



Twin Falls City Council Agenda

Monday, January 10, 2022, 5:00 PM

Council Chambers
203 Main Avenue East- Twin Falls, Idaho

Members: Ruth Pierce, Christopher Reid, Craig Hawkins, Nikki Boyd, Shawn Barigar, Jason Brown, Spencer Cutler

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS
- 4) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve January 3, 2022, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve Accounts Payable from December 30, 2021 to January 5, 2022.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve the Wells Fargo Credit Commercial Card for November 2021.
By: Amy Luna, Finance Administrative Assistant
 - d) **ACTION ITEM:** Consideration of a request to accept the Improvement Agreement for the purpose of developing **Federation Point Subdivision, a ZDA**.
By: Josh Baird, City Engineer
 - e) **ACTION ITEM:** Consideration of a request to approve a Trust Agreement for **Federation Point Subdivision, a ZDA**, placing all lots in trust.
By: Josh Baird, City Engineer
- 5) ITEMS OF CONSIDERATION
 - a) **ACTION ITEM:** Request to award the Waste Water Treatment Plant Boiler Construction Package to GSE Construction.
By: Troy Vitek, Assistant City Engineer
 - b) **ACTION ITEM:** Request funding for Irrigation Pond Lining project.
By: Lee Glaesemann, Staff Engineer
 - c) **ACTION ITEM:** Consideration of an FAA Grant Offer of \$44,039 for Airport Concessionaire Relief, Funded through the Federal Airport Coronavirus Response Grant Program.
By: William Carberry, Airport Manager

- d) **ACTION ITEM:** Consideration of the request for the City Council to authorize the application for an Assistance to Firefighters Grant (AFG) and for the Mayor to sign Memorandum of Understandings with five (5) City and/or Fire District representatives.

By: Mandi Thompson, Assistant to the City Manager

6) GENERAL PUBLIC INPUT

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request to allow for additional building height beyond 50 feet on property located on 2nd Avenue South between Hansen Street and Shoshone Street c/o Bill Truax, President, on behalf of Galena Opportunity, Inc. (app. PZ21-0159)

By: Jonathan Spendlove, Planning and Zoning Director

- b) **ACTION ITEM:** Request for annexation with a C-1 zoning designation, located at the northwest corner of Kimberly Road and Hankins Road c/o EHM Engineers, Inc., on behalf of The Housing Company/Blake Jumper for MN&R Wood LLC. (app. PZ21-0174)

By: Ian Zollinger, City Planner

9) ADJOURNMENT

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Josh Palmer (208) 735-7312 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
 - Wait to be recognized by the Mayor or Chairman
 - Approach the microphone/podium
 - State their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. A City Staff Report shall summarize the application and history of the request.
 4. 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.
 5. 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 or Chairman.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Individuals are not permitted to give their time to other speakers.
 - However, five (5) or more individuals that received written notice of the public hearing may appoint, 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 or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.
 8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.
 10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning Commission 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 or Chairman.



Twin Falls City Council Minutes

Monday, January 3, 2022, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Suzanne Hawkins (by Phone), Vice Mayor Ruth Pierce, Council Member Shawn Barigar, Craig Hawkins, Greg Lanting, Christopher Reid, Nikki Boyd, Jason Brown & Spencer Cutler

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, City Attorney Shayne Nope, CFO Breanna Howard, Finance Administrative Assistant Amy Luna.

Mayor Hawkins called the meeting to order at 5:00 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

Council Member Hawkins led all present, who wished to recite the Pledge of Allegiance to the Flag.

3) PROCLAMATIONS: None

4) CONSENT CALENDAR

MOTION: Council Member Lanting moved to approve the Consent Calendar as presented.

Council Member Hawkins seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- a) Request to approve December 20, 2021, City Council Minutes.
- b) Request to approve Accounts Payable for December 16-29, 2021.
- c) Approval of the Findings of Fact and Conclusions of Law:
 - Vacation for Jerry and Brenda Naylor
 - Annexation for 3262 E 3700 N
 - Annexation for 3270 E 3700 N

5) ITEMS OF CONSIDERATION

- a) Award plaques to Mayor Suzanne Hawkins and Councilman Greg Lanting in recognition of their years of service to the City of Twin Falls.

City Manager Rothweiler awarded a Certificate of Appreciation to Mayor Hawkins & Councilman Lanting in recognition of their years of service to the City of Twin Falls.
- b) Oath of Office for newly elected City Councilmembers.

CFO Howard conducted the Oath of Office to newly elected City Council members Brown & Cutler.
- c) Selection of Mayor by City Council.

The council selected the mayor.

Nominees:
Ruth Pierce - 2nd to give a speech.
Chris Reed - 1st to give a speech.

Council Member Pierce was elected Mayor by a 4-3 vote.

- d) Selection of Vice Mayor – nominated by Mayor, confirmed by the City Council.

Nominees:

Chris Reid.

Council Member Reid was elected Vice Mayor by a 7-0 vote.

6) GENERAL PUBLIC INPUT

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS: None

9) ADJOURNMENT

The meeting adjourned at 05:34 PM

Amy Luna, Finance Administrative Assistant

For a full account of this meeting please visit tfid.org for the recording of this meeting

IMPROVEMENT AGREEMENT

for DEVELOPMENTS

This Agreement made and entered into this ____ day of ____, 20____, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and  Hepworth Family Landholdings, LLC hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development Federation Point Subdivision.

WHEREAS, there is attached hereto and incorporated herein as if the same were set out in full, a certified copy of the deed to the real property showing ownership of said real property to be in the Developer's name, or, as the case may be, there is attached hereto and incorporated herein as if the same were set out in full, a copy of the deed to the above described real property showing ownership in fee simple in someone other than Developer together with a notarized authorization, signed by the real property owner, authorizing Developer to act on behalf of said real property owner, and;

WHEREAS, Developer desires to develop said real property for the following purposes: create a Residential Mixed Use and Limited Commercial Development.

WHEREAS, the Developer is obligated to construct certain improvements pursuant to City Code Section 10-12-4.2, and;

WHEREAS, the Developer has committed to construct special features as part of the development, and;

WHEREAS, the City has certain policies, ordinances, rules and regulations governing the construction of improvements, and;

WHEREAS, it is in the best interest of the City and Developer to clearly establish in one concise document the policies, ordinances, rules and regulations which apply to developments of the type contemplated herein.

W I T N E S S E T H

That for and in consideration of the mutual promises, conditions, and covenants contained herein the parties agree as follows:

I.

City agrees: (1) to operate and maintain all approved streets, alleys, service roads, excluding state highways, constructed under the terms of this Agreement in any public rights-of-way or easements and which are presently within or subsequently annexed into the City limits. Those streets, excluding state highways, lying outside the City limits and within the City Area of Impact shall be constructed to City standards but shall become the responsibility of the Twin Falls Highway District until such time as they are annexed or a maintenance agreement is signed by the City and the Twin Falls Highway District. (2) To operate and maintain all approved water lines, pressure irrigation lines, storm drainage lines, sewer lines constructed under the terms of this Agreement in any public rights-of-way or easements and to provide water, sewer, and pressure irrigation service to the Developer's real property, subject to all ordinances, rules and regulations governing sewer, water service, and pressure irrigation. (3) To maintain non-pressure irrigation lines only where they cross City streets. (4) Storm water facilities will be maintained in an easement, if there exists a safety hazard the City has an entitlement to maintain. All other maintenance of non-pressurized irrigation lines is the responsibility of the Twin Falls Canal Company or the irrigation users.

II.

In lieu of the actual installation of required public improvements before recording of the final plat, the Council may permit the subdivider to provide a financial guarantee of performance in one (1) or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement.

a. Surety Bond

1. Accrual - The Bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement.
2. Amount - the bond shall be in an amount equal to one hundred percent (100%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the Developer's Engineer and approved by the City Engineer.
3. Term Length – The minimum term length shall be two (2) years or until the bond is released by the City, whichever is later.

4. Bonding for Surety Company - The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the City Council.
 5. The escrow agreement shall be drawn and furnished by the subdivider to the satisfaction of the City Council.
- b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.
1. Treasurer, Escrow Agent or Trust Company - A cash deposit or certified check shall be deposited into the City's development escrow account. After the improvements have been accepted, the funds will be returned. A negotiable bond or an irrevocable bank letter of credit, shall be held by the City until the improvements are accepted.
 2. Dollar Value - The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred percent (100%) of the estimated cost of construction for the specific public improvements, as estimated by Developer's Engineer and approved by the City Engineer.
 3. Escrow Time - The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until all required improvements are completed and accepted by the City Engineer.
 4. Progressive Payment - In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.
- c. Trust Agreements.
1. Per the terms of the trust agreement.
 2. Trust agreement must be approved by City Council.

III.

Developer agrees to retain a Professional Engineer, hereinafter called the Developer's Engineer, licensed by the State of Idaho to perform the following minimum Engineering Services in accordance with Title 10 Chapter 12 Section 4-1 of the City Code:

- a. Prepare a master utility plan showing the location of all existing and proposed utility lines to include but not be limited to sewer, water, gas, electricity, telephone, irrigation, pressure irrigation, and storm sewer.
- b. Prepare detailed plans and specifications for construction of all improvements required by this Agreement and shall include but not be limited to a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards and specifications. If improvements are not completed within two (2) years, the Developer shall provide an updated, current version of the updated plans and specifications to current city standards. The Developer may request an extension of the approvals previously given for another two (2) years.
- c. Engineer of record shall notify the City in writing of schedule before construction begins.
- d. Perform construction surveying, staking, testing, inspection and administer the construction of all facilities required by this contract.
- e. Submit all test reports, inspection reports, change orders and construction diaries to the City Engineer every week during the construction of the development or subdivision.
- f. Prepare and submit an updated copy of the enclosed development and subdivision checklist to the City Engineer every week during the construction of the development or subdivision, and also upon completion of the project.
- g. Submit to the City Engineer the final plans, and master utility plan for the City records showing any approved changes to the original plans and specifications. A permanent drawing in ink on approved Mylar sheets and an electronic media copy

of the plans in current ACAD using City standard format shall be provided within thirty (30) days after completion of the project.

