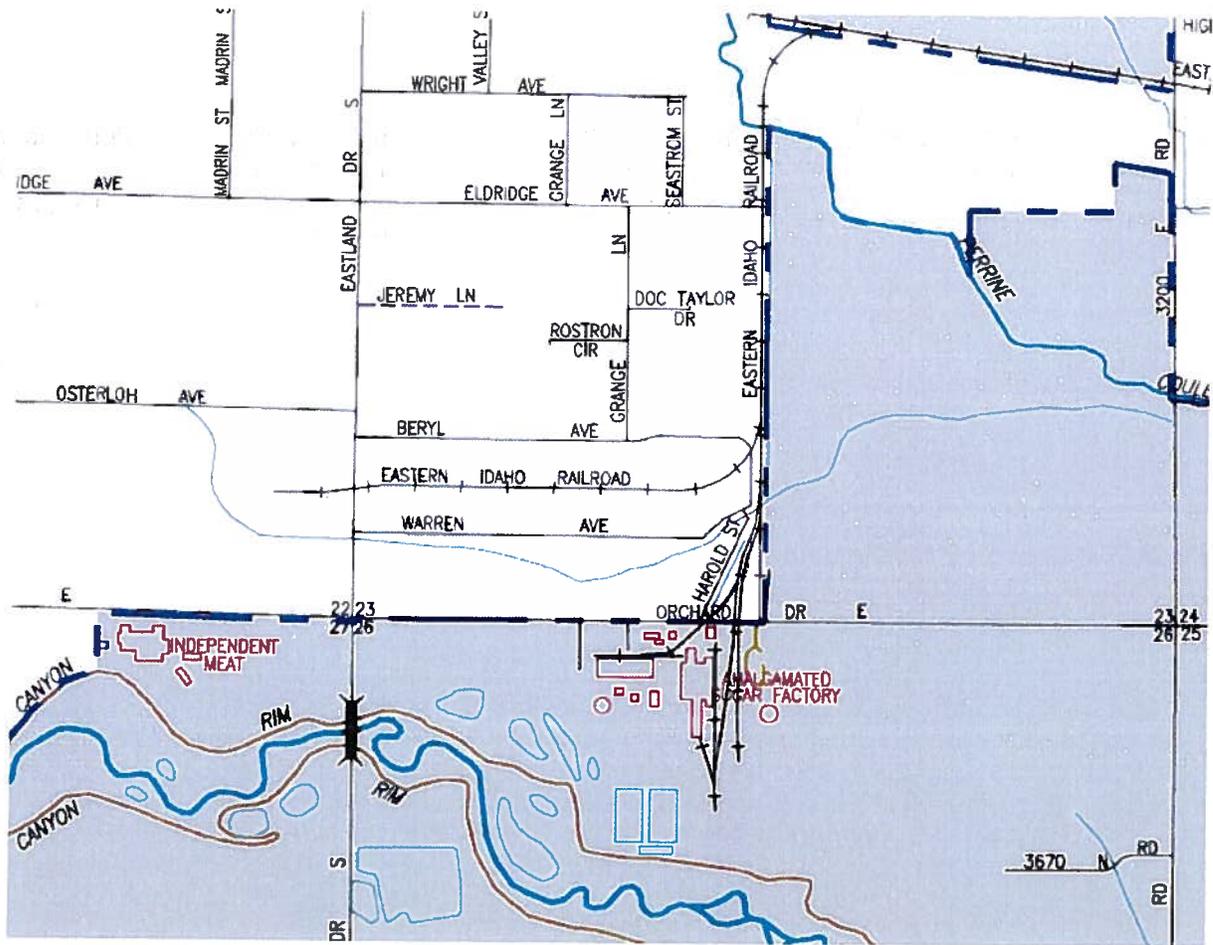
for the proposed use of: food processing

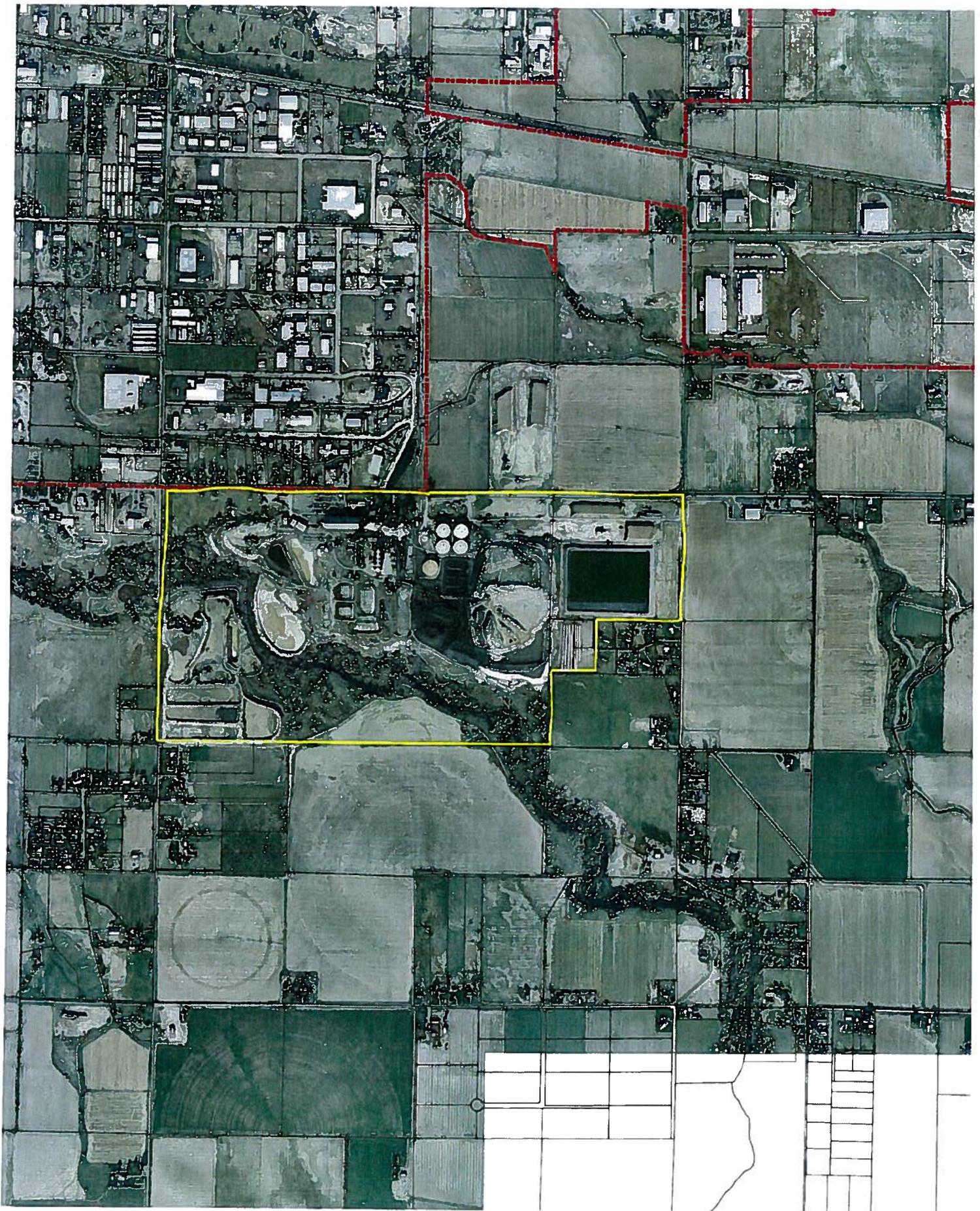
2. Present use of property: food processing

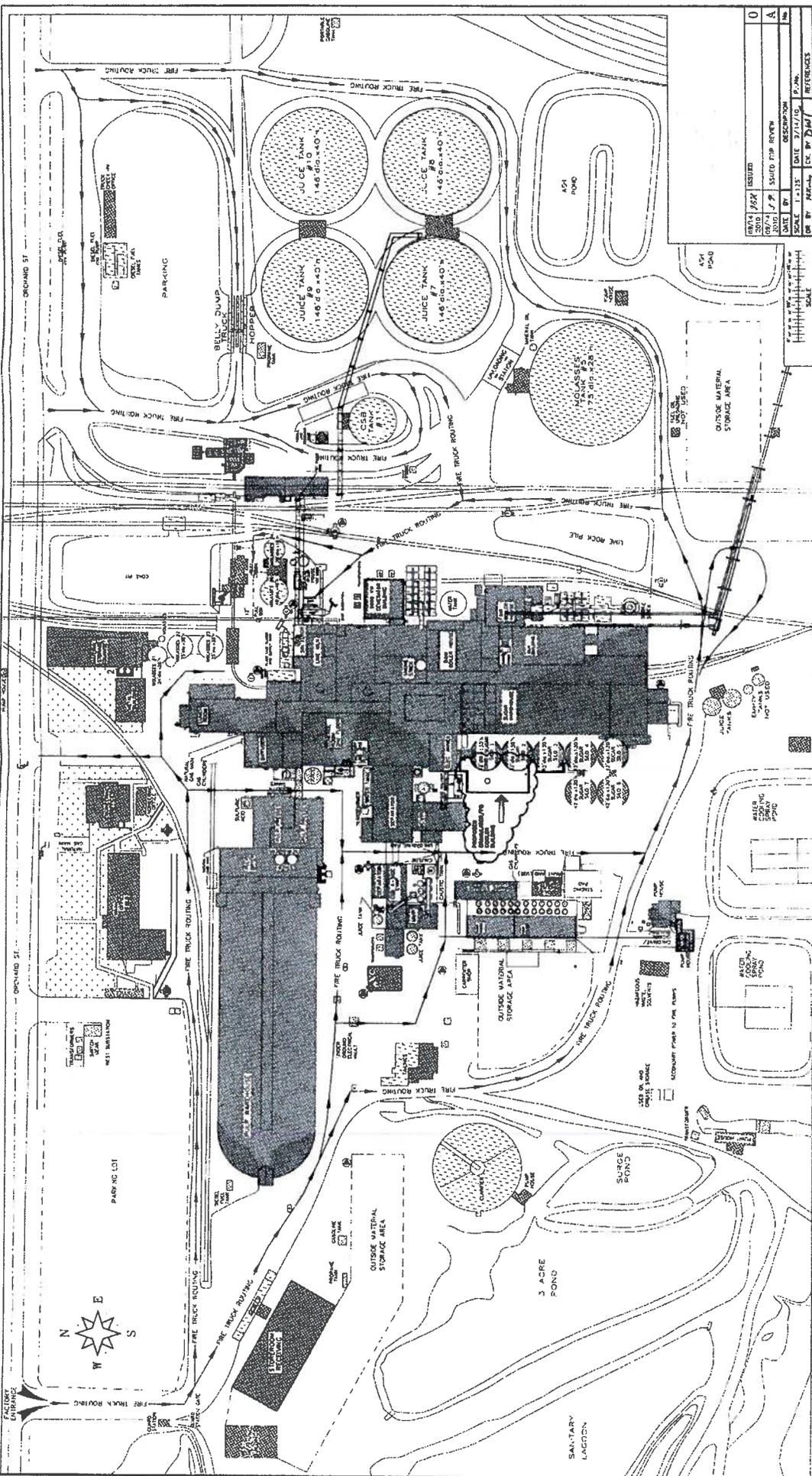
3. Existing Zoning District: M2 4. Size of Project Land Area Size: _____

4. Size/dimensions of Existing and Proposed Building: 24' x 26' x 85' high addition

5. Specific description of the variance being requested: remove the 50 foot maximum height restriction to allow the proposed 85 foot high addition







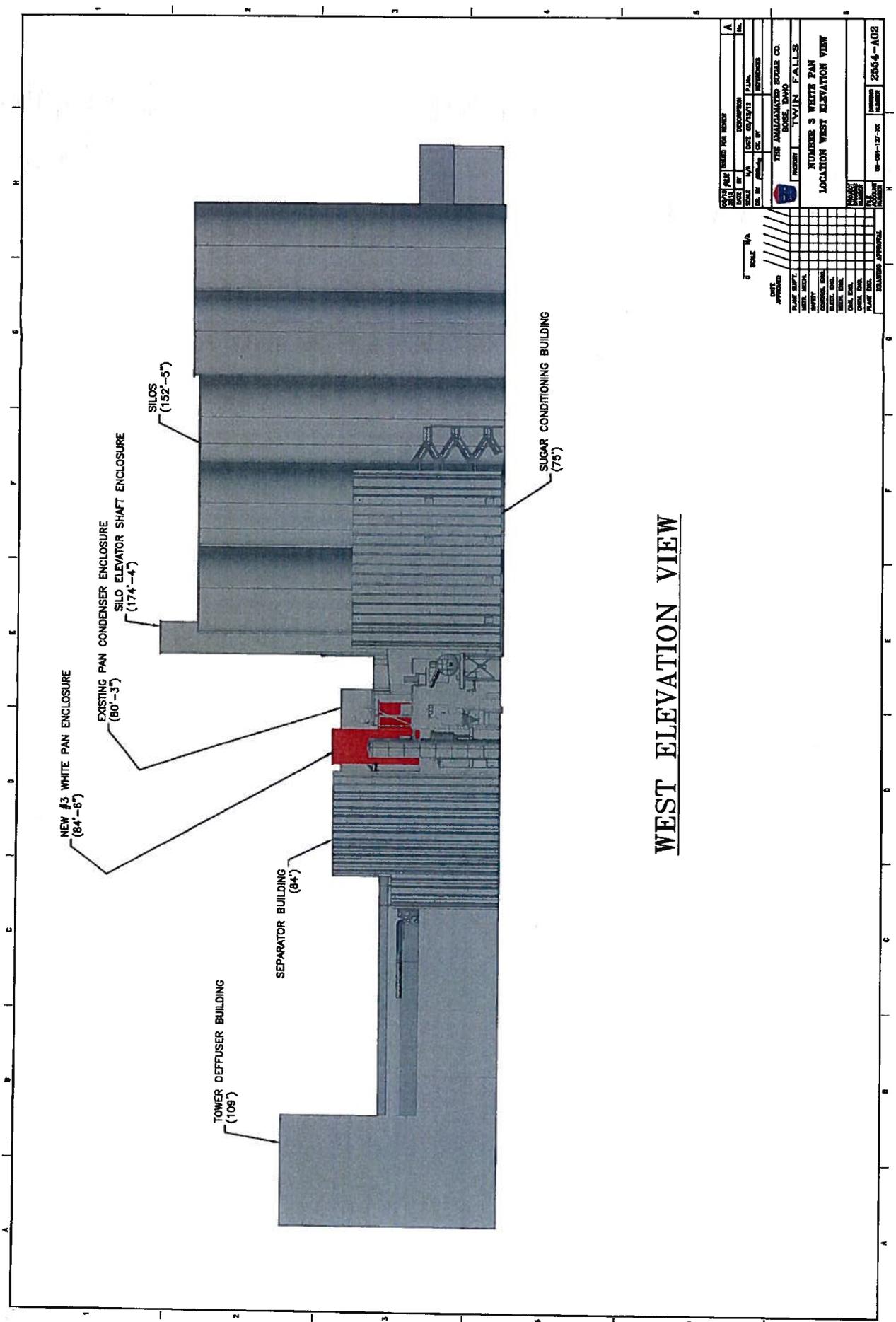
DATE APPROVED	DATE	APPROVED	DATE	APPROVED
PLANT SUPT.				
UTIL. MECH.				
SAFETY	SAFETY	SAFETY	SAFETY	SAFETY
CONTROL. ENG.				
ELECT. ENG.				
MECH. ENG.				
CHEM. ENG.				
PLANT ENG.				

THE MALCOMATED SUGAR CO.
 TWIN FALLS
 SUGAR FACTORY GROUNDS
 PROPOSED LOCATION OF
 SUGAR END IMPROVEMENT ADDITION

THIS DRAWING IS THE PROPERTY OF
 THE MALCOMATED SUGAR CO.
 BOISE, IDAHO

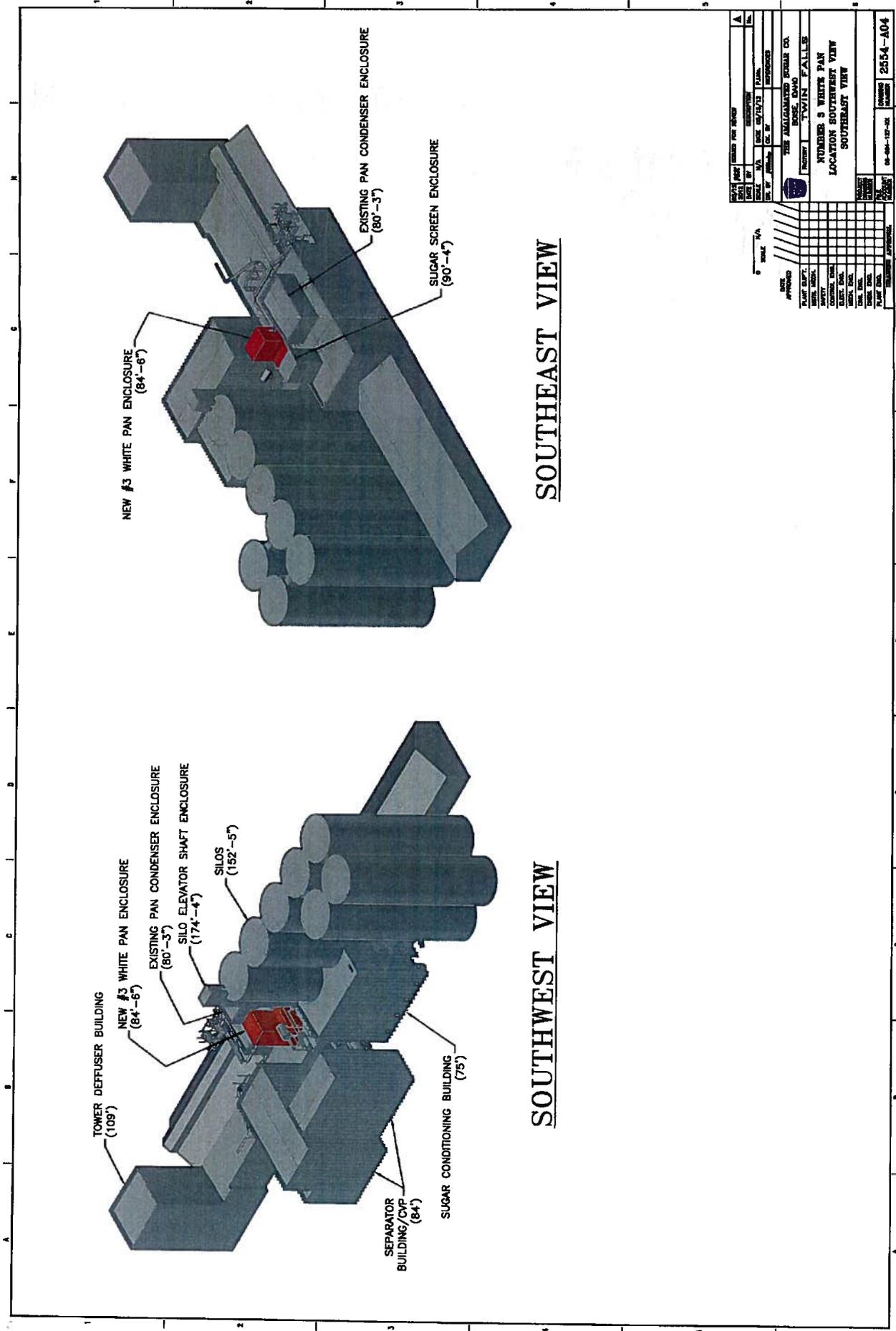
NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE MALCOMATED SUGAR CO.