- h. Submit a letter upon completion of construction stating that the work has been constructed in conformance to the plans and specifications, with the certification by the Developer's Engineer that improvements were constructed to the lines and grades shown.

The above work shall be subject to the approval of the City Engineer.

The City agrees to provide asphalt pavement confirmation testing for conformance with City standards, but it shall be the responsibility of Developer's Engineer or other certified individuals to provide all necessary quality control and required testing during construction. All tests shall be taken at a frequency based upon Idaho Standard for Public Works Construction (ISPMC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings.

The Developer agrees to: (1) allow the City full and complete access to the work (2) provide all materials necessary to conduct all tests (3) supply all water necessary to test pipe joints and (4) provide the equipment and perform or have performed any testing of manufactured materials required by the City Engineer.

The Developer shall submit a letter identifying lots and blocks associated with construction phase to the City Engineer upon completion of the project, requesting that the City assume the responsibility for maintenance and operation of all public improvements as stated herein.

IV.

The Developer agrees to obtain a permit or letter of approval from the Twin Falls Highway District or the Idaho Transportation Department (ITD) prior to constructing improvements on their respective right-of-ways. The original or a certified copy of said permit or letter shall be submitted to the City Engineer prior to beginning of construction thereon.

V.

The Developer agrees to dedicate rights-of-way to the public for the development of all streets and alleys in accordance with the City Transportation Master Plan and to dedicate easements for the maintenance and operation of all public utilities. The size and location of said rights-of-way and easements shall be determined by the City Engineer.

VI.

The Developer and the City agree that the improvements listed herein are required unless specifically waived by action of the City Council and that said improvements will be constructed on any public rights-of-way or easements approved and accepted by the City Council all as designed by the Developer's Engineer and approved by the City Engineer and in accordance with standards established by the City Engineer and that all required improvements will be completed in a timely manner. If improvements are not completed within two (2) years, the Developer shall provide an updated, current version of the developer's agreement and financial guarantee for City Council consideration along with updated plans and specifications to current city standards. The Developer may request an extension of the approvals previously given for another two (2) years.

VII.

The Developer agrees to pay the total actual costs of all materials, labor and equipment necessary to completely construct all of the improvements required herein, except those costs specifically shown to be paid by the City and to construct or contract for the construction of such improvements.

VIII.

Developer agrees to pay the total extra cost of all additional materials, labor and equipment necessary to construct any streets the City requires to be wider or deeper than a standard street or any water, sewer lines, or pressure irrigation the City requires to be larger than the size required to properly serve the development. The requirement for wider and deeper streets shall be based on the Transportation Master Plan. Requirements for larger water, sewer and pressure irrigation lines shall be based on the citywide sewer, water, and pressure irrigation system sizing guidelines and based on modeling, if applicable.

IX.

The City shall provide no compensation for the cost of an oversize water, sewer line, and pressure irrigation. In the case of water, sewer, or pressure irrigation lines extended adjacent to or outside the limits of development, the Developer shall be eligible for payback from adjacent property owners pursuant to Ordinance No. 2979. The Developer shall also be eligible for compensation when a private developer extends or connects to any water, sewer, pressurized irrigation or street system previously installed by private developer, pursuant to Resolutions 2017-13.

X

Developer agrees to request in writing that the Developer's Engineers make the inspections required herein and the Developer or his Contractors shall not proceed with the next construction phase until the required inspection is complete and the work has been accepted by the Developer's Engineer, the City Engineer or the Engineer's authorized inspector. All such inspections shall be scheduled in accordance with Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications. Developer agrees to pay all costs resulting from: 1) his failure to properly schedule and request a required test or inspection or 2) proceeding with work before receiving approval to proceed. Developer agrees to remove or correct any rejected, unapproved or defective work or materials as required by the Developer's Engineer or the City Engineer. Any such defective work whether the result of poor workmanship, use of defective materials, damage through carelessness or any other cause, shall be removed within ten (10) days after written notice is given by the Developer's Engineer or the City Engineer, and the work shall be re-executed by the Contractor at his expense. The fact that either Engineer may have previously overlooked such defective work or materials shall not be a basis for acceptance of any part of it.

The issuance or approval of plans, specifications and computations shall not be construed as an approval of any violation of any provisions of City code, specifications, standards, policy, or any other ordinance of the City. Approvals of plans that may violate City code, specifications or departmental policies will not be valid.

The approval of construction plans, specifications, and other data shall not prevent the City from thereafter requiring the correction of errors or omissions in said plans or specifications prior to or during actual construction or final acceptance by the City.

The Developer shall remove from all public property all temporary structures, rubbish, and waste materials resulting from their operation or caused by his employees.

The Developer shall guarantee all materials, workmanship and equipment furnished for a period of one (1) year from the date of written acceptance of the work by the City Engineer or authorized representative.

The Developer shall be responsible for any damage to any existing public improvements and shall repair or replace any such damage as required by the City Engineer, during or after completion of this project. The Developer shall submit a Right-of-Way permit and Traffic Control Plan to be approved by the City of Twin Falls prior to any road or sidewalk closures.

XI.

The City and the Developer agree to the following minimum for Required Improvements, City Costs, Required Inspections and to any other improvements, approved or required by the City Council and shown on the approved construction plans.

PUBLIC WAYS

(a) Required Improvements

- (1) Curb, gutter and sidewalk on all public street rights-of-way.
- (2) A standard residential street thirty three feet (33') wide with an eight inch (8") gravel course and two and a half inch (2.5") asphaltic concrete surface course on all public street rights-of-way serving residential use property.
- (3) Residential, private streets, and service roads, private parking and maneuvering will be equal to or greater than the residential street sections as specified in the City of Twin Falls revisions to ISPWC.
- (4) A standard collector street forty eight feet (48'), wide per Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings, serving commercial use property or as a collector street. Whenever a street serves an industrial use property the City Engineer will determine the appropriate structural section.
- (5) Arterial typical sections will be designed by the developer's Engineer and approved by the City Engineer.
- (6) A sidewalk, per Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings, is required on all public pedestrian rights-of-way. Four foot (4') sidewalks, by special permission of the City Engineer, are allowed by ISPWC and the City of Twin Falls Revisions to the Specifications and Standard Drawings for minor residential streets under certain conditions.
- (7) Landscaping and sidewalk placement required adjacent to arterial and collector streets: A portion of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets as Right-of-Way. Within that Right-of-Way the developer shall install a five feet (5') landscape strip with a sprinkler system to the City of Twin Falls Parks and Recreation standards and shall also

install a six foot (6') sidewalk. The landscaping will be maintained by the city and funded through a fee added to the utility bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. TFCC §10-12-4.2(O).

- (8) Street signs and traffic control devices on all public streets.
- (9) Street lights as determined by City policy for street light installation.

(b) City Costs

- (1) The cost of any street signs or traffic control devices installed by the City on new or existing streets.
- (2) The cost of any required street lights (standard luminaires mounted on a wood pole). The Developer shall pay the extra cost of any decorative luminaires or poles. Prior approval will be required, and the cost of maintenance, replacement and power usage will be considered.

(c) Required Inspections and Testing

- (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls revisions thereto

WATER SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-8-3, 7-8-10 and 10-12-4.2 water line and fittings eight inch (8") minimum diameter that will transport a flow of water, which will satisfy fire, domestic, other water demands of the development, based upon the City water pipe sizing plan and computer water model. Water line extension shall include connection from the existing City Water System to each building site and fire hydrants and then loop back to the City System in a manner that will provide a properly functioning system approved by the City Engineer, Water Superintendent and Fire Chief. If the development is to be constructed in phases, the water system shall be looped back to the City system during the first phase. Any water main connections closer than 150' to each other will not be considered looped without prior City approval. No dead-end lines will be allowed during any phase of the project.

- (2) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City water distribution network in accordance with existing sizing guidelines.
- (3) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users or creating a critical situation in the suppression of fires.
- (4) Fire hydrant connections and fire hydrants spacing shall comply with the minimum standards set by the Fire Rating Bureau, American Water Works Association, and the International Fire Code. The maximum length of dead end fire lines shall be one hundred and fifty feet (150'). Fire hydrants are required in all developments.
- (5) One water service line shall be constructed to each building site at the time the water mains are installed. The design shall minimize the length of the service line and shall terminate at the Right-of-Way. Service taps are not allowed in intersections.

Meters shall be grouped at adjacent side lot lines when possible or at another location if requested by the Developer and approved by the City Engineer and Water Superintendent. Water meter boxes will not be allowed in driveway approaches. Any cost associated in relocating meters from driveway approaches will be the responsibility of the Developer or Lot Owner.

All new water service lines made from new water mains to serve any new development will be the responsibility of the Developer. The developer shall complete all work except when connecting to a live waterline. The City will make the necessary main line taps after payment of the required water connection permit fees.

- (6) One water service line tap, meter box, and service line shall be constructed for each building connected to the City water system. Multi-units less than three may be approved for additional service lines. It is understood and agreed that the City will make all service line taps on live lines, and that the

fee paid by the developer for a Water Connection Permit will reimburse the City for such work. All other work to be completed by the Developer.

- (7) It is further understood and agreed that the City will make all connections to the existing water system. The developer will disinfect the water system and submit testing results to the City prior to making the system live.
- (8) All water valves shall be provided with a gravel access 12" thick where no public roadway currently exists.

(b) City Costs

- (1) None.

(c) Required Inspections

- (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls Revisions thereto.

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-7-4, 7-7-11 and 10-12-4.2 a waste water collection system (eight-inch (8") minimum diameter) that will transport a flow of waste water, under conditions of maximum and minimum discharge from the development, to the existing City waste water system.
- (2) Waste water sewer lines adjacent to or internal to the development will be sized to continue the orderly expansion of the City Waste Water Collection System in accordance with existing sizing guidelines and computer sewer model.
- (3) Manholes to provide access for maintenance and cleaning of the sewer lines located at any change of grade or alignment of the sewer, at the end of each sewer and spaced not more than four hundred feet (400') apart.
- (4) During construction of the curb the letter S shall be stamped into the top or face of the curb directly in front of the sewer service line location. The impression shall be not less than one and one half inches (4") high.
- (5) All manholes shall be provided with a gravel access 12" thick where no public roadway currently exists.

(b) City Costs

- (1) None.
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls revisions thereto.

STORM DRAINAGE SYSTEM

- (a) Required Improvements
 - (1) Any valley-gutters, ditching, grading or other surface drainage facilities necessary to convey any storm run-off originating from or traversing across the proposed development over the land surface to a point of retention, detention or discharge approved by the City Engineer.
 - (2) Any catch basin, storm sewer and other sub-surface drainage facilities necessary to convey any storm run-off, originating from or traversing across the proposed development, to a point of retention, detention or discharge approved by the City Engineer.
 - (3) If storm run-off cannot be conveyed without causing damage to public or private property or without being an unreasonable inconvenience or hazard to a private individual, a group of individuals, or the general public, the storm drain shall be piped to the retention facility.
 - (4) All retention areas are to be on private property or tracts.

- (b) City Costs

- (1) None.

- (c) Required Inspections and Testing

- (1) The City will inspect all dry wells for geometry and materials. With prior written approval from the City Engineer other individuals may be authorized to inspect the work. Rock will be submitted for approval prior to placement in dry wells. A request for inspection shall be called in, forty eight (48) hours in advance or two (2) working days whichever is greater.

GRAVITY IRRIGATION SYSTEM

- (a) Required Improvements

- (1) Any pipe, boxes or other appurtenances necessary to convey all irrigation water in underground pipe across the development and any adjacent public

property. Irrigation facilities outside an established City irrigation district shall be constructed in an easement on private property except where it is necessary for irrigation water to cross the public right-of-way and all such crossings shall be perpendicular to the center line of said right-of-way unless otherwise approved by the City Engineer due to some unusual condition. Fences will not be located on top of irrigation facilities.

(b) City Costs

- (1) None.

(c) Required Inspections and Testing

- (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls revisions thereto.

PRESSURE IRRIGATION SYSTEM

(a) Required Improvements

- (1) Pursuant to Section 7-8-3 of the City Code, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or ZDA, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or ZDA. One (1) share of Twin Falls Canal Company Water for each acre of property within the subdivision shall be transferred to the City of Twin Falls before the filing of the final plat for use in the City's pressurized irrigation system.
- (2) Pressure irrigation water mains and fittings shall be six inch (6") minimum diameter or larger irrigation pipe that will transport a flow of water, which will satisfy all irrigation water demands of the development, based upon the computer irrigation water model that the developer's engineer has prepared or found in the current Pressurized Irrigation master plan.
- (3) Pressure irrigation lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the

City Pressure Irrigation water distribution network in accordance with existing sizing guidelines.

- (4) Pressurized irrigation valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users. One pressure irrigation water service line shall be constructed to each subdivision lot site at the time the pressure irrigation water lines are installed. The design shall minimize the length of the service line and shall terminate at the Right-of-Way. Service taps will not be allowed in intersection. One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each subdivision lot connected to the City pressure irrigation water system.
 - (5) The Developer shall be responsible for all costs incurred in designing and installing the pressure irrigation station. This includes the land, pumps, motors, filters, enclosures, delivery system to the station from the TFCC head gate and away from the station on the historical path, storage, Supervisory Control and Data Acquisition (SCADA) system, and power to the station.
 - (6) All pressure irrigation system plans must be prepared by the Developer's engineer and shall be according to the Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings.
 - (7) The Pressure Irrigation System shall be located within easements, right-of-ways and/or property deeded to the City of Twin Falls.
 - (8) Private Pressure Irrigation Systems shall be located outside City Right-of-Way and within easements. No Public infrastructure will be associated with a private Pressure Irrigation System.
- (b) City Cost.
- (1) None
- (c) Required Inspections and Testing

- (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls revisions thereto.

SPECIAL FEATURES

Pursuant to commitments made by the Developer as conditions of approval of the development, the following special features shall be constructed:

- a) Required Improvements

Public roadways adjacent to the development will be constructed in accordance with the roadway sections as depicted and approved in the Federation Point, ZDA Zoning Development Agreement. All interior roadways will be private and constructed as depicted on the approved construction plans.

- b) City Costs

- (1) None.

XIII.

The developer shall submit an Improvement Agreement with each individual construction phase.

The two (2) year time limit, (indicated in Section VI of the Agreement) for completing the required improvements shall begin from the date of the recordation of this agreement. The Developer may request an extension of the approvals previously given for another two (2) years.

XIV.

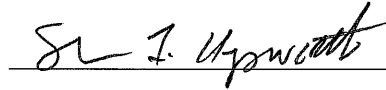
This agreement shall bind the parties hereto, their heirs, successors in interest, and lawful assigns.

XV.

In the event of a breach of Agreement, or should legal action of any kind be taken to enforce the provisions, hereof, the prevailing party shall be entitled to reasonable attorney fees and costs awarded by the Court.

Attest:

CITY OF TWIN FALLS, IDAHO

City Clerk_____
Mayor_____
Developer
Hepworth Family Landholdings, LLCSTATE OF IDAHO)
)ss.
County of Twin Falls)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner 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

CORPORATION

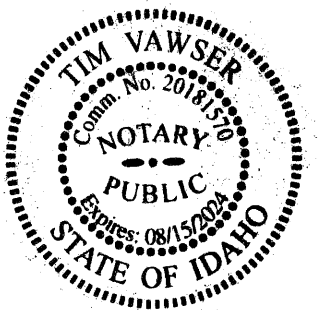
STATE OF IDAHO)
)ss.
County of Twin Falls)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known or identified to me (or proved to me on the oath of _____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the

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

On this 11TH day of NOVEMBER, 2021, before me, the undersigned, a Notary Public for Idaho, personally appeared Steven F. Hepworth, known or identified to me (or proved to me on the oath of _____) to be one of the partners in the partnership of Hepworth Family Landholding, LLC, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



Notary Public for Idaho
Residing KIMBERLY

NOTICE IS HEREBY GIVEN, that a document entitled “Improvement Agreement for Developers” (hereafter “Agreement”) has been executed and filed with the City of Twin Falls, Idaho, for the following named subdivision:

The Agreement imposes certain obligations upon the developer for the development of the subject property, and upon the developer's heirs, successors in interest and lawful assigns. Details of the conditions and obligations may be found by examining or photocopying the Agreement at the Office of the City Engineer, 203 Main Ave E, Twin Falls, Idaho 83301.

City Clerk

Mayor

Developer

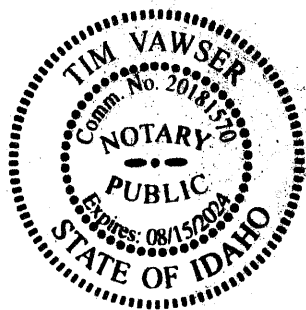
Hepworth Family Landholdings, LLC

John J. Wynne

STATE OF IDAHO)
)ss.
County of Twin Falls)

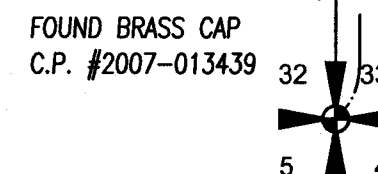
On this 11~~th~~ day of NOVEMBER, 2021, before me, the undersigned, a Notary Public for Idaho, personally appeared Steven F. Hepworth, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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