PROJECT NO. 2148-00T
 DRAWING NUMBER 2148-00T



WEST ELEVATION VIEW

DATE	BY	SCALE	NO.	REVISIONS
10-11-17	NA	1/8" = 1'-0"	1	
THE AMALGAMATED SUGAR CO. NUMBER 3 WHITE PAN LOCATION WEST ELEVATION VIEW				
PROJECT: TWIN FALLS OWNER: BONNE DAMO				
DRAWING NO.: 2554-A02 DATE: 10-11-17				



DATE	BY	REVISION	NO.
10/15/13	WJ	ISSUE	1
10/15/13	WJ	REVISION	1
10/15/13	WJ	REVISION	2
10/15/13	WJ	REVISION	3
10/15/13	WJ	REVISION	4
10/15/13	WJ	REVISION	5
10/15/13	WJ	REVISION	6
10/15/13	WJ	REVISION	7
10/15/13	WJ	REVISION	8
10/15/13	WJ	REVISION	9
10/15/13	WJ	REVISION	10
10/15/13	WJ	REVISION	11
10/15/13	WJ	REVISION	12
10/15/13	WJ	REVISION	13
10/15/13	WJ	REVISION	14
10/15/13	WJ	REVISION	15
10/15/13	WJ	REVISION	16
10/15/13	WJ	REVISION	17
10/15/13	WJ	REVISION	18
10/15/13	WJ	REVISION	19
10/15/13	WJ	REVISION	20
10/15/13	WJ	REVISION	21
10/15/13	WJ	REVISION	22
10/15/13	WJ	REVISION	23
10/15/13	WJ	REVISION	24
10/15/13	WJ	REVISION	25
10/15/13	WJ	REVISION	26
10/15/13	WJ	REVISION	27
10/15/13	WJ	REVISION	28
10/15/13	WJ	REVISION	29
10/15/13	WJ	REVISION	30
10/15/13	WJ	REVISION	31
10/15/13	WJ	REVISION	32
10/15/13	WJ	REVISION	33
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10/15/13	WJ	REVISION	36
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10/15/13	WJ	REVISION	45
10/15/13	WJ	REVISION	46
10/15/13	WJ	REVISION	47
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10/15/13	WJ	REVISION	81
10/15/13	WJ	REVISION	82
10/15/13	WJ	REVISION	83
10/15/13	WJ	REVISION	84
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10/15/13	WJ	REVISION	98
10/15/13	WJ	REVISION	99
10/15/13	WJ	REVISION	100



DATE: Monday June 04, 2012
To: Honorable Mayor and City Council
From: Mitch Humble, Community Development Director

AGENDA ITEM II-

Request:

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.

Time Estimate:

Due to the public interest in this item, it is being treated like a public hearing. Therefore, the applicant should be allowed a 15 minute presentation followed by a 10 minute staff presentation. The Mayor has indicated the he will allow public input on the item as well. Time will be required for this public input.

Approval Process:

This is the final step in approval of a PUD. On April 9, 2012, the Council held a public hearing and approved this request with some conditions. The Council's approval was direction to the applicant and staff to prepare this PUD agreement in accordance with the presentation and approval conditions. The attached PUD agreement has been prepared as directed. A simple majority vote of the Council is needed to adopt the PUD agreement.

Budget Impact:

There is no direct budget impact associated with the Council's approval of this request. However, approval of this request will allow development of the property to proceed. Development of the property will impact the City budget as 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.

Analysis:

On **April 09, 2012** the City Council approved a request by a vote of 5 for and 2 against for a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 +/- acres, as presented, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to 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.

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

Conclusion:

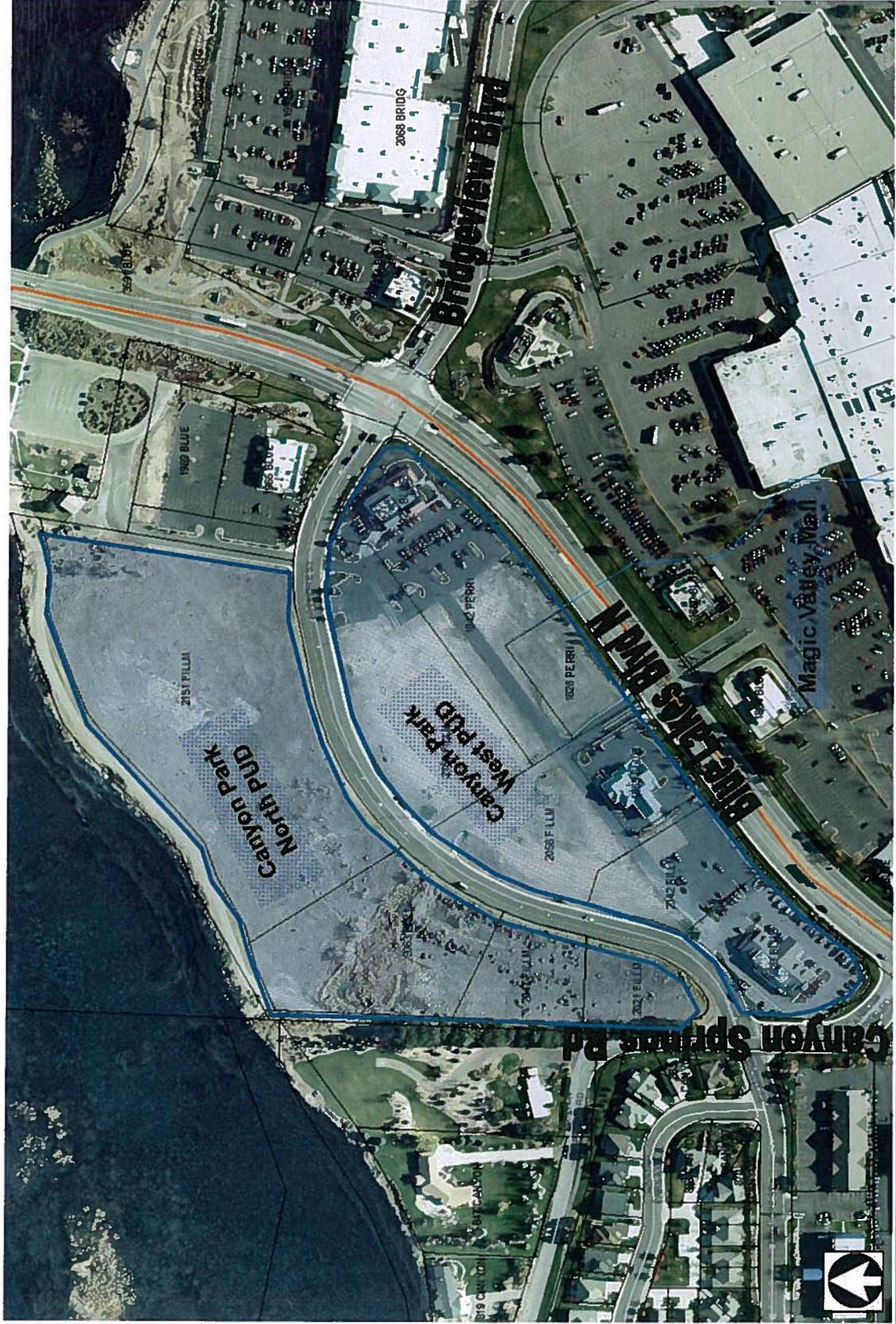
Staff recommends that the Council adopt the attached PUD Agreement as submitted.

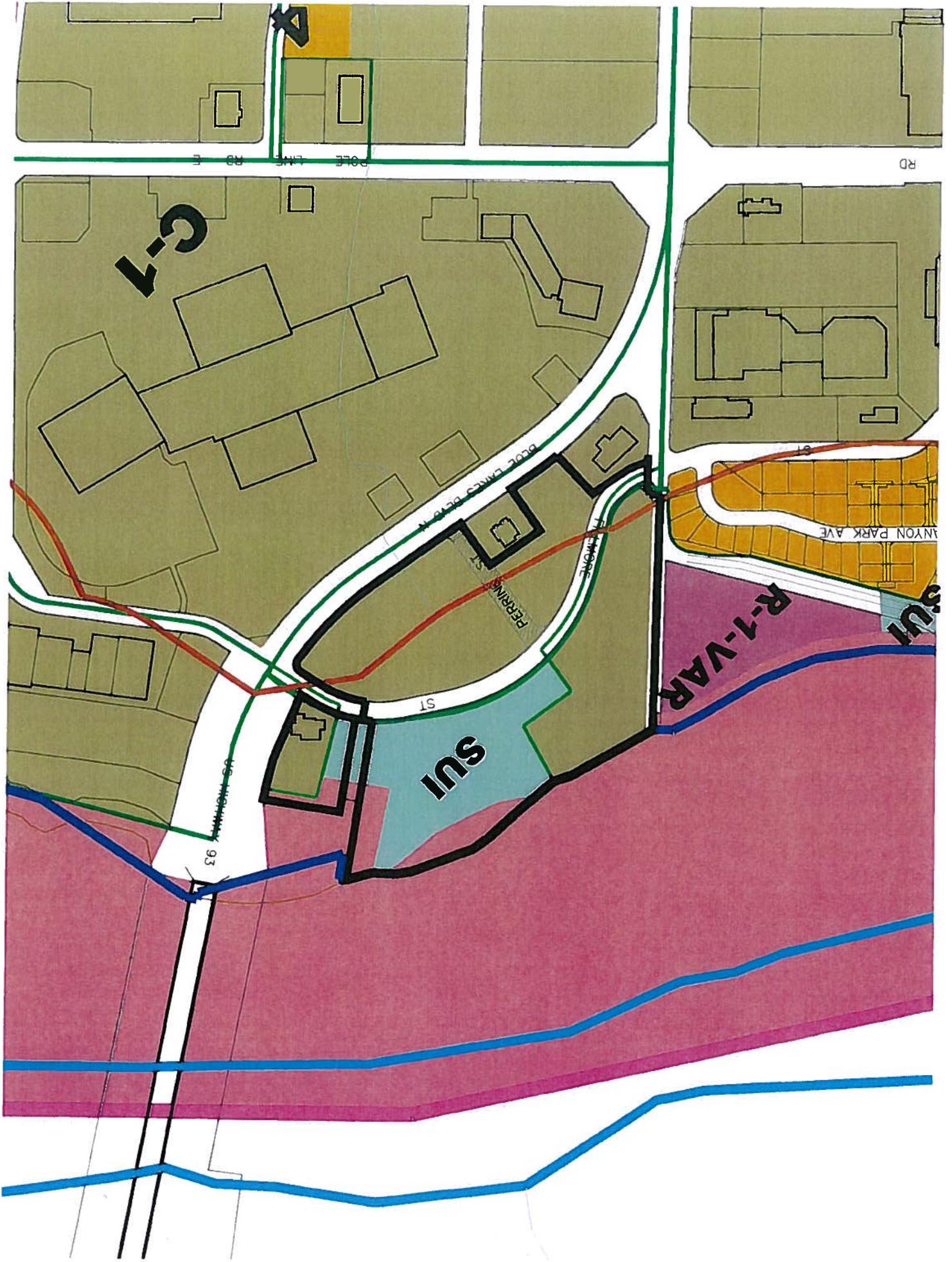
Attachments:

There are several attachments to this report. I will attempt to provide a brief explanation of those that need one in the list below.

1. *Aerial map of the property*
2. *Current zoning map of the property*
3. *Letter from the applicant* – Gary Slette, the applicant's legal representative, has provided a letter describing the applicant's view of the mediation session, as well as additional meetings they had with other interested parties.
4. *Clarifications/changes to the PUD agreement* – Gary Slette provided a list of clarifications and changes they have made to the draft PUD agreement following the public hearing and Council approval on April 9, 2012. These clarifications and changes have been made as a result of the mediation session and additional meetings they had with other interested parties. After we received this document from Mr. Slette, the applicant provided one additional updated version of the PUD agreement. That update included two additions: 1st, the addition of the last sentence of the first paragraph in Section F on page 6 of the agreement, and 2nd, the addition of Section H on page 8.
5. *List of PUD requirements more restrictive than City Code* – The applicant provided a list of requirements included in the PUD agreement that are more restrictive than City Code requires. This list includes provisions such as the Council's added condition that no signage be allowed to face the canyon rim trail. As with the prior attachment, after this one was received, staff received the updated PUD agreement discussed in No. 4 above. The two additional changes not included in this list deal with the applicant's requirement to keep the canyon rim trail adjacent to the development clear of snow and their requirement to seek public input on the creation of landscaping and trail design concepts.
6. *Proposed PUD agreement* – This is the final PUD agreement, including each of the clarifications and changes discussed in items 4 and 5 above.
7. *Proposed PUD Master Development Plan* – The applicant has made some minor changes to the master development plan that was reviewed and approved by the Council on April 9, 2012. The changes primarily deal with additional landscaping being shown in two areas that are being shown as canyon rim trail access points. The changes are not considered significant and can be incorporated into the final PUD agreement tonight.
8. *PUD Agreement Exhibits* – The applicant has provided other graphic exhibits for clarification. These exhibits include landscaping designs, building elevations, and other similar documents.
9. *4-9-12 Council Meeting Minutes* – This is the Council meeting where the public hearing and Council approval occurred for this item.
10. *Written public input* – As you know, this item was scheduled for consideration at the May 7, 2012 meeting, but was tabled to allow time for the mediation to occur. Council members and staff received several emails and letters from the general public offering input on the Canyon Park proposal leading up to that May 7 meeting and since. These letters and emails have been compiled and provided.

AERIAL MAP





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

ATTORNEYS AT LAW

J. EVAN ROBERTSON
GARY D. SLETTE

Robin L. Moore, PLS - Paralegal

134 Third Avenue East
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 933-0700
FAX (208) 933-0701



GARY D. SLETTE
gslette@rsidaholaw.com

May 29, 2012

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MAY 29 2012
CITY OF TWIN FALLS
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HAND DELIVERED

Mitch Humble
Community Development Director
City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

RE: Canyon Park PUD

Dear Mitch:

Following the City Council's decision directing my client to participate in mediation, Canyon Park Development, LLC's representatives undertook immediate steps to meet with Terry Tracy, the only affected person who had signed the mediation request. An informal meeting took place at her home on Tuesday, May 8, the day immediately after the Council's decision. I am pleased to inform you that the meeting was cordial and productive discussions were had at that time. A mediation session was scheduled with her and Canyon Park representatives for the afternoon of May 14. Prior to that date, Terry requested that we either allow Mrs. Beck and Mrs. Condie to attend the mediation, or at the least, to provide them a forum in which to discuss their concerns. Based upon the verbiage of the state statute and the municipal ordinance, it did not appear to me that it would be appropriate to allow non-affected persons to participate in the mediation, even though my client wanted to voluntarily cooperate with them to see if there was some way to address their concerns. As an aside, my client's representatives had previously met with Mrs. Condie and Mrs. MacMillan on April 19, and again on April 23 in order to address their concerns and issues. Just today, representatives of Canyon Park Development, LLC met with Mrs. Condie and four other individuals who are affiliated with the Concerned Citizens group.

As an alternative to having these individuals participate in the formal mediation, my client offered to meet with Mrs. Condie and Mrs. Beck on the morning of May 14, and after having done so, came away with some potential compromises with regard to the development plan. The mediation session with Terry Tracy which was conducted by Scott Bybee was felt to be equally positive, and after a three-hour mediation session, my client came up with proposed revisions to the development plan

Mitch Humble
City of Twin Falls
May 29, 2012
Page 2

that constituted further refinements and restrictions beyond that which had previously been submitted. Subsequent to the mediation session, and prior to their scheduled departure from Twin Falls, Canyon Park representatives met for a second time on May 14 with Mrs. Beck and Mrs. Condie to review a revised plan for the development that offered additional restrictions that were believed to be responsive to their concerns.

While the contemplated revisions to the plan, and the changes to the PUD Agreement itself may not be deemed by all to be totally satisfactory, Canyon Park believes that its concessions were responsive to the interests and concerns raised by Ms. Tracy, Ms. Condie and Ms. Beck. In discussions with Scott Bybee following the mediation, I understand that he also felt that the concessions being offered by Canyon Park were a significant movement in the directions of positively addressing their concerns. To that end, and as part of an approval of the PUD Agreement, my client would be amenable to the inclusion of the additional requirements in the PUD Agreement as set forth in the attachment. Although these changes will necessitate some internal plan modifications by my client, as well as significant additional expense, my client believes that it will still be able to present to the City a first-class commercial development with substantial amenities to be enjoyed by the neighbors and members of the general public. While the mediation may have initially been seen as a temporary roadblock, it is my belief that Canyon Park Development, LLC feels that it produced a positive result for the community, as well as its overall development plan.

We look forward to meeting with the Twin Falls City Council again on June 4 to present these modifications as part of the Canyon Park development plan. If you have any questions or comments, please contact me.

Yours truly,



GARY D. SLETTE

GDS:rlm

cc: Canyon Park Development, LLC
Gerald Martens - EHM Engineers

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MAY 29 2012

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MAY 29 2012

CITY OF TWIN FALLS
PLANNING & ZONING**Section 2.B**

USES: The use language of the underlying "C-1 PUD" and "CRO" zones shall apply with regard to permitted uses, special uses, and prohibited uses on the Property or any portion thereof. In addition to the foregoing, "Fast Food" uses will be prohibited adjacent to the Canyon Rim Trail. "Fast Food" is defined as those nationally known drive through restaurants such as McDonalds, Burger King and Wendy's.

Section 5.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. Plants and trees will be selected for their hardiness and variety in color and texture. The landscaping plan will be consistent on both sides of Fillmore Street. In addition to the foregoing, each individual parcel must also satisfy the landscaping requirements of the underlying "C-1" and "CRO" zone.

Section 5.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. If, during the development of the Project or other reconstruction of the trail, it is necessary to temporarily close a section of the trail, a detour route will be provided throughout the timeframe the trail is closed.

Section 5.F

PUBLIC TRAIL SPECIFICATIONS: Landscaping along the Public Trail 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 and hardscape elements on the Project side of the Public Trail shall be compatible with other Project landscaping. shall be designed to provide a buffer between the Public Trail and the adjacent buildings, will be compatible with the other Project landscaping and will provide pedestrian-friendly elements. Hardscape elements will be designed to complement the surrounding environment. 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. 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 various Public Trail access points shall be maintained by the Developer.

Section 5.G.k

Trailhead Park: The Developer shall develop, concurrent with the construction of any building adjacent to the Canyon Rim Trail, a trailhead park on Lot 10 and adjacent to the Twin Falls Chamber of Commerce Visitors Center and the public trail, not to exceed less than 10,000 square feet in size. The Developer-s, in its sole discretion, may construct the trailhead park in-excess-of to exceed 10,000 square feet in size. The park will include seating, waste receptacles, trail user resting and meeting areas 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.

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MAY 29 2019

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Canyon Park PUD (CRO)

The following specific PUD and master plan requirements are more restrictive or provide additional benefits than what would be required in a C-1 district as specifically outlined in Code Section 10-4-8:C1 along with the requirements of the canyon rim overlay zone.