Notary Public for Idaho

Residing Kimberly



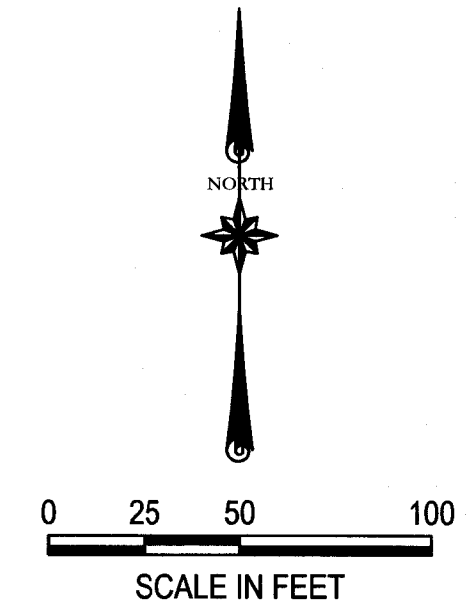
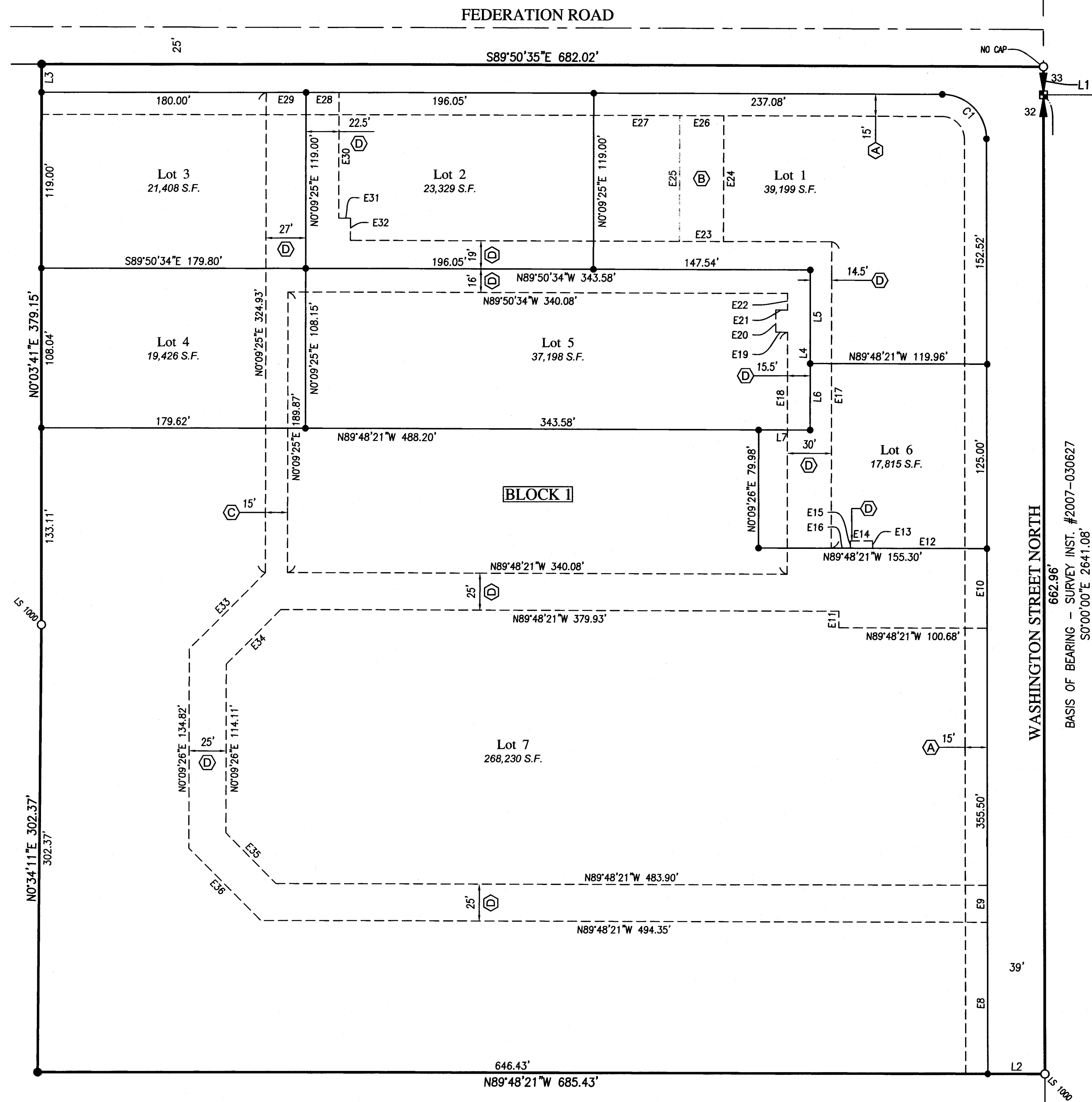
EHM Engineers, Inc.

RECEIVED
NOV 12 2021
CITY OF TWIN FALLS
ENGINEERING DEPT.



SUBDIVISION BOUNDARY LINE	
SECTION LINE	
EASEMENT LINE	
ADJACENT PROPERTY LINE	
CENTERLINE OF STREET	
LOT LINE	
FOUND BRASS CAP	
FOUND 5/8" REBAR (AS NOTED)	
SET 5/8" x 24" REBAR & CAP - LS 10110	
SET 1/2" x 24" REBAR & CAP - LS 10110	





Curve Table

CURVE #	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
C1	89°50'35"	30.00'	47.04'	42.37'	29.92'	S44°55'17"E

Easement Line Table

LINE E#	BEARING	DISTANCE
E8	S0°00'00"E	102.50'
E9	N0°00'00"W	25.00'
E10	S0°00'00"E	54.00'
E11	N0°00'00"W	11.26'
E12	S89°48'21"E	77.81'
E13	S0°23'19"W	5.00'
E14	S89°48'21"E	15.00'
E15	N0°23'19"E	5.00'
E16	S89°48'00"E	12.99'
E17	N0°09'26"E	207.37'
E18	N0°09'26"E	163.90'
E19	N89°48'21"W	8.00'
E20	N0°09'26"E	15.00'
E21	N89°48'21"W	8.00'
E22	N0°09'26"E	11.19'

Easement Line Table

LINE E#	BEARING	DISTANCE
E23	N89°50'34"W	30.00'
E24	N0°11'39"E	85.01'
E25	N0°11'39"E	85.00'
E26	S89°51'17"E	30.00'
E27	S89°50'35"E	58.47'
E28	S89°50'35"E	22.50'
E29	S89°50'35"E	27.00'
E30	N0°09'25"E	85.00'
E31	S89°50'34"E	8.00'
E32	N0°09'25"E	15.00'
E33	S45°14'26"W	72.83'
E34	S45°14'26"W	52.20'
E35	S44°45'34"E	48.41'
E36	S44°45'34"E	69.11'

Line Table

LINE #	BEARING	DISTANCE
L1	S0°00'22"W	19.00'
L2	N89°48'21"W	39.00'
L3	N0°03'41"E	19.00'
L4	S0°09'26"W	108.38'

Line Table

LINE #	BEARING	DISTANCE
L5	S0°09'26"W	63.36'
L6	S0°09'26"W	45.02'
L7	S89°48'21"E	35.00'

Easement Key

- (A) PUBLIC UTILITY & DRAINAGE EASEMENT
- (B) STORM WATER RETENTION EASEMENT
- (C) SANITARY SEWER EASEMENT
- (D) ACCESS, PUBLIC UTILITY & DRAINAGE EASEMENT



CERTIFICATE OF OWNERS

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OR REPRESENTATIVE OF THE OWNERS IN FEE SIMPLE OF THE FOLLOWING DESCRIBED PROPERTY, LOCATED IN A PORTION OF THE NE4 SE4 AND SE4 NE4 OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO; SAID PROPERTY BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 32 AS SHOWN ON THAT CERTAIN MAP ENTITLED "NORTHERN SKY SUBDIVISION", RECORDED NOVEMBER 21, 2007 AS INSTRUMENT NO. 2007-030627 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY AND BEING THE REAL POINT OF BEGINNING;
THENCE, ALONG THE EAST BOUNDARY OF SAID NE4 SE4 OF SECTION 32, SOUTH 00°00'00" EAST 662.96 FEET TO A POINT ON THE BOUNDARY OF SAID MAP;
THENCE, ALONG SAID BOUNDARY, NORTH 89°48'21" WEST 685.43 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, NORTH 00°34'11" EAST 302.37 FEET;
THENCE, LEAVING SAID BOUNDARY, NORTH 00°03'41" EAST 379.15 FEET;
THENCE, SOUTH 89°50'35" EAST 682.02 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SE4 NE4 OF SECTION 32;
THENCE, ALONG SAID EAST BOUNDARY, SOUTH 00°00'22" WEST 19.00 FEET TO SAID REAL POINT OF BEGINNING.

THE GROSS AREA CONTAINED IN THIS PLATTED LAND AS DESCRIBED IS 10.69 ACRES.

IT IS THE INTENTION OF THE UNDERSIGNED TO, AND HE DOES HEREBY INCLUDE SAID LAND IN THIS PLAT. THAT THE UNDERSIGNED BY THESE PRESENTS DEDICATE TO THE PUBLIC FOR PUBLIC USE FOREVER THE ROAD RIGHT OF WAY AS SHOWN ON THIS PLAT. THE EASEMENTS INDICATED ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHTS TO USE SAID EASEMENTS ARE HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES DESIGNATED ON THIS PLAT.

PURSUANT TO IDAHO CODE 50-1334, I, THE UNDERSIGNED, AS OWNER, DO HEREBY STATE THAT THE LOTS ON THIS PLAT ARE ELIGIBLE TO RECEIVE WATER SERVICE FROM THE CITY OF TWIN FALLS MUNICIPAL WATER SYSTEM.

PURSUANT TO IDAHO CODE 31-3805, I, THE UNDERSIGNED, AS OWNER, DO HEREBY STATE THAT THE IRRIGATION WATER RIGHTS APPURTENANT AND THE ASSESSMENT OBLIGATION OF THE LANDS IN THIS PLAT HAVE NOT BEEN TRANSFERRED FROM SAID LANDS AND THAT A SATISFACTORY IRRIGATION WATER DELIVERY SYSTEM IS PROVIDED FOR AND HAS BEEN APPROVED BY THE TWIN FALLS CITY COUNCIL. LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM THE IRRIGATION DISTRICT / CANAL COMPANY.

HEPWORTH FAMILY LANDHOLDINGS LIMITED LIABILITY COMPANY

BY: STEVEN F. HEPWORTH, MANAGER

ACKNOWLEDGMENT

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss

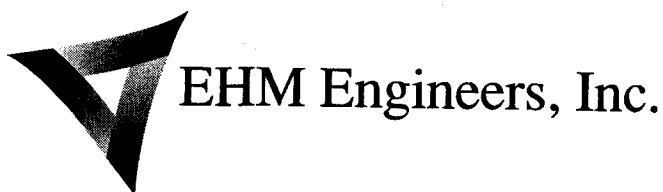
ON THIS _____ DAY OF _____, 2022, AT _____ M., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED STEVEN F. HEPWORTH, KNOWN OR IDENTIFIED TO ME TO BE THE MANAGING MEMBER OF HEPWORTH FAMILY LANDHOLDINGS LIMITED LIABILITY COMPANY, THE LIMITED LIABILITY COMPANY THAT EXECUTED THIS CERTIFICATE OR THE PERSON WHO EXECUTED THE CERTIFICATE ON BEHALF OF SAID LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED TO ME THAT SUCH LIMITED LIABILITY COMPANY 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

RESIDING AT

COMMISSION EXPIRES



CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, CHRISTOPHER S. HARMISON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, MADE THE SURVEY OF THE LAND DESCRIBED IN THE CERTIFICATE OF OWNER AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF SAID SURVEY AS MADE AND STAKED UNDER MY SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.



APPROVAL OF CITY COUNCIL

THIS PLAT WAS ACCEPTED AND APPROVED BY THE CITY COUNCIL OF TWIN FALLS, IDAHO AT THEIR MEETING ON THIS _____ DAY OF _____, 2022.

MAYOR CITY CLERK

APPROVAL OF CITY ENGINEER

I HAVE REVIEWED THE ACCOMPANYING PLAT AND HEREBY CERTIFY THAT IT CONFORMS WITH THE APPLICABLE ORDINANCES OF THE CITY OF TWIN FALLS, IDAHO.

CITY ENGINEER ATTEST

COUNTY SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR FOR TWIN FALLS COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATED TO PLATS AND SURVEYS.

GEORGE A. YERION PLS# DATE
PROFESSIONAL LAND SURVEYOR

ACKNOWLEDGMENT

STATE OF }
COUNTY OF } ss

ON THIS _____ DAY OF _____, 2022, AT _____ M., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GEORGE A. YERION, PERSONALLY KNOWN OR IDENTIFIED TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE 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
RESIDING AT
COMMISSION EXPIRES

COUNTY TREASURER'S CERTIFICATE

I, _____, COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO PER THE REQUIREMENTS OF IDAHO CODE 50-1308, DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE FOR THE PROPERTY INCLUDED IN THIS PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY DAYS ONLY.

COUNTY TREASURER DATE

COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO. _____

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss

ON THIS _____ DAY OF _____, 2022, AT _____ M., THE FOREGOING PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF TWIN FALLS COUNTY, IDAHO AND DULY RECORDED IN PLAT BOOK _____, ON PAGE _____.

DEPUTY EX-OFFICIO RECORDER



TRUST AGREEMENT

This Trust Agreement (the "Agreement") is made and entered into this _____ day of _____, 2021, by and between **HEPWORTH FAMILY LANDHOLDINGS LIMITED LIABILITY COMPANY, an Idaho Limited Liability Company**, (hereinafter "Trustor"); **TITLEFACT, INC.**, (hereinafter "Trustee"); and the **CITY OF TWIN FALLS, IDAHO** (hereinafter "Beneficiary"), and is made with respect to the following facts and objectives:

WITNESSETH:

WHEREAS, Trustor is the owner of the real property described below (the "Property"); and

WHEREAS, it is the desire and intent of Trustor to arrange, by and through this Agreement, for the orderly development and sale of the Property, in a manner that is conducive to achieving full compliance with applicable rules and regulations of Twin Falls County, Idaho, and the City of Twin Falls, Idaho, in effect on the date of approval of the subdivision of the property.

NOW THEREFORE, it is agreed between the parties hereto as follows:

1. That upon the execution of this Agreement by both parties, the Trustor agrees to execute and deliver to the Trustee a Warranty Deed, conveying to the Trustee, in Trust, to be held solely for the benefit of the Beneficiary, the Property, to-wit:

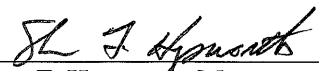
Lots 1, 2, 3, 4, 5, 6 and 7, Block 1, **FEDERATION POINT SUBDIVISION, A ZDA**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book _____ of Plats, page _____, records of Twin Falls County, Idaho.
2. The Trustor and the Trustee agree that the Trustee shall hold said title to the Property in trust, solely for the benefit of the Beneficiary under the terms hereof, and that title to the Property shall be and remain good and marketable and free from any defects, liens, conditions or encumbrances of any kind or nature, other than those appearing of record in the office of the Twin Falls County Recorder, and conditions of the Phase Control Development Notice for lots in **FEDERATION POINT SUBDIVISION, A ZDA** Subdivision, a copy of which is attached hereto as Exhibit "A," or those which are placed on the Property with the prior written consent of the Trustee. The Trustee shall not convey, transfer or encumber all or any interest in the Property, save and except to the extent as directed by the Trustor by written instrument delivered to the Trustee.
3. It is understood and agreed that the purpose of this Agreement is to provide Trustor with a convenient means of, subdividing, developing and selling the Property. It shall be the entire responsibility of the Trustor to effect such developing, subdividing and selling of the Property and to provide whatever subdivision plat it may desire and to pay all costs and expenses of said developing, subdividing and selling, and Trustee shall have no liability for any costs or expenses therefor or for any claim, damage, loss or liability sustained to the Property or Trustor or to any other person or persons in connection with said matter, save and except to the extent caused by Trustee's failure or refusal to comply with the terms and conditions of this Agreement.

4. The Trustor may, as it desires from time to time, sell all or any portion of the Property in its sole and complete discretion subject to the restrictions of the Phase Control Development Notice for lots in said subdivision. The Trustee agrees that, when it is so instructed in writing by Trustor, Trustee shall execute and deliver to the person or persons designated by Trustor, a fiduciary deed conveying good and marketable title to the Property or any part thereof as designated, and at said time the Trustor agrees to pay to Trustee any reasonable costs and expenses incurred by the Trustee hereunder and to pay the normal and customary fee for the cost of an owner's title insurance policy to be issued by *TITLEFACT, INC.*
5. It is agreed that Trustee shall not be liable or responsible for the condition of title to the Property, except as may be provided in any title insurance policy issued by the Trustee, and Trustee shall have no liability concerning possession or survey or any taxes, costs or expenses in connection with the Property, other than as herein provided.
6. It is agreed that the term of this Agreement shall expire when all of the above described Lots have been conveyed by the Trustee pursuant to Trustor's written instructions.
7. It is agreed that this Trust Agreement may not be revoked or amended without the prior written approval of the Beneficiary. If Trustee is presented with written notice of Termination by both Trustor and Beneficiary, and Trustee receives Trustor's payment of all reasonable out-of-pocket costs and expenses incurred by Trustee in connection with this Agreement, if any, the Trustee shall immediately reconvey to Trustor the remaining part of the Property; and thereafter no party hereto shall have any further liability to the others in connection with the Property or under the terms of this Agreement.
8. Trustor agrees to indemnify and save harmless Trustee from any claims, demands, judgments, costs and expenses including reasonable attorney's fees and any other obligation or liability of any kind or nature that the Trustee may for any reason suffer, incur or expend by reason of this Trust Agreement or in the administration thereof, other than for or as a result of Trustee's misconduct, breach of this Agreement, or willful neglect.
9. This Agreement shall bind the parties hereto, their heirs, representatives, successors and assigns.
10. It is understood and agreed that the Trustee may charge the Trustor a reasonable fee for serving as Trustee.

Date: 11-11-2021

TRUSTOR:

HEPWORTH FAMILY LANDHOLDINGS LIMITED LIABILITY COMPANY, an Idaho Limited Liability Company

BY: 
Steven F. Hepworth, Manager

Date: 11-12-2021

TRUSTEE:
TITLEFACT, INC.

BY: Rudy Ashenbrener
Rudy Ashenbrener, Vice President

Date: _____

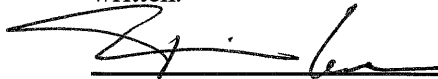
BENEFICIARY:
CITY OF TWIN FALLS, IDAHO

BY: _____

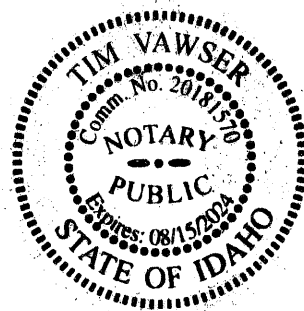
STATE OF IDAHO
County of TWIN FALLS

On this 11TH day of NOVEMBER, 2021, before me, a Notary Public in and for said State, personally appeared **Steven F. Hepworth** known or identified to me to be members of the limited liability company of **HEPWORTH FAMILY LANDHOLDINGS LIMITED LIABILITY COMPANY, an Idaho Limited Liability Company**, and the members who subscribed said limited liability company name to the foregoing instrument and acknowledged to me that he executed the same in said limited liability company name.

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



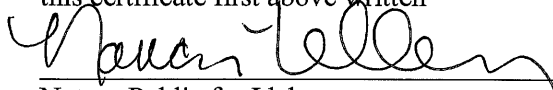
Notary Public
Residing in KIMBERLY
Commission expires 8-15-2024



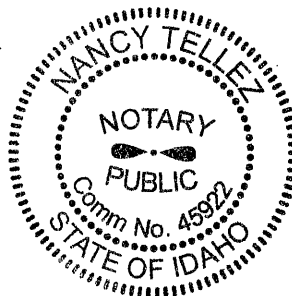
STATE OF IDAHO
County of Twin Falls

On this 12th day of November, 2021, before me, the undersigned, Notary Public in and for said State, personally appeared **Rudy Ashenbrener**, known or identified to me to be the Vice President of the said corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Notary Public for Idaho
Residing at: Murtough
My Commission expires: 12/15/2023



STATE OF IDAHO
County of Twin Falls

On this _____ day of _____, 2021, before me, the undersigned, Notary Public in
and for said State, personally
appeared _____, known or
identified to me to be the _____ for the City of Twin Falls, Idaho, and known to
me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she
executed the same on behalf of the City of Twin Falls, Idaho.