1. Covenant 2B – Uses.
The allowed use of lots adjacent to the canyon rim trail has been further restricted to preclude “fast food” uses with drive through facilities.
2. Covenant 3B – Fillmore Street
Fillmore Street will be constructed as a private street to standards specified by the City of Twin Falls. The street design will include a traffic circle to City of Twin Falls specified standards. The entire roadway, including streets, curbs, gutters, sidewalks, adjacent landscaping and the traffic circle will be maintained by the developer at no cost to the City of Twin Falls.
3. Covenant 3D – Phased Construction
The developer has agreed to include all canyon side improvements including the trail walls, landscaping, and trail modifications in the initial plan of the project.
4. Development Criteria 5B – Building Setbacks
The development master phase specified building setbacks adjacent to the canyon rim at a distance significantly greater than that allowed.
5. Development Criteria 5D – Landscape Plan
The PUD Agreement further defines tree type, colors and required consistency.
6. Development Criteria 5E – Public Trails
The PUD Agreement further addresses the requirement for the developers to maintain continual trail usage by use of temporary trail “detours” if required during construction of the project or enhancement of the trails.
7. Development Criteria 5F – Public Trail Specifications
The PUD Agreement extends the canyon rim trail landscaping requirements to all public trails within the project. The requirements include additional requirements for “buffering” and pedestrian friendly elements.
The PUD Agreement specifies that all maintenance of landscaping on the project side of the trail will be accomplished by the developer.
The developer will develop and maintain a minimum of 20 vehicle public parking spaces adjacent to the trail. These parking spaces will have landscape accessibility to the trail and will be maintained by the developer.
8. Building Standards 5.G.3.K – Trail Head Park
The PUD Agreement includes a requirement for the developer to develop a 10,000 square foot or larger trail head parks that will include trail user amenities or developer owned property adjacent to the existing visitors center. The design and amenities installed will be conducted with the City of Twin Falls. This improvement will be completed concurrent with the adjacent project improvements.

9. Building Standards 5.G.1 – Outside Storage
The PUD Agreement requires additional effort in servicing of loading area, refuse storage, and loading docks.
10. Building Standards 5.G.2 – Utilities
The PUD Agreement requires additional screening for utility structures.
11. Building Standards 5.G.3.a thru g.
These PUD sections add specific language requiring building architecture, colors, materials, lighting, equipment screening, and lights.
These sections further preclude signage on any building face adjacent to the canyon rim trail.
12. Building Standards 5.G.3.J – Reports
The PUD Agreement adds a requirement for a geological and foundation report for every building within the project.
13. 10.A, B Dedications and exchanges
The PUD specifies the minimum required dedication easements for public trails adjacent to the Snake River Canyon and the West property boundary.
14. Master Plan
The project master development plan addresses the following specific improvements that exceed the requirements of the C1-PUD-CRO Zoning and Development Standards.
 1. Public trail access parking on lots 5 and 10
 2. Parking field landscaping
 3. Access to the public trail thru lot 8
 4. Access to and the development of the trail head park on lot 10
 5. The Fillmore Street “traffic circle” with associated pedestrian traffic and landscaping amenities.
 6. Improvements to the roadway profile and drainage at the intersection of Canyon Springs Road and Fillmore Street.

CANYON PARK WEST (AMENDED)
C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

RECEIVED
MAY 30 2012
CITY OF TWIN FALLS
PLANNING & ZONING

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 R-1, 43,000 residential 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, 2010: 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 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 Plan attached in Exhibit "B" "C-1 PUD" by the City Council of the City: and

WHEREAS, The new Master 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 Plan: and,

WHEREAS, the City has determined that Fillmore Street within Canyon Park may be a private street to be maintained by Canyon Park: 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 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, 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-1PUD” 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 shall apply with regard to permitted uses, special uses, and prohibited uses on the Property or any portion thereof. In addition to the foregoing, “Fast Food” uses will be prohibited adjacent to the Canyon Rim Trail. “Fast Food” is defined as those nationally known drive through restaurants such as McDonalds, Burger King and Wendy’s.
 - 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 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 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 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 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.

The depth of the landscaped perimeter on Blue Lakes Boulevard North shall be in accordance with the lease agreement between the Idaho Transportation Department and Canyon Park, LLC (hereto attached as Exhibit "C") and an average of twenty feet (20') from the back of the curb on all other streets.

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. Plants and trees will be selected for their hardiness and variety in color and texture. The landscaping plan will be consistent on both sides of Fillmore Street. 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. If, during the development of the Project or other reconstruction of the trail, it is necessary to temporarily close a section of the trail, a detour route will be provided throughout the timeframe the trail is closed.
- F. **PUBLIC TRAIL SPECIFICATIONS:** Landscaping along the public trail 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 and hardscape elements on the Project side of the Public Trail shall be designed to provide a buffer between the Public Trail and the adjacent buildings, will be compatible with the other Project landscaping and will provide pedestrian-friendly elements. Hardscape elements will be designed to complement the surrounding environment. The landscaping on the project side of the trail shall be maintained by the Developer. The Developer will be responsible for snow removal from the trail.

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. 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 various Public Trail access points 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 visually screened from streets and adjacent properties. 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 landscaping and berms adjacent to the trail or 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 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. No signage on buildings located on lots 6,7,8,9 and 10 shall 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, concurrent with the construction of any building adjacent to the Canyon Rim Trail, 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 less than 10,000 square feet in size. 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. PUBLIC IMPROVEMENT: During final design of the public trail, public trail amenities, landscaping, and the trailhead park, the Developer shall schedule a public forum to present the design concepts and receive public comments on the public trail improvements and project landscaping. This public forum will be scheduled prior to obtaining a permit for the first phase of the project exclusive of site grading, site utilities, and roadway improvements.
 - I. CODES: All construction on the Property shall be to the standards established by applicable codes.
 - J. 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 Plan.
 - 7. ACCESS TO FILLMORE STREET: Developer and subsequent property owners agree to limit the location of accesses from Fillmore Street, Canyon Springs Road, and Perrine Street to those shown on the Master 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 5.1, 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: Managing Member

By: _____
Ray H. Neilsen

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 Managing Member of Canyon Park Development, LLC, a limited liability company, 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.

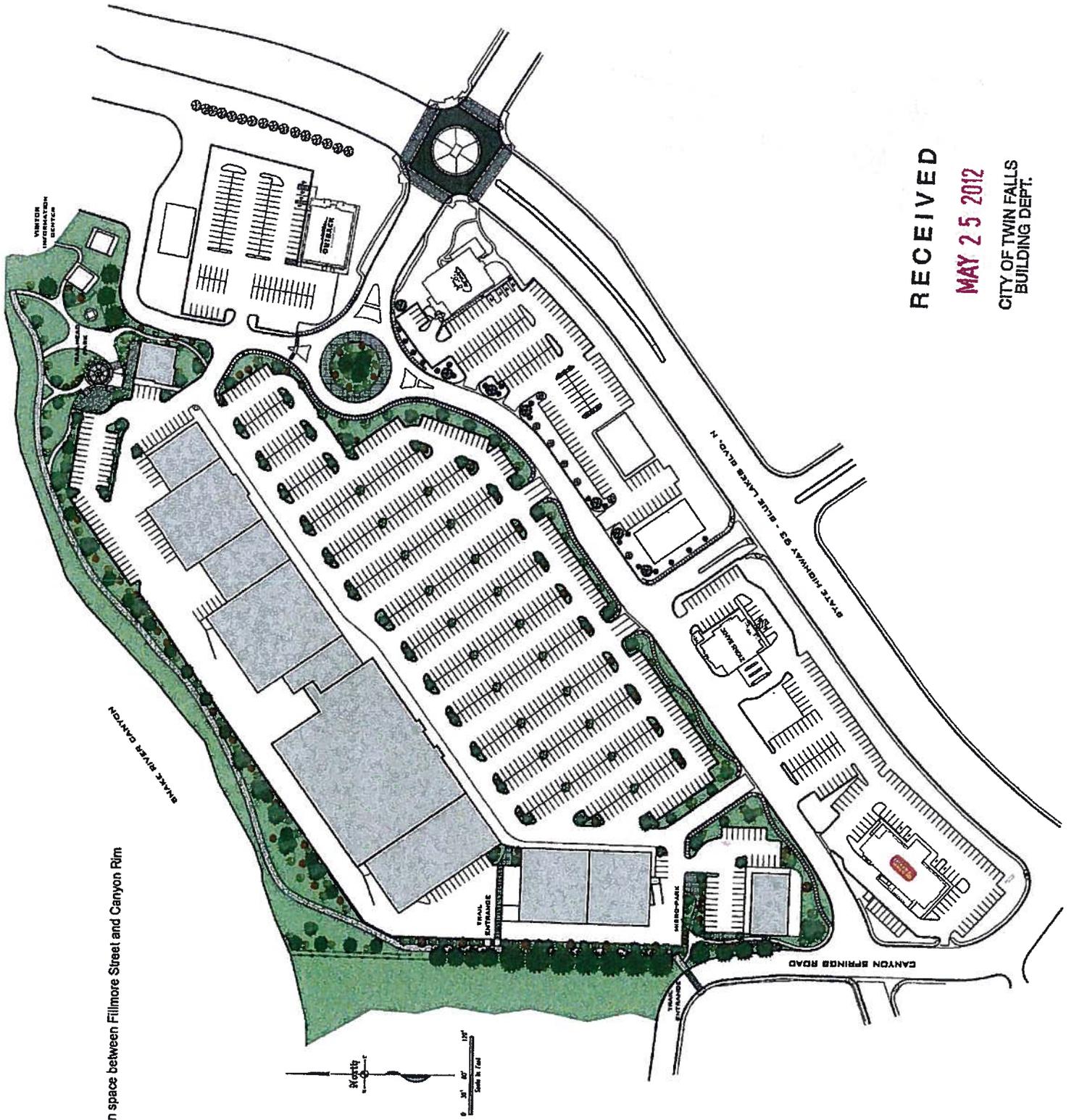
Notary Public for _____
Residing at _____,

STATE OF _____)
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 President of Canyon Park Management I, Inc. a corporation, the manager of Canyon Park I, LLC, a limited liability company, 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 _____,



Green space between Fillmore Street and Canyon Rim

RECEIVED

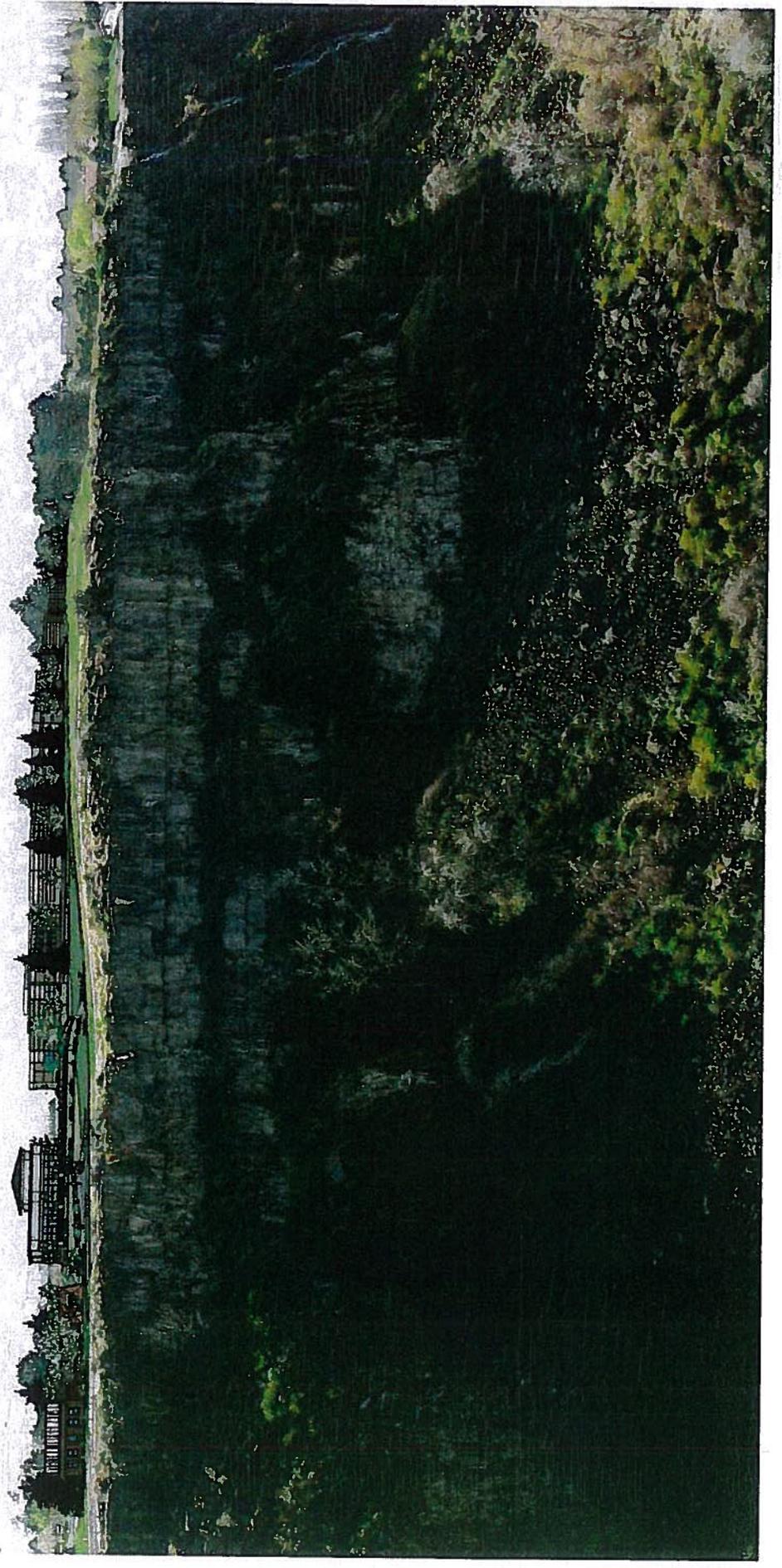
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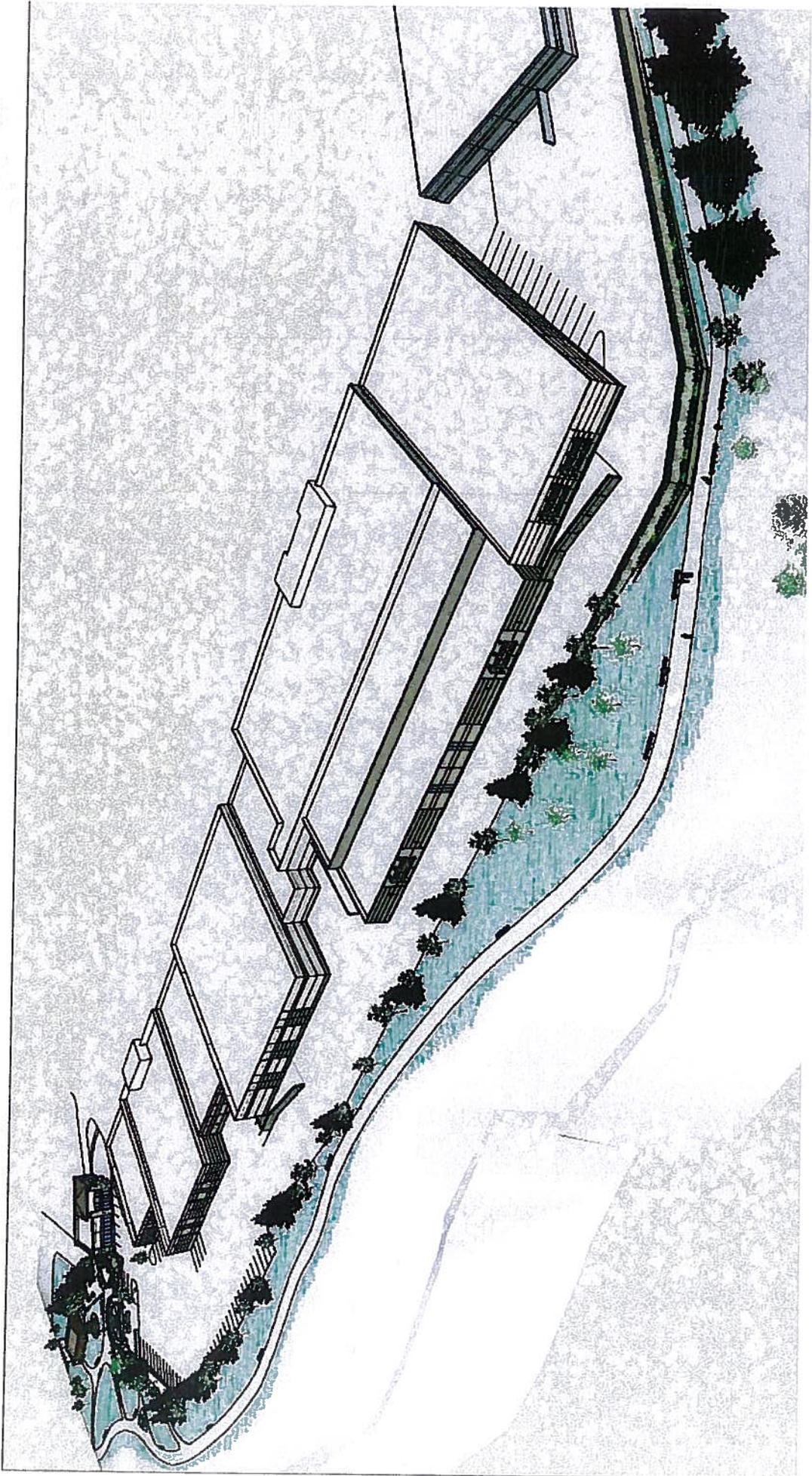
CITY OF TWIN FALLS
BUILDING DEPT.

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MAY 25 2012

CITY OF TWIN FALLS
BUILDING DEPT.

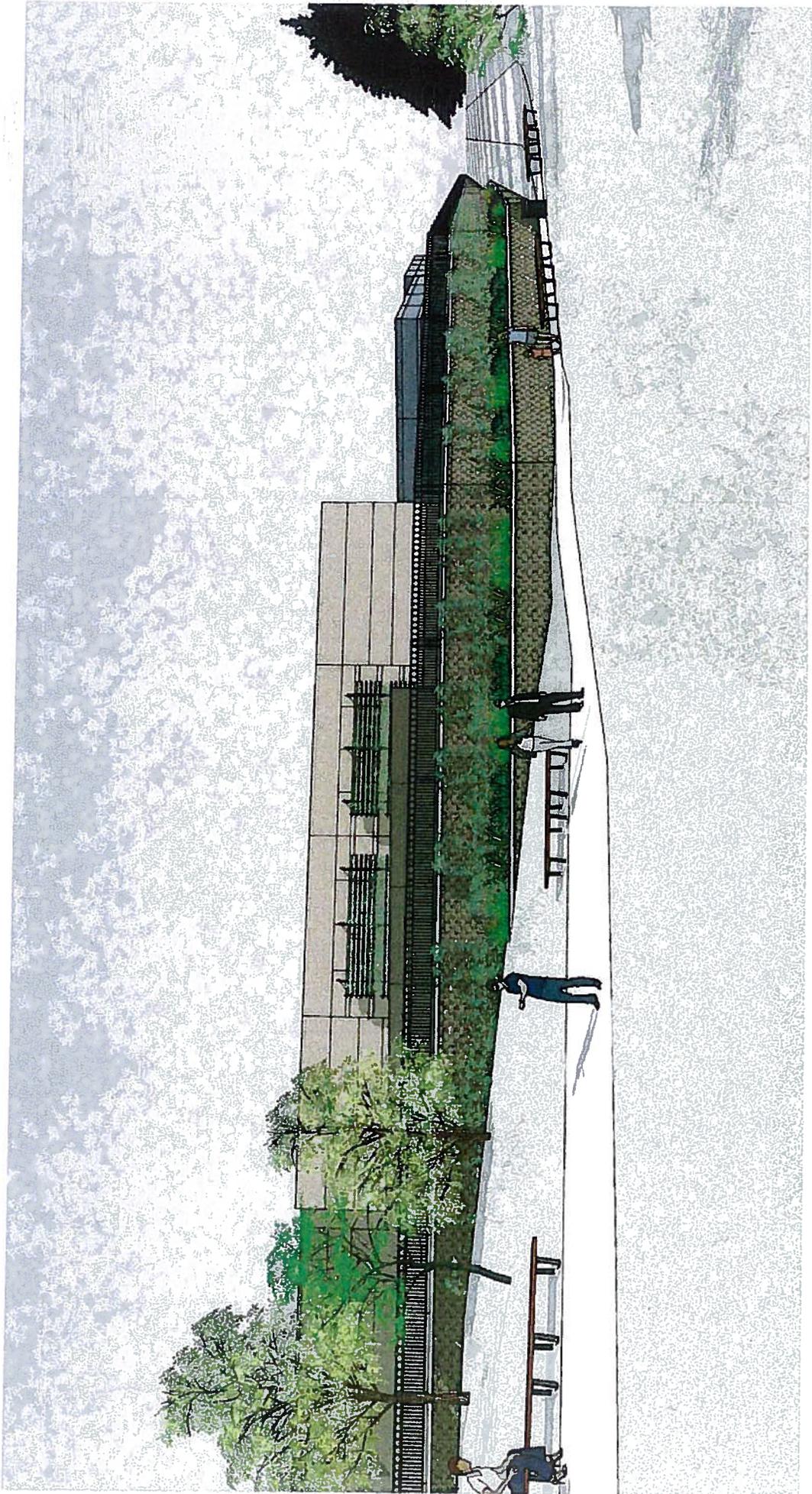




RECEIVED

MAY 25 2012

CITY OF TWIN FALLS
BUILDING DEPT.



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BUILDING DEPT.



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MAY 25 2012

CITY OF TWIN FALLS
BUILDING DEPT.



RECEIVED

MAY 25 2012

CITY OF TWIN FALLS
BUILDING DEPT.

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:		Action	Dan Lewin
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.		Tour	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 Fama. (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 is 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

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 downtown 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

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: 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

"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 3:50:05 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

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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

Department of Physical Education
the

Gym 228 - 208 732-6488

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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: 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

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: 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 Kohl'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

>>> 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

Mr. Humble and Ms Sanchez - This email is in regards to important photographic documents for the proposed PUD and Plat for Canyon Park West due to be discussed at the upcoming June 4th City Council Meeting. Please find composite photos using Canyon Park East property and views from the north side of the Perrine Bridge to fully demonstrate the impact of this strip mall approach (aesthetics of the Snake River Canyon as an essential protected part of the city code) for the proposed Canyon Park West development. The aesthetics for entry into TF is definitely at risk with the proposed plan. Plus the colors of the buildings which are "neutral" may be fine for the east side which is adjacent to a busy street, but definitely are unacceptable for this west Park which becomes part of the skyline of Twin Falls - truly this will become an eyesore to our canyon scapes no matter how many extras are attempted to be used to sell the project to the city council. The developer has an obligation to the city of Twin Falls to create a project that is aesthetically superior due to its locale, provides state of the art pedestrian friendly design, extra green space for optimal aesthetics and a design that compliments our canyon trail and city entry. Nothing less should be accepted by our city leaders on behalf of its citizens and our community.
Respectfully,
Kathy MacMillan
1172 Hankins Rd N
Twin Falls, ID 83301
420-7535







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

From: <vla45@q.com>

Date: May 5, 2012 10:27:43 AM MDT

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

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: 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..

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: Ann Flannery <flanannery@gmail.com>

Date: May 6, 2012 3:39:09 PM MDT

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

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 in lieu of walling off our breath-taking views.

Ann Flannery

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: 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: 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: Donna Clark [mailto:ddclark643@gmail.com]
Sent: Monday, May 07, 2012 11:48 AM
To: Don Hall
Subject: Canyon Rim Development

I would like to take this opportunity to let you know how unhappy I am with the development as planned. With the backs of the retail stores to the walking path, you are not only detracting from the path itself and the canyon view, but you are building a likely crime area.

Crime lives where people can't see what is happening. That will be the walking path if the development is built as planned.

Please do not allow this development to proceed as planned.

Thank you,
Donna Clark
643 Riverview Drive
Twin Falls, Idaho

I understand the development of the new Canyon Park development only affects those dwelling in adjacent or real properties within certain distances (in legal jargon). In my opinion, anything which affects the beauty and uniqueness of the Snake River Canyon concerns all of us who have enjoyed the beauty and uniqueness. As a fine arts painter I have traversed this landscape several times for over 50 years, both the south and north rims and inside the Canyon. Sometimes I take photographs of a planned painting, but for the past few years I've needed a "building filter" on the camera, in order to depict a true painting of a scene in this area. It is so sad that a few people with a pocket full of dollars can destroy with the stroke of a pen, what took Mother Nature eons to sculpt into what it is today. I encourage each of you to watch the movie, "The Bonneville Flood," if you have not already seen it; perhaps if you have, you should view it once more.

Further, I am no geologist but I take note of the water which seems thru the canyon layers on drive into the Canyon towards Centennial Park. Surely some of this water, seeking its own level, flows underneath the layers of basalt near the area of the current plan. While I may not live to see this part of the Canyon collapse, I feel those making these important decisions should look to the expertise of those with some geological knowledge before approving the original plan; not to mention the planned walls, which I think are ugly.

If you find you must commercialize this last remaining area which is adjacent to the City of Twin Falls, I believe you should adopt the alternate layout, which I understand has been submitted to you by others who are working to protect the South rim of the Canyon, near the visitors' Center.

Gloria Hann
2147 Oakwood Ct., Twin Falls ID

Dear Shawn, Jim, and Don

I can't tell you how disappointed I am in your actions. You three of all the commissioners should understand that the only thing that Twin Falls has to set itself apart as different is the beautiful canyon. I think of the three of you as forward thinkers, but in the actions you have taken to date, I see that I have been misled.

By now we should have learned our lesson about taking short term gains in favor of long term effects. To approve retail outlets that totally ignore the beauties that our canyon has to offer is extremely short sighted. It is akin to "taking paradise and putting up a parking lot". If you are determined to approve retail outlets on the canyon rim, God forbid, then at least have the decency to require them to build in a way that complements and encourages people to appreciate the canyon. It is ridiculous to continue to encourage retail outlets to come and sully our canyon with absolutely no respect for the beauty of that environment. Why in the world would you take a structure that works in Kansas and plop it down on the canyon rim as the Outback Steakhouse did with absolutely no regard for the spectacular landscape that is the canyon.

If you don't have the guts to keep box stores off the canyon rim, at least require them to utilize architecture that enhances and compliments the beauty of the canyon.

Hoping that you are listening, Sincerely, Melody Lenkner

As a trail walker as well as a long-time resident of Twin Falls, I encourage you to support re-configuration of the strip mall with Kohl's as the anchor store.

My reasons for this are several:

- The Snake River Canyon is one of Twin Falls attractions and memorable sights. And the Canyon Trail is rapidly becoming a scenic, historical and physically uplifting opportunity to add to Twin Falls' attractions. Please allow the canyon and the trail visual access for the future.
- Approaching from the north, we now see the beautiful canyon against a backdrop of the shopping centers: a strip mall to the left, the Magic Valley Mall dead ahead, and ugly orange striped Home Depot on the hill. Change the configuration of the proposed mall west of the Visitor's Center so that it is similar to the Best Buy/Sportsman's shopping center – with the parking area closer to the canyon rim, to allow visitors to park and view the canyon, and scenic plantings to be added in future years. This would at least visually balance the retail buildings in respect to the canyon. If the backs of the buildings are right up close to the canyon, you have allowed a wall of buildings to restrict access, both physical and visual.
- The geology of the Snake River Canyon is important to consider. Better safe than sorry for the future. Put the building farther from the canyon rim, to assure that future instability of the rock walls will not jeopardize buildings and perhaps lives.
- You, the present City Council have the opportunity to look ahead and make a decision about the future of Twin Falls.... Twin Falls can be more of a model city which appreciates its physical surroundings, or one which gives up on beauty to gain retail business. Make us look back and say, "Good for the Council. They voted for what was best for Twin Falls, in preserving its beauty, while allowing retail growth.

Please consider these points carefully, and vote for a reconfiguration of the shopping mall.

Cindy Jardine

1182 Juniper St. North

Twin Falls, ID 83301

208-734-8594

Comment on public trail issues in Canyon Rim proposed development:

Related to the trail issues, a couple of us noticed the shadow cast on that section of the canyon rim trail from the strip mall building height shown in those site visualizations they had at the City Council meeting 5/7. Having a north facing house with front sidewalk constantly in the shadow during the winter months, I know how difficult it is to maintain a safe walking surface without the benefit of radiant energy from the sun. I wondered about safety issues on that walkway and whether or not it may have to be closed in the winter to pedestrians or if extraordinary measures for snow and ice removal would be necessary otherwise. Not certain of liability issues and which entity has responsibility for trail surface safety. Parks & Rec????

Linda Howar

733-3191

To members of the Twin Falls City Council,

re: a review of information available to the public through Times News and KMVT concerning Canyon Park West proposals

In attempting to learn about the Canyon Park Development process currently underway from information easily accessible to the public, I have reviewed news articles in the Times News (2/29, 3/14, 4/11, 5/8) and KMVT on 4/10 and 5/7. (see links below)

The KMVT 4/10 broadcast reported in paragraph 2 "After a lengthy two and a half hour hearing Monday night, council voted 5 to 2 to allow Canyon Park Development to start the initial process of creating a plat agreement for a new shopping complex to match the already existing complex on the east side of the Perrine Bridge."

The plan shown in the video clip, however, is not a "match" to the east side complex. It is rotated approx 180 degrees, therefore it is not a "match". Unless someone with an astute eye happened to see this discrepancy in the media reports, the general public would assume that the new complex would have matching configuration to Canyon Park East, such precedent having been set in the earlier development on the east side of the bridge.

So, WHICH VERSION WERE YOU APPROVING?? Or did the media report inaccurate or incomplete information? No mention was made specifically in ANY of the above articles about the site configuration rotation placing the solid row of buildings close to the canyon rim, backs facing the canyon - even though the small visual, if studied carefully would indicate such.

This configuration appears to be the main source of concern as people begin to learn of this plan. Very important votes have already been taken by Planning and Zoning and the City Council with only a handful of people being aware of what was actually being presented at the time. The media have given no other coverage except to report action taken by these two bodies and have never indicated this major concern. It's little wonder that it has taken some time for awareness to spread. Many citizens were prepared to present comments at the May 7 city council meeting, but the relevant items were tabled pending mediation. And then there's "quasi-judicial mode" which seems to eliminate council members as important sources of information.

I sincerely hope that the public can participate in these important proceedings and that we can see a measured approach in considering the PUD. Too many hasty decisions have already complicated the process and a lack of critical information reaching the general public has stifled public response. Community is about people and the best outcome for all is born out of mutual respect and sense of common ownership in our progress toward the future.

Thank you,
Linda Howar

http://magicvalley.com/news/local/twin-falls/twin-falls-city-council-orders-developer-petitioners-to-mediation/article_a2a14358-3f32-5b0c-89c7-47905f9cfe37.html

<http://www.kmvt.com/news/local/Another-Big-Step-Back-150536755.html>

http://magicvalley.com/news/local/canyon-rim-development-gets-green-light/article_240a5ef2-d81f-54a4-87ac-ea580c993ffc.html?print=true&cid=print

<http://www.kmvt.com/news/local/Twin-Falls-Planning-And-Zoning-146920515.html>

http://magicvalley.com/news/local/canyon-rim-development-heads-to-city-council/article_edec0c30-c3fb-5100-be89-24ab8c3b9f55.html

http://magicvalley.com/news/local/more-details-revealed-in-sprawling-canyon-rim-development/article_051a7761-c0b3-5878-a3b7-5232d008cce3.html?print=true&cid=print

PETITION
MAY 23 2012
BY: _____

change.org

To: Real Estate Manager – West (Kohl's) and Co-Founder (Mountain West Real Estate)

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,

Signatures

Name	Location	Date
Cheri Condie		2012-04-27
Robert Carleson	Arroyo Grande, California, United States	2012-04-28
Tom Carleson	Ferndale, Washington, United States	2012-04-28
Kathryn Ryser	SLC, Utah, United States	2012-04-28
Beth Van Antwerp	Los Angeles, California, United States	2012-04-28
Lynn Sheehan	Twin Falls, Idaho, United States	2012-04-28
Jim Sylva	Hansen, Idaho, United States	2012-04-29
Claudia Haynes	Nampa, Idaho, United States	2012-04-29
John Condie	Twin Falls, Idaho, United States	2012-04-29
Ralph & Judy Friedemann	Jerome, Idaho, United States	2012-04-29
Lee Bush	Salem, Oregon, United States	2012-04-30
Lynne Olson	SLC, Utah, United States	2012-04-30
Laura Peterson	Twin Falls, Idaho, United States	2012-04-30
Tereasa Bendele-Nichols	Twin Falls, Idaho, United States	2012-04-30
Doug Peterson	Twin Falls, Idaho, United States	2012-04-30
Monica Brown	Jerome, Idaho, United States	2012-04-30
Walt Kidd III	Portland, Oregon, United States	2012-04-30
Cynthia Woods	Twin Falls, Idaho, United States	2012-04-30
Jen Gardner	Twin Falls, Idaho, United States	2012-04-30
Maureen Loucks	Twin Falls, Idaho, United States	2012-04-30
gary roberts	Boise, Idaho, United States	2012-04-30
Jeremy Dong	Mesa, Arizona, United States	2012-04-30
Colette Armstead	Twin Falls, Idaho, United States	2012-04-30
Karen White-Condie	West Jordan, Utah, United States	2012-04-30
Concerned Citizen	New City, New York, United States	2012-05-01
Jennifer Nauman	Twin Falls, Idaho, United States	2012-05-01
Vicky Hasselbring	Twin Falls, Idaho, United States	2012-05-01
glenda gibson	boise, Idaho, United States	2012-05-01
Darrin Weeks	Twin Falls, Idaho, United States	2012-05-01

Name	Location	Date
Clare Capps	Walla Walla, Washington, United States	2012-05-08
Jean Hanson	Buhl, Idaho, United States	2012-05-08
Elizabeth Donoghue	Venice, Florida, United States	2012-05-08
Jan Louder	Twin Falls, Idaho, United States	2012-05-08
DeEtta Holcomb	Kimberly,, Idaho, United States	2012-05-08
Carrie Peterson	Buhl, Idaho, United States	2012-05-09
Michelle Bennett	Twin Falls, Idaho, United States	2012-05-09
Cheryl Wheeler	Twin Falls, Idaho, United States	2012-05-10
Barbara Beck	TwinFalls, Idaho, United States	2012-05-10
RoseAnna Holliday	Twin Falls, Idaho, United States	2012-05-10
Caroline Dolezal	Twin Falls, Idaho, United States	2012-05-10
Janine Neiwirth	Twin Falls, Idaho, United States	2012-05-10
sarai rosas	filer, Idaho, United States	2012-05-10
Donna Clark	Twin Falls, Idaho, United States	2012-05-10
Allan Howa	Twin Falls, Idaho, United States	2012-05-10
Sarah Harris	Twin Falls, Idaho, United States	2012-05-10
Jenni Chaffin	Corvallis, Oregon, United States	2012-05-10
Megan Moore	Twin Falls, Idaho, United States	2012-05-10
Bob and Jan Kopp	Twin Falls, Idaho, United States	2012-05-10
Eric Mallory	Portland, Oregon, United States	2012-05-10
Chris Anderson	Twin Falls, Idaho, United States	2012-05-10
Chris Greene	Twin Falls, Idaho, United States	2012-05-10
Larry Barnes	Hailey, Idaho, United States	2012-05-10
Jenny Emery Davidson	Hailey, Idaho, United States	2012-05-10
Tori Wakewood	Twin Falls, Idaho, United States	2012-05-10
Deena Hardy	Twin Falls, Idaho, United States	2012-05-10
Jeanie Robertson	Twin Falls, Idaho, United States	2012-05-10
Joel Bate	Twin Falls, Idaho, United States	2012-05-10
Ashley Hahn	Buhl, Idaho, United States	2012-05-10
ben lustig	twiun falls, Idaho, United States	2012-05-10

Name	Location	Date
Leah Garey	Twin Falls, Idaho, United States	2012-05-01
Theresa Jensen	Twin Falls, Idaho, United States	2012-05-01
Jane Mallowney	Hailey, Idaho, United States	2012-05-01
Lisa Matthews	Murtaugh, Idaho, United States	2012-05-01
Cindy Schroeder	Taylorsville, Utah, United States	2012-05-01
TERRY TRACY	Twin Falls, Idaho, United States	2012-05-02
Alma Hasse	Fruitland, Idaho, United States	2012-05-02
Heather Kearl	St George, Utah, United States	2012-05-02
Curtis Condie	West Valley City, Utah, United States	2012-05-03
Linda Howar	Twin Falls, Idaho, United States	2012-05-03
Dixie Siegel	Twin Falls, Idaho, United States	2012-05-03
Elaine Grow	Boise, Idaho, United States	2012-05-03
Bonnie Hageman	Goldendale, Washington, United States	2012-05-04
Chris Condie	Providence, Utah, United States	2012-05-04
Kathy Landon	Salt Lake City, Utah, United States	2012-05-04
Matt Bergstrom	Boise, Idaho, United States	2012-05-04
john nemeth	Boise, Idaho, United States	2012-05-04
Jackson Evans	Savannah, Georgia, United States	2012-05-04
Sarah Condie	prov, Utah, United States	2012-05-05
Elizabeth O'Halloran	Kettering, United Kingdom	2012-05-07
Beth Neilson	Logan, Utah, United States	2012-05-07
Alan Haggard	San Diego, California, United States	2012-05-08
Karen Jennings	Dietrich, Idaho, United States	2012-05-08
Patty Villasenor	Twin falls, Idaho, United States	2012-05-08
Todd Shaw	Twin Falls, Idaho, United States	2012-05-08
Char Sinclair	Buhl, Idaho, United States	2012-05-08
Charles E. Ireton	Twin Falls, Idaho, United States	2012-05-08
Sue Ann Jones	Buhl, Idaho, United States	2012-05-08
Cindy Tortel	Filer, Idaho, United States	2012-05-08
Robert Coiner	Eugene, Oregon, United States	2012-05-08