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:

"EXHIBIT A"

PHASE CONTROL DEVELOPMENT NOTICE

THIS NOTICE prohibits the conveyance of any undeveloped lot in until such time as an Improvement Agreement for Developments between the City of Twin Falls and the Developer is recorded designating the lots and blocks in each phase which are approved for conveyance.

TITLEFACT, INC., will hold the deed to all undeveloped lots in Escrow with instructions to convey only those lots covered by the recorded Improvement Agreement for Developments.

The real property subject to this notice is

Lots 1, 2, 3, 4, 5, 6 and 7, Block 1, **FEDERATION POINT SUBDIVISION, A ZDA**

Date: 11-11-2021

TRUSTOR:

HEPWORTH FAMILY LANDHOLDINGS LIMITED LIABILITY COMPANY, an Idaho Limited Liability Company

BY: Steven F. Hepworth
Steven F. Hepworth, Manager

Date: 11-12-2021

TRUSTEE:

TITLEFACT, INC.

BY: Rudy Ashenbrener
Rudy Ashenbrener, Vice President





Date: Monday, January 10, 2022
To: Honorable Mayor and City Council
From: Troy Vitek

ACTION ITEM

Request:

Request to award the Waste Water Treatment Plant Boiler Construction Package to GSE Construction.

Time Estimate:

Staff Estimates 5 to 10 minutes to explain the recommendation

Background:

In the Early 1980's, a boiler was installed at the treatment plant as part of the Waste Water Treatment Plant expansion to provide compliance with state regulations for discharge. After 40 years of use in a harsh environment, it is time to replace the equipment. The Engineering Department contracted design for the replacement with Jacob's Engineering, who had estimated the replacement cost at \$800,000. Jacobs designed a boiler and on September 13th, City Council authorized Engineering to execute a contract for procurement of the boiler with J Wilcox Company. It was determined this piece of equipment could not just be removed and replaced with new technology. It was found that the building needed to be brought up to current code compliance. This was a significant change to what was originally anticipated and resulted in more substantial design work and installation of a new heating/ventilation system. The engineers estimate for installation was \$854,801 and on November 15th, I brought before the previous City Council a recommendation to utilize \$1,392,630.00 of Waste Water reserves to complete this project. Council authorized staff to bid the project and on December 16th staff received two bids, one from GSE in the amount of \$1,558,700 and there other from Cascade Enterprises for \$1,743,311.00. There will also be costs associated with some updated programming and Jacobs to review and be onsite during the installation. At this time, with GSE's bid, the installation cost is \$1,558,700 which includes construction for \$1,311,933 and Boiler procurement costs at \$246,767. Additional costs requested include a 5% contingency value of \$65,597.00, programing for integration of \$20,000, and Jacobs continued support of \$163,234.00 for a total value of \$1,807,531.00. (see attached budget review 1/4/2022 sheet)

The City Council does have a second option of not approving the project and waiting for a more favorable bidding environment but the consequences could include possible failure of the existing boiler which could result in EPA violations and fines or continued price escalation in this uncertain bid environment.

Approval Process:

Majority vote is required to authorize the City Engineer to sign a contract with GSE Construction Company, Inc.

Budget Impact:

If approved by Council the total impact to the Waste Water Reserves would be \$1,807,531.00

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends award of the Boiler Construction Package to GSE Construction Company, Inc. for a lump sum contract price of \$1,558,700.00 with a 5% contingency for unforeseen items and authorize the City Engineer to sign the contract. Along with \$248,831.00 in supporting costs.

Attachments:

1. Recommendation of Award - Final
2. 2022-01-04 - Twin Falls Boiler Replacement Budget Reconciliation



999 W. Main St
Suite 1200
Boise, ID 83702
United States
T +1.208.383.6208
www.jacobs.com

January 4, 2022

City of Twin Falls
Attention: Josh Baird, City Engineer
203 Main Avenue East,
Twin Falls, ID 83301

Project Name: Twin Falls WWTP Boiler Construction Package

Subject: Twin Falls WWTP Boiler Construction Package – Recommendation of Award

Dear Josh,

Two bids were received from contractors in response to the Advertisement for Bids for the Twin Falls WWTP Boiler Construction Package. We have reviewed the bids submitted and the apparent low bidder is GSE Construction Company, Inc. Upon review of their bid, we find that they have successfully submitted the required documents.

Jacobs recommends that the City of Twin Falls approve the award of the Boiler Construction Package to GSE Construction Company, Inc. for a lump sum contract price of \$1,558,700.00 for the replacement of two existing digester gas-fired boilers and required upgrades to HVAC systems in the digester control building at the Twin Falls WWTP.

Jacobs also recommends that the City of Twin Falls approve issuance of a Notice to Fabricate to J. Wilcox Sales Co. as part of the Twin Falls WWTP Boiler Procurement package. This will allow for the boiler to be released into production and delivered to GSE Construction Company, Inc. for installation as part of the above-referenced project.

Regards,

A handwritten signature in blue ink that reads "Travis R. Casch".

Travis Casch, P.E.
Project Manager

Copies to: Troy Vitek/City of Twin Falls, Jack Bennion/Jacobs

Twin Falls WWTP Boiler Replacement Budget Review

1/4/2022

Boiler Design

Jacobs initial design budget for the boiler replacement project	106,000
Jacobs design change notice #1 for air permitting	50,000
Current Design Budget	156,000

Boiler Procurement - agreement signed 9/22/2021

Bryan Boiler w/Powerflame Burner	244,650
Automatic Fuel Changeover (CO#1)	2,117
Total Boiler Procurement	246,767
269,115 was committed from last year's budget	

Boiler Installation - cost projection

Boiler Installation - GSE Construction Company, Inc. Bid Value	1,311,933
Boiler system integration allowance for programming by Banyan Technologies	20,000
Jacobs out of scope design effort (forthcoming discussion)	64,334
Jacobs bidding, contract award, and SDC (includes boiler procurement bidding and contracting)	98,900
Contingency 5% (construction phase contingency)	65,597
Total expected amount remaining to be funded	1,560,764

\$1,807,531.00



Total projected/upcoming funding (includes design, procurement, SDC, construction)	1,560,764
---	------------------

Draft Schedule

Task	Assumed Duration	Assumed Schedule
1. Project Management	8 months	November 2021 – July 2022
2. Boiler Procurement Services During Bidding (Task Complete)	2 months	September – October 2021
3. Boiler Installation Services During Bidding and Award	3 months	November 2021 - January 2022
4. Services During Construction	7 months	February – August 2022
5. Services During Closeout	1 month	September 2022



Date: Monday, January 10, 2022
To: Honorable Mayor and City Council
From: Lee Glaesemann

ACTION ITEM

Request:

Request funding for Irrigation Pond Lining project.

Time Estimate:

10 Minutes

Background:

The City has two irrigation pump station earthen ponds that need to be lined with waterproof membranes. Last summer during utility installation near the Perrine Point pump station, unusually high ground water was discovered. Upon investigation, it was found that a rock layer under the area appeared to be preventing deep infiltration of water that would naturally seep through the soils of an earthen pond. To prevent the contribution of additional water to the local groundwater that has the potential to cause issues with utilities or adjacent properties, staff is recommending the installation of an impervious liner in the Perrine Point irrigation pond. An additional irrigation pond was recently constructed at Settler's Ridge. Before it is made fully operational, staff recommends installing a liner in the Settler's Ridge irrigation pond also.

Lining the ponds was not included in the current budget year, so staff is requesting \$175,000 from water reserves for the engineering and construction work to install the liners.

Approval Process:

A majority vote of City Council

Budget Impact:

This work was not funded in the current fiscal year budget. \$175,000 of water reserves will be needed for the work. There are sufficient water reserves to cover the request.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends authorization to use \$175,000 of water reserves to install liners in the Perrine Point and Settler's Ridge irrigation station ponds.

Attachments:

None



Date: Monday, January 10, 2022
To: Honorable Mayor and City Council
From: Bill Carberry, Airport Manager

Request: Consideration of an FAA Grant Offer of \$44,039 for Airport Concessionaire Relief, Funded through the Federal Airport Coronavirus Response Grant Program (ACRGP).

Time Estimate: 5 minutes with additional time for questions.

Background: Our airport is eligible for concessionaire relief funds under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA). These funds are administered under the Airport Coronavirus Response Grant Program (ACRGP) and the FAA to assist airport sponsors to address the COVID-19 public health emergency.

This funding is intended to provide relief from rent and minimum annual guarantees to on-airport car rental agencies, restaurant operators, and other in-terminal concessions (as defined in 49 CFR part 23).

In the spring of 2021, the City Council approved moving forward with an application for these airport concessionaire relief grant funds. This is the second of two grant offers for relief funds for concessionaires. The first grant offer, accepted last fall, was for a total of \$11,000.

Approval Process: A majority vote of the Council is needed to approve the request.

Budget Impact: This grant is 100% federal funds and does not require any local match funding. By accepting these funds, we are committing to relieving rent and minimum annual guarantees, proportionally amongst concessionaires, for the entirety of the grant amount. The airport will be reimbursed through the grant for the credits we provide.

Regulatory Impact: The grant offer will be subject to the provisions associated with the grant offer.

Conclusion: Staff recommends the City Council approve acceptance of the grant offer for Airport Concessionaire Relief, and authorize the Mayor to sign the pending grant offer.



Date: Monday, January 10, 2022
To: Honorable Mayor and City Council
From: Mandi Thompson, Assistant to the City Manager

ACTION ITEM

Request:

Consideration of the request for the City Council to authorize the application for an Assistance to Firefighters Grant (AFG) and for the Mayor to sign Memorandum of Understandings with five (5) City and/or Fire District representatives.