Name	Location	Date
Deb Clough	Twin Falls, Idaho, United States	2012-05-10
Charles Trost	Pocatello, Idaho, United States	2012-05-10
Jeff and Judy Ruprecht	Twin Falls, Idaho, United States	2012-05-10
Ian Harris	Twin Falls, Idaho, United States	2012-05-10
Donna Krapf	Twin Falls, Idaho, United States	2012-05-10
Rusty Bowman	Twin Falls, Idaho, United States	2012-05-10
Betti Taylor	Buhl, Idaho, United States	2012-05-10
LaMar Orton	Twin Falls, Idaho, United States	2012-05-10
Judy Heatwole	Twin Falls, Idaho, United States	2012-05-10
Kara Henning	Twin Falls, Idaho, United States	2012-05-10
Christine Gertschen	Sun Valley, Idaho, United States	2012-05-10
Betty Slifer	Filer, Idaho, United States	2012-05-10
Heidi Campbell	Twin Falls, Idaho, United States	2012-05-10
Mark Sugden	Jerome, Idaho, United States	2012-05-10
Tom Watkins	Twin Falls, Idaho, United States	2012-05-10
Darcy Thornborrow	Buhl, Idaho, United States	2012-05-10
Becky Weintraub	Salt Lake City, Utah, United States	2012-05-10
Lauri Watkins	Buhl, Idaho, United States	2012-05-10
April Bruns	Twin Falls, Idaho, United States	2012-05-10
sherri Cash	Twin Falls, Idaho, United States	2012-05-10
Susan Ettesvold	Twin Falls, Idaho, United States	2012-05-10
Jennifer Siegel	Twin Falls, Idaho, United States	2012-05-10
evelyn jones	Twin Falls, Idaho, United States	2012-05-11
Meagan Thompson	Butte, Montana, United States	2012-05-11
Ken Whiting	Twin Falls, Idaho, United States	2012-05-11
Sandi Tipps	Lakeside, California, United States	2012-05-11
John Fik	Twin Falls, Idaho, United States	2012-05-11
Alexis Beck	Twin Falls, Idaho, United States	2012-05-11
Amy Toft	Twin Falls, Idaho, United States	2012-05-11
Abigail Harris	Hillsboro, Oregon, United States	2012-05-11

Name	Location	Date
Zeke Watkibs	Kimberly, Idaho, United States	2012-05-11
James Irwin	Jerome, Idaho, United States	2012-05-11
Grant Olsen	Boise, Idaho, United States	2012-05-11
valerie brown	Twin Falls, Idaho, United States	2012-05-11
Jerry K Didds	Twin Falls, Idaho, United States	2012-05-11
Shawn Willsey	Twin Falls, Idaho, United States	2012-05-11
Crystal Anderson	Twin Falls, Idaho, United States	2012-05-11
sam Rasmussen	Twin Falls, Idaho, United States	2012-05-11
Brady Peck	Boise, Idaho, United States	2012-05-11
Rob'O O'Donnell	Hansen, Idaho, United States	2012-05-11
Susan Stallings	San Diego, California, United States	2012-05-11
Robert Peck	Auburn, California, United States	2012-05-11
Kendra Marks	Boise, Idaho, United States	2012-05-11
David lockwood	Jerome, Idaho, United States	2012-05-11
ashley barrett	Boise, Idaho, United States	2012-05-11
Jennifer Svancara	Boise, Idaho, United States	2012-05-11
Nathan Campbell	Twin Falls, Idaho, United States	2012-05-11
Alisa Bowman	Twin Falls, Idaho, United States	2012-05-11
Annette Hansen	Twin Falls, Idaho, United States	2012-05-11
Jon Hess	Twin Falls, Idaho, United States	2012-05-11
Kelly Poston	Twin Falls, Idaho, United States	2012-05-11
erika perttula	Twin Falls, Idaho, United States	2012-05-11
Karolee Sorenson	Twin Falls,, Idaho, United States	2012-05-11
Marcia Donner	Twin Falls, Idaho, United States	2012-05-11
Aaron Adams	Twin Falls, Idaho, United States	2012-05-11
Mackenzle Ingraham	Jerome, Idaho, United States	2012-05-11
Jon Kinney	Boise, Idaho, United States	2012-05-11
Stan Hoobing	Boise, Idaho, United States	2012-05-11
Autumn Johnson	Twin Falls, Idaho, United States	2012-05-11
Glen Albertson	Twin Falls, Idaho, United States	2012-05-11

Name	Location	Date
Diane Johnson	Twin Falls, Idaho, United States	2012-05-12
Joann Jackson	Twin Falls,, Idaho, United States	2012-05-12
Mychel Matthews	Murtaugh, Idaho, United States	2012-05-12
Dawn Pettit	Twin Falls, Idaho, United States	2012-05-12
Marc Stin	Twin Falls, Idaho, United States	2012-05-12
Elvan Cox	Boise, Idaho, United States	2012-05-12
Alexia Laughlin	Twin Falls, Idaho, United States	2012-05-12
Cindy DeVries	Twin Falls, Idaho, United States	2012-05-12
Janice Simpkin	Twin Falls, Idaho, United States	2012-05-12
Mark Ridley	Twin Falls, Idaho, United States	2012-05-12
Joni Jeff	TUTTLE, Oklahoma, United States	2012-05-12
Vickie Brannen	Twin Falls, Idaho, United States	2012-05-13
Kelly Ridley	Twin Falls, Idaho, United States	2012-05-13
Sharon McKenna	Twin Falls, Idaho, United States	2012-05-13
Tara Desmond	Twin Falls, Idaho, United States	2012-05-13
Nell Schweikl	Jerome, Idaho, United States	2012-05-13
Leslie Bell	Kimberly, Idaho, United States	2012-05-13
sarah stephens	Jerome, Idaho, United States	2012-05-13
Carol Bearup	Twin Falls, Idaho, United States	2012-05-13
Lea Shanahan	Hansen, Idaho, United States	2012-05-13
DOUG Howard	Twin Falls, Idaho, United States	2012-05-13
Eric Dalos	Wendell, Idaho, United States	2012-05-13
Debra Kraal	Twin Falls, Idaho, United States	2012-05-13
DON HARR	TWIN FALLS, Idaho, United States	2012-05-13
Shauna Robinson	Twin Falls, Idaho, United States	2012-05-13
JoAnn Keith	Twin Falls, Idaho, United States	2012-05-13
Brian Dunn	Spring Creek, Nevada, United States	2012-05-13
Donna Hennen	Filer, Idaho, United States	2012-05-13
Kimberly Juker	Buhl, Idaho, United States	2012-05-13
Fran Frost	Twin Fall, Idaho, United States	2012-05-13

Name	Location	Date
jake bates	twin falls, Idaho, United States	2012-05-13
FLO OSTERKAMP OSTERKAMP	TWIN FALLS, Idaho, United States	2012-05-13
Erlene Ford	Boise, Idaho, United States	2012-05-13
Penny Dockstader	Twin Falls, Idaho, United States	2012-05-13
Roxie & Doyt Simcoe	Twin Falls, Idaho, United States	2012-05-13
William & Kathleen Tanaka	Shoshone, Idaho, United States	2012-05-13
Eleanore Burkhart	Twin Falls, Idaho, United States	2012-05-13
robert stephens	Twin Falls, Idaho, United States	2012-05-13
Barbara Gentry	Twin Falls, Idaho, United States	2012-05-14
Susan Kelley-Harbke	Twin Falls, Idaho, United States	2012-05-14
Tony Clough	Twin Falls, Idaho, United States	2012-05-14
Lynn Laird	Buhl, Idaho, United States	2012-05-14
Shawna Wasko	Twin Falls, Idaho, United States	2012-05-14
Patricia Weber	Kimberly, Idaho, United States	2012-05-14
Danielle Maxfield	Dillon, Montana, United States	2012-05-14
Terrell Fletcher	Twin Falls, Idaho, United States	2012-05-14
Patty Lyman	Twin Falls, Idaho, United States	2012-05-14
Kara Kelly	Kimberly, Idaho, United States	2012-05-14
Whitney Smith	Twin Falls, Idaho, United States	2012-05-14
Jarrett Hall	Twin Falls, Idaho, United States	2012-05-14
Henry Mayland	Twin Falls, Idaho, United States	2012-05-14
Dr. Peter Rickards DPM	Twin Falls, Idaho, United States	2012-05-14
Sharon Johnson	Jerome, Idaho, United States	2012-05-14
sarah grill	twin falls, Idaho, United States	2012-05-14
Jeanne Russow	Twin Falls, Idaho, United States	2012-05-14
MARY MICHENER	Twin Falls, Idaho, United States	2012-05-14
Allan & Fran Frost	Twin Falls, Idaho, United States	2012-05-14
collete hoglund	twin falls, Idaho, United States	2012-05-14
Corrine Van Dyk	Kimberly, Idaho, United States	2012-05-14
Mark Weber	Twin Falls, Idaho, United States	2012-05-14

Name	Location	Date
Elaine Claiborne	Twin Falls, Idaho, United States	2012-05-11
Rosemary Stroebel	Twin Falls, Idaho, United States	2012-05-11
Karl Ruprecht	Twin Falls, Idaho, United States	2012-05-12
Regan Berkley	Jerome, Idaho, United States	2012-05-12
Dana Svancara	Boise, Idaho, United States	2012-05-12
Candace Baltz	Elizabethtown, Kentucky, United States	2012-05-12
Marjorie Hansen	Olympia, Washington, United States	2012-05-12
Marjorie Slotten	Twin Falls, Idaho, United States	2012-05-12
Walter Koch	Buhl, Idaho, United States	2012-05-12
Walter Koch	Buhl, Idaho, United States	2012-05-12
jennifer neil	Gig Harbor, Washington, United States	2012-05-12
Melody Lenkner	Twin Falls, Idaho, United States	2012-05-12
Robin Albee	Twin Falls, Idaho, United States	2012-05-12
Kay Jones	Twin Falls, Idaho, United States	2012-05-12
Melissa Beach	Elizabethtown, Kentucky, United States	2012-05-12
Anthony Brodin	Twin Falls, Idaho, United States	2012-██████████
Gloria Hann	Twin Falls, Idaho, United States	2012-05-12
Jodi Thiel	Twin Falls, Idaho, United States	2012-05-12
paul ellison	Twin Falls, Idaho, United States	2012-05-12
Curtis Johnson	Twin Falls, Idaho, United States	2012-05-12
James Reed	Buhl, Idaho, United States	2012-05-12
Ann Flannery	Twin Falls, Idaho, United States	2012-05-12
BOB DONNELLEY	twin falls, Idaho, United States	2012-05-12
Beverly Harshbarger	Twin Falls, Idaho, United States	2012-05-12
Curtis Johnson	Twin Falls, Idaho, United States	2012-05-12
Loren Butler	Twin Falls, Idaho, United States	2012-05-12
Betty White	Twin Falls, Idaho, United States	2012-05-12
Sammy Warren	Twin Falls, Idaho, United States	2012-05-12
JO ANN DOBECKI SHOPBELL	Twin Falls, Idaho, United States	2012-05-12
john johnson	twin falls, Idaho, United States	2012-05-12

Name	Location	Date
Juan Martinez	boise, Idaho, United States	2012-05-11
Arden Weintraub	Salt Lake City, Utah, United States	2012-05-11
Heidi Gause	Twin Falls, Idaho, United States	2012-05-11
John Lenker	Jerome, Idaho, United States	2012-05-11
Helen LaSpina	Filer, Idaho, United States	2012-05-11
Jessy Covey	Jerome, Idaho, United States	2012-05-11
Jessica Gibbons	Meridian, Idaho, United States	2012-05-11
Sheila Palmer	Twin Falls, Idaho, United States	2012-05-11
Amanda Matala	Twin Falls, Idaho, United States	2012-05-11
Shelley McEuen	Twin Falls, Idaho, United States	2012-05-11
Rebecca Duggan	Boise, Idaho, United States	2012-05-11
James Albertson	Twin Falls, Idaho, United States	2012-05-11
Patricia Marcantonio	Twin Falls, Idaho, United States	2012-05-11
Mary Johnson-Miller	Twin Falls, Idaho, United States	2012-05-11
Andrew Albertson	Boise, Idaho, United States	2012-05-11
	Twin Falls, Idaho, United States	2012-05-11
Darrell Blades	Casper, Wyoming, United States	2012-05-11
Susan Berg	Twin Falls, Idaho, United States	2012-05-11
Carol Ellison	Twin Falls, Idaho, United States	2012-05-11
Nancy Larimer	hansen, Idaho, United States	2012-05-11
Anita Vollmer	Filer, Idaho, United States	2012-05-11
Jill Skeem	Kimberly, Idaho, United States	2012-05-11
Debra Weakly	Boise, Idaho, United States	2012-05-11
Charles Lindemood	Twin Falls, Idaho, United States	2012-05-11
Robert Powers	Twin Falls, Idaho, United States	2012-05-11
Vickie Quinley	JerJeromeome, Idaho, United States	2012-05-11
Christine Mannen	Filer, Idaho, United States	2012-05-11
ESTHER BOYLE	TWIN FALLS, Idaho, United States	2012-05-11
Edward Papenberg	Jerome, Idaho, United States	2012-05-11
will buhler	Twin Falls,, Idaho, United States	2012-05-11

Name	Location	Date
Rae Whitaker	Hailey, Idaho, United States	2012-05-17
Nicholas Waters	Twin Falls, Idaho, United States	2012-05-17
Dustin Murray	Twin Falls, Idaho, United States	2012-05-17
Helen Ussery	Twin Falls, Idaho, United States	2012-05-18
Cindy Jardine	Twin Falls, Idaho, United States	2012-05-18
Jennifer Linja	Boise, Idaho, United States	2012-05-19
jack hartley	twin falls, Idaho, United States	2012-05-19
Samuel Magness	Twin Falls, Idaho, United States	2012-05-20
Joshua Dangerfield	Twin Falls, Idaho, United States	2012-05-20
Josie Harney	Twin Falls, Idaho, United States	2012-05-20
Margaret McCarthy	Twin Falls, Idaho, United States	2012-05-20
Jason Smith	Heyburn, Idaho, United States	2012-05-20
Jill VanSant	Tillamook, Oregon, United States	2012-05-20
Kiri Oler	Baltimore, Maryland, United States	2012-05-20
Allison Campbell	Kimberly, Idaho, United States	2012-05-21
Sharon O'Kelly-Campbell	Kimberly, Idaho, United States	2012-05-22
Brenda Skeen	Hansen, Idaho, United States	2012-05-22
Quincy Campbell	Kimberly, Idaho, United States	2012-05-22
Heidi Cox	Twin Falls, Idaho, United States	2012-05-23
William Brulotte	Twin Falls, Idaho, United States	2012-05-23
Rosemary Fornshell	Idaho, Idaho, United States	2012-05-23
Sharon Buckle	Twin Falls, Idaho, United States	2012-05-23
ROBERTA DEKLOTZ	Twin Falls, Idaho, United States	2012-05-23
Anna Scholes	Twin Falls, Idaho, United States	2012-05-23
Janet Burdick	Twin Falls, Idaho, United States	2012-05-23
Mary Howard	Twin Falls, Idaho, United States	2012-05-23
Jane Garrett	Twin Falls, Idaho, United States	2012-05-24
Audrey Ettesvold	Twin Falls, Idaho, United States	2012-05-24
Carol Erbaugh	Kimberly, Idaho, United States	2012-05-24
Tracie Jones	Twin Falls, Idaho, United States	2012-05-24

Name	Location	Date
vince and colleen alberdi	kimberly, Idaho, United States	2012-05-14
Joyce Ballard	Twin Falls, Idaho, United States	2012-05-14
Don Morishita	Twin Falls, Idaho, United States	2012-05-14
sherri kenney	twin falls, Idaho, United States	2012-05-14
Jo Mikesell	Twin Falls, Idaho, United States	2012-05-14
Kim Hanson	twin falls, Idaho, United States	2012-05-14
Carol hanson	twin falls, Idaho, United States	2012-05-15
Kathy and Paul Stover	Twin Falls, Idaho, United States	2012-05-15
Marcella Sligar	Twin Falls, Idaho, United States	2012-05-15
Marsha Buccambusi	Twin Falls, Idaho, United States	2012-05-15
Niki Callison	Meridian, Idaho, United States	2012-05-15
Barbara Arndt	Twin Falls, Idaho, United States	2012-05-15
Julie Randell	Kimberly, Idaho, United States	2012-05-15
Jan Roeser	Twin Falls, Idaho, United States	2012-05-15
Ivan Van Dyk	Twin Falls, Idaho, United States	2012-05-15
Mary Higdem	Kimberly, Idaho, United States	2012-05-15
Samantha Anderson	Twin Falls, Idaho, United States	2012-05-15
Jon Maline	Twin Falls, Idaho, United States	2012-05-15
Kelli Rudolph	Oxford, United Kingdom	2012-05-15
Kirk Hazen	Twin Falls, Idaho, United States	2012-05-16
Michael McKenna	Twin Falls, Idaho, United States	2012-05-16
fred nye	filer, Idaho, United States	2012-05-16
Dane Higdem	Kimberly, Idaho, United States	2012-05-16
Steph Higdem	Kimberly, Idaho, United States	2012-05-16
Diane Holladay	Buhl, Idaho, United States	2012-05-16
Marcy Myers	Boise, Idaho, United States	2012-05-16
Wendy Rice	Twin Falls, Idaho, United States	2012-05-16
LeRoy Hayes	Twin Falls, Idaho, United States	2012-05-16
Alice Anderson	Twin Falls, Idaho, United States	2012-05-16
Kirk Peterson	Buhl, Idaho, United States	2012-05-17

Name	Location	Date
Susan Whitney	Twin Falls, Idaho, United States	2012-05-25
Debbie cook	Filer, Idaho, United States	2012-05-25
David Joy	Twin Falls, Idaho, United States	2012-05-25
Pamela Day	Twin Falls, Idaho, United States	2012-05-25
Dan Vogt	Twin Falls, Idaho, United States	2012-05-25
William Sweet	Twin Falls, Idaho, United States	2012-05-25
Carolyn Nelson	Twin Falls, Idaho, United States	2012-05-25
Dawn Luchsinger	Twin Falls, Idaho, United States	2012-05-28
Rachel Luchsinger	Seattle, Washington, United States	2012-05-28
John Krahn	Twin Falls, Idaho, United States	2012-05-28
Jessica Luchsinger	Seattle, Washington, United States	2012-05-28
nathan boyd	Twin Falls, Idaho, United States	2012-05-28
Darrel McMahan	Twin Falls, Idaho, United States	2012-05-28
Lacie Mikesell	Twin Falls, Idaho, United States	2012-05-28
Brandon Nielsen	Twin Falls, Idaho, United States	2012-05-28

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
Tom Carleson	Ferndale	WA	98248	4/28/2012	I was raised in Twin Falls from elementary thru high school and have many fond memories of hiking the canyon rim and bottom. Some of these fond memories concern the visual beauty of the canyon rim and its changing as the time passes. Would like to keep the canyon open for public recreational use as much as possible and the views as clean as possible..
Cheri Condie	Twin Falls	ID	83301	4/28/2012	Kohl's plan would put a 200,000 square foot strip mall only 130 feet from the breathtaking rim. Worst of all, the backs of the buildings would face the scenic promenade along the canyon side. Imagine rows of truck docks and garbage facilities ruining the aesthetic rim experience.
Lynn Sheehan	Twin Falls	ID	83301	4/28/2012	There is only one canyon, and only one entry to Twin Falls from the north/Interstate 84. Since tastes and patterns in commercial development change over time, let's put some forethought into how we manage the aesthetics of and access to one of Twin Falls' few stupendous natural wonders... and loading docks are not in short
Jim Sylva	Hansen	ID	83334	4/29/2012	I find it impossible to adequately express what I think would be obvious to anyone with an aesthetic bone in their body. No words should be required. The fact that there are those that could even conceive of such degradation of one of mother nature's truly spectacular works of beauty is exceedingly difficult to comprehend.
Maureen Loucks	Twin Falls	ID	83301	4/30/2012	The Snake River Canyon is such a beautiful site in the Magic Valley. Having something that would take away from this beauty would be horrible. Kohls would be a wonderful addition to our community. Please reconsider your location within our city. Thank you.

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
glenda gibson	boise	ID	83713	5/1/2012	I grew up in Jerome, the magic valley is truly magic. I think a retail store/s in this location is a terrible idea. If we destroy that natural wonder we can never get it back. Think people
Terry Tracy	Twin Falls	ID	83301	5/2/2012	All we are asking for is a little creativity and imagination in the design of this development. We don't need a wall of big box stores, but a win-win type of development/design is possible. We can preserve the view and the canyon and still develop the property. The property WILL be developed! It's just a question of how. So, will someone please inform the City Council, engineers, architects, and all those involved, that there is a beautiful canyon out there. Somehow, they seem to have missed it.
Bonnie Hageman	Goldendale	WA	98620	5/4/2012	It would be a crime to build a strip mall here overlooking this beautiful canyon and there must be a lot of other sites where Kohl's could build a store in the Twin Falls area
Todd Shaw	Twin Falls	ID	83301	5/8/2012	That area has been over commercialized as it is now. Keep that small remaining piece of natural landscape alone. Think traffic is bad along Blue Lakes? Building additional businesses at the entry to our city is causing a bottleneck of vehicles on our already crowded road.
Char Sinclair	Buhl	ID	83316	5/8/2012	This facility should select another location to build. Their original site near the new Walgreens would be ideal for such a large commercial endeavor. The Canyon Rim is not an option for large commercial properties but is more befitting for smaller aesthetic buildings. Not only would this be an eyesore to the entry to our city but it is a safety issue from a geo tech standpoint. I don't think Twin Falls needs to be known as a strip mall city. We welcome Kohls, but not on the canyon rim.

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
Charles E. Ireton	Twin Falls	ID	83301	5/8/2012	Save our canyon rim and its view of its open space from commercial development. It could be a wonderful open space for a future city park. There are several undeveloped properties south of Poleline near the mall. ☐
Jean Hanson	Buhl	ID	83316	5/8/2012	The Kohl's site should be located away from the Canyon Rim. Pole Line Rd. <u>would be a better location.</u>
Barbara Beck	Twin Falls	ID	83301	5/11/2012	The width alone of your 35 ft high building sitting on our canyon rim is more than 2 football fields, denying access on or off our valued walking trail. This not only defeats the purpose of the trail and blocks views of our magnificent canyon, but also causes a significant safety factor. Walkers could get robbed, raped or even murdered along such a long corridor. If not a different location, pls mirror the mall like the E side of the bridge!
Janine Neiwirth	Twin Falls	ID	83301	5/11/2012	Please arrange the building away from the rim, with the front facing the canyon. Similar to the Best Buy/Old Navy strip mall
Sarah Harris	Twin Falls	ID	83301	5/11/2012	Pre-construction work has already destroyed a seep and wetland area utilized by wildlife. The entrance to Twin Falls is already congested and will only get worse. Kohl' s should choose another location. There should be a moratorium on further development of any property adjacent to the canyon rim. All remaining parcels should be left as open space.
Megan Moore	Twin Falls	ID	83301	5/12/2012	I would like to see more business in old town, <u>not on the scenic rim.</u>
Eric Mallory	Portland	OR	97206	5/12/2012	I was born in Twin Falls and remember when the canyon rim was just the <u>canyon rim. It was beautiful.</u>
Larry Barnes	Hailey	ID	83333	5/12/2012	The canyon is a treasure whose natural beauty will be diminished by a strip mall built on its rim.

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
Betti Taylor	Buhl	ID	83316	5/12/2012	Surely there is some other location that will achieve the same results for you and protect the canyon treasure for the rest of us. Please consider making the change
Darcy Thornborrow	Buhl	ID	83316	5/12/2012	Boycott: I will. This is extraordinary landscape. Your proposed structure will decry its beauty. I can guarantee--many who would shop in your store were it elsewhere...will boycott your store if you build it on the canyon rim. Don't do it there--do it elsewhere.
Meagan Thompson	Butte	MT	59701	5/12/2012	I lived in Twin Falls for about five years from 2005 to 2010 and I can tell you that the canyon rim area is one of the most beautiful and unique areas in the northwest. I hope that this area can be preserved and enjoyed by ALL and not just those who can afford it.
Sandi Tipps	Lakeside	CA	92040	5/12/2012	I visit Twin Falls, I have several family members who live there, and this canyon is one of the most beautiful sights in the entire country. This is why it's called "Magic Valley!!" I also love Kohls though, which we have very near us here in San Diego, don't build there Kohls, don't belittle yourselves to spoil a gorgeous part of our country to put up another store! FIND A DIFFERENT SITE!!!!!!
James Irwin	Jerome	ID	83338	5/12/2012	I have struggled for over 25 years to keep the canyon clean and beautiful and accessible for the people of the Magic Valley. Building this inappropriately designed aesthetic nightmare is wrong at this site. Please come up with an environmentally sensitive design or a different location.

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
Jerry K Didds	Twin Falls	ID	83301	5/12/2012	<p>There should be a 300 foot no building zone along the Rim. No more building should take place in that 300 zone. We have one of the most beautiful places on earth and we need to preserve what is left of it. Besides no one wants to look at the ass end of a strip mall as they drive across the bridge. We the citizens of Twin Falls and our city council should have more pride and dignity that to let this building take place. This is a statement our city does not want to make. This is a canyon that should belong to all of us and the commercialized of the rim should stop now.</p>
Crystal Anderson	Twin Falls	ID	83301	5/12/2012	<p>It is bad enough we put two golf courses in the Canyon. I was very disappointed when Canyon Crest Event Center was built. The actual building sits right on the Canyon Rim Trail. You can actually touch the building as you walk the trail. I walk the Canyon Rim Trail. It is really nice to be able to lose oneself in the beautiful landscape and get some exercise. I have met tourist walking on the trail near the visitors center, and they always express how lucky we must be to have such a beautiful place to walk and relax. Growth for the sake of growth is not always a good thing. Just because you (the landowners and developers) have money does not mean that you "own" the Canyon itself. I would love to have a Kohl's store here in Twin Falls; just not on the Canyon Rim. Please understand once you destroy the natural beauty you cannot get it back. Please hear us and consider us before the money interests. Please remember that you work for the people not the special interests. Let this be a warning to our City Council and politicians:</p>

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
Nathan Campbell	Twin Falls	ID	83301	5/12/2012	Though I would love to have a Kohls in Twin Falls, I question the proposed building site and layout. Please consider either a revised building layout or an alternative building site. Thanks.
Annette Hansen	Twin Falls	ID	83301	5/12/2012	We would love to have Kohl's in Twin Falls. But I understand that out by Walmart & the Hospital was an option. Take that site! Shoppers don't need to have a view
Jon Hess	Twin Falls	ID	83301	5/12/2012	There is no reason to crowd the canyon rim with commercial development. As others have stated, much of the city's expanse is wide open, and it makes a lot more sense to concentrate development in areas around Walgreens and Walmart. The value of the canyon rim property would only diminish by removing this beautiful open scenery. Think about the tourism potential.
Stan Hoobing	Boise	ID	83702	5/12/2012	I lived and worked in Twin Falls area for almost two years and I would hate to see the scenic beauty of the Snake River Canyon desecrated with a strip mall.
Autumn Johnson	Twin Falls	ID	83301	5/12/2012	In many cities, the area along a river or canyon is public property, preserved for parks and biking or walking trails. Twin Falls' urban planning has shown very little foresight. There should not be parking lots all along the rim and golf courses along the base. It is absurd and shortsighted.

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
Anonymous	Twin Falls	ID	83301	5/12/2012	<p>I applaud those council persons who had the wisdom to recognize that a historic tragedy was about to take place, one that the community was not fully aware was taking place, and one that needed a moment of pause and reconsideration. Previous councils did not have the courage to prevent strip malls and condos from encroaching on this natural and national treasure. It took tens of thousands of years and the hand of God to create the treasure we have at our doorstep. The least our city council and the developers can do is devise a plan that prevents the view from the bottom of the canyon becoming box stores and strip malls, and to make an effort to preserve and even enhance the rim trails and rim views that citizens groups have worked so hard for the past two decades to achieve. Many people visit Twin Falls from around the country and around the world specifically to experience the natural wonder of the Snake River Canyon. That the community was relatively unaware of the plan says more about the inability of our community "leaders" to cherish our assets and energy.</p>
Darrell Blades	Casper	WY	82609	5/12/2012	<p>I was born and raised in the area and would hate to see a large store with its back to the scenic canyon rim. Why not move farther west?</p>

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
Anita Vollmer	Filer	ID	83328	5/12/2012	<p>I'm really looking forward to the arrival of a Kohl's in Twin Falls, BUT not at the expense of our unique canyon! In the past, the north entrance to the City was a most gorgeous welcome, the source of a great many favorable comments from travelers, and a source of pleasure and pride for the locals - Development has taken away much of that asset, but east of the bridge the stores are at least located away from the rim; and though parking lots are not things of beauty themselves, they do preserve our beautiful views, from both the north and south. <input type="checkbox"/></p> <p>The set back on the east side also promotes safe use of the walking trail. A trail trapped between a block wall and a cliff does not invite use! <input type="checkbox"/></p> <p>Please, please locate the stores as far from the rim as possible - please don't allow the "almighty dollar" to steal something this Precious!</p>
Christine Mannen	Filer	ID	83328	5/12/2012	<p>All of my relatives live in other states, mostly in the East. When they have visited over the past 36 years, not one of them has mentioned that they love our strip malls or big box stores. However, all have remarked on the majestic beauty of our Snake River Canyon and have enjoyed the natural scenery of walking on the trail overlooking the canyon. Kohls, please consider building in an area that is already developed for shopping, or change the design of your store and parking area to blend in with the landscape.</p>
Edward Papenberg	Jerome	ID	83338	5/12/2012	<p>Most of us understand this space isn't going to become a park. However, the developer's plan amounts to an eyesore. This project would not benefit the city or the region in the long run. What happens if/when some of these retail spaces become vacant? Every person entering Twin Falls would be greeted by a blighted cityscape.</p>

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
Walter Koch	Buhl	ID	83316	5/12/2012	While I respect the right to develop the property hasn't the Neilsen trust brought enough big box retailers to Twin Falls? We can't stop the property from being developed but let's make sure the canyon's aesthetic is preserved. Who is going to want to walk the rim when it will now simply be the "butt end" of another big box store? If it must be retail lets at least make it a store that will attract out of towners! Does not Boise, Seattle and Salt Lake have Kohls and probably every other store they'll sign? Let's offer tourists a unique shopping experience not a store visitors will pass by because they can shop there at home.
Melody Lenkner	Twin Falls	ID	83301	5/12/2012	It is ridiculous to take one of Twin Falls' greatest treasures and treat it like the back alley of a big city. The canyon is Twin Falls' signature icon. To sully it is to settle for short term gain disregarding appalling long term consequences.
Curtis Johnson	Twin Falls	ID	83301	5/13/2012	The design of this complex needs to add to the beauty of our landscape not take away from it. We can do better!
Sammy Warren	Twin Falls	ID	83301	5/13/2012	We have a limited supply of undeveloped Canyon Rim. A lot of people don't realize how much of it is going away. Like the strip of Canyon Rim Rd that is slated to be closed for housing to be put in. We need to preserve as much as possible of the canyon rim.
JO ANN DOBECKI SHOPBELL	Twin Falls	ID	83301	5/13/2012	For all of the reasons stated by others, but most especially for the reason stated by Char Sinclair--there are other viable locations that would be appropriate and certainly locating near the new Walgreens @ Poleline and Washington St. N should/could be an option if it was once considered before.

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comments
Mychel Matthews	Murtaugh	ID	83344	5/13/2012	The beauty of this canyon - OUR canyon - rivals any natural phenomenon in the nation. This canyon - OUR canyon - deserves our respect and protection. You can build a shopping mall almost anywhere - but you cannot build another Snake River Canyon. There is already enough development along the rim, and we must draw the line before it becomes too much. Please use common sense before taking any action that would threaten this canyon - OUR canyon - for us and for future generations. Oh, did I mention that no matter who
Cindy DeVries	Twin Falls	ID	83301	5/13/2012	We need to maintain the integrity and <u>beauty of our natural landscape.</u>
Vickie Brannen	Twin Falls	ID	83301	5/13/2012	This area of the canyon should be a park
Carol Bearup	Twin Falls	ID	83301	5/13/2012	We DO NOT NEED any more development on our unique Snake River Canyon rim. Also, we do not need any more traffic in that particular part of town. Have Kohl's have a store in downtown Twin Falls and revitalize that area!
Lea Shanahan	Hansen	ID	83334	5/13/2012	I think the area should be protected, <u>possibly become more of a park area.</u>
Eric Dalos	Wendell	ID	83355	5/13/2012	Preservation of our canyon rim for a <u>park like Boise's green belt.</u>
Donna Hennen	Filer	ID	83328	5/13/2012	I agree with Char Sinclair. I'd love to have a Kohls here and I believe it would be very popular, but the parking situation by the mall is already terrible. The Walgreens location in my opinion would be ideal. Welcome Kohls!
Roxie & Doyt Simcoe	Twin Falls	ID	83301	5/13/2012	When I am shopping, I go to the store of choice--it has nothing to do with a scenic view. Please save not destroy our <u>one-of-a-kind location!</u>

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
William & Kathleen Tanaka	Shoshone	ID	83352	5/13/2012	We are signing this petition because we love the Snake River and the views from the Snake River Canyon Rim by the Visitors' Center! Hundreds of people make use of the walking trail along the south rim of the canyon because of the open space and the gorgeous views. It is inconceivable that anyone would want to build such a huge project along this rim that would block those views and cover the majority of the open <input type="checkbox"/> space with a parking lot--at the north entrance to Twin Falls! Surely there are adequate spaces for such projects that would not take away a very special public treasure.
Barbara Gentry	Twin Falls	ID	83301	5/14/2012	I have been saddened to see all the development along the rim as it has slowly happened and destroys the area on the south side of the bridge. This development will be a capstone to the ugliness of what is already there. Please do not build it as planned. Could there be, as someone else has already said, a win-win solution here?
Sharon Johnson	Jerome	ID	83338	5/14/2012	I don't want such a treasure destroyed:(
sarah grill	twin falls	ID	83301	5/14/2012	For all the obvious reasons of ruining the aesthetics of the rim, but also very unfair to those homeowners who worked so hard to acquire property and homes on the rim in hopes of enjoying the beautiful views and terrain. This commercial degradation has happened too much already. Please don't let it happen again.
Jo Mikesell	Twin Falls	ID	83301	5/14/2012	Building huge stores on the rim of the canyon should of never ever taken place. It is everyones canyon to look at and admire, not some store site. The people that allowed this to happen in the first place should be dealt with. Put them in a tent. <input type="checkbox"/>

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
Kathy and Paul Stover	Twin Falls	ID	83301	5/15/2012	We believe that Kohl's will be a wonderful addition to our community and that people will be excited about their opening in Twin Falls. However, the current proposed site does not seem appropriate. Surely there are locations away from the canyon rim and the Perrine Bridge that would be more suitable for such a large store and all the parking that will be needed. Shoppers will find Kohl's where ever they locate! It does NOT need to be right at the entry to our town. The new canyon rim development should be an open, inviting place which is attractive from every angle with lots of landscaping, many access points to the canyon trail, places to rest and socialize, etc. Please, please make this area a beautiful asset for our city, not another boring strip mall with a huge parking lot. Thank you for your consideration.
Barbara Arndt	Twin Falls	ID	83301	5/15/2012	Preserve aesthetics of Unique Snake River Canyon
Julie Randell	Kimberly	ID	83341	5/15/2012	because the canyon is a unique and beautiful place and needs to be treated as such for future generations
Mary Higdem	Kimberly	ID	83341	5/15/2012	This beautiful natural attribute is too valuable to our city to make changes that will have extremely long-term effects. The canyon, in its natural state, should be the sight that greets every visitor coming to the Twin Falls area.
Dane Higdem	Kimberly	ID	83341	5/16/2012	We must preserve what we have left of this wonderful canyon rim. Not put in stores that can go anywhere.
Marcy Myers	Boise	ID	83712	5/16/2012	I don't live there but I grew up in the area and visit quite often. There are plenty of other spaces to build, let's keep as much of the natural terrain as possible. Really guys - get a grin!
jack hartley	twin falls	ID	83301	5/19/2012	My wife, now deceased, and I used to walk and enjoy the breathtaking view from the rim. Don't change it please.

Canyon Park Petition Comments

Name	City	State	Zip	Signed On	Comment
Rosemary Fornshell	Idaho	ID	83301	5/23/2012	The people of Twin Falls have an interest in how the city and canyon is affected by the use of the property owned by others, including corporate owners
ROBERTA DEKLOTZ	Twin Falls	ID	83301	5/23/2012	I agree with this petition. Canyon rim projects need to be aesthetic. The committee is right...do it the correct way the first time. It is our city. We wish it to welcome those approaching Twin Falls not look like a prison wall
Dawn Luchsinger	Twin Falls	ID	83301	5/28/2012	Hoping for a little long term vision for this community!!! The canyon in its natural state is valuable and must be preserved!!



DATE: Monday June 04, 2012
To: Honorable Mayor Lanting and City Council
From: Mitch Humble, Community Development Director

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 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. (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 PUD Agreement and code requirements.