Time Estimate:

Staff presentation will take approximately 10 minutes. Following the presentation, we expect some time for questions and answers. The total estimated time is 15 minutes.

Background:

The Twin Falls Fire Department has recently been involved in several large structure fires that have required the use of multiple air tanks per fire fighter. In March 2021, during the structure fire at Amalgamated Sugar, mutual aid was requested by 4 different departments to assist in fighting the fire. In addition, aid from Declo Rural Fire District was eventually requested in the form of a mobile air fill station to refill to assist in refilling empty tanks on-scene instead of transporting them back to Station 1. The use of this mobile air fill trailer saved time and resources during an incident that lasted 46 hours. The air trailer was not available on December 31, 2021 to assist in the recent Bekins/Ford Transport and Storage fire due to inclement weather and dangerous travel conditions.

Regional cooperation and mutual aid in the Magic Valley has been increasing for several years. Nine departments and fire districts operate with the same SCBA (self-contained breathing apparatus) units that were purchased with another AFG grant in 2014. Mutual aid agreements are in place between the TFFD and 5 departments/districts, and a regional fire training facility is currently under construction in Twin Falls. A regional mobile air trailer will only enhance the regional firefighting efforts, while ensuring quality air at a fire scene and better use of limited resources.

The City of Twin Falls has agreed to act as host applicant for a regional AFG grant application to purchase a mobile air fill trailer with a cascade system and fill station. The primary goal of the AFG program is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical service organizations. Regional applications that address the creation of true interoperability between departments have a better chance of being funded.

Fire Chief Les Kenworthy contacted regional fire departments and rural fire districts to gauge their interest in participating in the grant. All were interested and willing to provide all the needed information from their respective departments. The grant partners will be Twin Falls Fire Department, Filer Rural Fire District, Buhl Fire Department, Castleford Rural Fire District, Salmon Tract Rural Fire District and Rock Creek Rural Fire District.

One of the requirements of the grant application is a signed MOU between the host applicant and all partners. These MOUs outline the purpose of the grant and the cost of the mobile air trailer. The MOUs stipulate the match that is required of each partner and the payment terms to the City of Twin Falls to

participate in the grant.

If awarded, this grant will enhance regional interoperability between fire departments and fire districts. It will allow for departments to share air tanks when on mutual aid calls and have immediate access to additional air as needed. But more importantly, this project will greatly improve the ability of TFFD and surrounding departments to safely and effectively fight large structure fires.

The grant request is for \$149,217 in federal funds with a local match of \$16,580 (10%), for a total of \$165,797.

Approval Process:

A majority vote by the City Council is needed to approve this request.

Budget Impact:

\$8,500 from reserves.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends the City Council authorize the Mayor to sign the attached MOUs and approve the application for funds and use of City reserves for the \$8,500 match.

Attachments:

1. Memorandum of Understanding - FEMA Assistance to Firefighters Grant - Rock Creek Fire
2. Memorandum of Understanding - FEMA Assistance to Firefighters Grant - Filer Rural Fire District - 12-29-2021

MEMORANDUM OF UNDERSTANDING
FEMA ASSISTANCE TO FIREFIGHTERS GRANT

This Memorandum of Understanding sets forth the terms and understanding by and between the parties regarding the application for a FEMA Assistance to Firefighters Grant for the purchase of a mobile air trailer.

WHEREAS, The Federal Emergency Management Agency (FEMA) has announced that applications will be accepted for FY 2021 Assistance to Firefighters Grants (AFG); and,

WHEREAS, the participating fire departments have a shared need for a mobile air trailer to meet and enhance the firefighting and emergency response needs of firefighters, and to protect the public and emergency personnel from fire and related hazards; and,

WHEREAS, The City of Twin Falls, Idaho, has agreed to act as a Host Applicant for surrounding fire departments in order to submit a regional application for an AFG grant.

NOW, THEREFORE, The parties hereto agree as follows:

1. The City of Twin Falls will be the Host Applicant and will administer the grant, and collect all matching funds.

2. The purchase price of the portable air trailer is \$165,797. The FEMA AFG provides for a ten percent (10%) match. The ten percent (10%) match for the air trailers is \$16,580.00. The FEMA grant will pay the remaining 90% of the cost of each unit, or \$149,217.

3. The Rock Creek Rural Fire Protection District will pay the City of Twin Falls \$5,498 within ten (10) days of receipt of notice from the City of Twin Falls.

4. If the City of Twin Falls does not receive the FEMA AFG grant funds anticipated in this MOU, the City of Twin Falls shall not issue notice of agreed upon match, and neither party shall have any further obligation.

Rock Creek Rural Fire Protection District

Dated: 1-4-2022

By: Marvin L. Norris

Chairman, Board of Commissioners

City of Twin Falls, Idaho

Dated: _____

By: _____

Mayor

MEMORANDUM OF UNDERSTANDING
FEMA ASSISTANCE TO FIREFIGHTERS GRANT

This Memorandum of Understanding sets forth the terms and understanding by and between the parties regarding the application for a FEMA Assistance to Firefighters Grant for the purchase of a mobile air trailer.

WHEREAS, The Federal Emergency Management Agency (FEMA) has announced that applications will be accepted for FY 2021 Assistance to Firefighters Grants (AFG); and,

WHEREAS, the participating fire departments have a shared need for a mobile air trailer to meet and enhance the firefighting and emergency response needs of firefighters, and to protect the public and emergency personnel from fire and related hazards; and,

WHEREAS, The City of Twin Falls, Idaho, has agreed to act as a Host Applicant for surrounding fire departments in order to submit a regional application for an AFG grant.

NOW, THEREFORE, The parties hereto agree as follows:

1. The City of Twin Falls will be the Host Applicant and will administer the grant, and collect all matching funds.

2. The purchase price of the portable air trailer is \$165,797. The FEMA AFG provides for a ten percent (10%) match. The ten percent (10%) match for the air trailers is \$16,580.00. The FEMA grant will pay the remaining 90% of the cost of each unit, or \$149,217.

3. The Filer Rural Fire District, will pay the City of Twin Falls \$1,000 within ten (10) days of receipt of notice from the City of Twin Falls.

4. If the City of Twin Falls does not receive the FEMA AFG grant funds anticipated in this MOU, the City of Twin Falls shall not issue notice of agreed upon match, and neither party shall have any further obligation.

Filer Rural Fire District, Idaho

By: _____

President Dennis Lutz

Dated: 12/29/21

City of Twin Falls, Idaho

By: _____

Mayor

Dated: _____



Comprehensive Staff Report

To: City Council

Presenter: Jonathan Spendlove, PZ Dir.

Request: To allow for **Additional Building Height** beyond 50 feet on property located on 2nd Ave South, between Hansen Street and Shoshone Street.

Application: PZ21-0159

Applicant & Representative:

Galena Opportunity, Inc

c/o Bill Truax

Public Hearing: January 10 , 2022

Analysis

This is a request for Additional Building Height to allow two eighty-five foot (85') tall mixed use buildings. The subject property is located within the CB (Commercial Business) Zoning District and P-1 Parking Overlay.

The future buildings are proposed with a mix of Retail/Office/Residential type uses. The drawings depict building finishes of Glass, Metal, Concrete, and other common rock/stone like materials.

Similar, but not exact copies of the building at 160 Main Ave South, these buildings would be among the tallest structures in the vicinity and will create shadows on adjacent buildings, streets, and alleys. These additional tall buildings will add to the changing skyline of downtown, bringing additional housing, businesses and activity to the central core of downtown.

An additional aspect of this proposed project, although partially outside the scope of this application, is the construction of parking garage containing ~300 parking spaces.

Approval Process

A request for additional height follows the public hearing process for zoning

map amendments as described in subsection 10-14-5(B) and section 10-14-7 of City Code.

The Planning & Zoning Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The Commission shall then transmit its recommendation to City Council.

After receiving the recommendation, the City Council shall conduct a public hearing, and make a final decision on the request.

History

The current use of the property as Parking lots have been in place for over three decades. No further pertinent zoning history is known at this time.

Applicable Regulations or Codes

Per City Code 10-7-3, The council may allow greater than standard building heights with or without extra setback requirements, by following certain public hearing requirements.

Per City Code 10-10-12, Off-street parking is not required within the P1 district as for outright permitted uses.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as

"Downtown" This request meets this designation and other comprehensive plan guidelines by encouraging development and infill, while also providing downtown housing options.

The 2009 Master Transportation plan identifies the surrounding 2nd Avenues as arterial roadways and the immediate Main and Hanson Streets as a local streets. Staff has determined that the adjacent roadways are sufficient to accommodate the proposed use based on existing and expected future roadway capacities.

City Staff determines this request follows the goals presented within the Comprehensive Plan, and other supporting documents.

Potential Impacts

The applicant and Staff do not anticipate detrimental impacts beyond reasonable levels. However, Staff does anticipate specific impacts such as

- The proposed building will be among the tallest building downtown and add to the progressing change of the current downtown skyline.
- Due to the height of the building there will a significant increase in the amount of

Public Hearing: January 10 , 2022

shaded area in proximity to the building.

- There will be an increase in vehicle traffic to and around the proposed building.

Staff believes the majority of these impacts will have positive reverberations in terms of increased vibrancy, economic benefits, and redevelopment of underutilized properties.

The increased vehicles generated by this project will be largely mitigated by the proposed parking structure that is to be constructed as part of the overall project.

Conclusion

The Planning and Zoning Commission forwarded a positive recommendation of this request, as presented, by a vote of 5 – 0.

The Council is tasked with making a final decision on this request. The Council may approve the additional height as presented, approve with modifications, table the item to seek additional information, or deny the request.