History:

On April 09, 2012 the City Council approved a request by a vote of 5 for and 2 against for a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 +/- acres, as presented, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to 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 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 9, 2012 City Council Minutes

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:

$\Delta - 07^{\circ}58'09''$

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;

Δ - 19°19'02"
R - 1080.92'
A - 364.43'
C - 362.71'
LCB - South 45°06'07" West

Thence South 54°45'37" West 360.19 feet along the Northerly Right of Way of Blue Lakes Boulevard North;

Thence North 35°14'23" West 171.13 feet;

Thence South 54°45'37" West 204.29 feet;

Thence South 35°14'23" East 171.13 feet;

Thence South 54°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;

Δ - 04°21'49"
R - 1210.92'
A - 92.22'
C - 92.20'
LCB - South 52°34'43" West

Thence North 43°12'43" West 176.34 feet;

Thence South 55°02'06" West 115.88 feet;

Thence along a curve Right along the Southerly Right of Way boundary of Fillmore Street:

Δ - 16°37'10"
R - 262.00'
A - 76.00'
C - 75.73'
LCB - South 63°04'13" West

Thence South 71°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:

Δ - 70°00'00"
R - 30.00'
A - 36.65'
C - 34.41'
LCB - South 36°22'48" West

Thence North 01°22'48" East 110.72 feet;

Thence along a curve Right along the Right of Way of Canyon Springs Road:

$\Delta - 45^{\circ}34'23''$

R - 30.00'

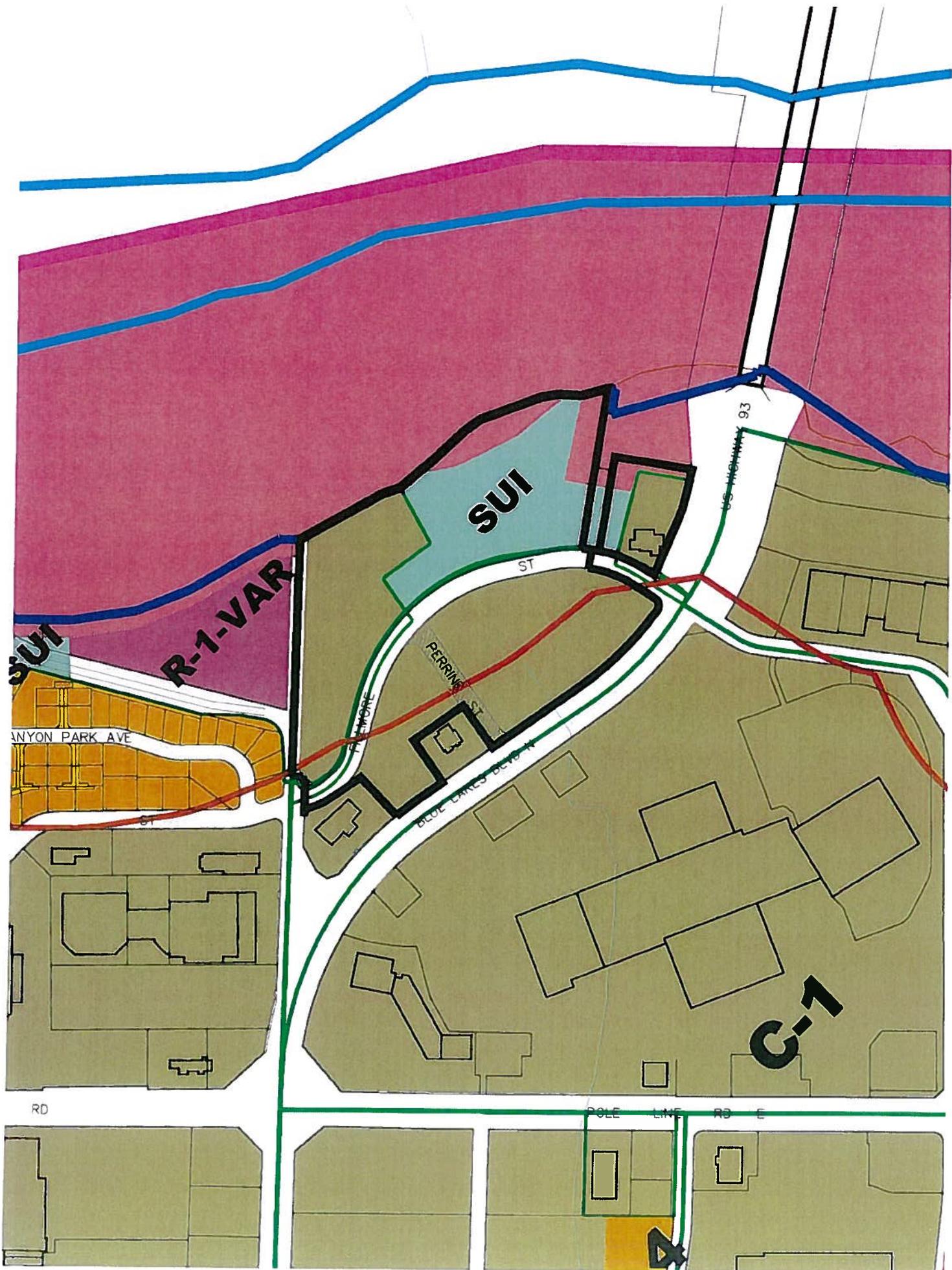
A - 23.86'

C - 23.24'

LCB - North $21^{\circ}24'24''$ West

Thence North $88^{\circ}37'12''$ West 35.00 feet to the REAL POINT OF BEGINNING.

Containing approximately 25.94 acres.

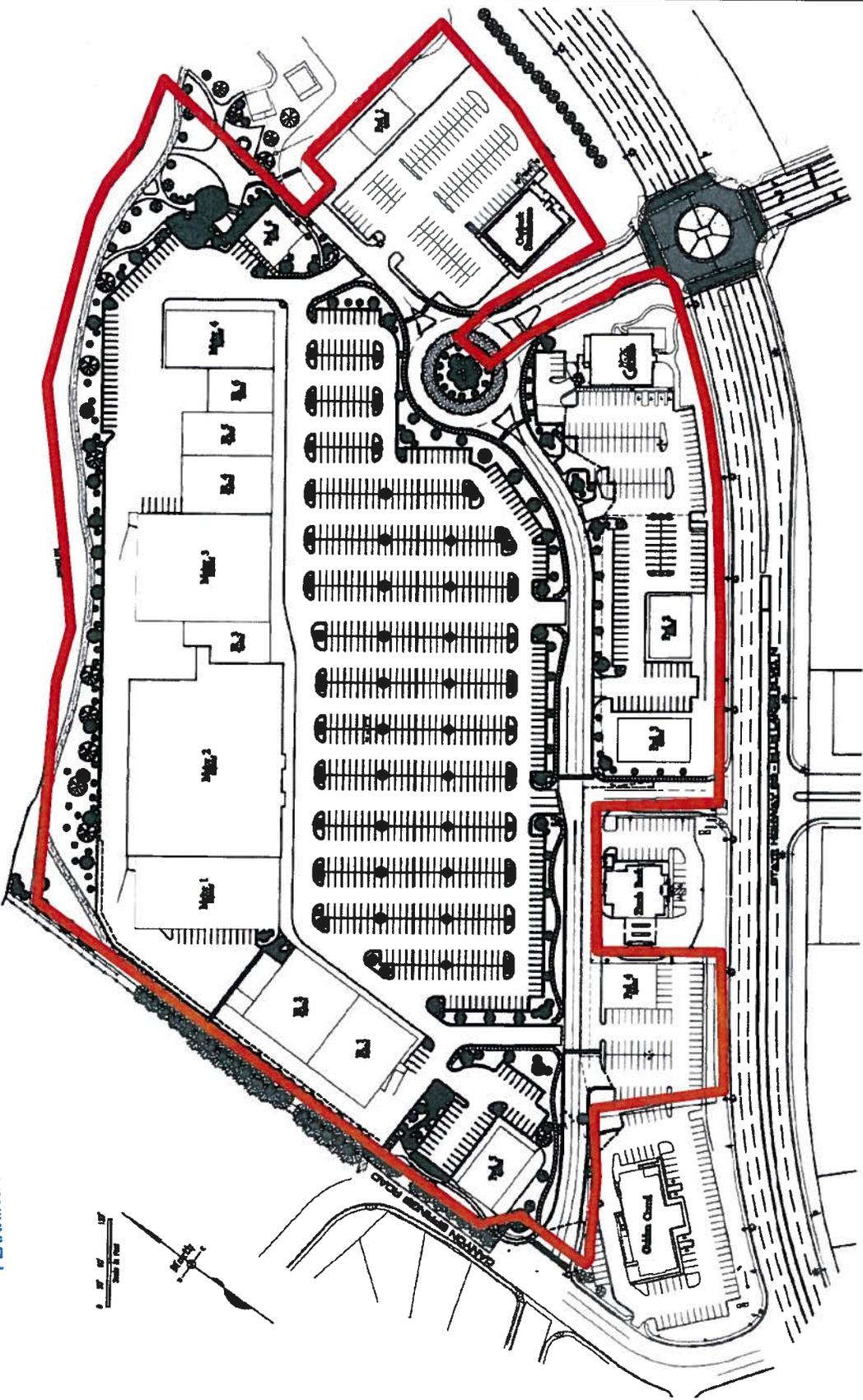


EHM Engineers Inc.
Engineers / Surveyors / Planners
231 N College Rd, Suite 100, Twin Falls, ID 83301 - (208)734-4888

Address Development Plan
For
Canyon Park Assisted Subdivision
The Nth, 14th

THE CITY OF TWIN FALLS, IDAHO
PLANNING & ZONING DEPARTMENT
100 N. COLLEGE ROAD, TWIN FALLS, IDAHO 83301
PHONE: (208) 734-4888
FAX: (208) 734-4889
WWW.CITYOFTWINFALLS.IDAHO.GOV

NO. 1	DATE	DESCRIPTION
1	11/15/11	PRELIMINARY PLAN
2	02/01/12	REVISED PLAN
3	05/09/12	REVISED PLAN
4	05/09/12	REVISED PLAN



RECEIVED

MAY 29 2012

CITY OF TWIN FALLS
PLANNING & ZONING

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>			



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>	<u>Dan Lewin</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>	<u>Jon Caton</u>
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 replating 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, JUNE 04, 2012**

To: Honorable Mayor Lanting and City Council

From: Mitch Humble, Community Development Department

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:**

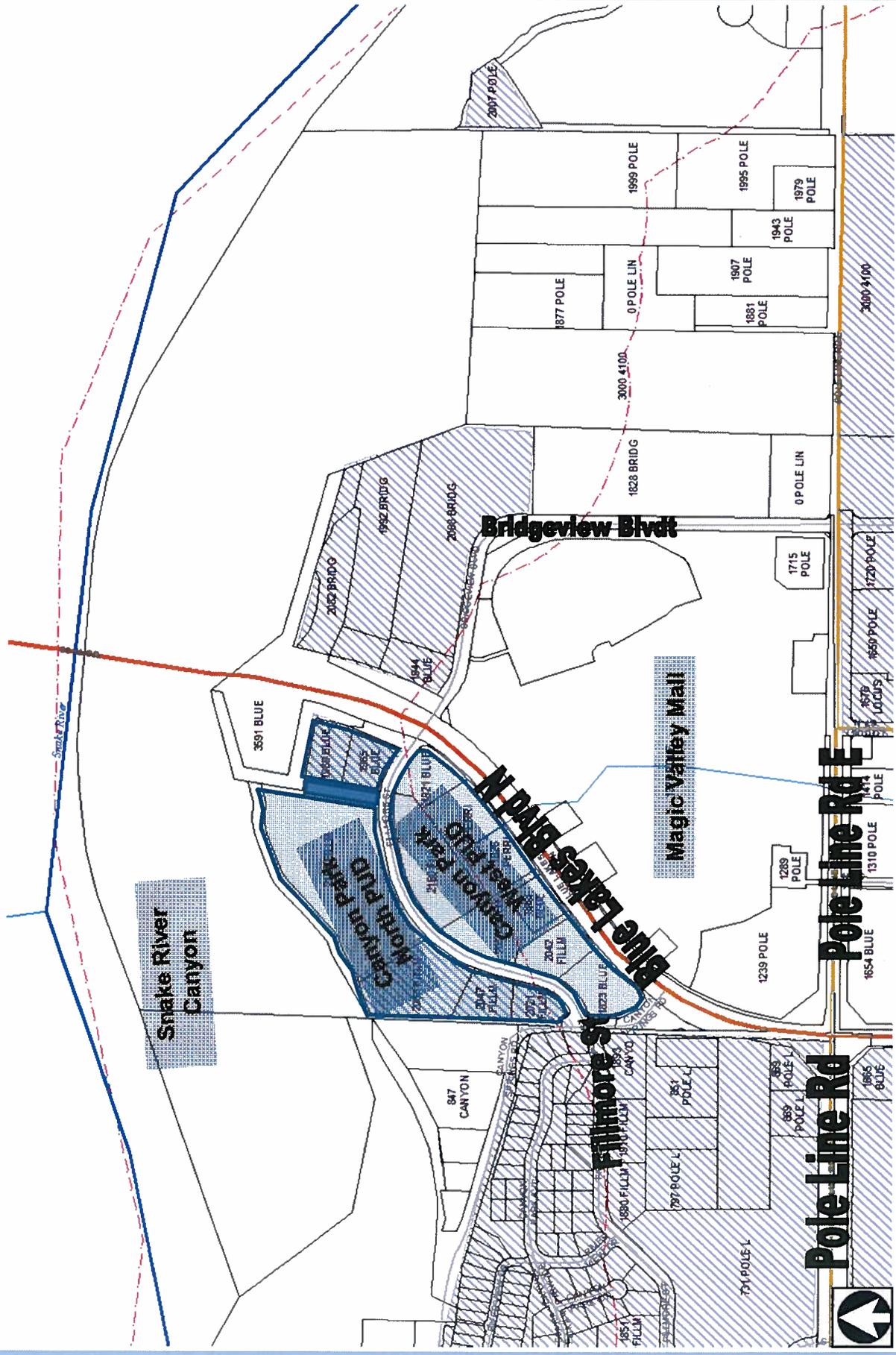
1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to recorded Cross-Use/Access Agreements being provided prior to recordation of final plat.
3. 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

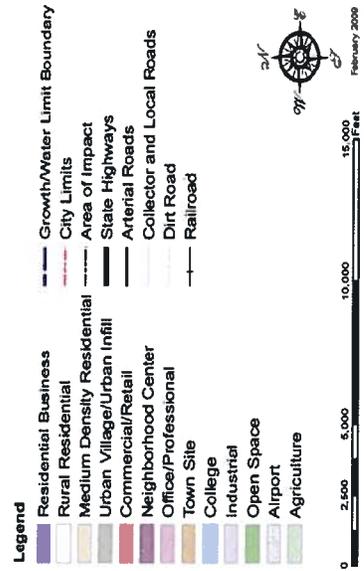
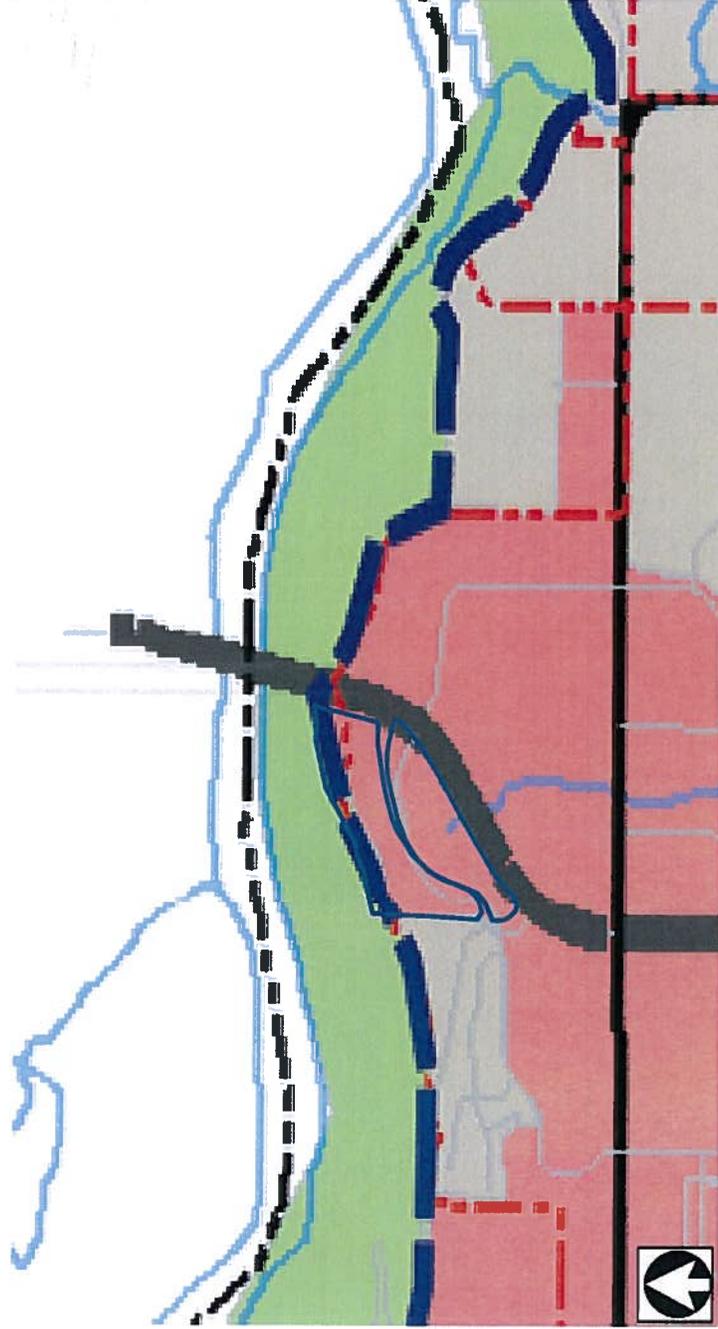
Attachments:

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



Engineering Inc.
1000 E. Main St. Suite 100
Twin Falls, ID 83421
Phone: 208.735.1234

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

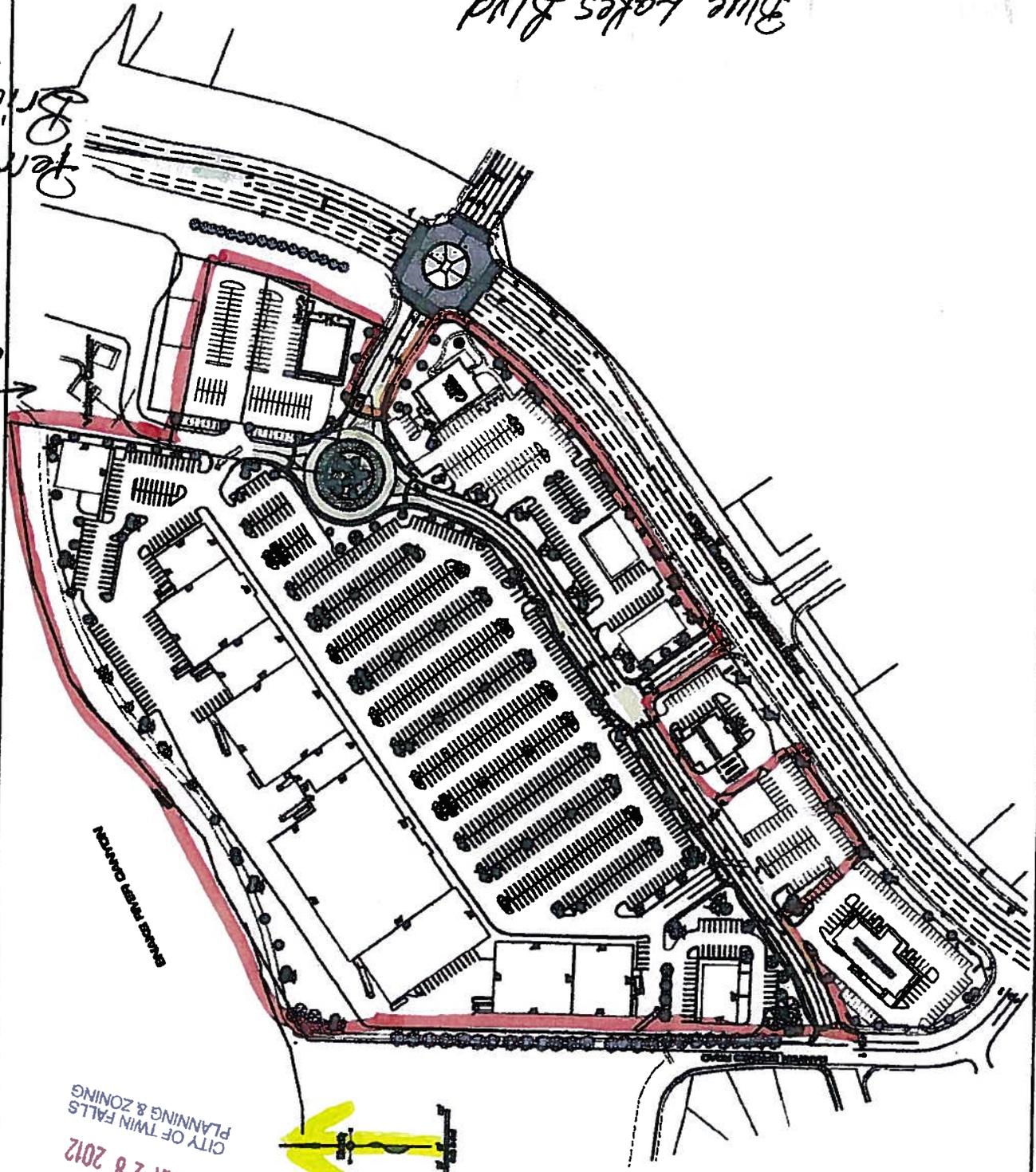


Sheet No.	1 of 1
Date	3/28/2012
Scale	As Shown
Author	[Name]
Checker	[Name]
Engineer	[Name]

*Blue Lakes Blvd.
New Fillmore St with Roundabout.*

*Perine
Bridge*

*Visitor
Center*



RECEIVED
MAR 28 2012
CITY OF TWIN FALLS
PLANNING & ZONING



RECEIVED
APR 09 2012
BY: _____

CANYON PARK AMENDED SUBDIVISION
 A REVISION AND RENUMBERING OF
 A PORTION OF
 CANYON PARK NORTH SUBDIVISION
 AND A PORTION OF
 CANYON PARK WEST NO. 1 SUBDIVISION

LOCATED IN
 A PORTION OF
 8W4 BW4, AND GOVT. LOT 3
 SECTION 34,
 TOWNSHIP 8 SOUTH, RANGE 17 EAST,
 BOISE MERIDIAN,
 TWIN FALLS COUNTY, IDAHO
 8012

CURVE DATA

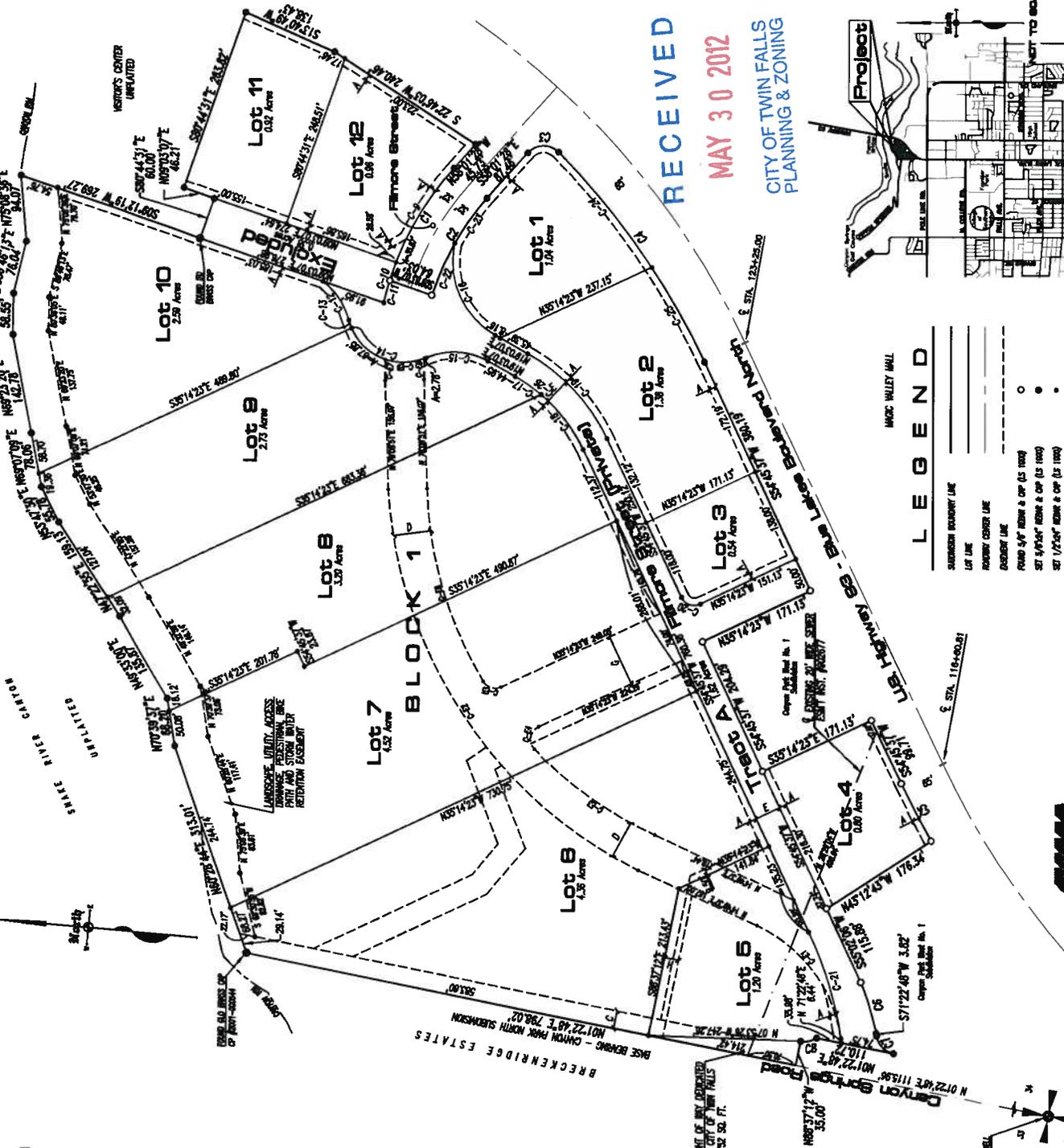
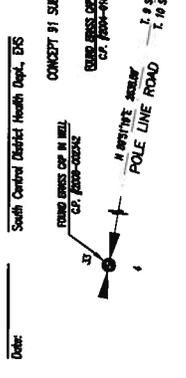
CURVE	DATA	CHORD BEG	CHORD END	MARKET
1	243.933'	165.59	164.17	S 70°19'54"W
2	245.943'	158.89	153.73	S 70°28'44"E
3	187.020'	104.44	101.99	S 111°17'28"E
4	187.020'	104.44	101.99	S 68°42'01"E
5	163.710'	102.82	98.23	S 62°54'15"W
6	163.710'	102.82	98.23	S 30°22'45"W
7	707.070'	30.00	23.68	S 22°42'24"W
8	453.425'	30.00	15.00	S 15°00'00"W
9	453.425'	30.00	15.00	S 15°00'00"W
10	453.425'	30.00	15.00	S 15°00'00"W
11	453.425'	30.00	15.00	S 15°00'00"W
12	453.425'	30.00	15.00	S 15°00'00"W
13	453.425'	30.00	15.00	S 15°00'00"W
14	453.425'	30.00	15.00	S 15°00'00"W
15	453.425'	30.00	15.00	S 15°00'00"W
16	453.425'	30.00	15.00	S 15°00'00"W
17	453.425'	30.00	15.00	S 15°00'00"W
18	453.425'	30.00	15.00	S 15°00'00"W
19	453.425'	30.00	15.00	S 15°00'00"W
20	453.425'	30.00	15.00	S 15°00'00"W
21	453.425'	30.00	15.00	S 15°00'00"W
22	453.425'	30.00	15.00	S 15°00'00"W
23	453.425'	30.00	15.00	S 15°00'00"W
24	453.425'	30.00	15.00	S 15°00'00"W
25	453.425'	30.00	15.00	S 15°00'00"W
26	453.425'	30.00	15.00	S 15°00'00"W
27	453.425'	30.00	15.00	S 15°00'00"W
28	453.425'	30.00	15.00	S 15°00'00"W
29	453.425'	30.00	15.00	S 15°00'00"W
30	453.425'	30.00	15.00	S 15°00'00"W

EASEMENT LEGEND

- A 10' WIDE LANDSCAPE, UTILITY, ACCESS, SIDEWALK AND DRAINAGE EASEMENT
- B 20' WIDE CHINA COMPANY EASEMENT
- C 20' WIDE LANDSCAPE, UTILITY, ACCESS, PEDESTRIAN, BIKE PATH AND DRAINAGE EASEMENT
- D 55.5' WIDE UTILITY EASEMENT
- E 37' WIDE LANDSCAPE, UTILITY, ACCESS AND DRAINAGE EASEMENT
- F 62' WIDE LANDSCAPE, UTILITY, ACCESS AND DRAINAGE EASEMENT
- G 74' WIDE UTILITY EASEMENT
- H 20' WIDE EASEMENT

HEALTH CERTIFICATE

Sanitary restrictions as provided by Idaho Code Title 59, Chapter 11, Section 1101, and Title 59, Chapter 11, Section 1102, shall be in accordance with Idaho Code Title 59, Chapter 11, Section 1101, by the issuance of a Certificate of Disapproval.



RECEIVED
 MAY 30 2012
 CITY OF TWIN FALLS
 PLANNING & ZONING



LEGEND

- SUBDIVISION BOUNDARY LINE
- LOT LINE
- PROPERTY CENTER LINE
- EASEMENT LINE
- ROAD 5/4" WIDE & 6" OR (2.5" WIDE)
- ST 5/4" WIDE & 6" OR (2.5" WIDE)
- ST 1/2" WIDE & 6" OR (2.5" WIDE)
- ROAD 1/2" WIDE & 6" OR (2.5" WIDE)

Engineers, Inc.
 ENGINEERS/SURVEYORS/PLANNERS

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 Wikstrom



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

DRAFT

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:

- 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.

DRAFT

DRAFT

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. ~~The parties acknowledge and agree that the Developer will form an Idaho non-profit corporation comprised of the property owners who own lots within the Subject Property for the maintenance and repair purposes set forth in this Agreement. Such association shall be deemed a successor of the Developer for all purposes, including the maintenance obligations described hereinabove.~~
8. 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.
9. 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.
10. 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.

Deleted

Deleted

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- 11. 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.
- 12. This Agreement shall not be amended without the parties or their successors signing an amendment in writing.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed on the date and year first above written.

"DEVELOPER"
CANYON PARK DEVELOPMENT, LLC

By: _____

Its: _____

"CITY"
CITY OF TWIN FALLS, IDAHO

By: _____

Its: Mayor

ATTEST:

City Clerk

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of May, 2012, before me, a Notary Public for said County and State, personally appeared _____, known or identified to me, to be the managing member in the limited liability company of CANYON PARK DEVELOPMENT, LLC, and the managing member who subscribed said company name to the foregoing instrument, and acknowledged to me that (s)he 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.

DRAFT

NOTARY PUBLIC FOR IDAHO
Residing at _____
My commission expires _____

DRAFT

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 _____

!rsm\realest\assessment\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 that 130 ft a geological study is required.
- Commissioner Woods asked for an explanation of a dry well.
- Mr. Martens explained the two types of dry wells and showed approximately where they will be located within the development.
- Commissioner Grey asked a second time if there are any elevations of the storefronts.
- Mr. Martens stated the architecture will be compatible and similar to the Canyon Park East, and the clients have not been completely determined, the developer for this project insists that the criteria meet the requirements of the PUD Agreement, they will be allowed some leeway with their storefront signs and their logo within the limitations of the PUD Agreement.

PUBLIC COMMENTS/QUESTIONS:

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

CLOSING STATEMENTS:

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

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

DELIBERATIONS FOLLOWED:

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

MOTION:

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
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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



Monday, June 4, 2012 City Council Meeting, Public Hearing

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Consideration of a request to increase swimming pool daily rates and swimming pool annual and monthly swim passes.

Time Estimate:

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

Background:

The new Concession Agreement between the City of Twin Falls and the YMCA states on page 2, # 5; "The fees charged by the Y shall not exceed the fees set forth on "Exhibit A" attached hereto and incorporated herein. Any changes to the admission fees or pool passes must be approved by the Pool Aquatics Advisory Board (discussed in section 7 below). The Board may provide for an annual increase in the maximum fee not exceeding 5% per year. Fee increase requests that exceed 5% per year shall be considered by the City Council following a recommendation by the Board."

The YMCA has requested to increase the daily admission fees by \$.25 in all three categories which exceeds the 5% threshold. They have also requested to increase the annual and monthly pool passes by 5%.

Daily Admission Fees (includes sales tax)

<u>Categories</u>	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Percentage Increase</u>	<u>Maximum Rate</u>
3 and under	\$2.00	\$2.25	12.5%	\$3.00
Ages 4-17	\$3.00	\$3.25	8.33%	\$4.50
Adults	\$4.00	\$4.25	6.25%	\$6.00

Annual Pool Passes (does not include sales tax)

<u>Categories</u>	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Percentage Increase</u>	<u>Maximum Rate</u>
Youth (8-17)	\$170.00	\$178.50	5%	\$237.50
Adult	\$184.91	\$194.15	4.99%	\$260.00
Family	\$250.00	\$262.50	5%	\$350.00

Monthly Pool Passes (does not include sales tax)

<u>Categories</u>	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Percentage Increase</u>	<u>Maximum Rate</u>
Youth (8-17)	\$21.00	\$22.05	5%	\$29.50
Adult	\$22.50	\$23.62	4.98%	\$31.50
Family	\$27.50	\$28.87	4.98%	\$38.50

On Tuesday May 8th, the Parks & Recreation Commission heard the request from the YMCA to increase the daily admission fees and annual/monthly pool fees. The annual/monthly pool pass fees request was a 5% increase of the current fees. The YMCA stated the proposed

increase will offset the increases in costs of managing the swimming pool facility and the programs.

The Parks & Recreation Commission approved the 5% increase in the annual pool passes and has recommended to the City Council to approve of the \$.25 increase in the daily admission fees as stated above which are over the 5% threshold.

On Monday May 14th, the City Council set Monday June 4th as a public hearing to consider the request to increase fees in the daily admission rates and the annual/monthly season pass rates at the swimming pool.

Attached is the statement of need for the proposed increases from the YMCA. John Pauley, the Aquatics' Director for the YMCA will be in the audience to answer any questions you might have for the YMCA.

Approval Process:

State Code Section 63-1311A prescribes how proposed fees exceed 105% of the fees last collected are to be increased. The first step is for the City Council a date and time for a public hearing to consider the proposal to increase swimming pool daily admission fees. An advertisement showing the current rates, the proposed rates, and the percentage increase for each was published in the Times-News on May 22nd and 29th. This satisfies the requirement to publish twice, seven day apart. The increases in the annual/monthly season passes only require a resolution to be approved by the City Council since they are at 5% or less.

Budget Impact:

Cost of publishing the notice in the paper.

Regulatory Impact:

A resolution would set the fees for the increases in the daily admission fees, annual and monthly season pass fees.

Conclusion:

The Parks and Recreation Commission recommends to the City Council to approve the above proposed increases at the swimming pool.

Attachments:

Notice of Public Hearing

Resolution #

YMCA's Statement of Need

**CITY OF TWIN FALLS
 NOTICE OF PUBLIC HEARING
 MONDAY, June 4, 2012, 6:00 P.M.
 CITY HALL COUNCIL CHAMBERS
 321 SECOND AVENUE EAST, TWIN FALLS, IDAHO**

For the Purpose of Hearing Public Comments Regarding the Increase in

FEES CHARGED FOR SWIMMING POOL DAILY ADMISSION FEES

Beyond the Limits Prescribed by Idaho Code Section 63-1311A

The Proposed Fees Exceed 105% of the Fees Last Collected

Notice is hereby given that the City Council of the City of Twin Falls, Idaho, will hold a public hearing for consideration of proposed fee increases, said hearing to be held at 305 3rd Ave E, City Hall, Twin Falls, Idaho at 6:00 p.m., on June 4, 2012.

The City of Twin Falls has proposed to increase the following fees by an amount that exceeds one hundred five percent of the current fee. The proposed increases would have the following impact on current fees:

FEE	CURRENT RATE	PROPOSED RATE	% INCREASE
Swimming Pool Daily Admission Fee Ages 3 & Under	\$2.00	\$2.25	12.5%
Swimming Pool Daily Admission Fee Ages 4-17	\$3.00	\$3.25	8.33%
Swimming Pool Daily Admission Fee Ages Adults	\$4.00	\$4.25	6.25%

¹ Any change in fees greater than five percent (5%) will require prior approval of the Twin Falls City Council and follow the public hearing process as required by Idaho Code.

The increased fees are to offset the increased cost the YMCA has in managing the swimming pool facility and programs.

At said hearing all interested persons may appear and show cause, if any they have, why said proposed increases should not be adopted.

Dated this 15th of May 2012
 Publish May 22nd & 29th, 2012.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ESTABLISHING SWIMMING POOL DAILY ADMISSION FEES AND ANNUAL/MONTHLY POOL PASS FEES.

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

Section 1: That Swimming Pool Daily Admission fees shall be established as follows:

Ages 3 and under	\$2.25
Ages 4 – 17	\$3.25
Adult	\$4.25

Effective Date – June 9, 2012

Section 2: That Swimming Pool Annual/Monthly Pool Pass fees shall be established as follows:

	<u>Annual</u>	<u>Monthly</u>
Youth (8-17)	\$178.50	\$22.05
Adult	\$194.15	\$23.62
Family	\$262.50	\$28.87

Effective Date – July 1, 2012

Section 2: That all prior resolutions or parts thereof inconsistent with this Resolution are repealed.

PASSED BY THE CITY COUNCIL
SIGNED BY THE MAYOR

, 2012.
, 2012.

MAYOR

ATTEST:

DEPUTY CITY CLERK

Monday, June 4

Twin Falls City Council

The YMCA of Twin Falls is seeking a 5% increase in Y/City Pool Membership rates and a \$.25 increase across all categories in the daily admission category. On behalf of the Y, I would like to give the Commission the reasons why we are seeking this increase:

- The current Y/City Pool Membership rates have stayed the same for at least the last 4 years. During that same time period, Y memberships been increased 3 times to keep up with expenses and improvements.
- During the last 4 years there have been 2 minimum wage increases. Since the minimum wage has increased, the Y has tried to keep up with these expenses by being more efficient with staff use, increasing the daily admission fee by a quarter a few times and not filling positions that were once occupied (Assistant Aquatics Director has been vacant since August 2010).
- Since the start of the current contract between the Y and the City of Twin Falls, the Y's management fee has been reallocated to utilities and chemicals. Whereas under the 2008 contract the management fee went to pool chemicals and staffing. Since the management fee no longer goes to staffing, we have to find other ways to help make up for the financial short fall.
- The contract also has the Y paying for more of the repairs to the Y/City Pool. At certain times of the year we have noticed that this has not changed much from previous years, but at other times of the year we have noticed a big increase in expenditures (pool lights and boiler parts) related to repairs. This is an area that the Y has not paid for before and is coming out of a revenue pool that has not increased since the beginning of the new pool contract.
- The YMCA of Twin Falls likes to be innovative with our programming. In order to do this we have to spend money on new attractions, equipment and trainings. For example a few years ago we bought the Iceberg which has helped make the pool a more fun and attractive place for families to go. This year we are sending 3 instructors to Las Vegas to become Aqua Zumba certified. By doing this we will be able to add at least 7 new Aqua Zumba classes to our summer schedule. This will in turn increase participation at the pool because Zumba is a huge program that is popular all over the nation. An increase to the daily admission and membership fees will help us keep the pool as a fresh destination for families to attend.
- Since the beginning of 2012, the Y has added more swim times to the afternoon at the Y/City Pool (Monday – Friday: 12-1pm lap swim and 1-4pm open swim) during the non-summer months. These times are some of our slower times, but we would like to keep the pool open at those times. In order to do this the Y needs additional funding to support these times so that the pool can remain open.

Also, per the City Council's request, these are the number of daily admissions over the past 2 years.

- 2010
 - o 3 and under: 1,376
 - o 4 to 17: 13,966
 - o Adult: 5,866

- 2011
 - o 3 and under: 1,383
 - o 4 to 17: 13,127
 - o Adult: 5,691

Thank you for your time and consideration on this topic.

John Pauley
Aquatics Director
YMCA of Twin Falls