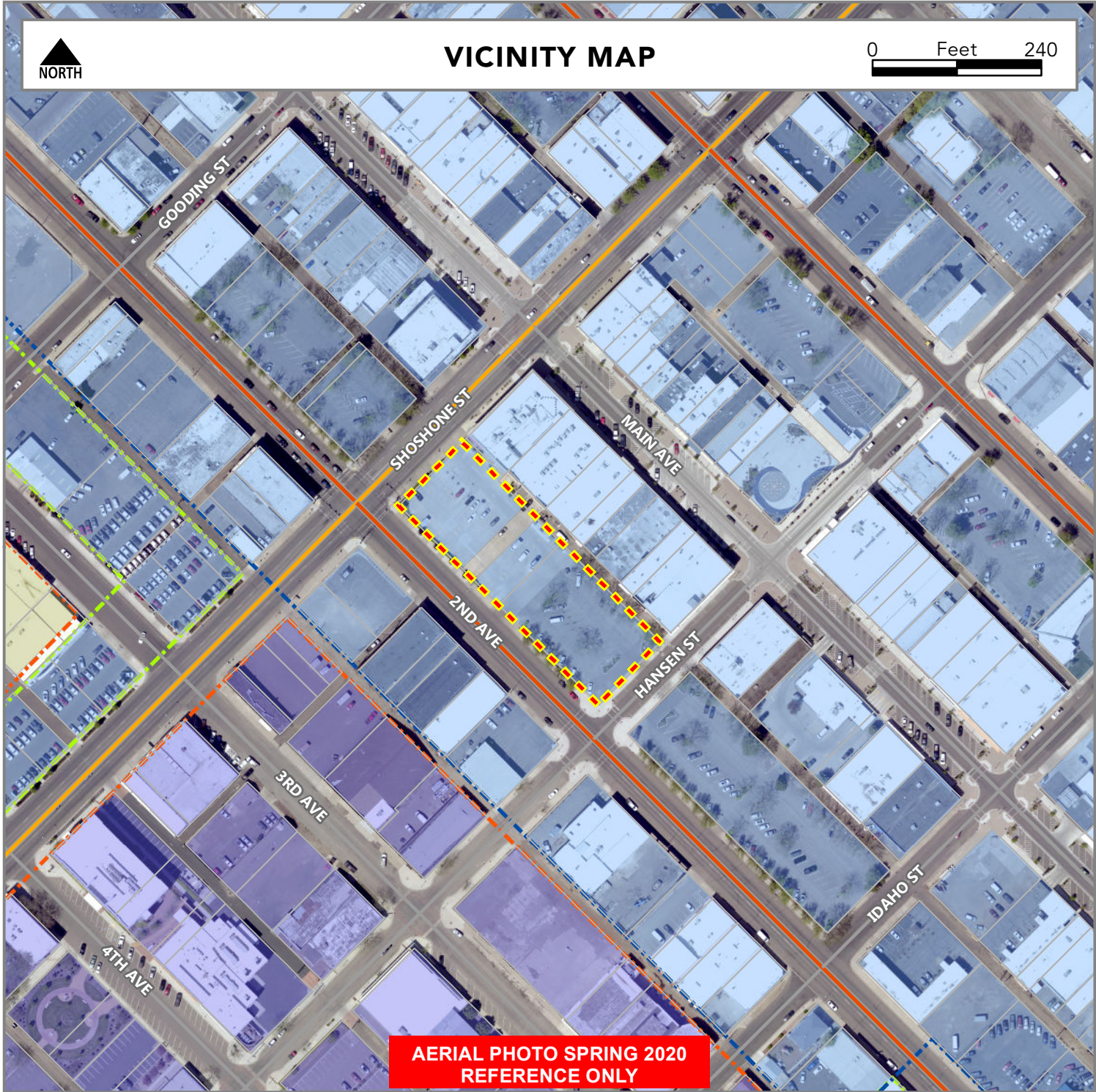
If the Council approves this request as presented, then staff recommends the following conditions.

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to continued compliance with the application materials and drawings submitted by the applicant.
3. Subject to the maximum height of the building to include all mechanical and service equipment.

- Due to both the commercial and residential uses which will occupy the building there will.

Attachments

1. Vicinity Map
2. Applicant Narrative
3. Applicant Site Plan – By level
4. Applicant Elevations
5. Photos
6. Public Comment Letter #1
7. PZ Commission Minutes 11-09-21



- P1 Overlay M-2
- P2 Overlay O-T
- P3 Overlay
- C-B

Current Zoning: C-B & P-1 Overlay
Comprehensive Plan: Downtown

Existing Land Use: Parking Lot
Proposed Land Use: Mixed Use Building with Additional Height

Surrounding Zoning Designations & Land Use(s)	
North: Shoshone St; CB P-1, Mixed Use Commercial/Office/Retail	East: Alley; CB P-1, Mixed Use Commercial/Office/Retail
South: Hansen St; CB P-1, Mixed Use Commercial/Office/Retail	West: 2 nd Ave S; CB P-1, Mixed Use Commercial/Office/Retail
Applicable Regulations of Note	
10-1-3, 10-1-5, 10-7-3, 10-10-12	

PROJECT NARRATIVE

HEIGHT VARIANCE NARRATIVE:

Please accept our request for a height variance which is necessary for the development of two mixed-use residential buildings and a multi-story parking structure located along 2nd Avenue South between Hansen Street S. and Shoshone Street S. in the Commercial Central Business District in the city of Twin Falls. We are requesting variance to a maximum parapet height of 75 feet, similar to the scale of the neighboring 160 Main building. We are also asking for a maximum height of 85 feet to the top of the roof appurtenance structures related to the elevator and roof top amenity deck.

The height variance is needed to accommodate two structures in a 5- and a 6-story building that are similar in design to the 160 Main project that is currently under construction. Added building height is necessary to provide a project with scale large enough to assure economic feasibility and to also meet the City's goal of providing adequate parking spaces to the District. We feel that the design and height of the new structures will complement existing buildings in the area and will not negatively affect the viability of neighboring businesses.

The project will contain two residential structures:

- The building at the corner of Hansen will contain 48 units in 4 residential floors over podium structure with ~325 parking stalls and ~1,000 square feet of on-grade retail (6 total floors). Included in the design is a roof top deck and a generous 2nd floor amenity area overlooking Hansen Street which will contain a resident lobby, bicycle parking and fitness area.

- Proposed parking stall counts are listed below:

100	Public
45	Office, 160 Main
50	Office, 102 Main (replacement)
50	Residential Hansen Street
50	Residential Shoshone Street
<u>30</u>	<u>Residential 160 Main</u>
325	Total

- The building at the corner of Shoshone will contain 48 units in four floors over ~1,400 square feet of on-grade retail and a residential lobby (5 total floors) and four (4) live/work townhomes. The newly designed townhomes will be located on grade level and will open to a pedestrian courtyard that connects 2nd Avenue South to the alley retail access.
- The two buildings and parking structure will be operated as a single property. Construction permit applications will be submitted separately to allow for a phased development with the construction of the parking structure occurring first. Construction completion on the parking structure is scheduled for November 2022.
- The residential units above the parking garage (2nd & Hansen) will begin construction as soon as the 5th level of parking garage is poured, and the tensioning cables are stressed. The building at 2nd & Shoshone will begin construction when the permits are approved at the city, currently programmed in April 2022.

Existing water and sewer infrastructure is adequate to support new development in the area. It is anticipated that Idaho Power will need to upgrade its transformers to current standards. Once the parking structure is completed, parking infrastructure will be adequate to accommodate the economic activity that this project will create.

The residential buildings will contain a mix of studio, 1- and 2-bedroom units and bring much-needed housing to the urban core of Twin Falls. Current unit matrix is listed below:

2nd & Hansen

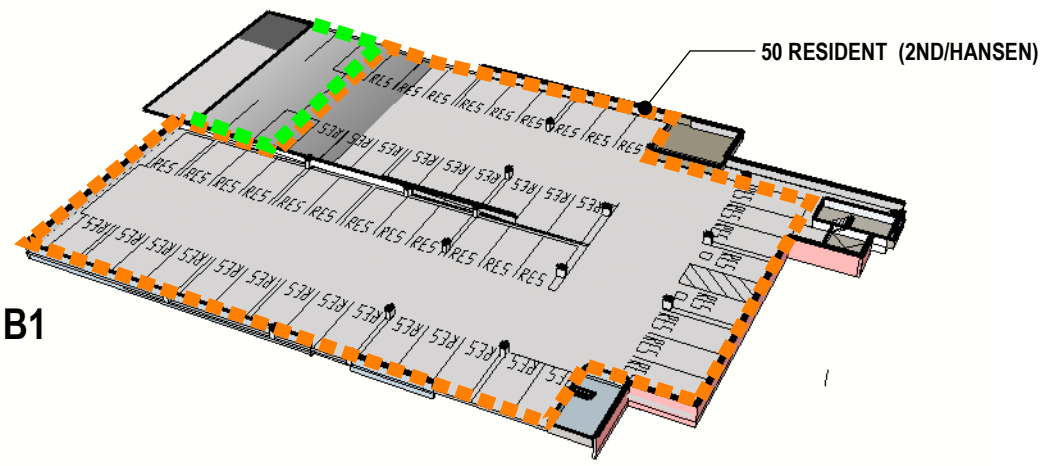
Unit Type	Beds	Baths	Unit SF	Total Units	% of Total
Studio/1BA	0.0	1.0	482 SF	10	10.0%
JR 1BR/1BA	1.0	1.0	514 SF	6	6.0%
1BR/1BA	1.0	1.0	775 SF	15	15.0%
2BR/2BA	2.0	2.0	1,023 SF	5	5.0%
2BR/2BA	2.0	2.0	1,114 SF	12	12.0%
			Total	48	48.0%

2nd & Shoshone

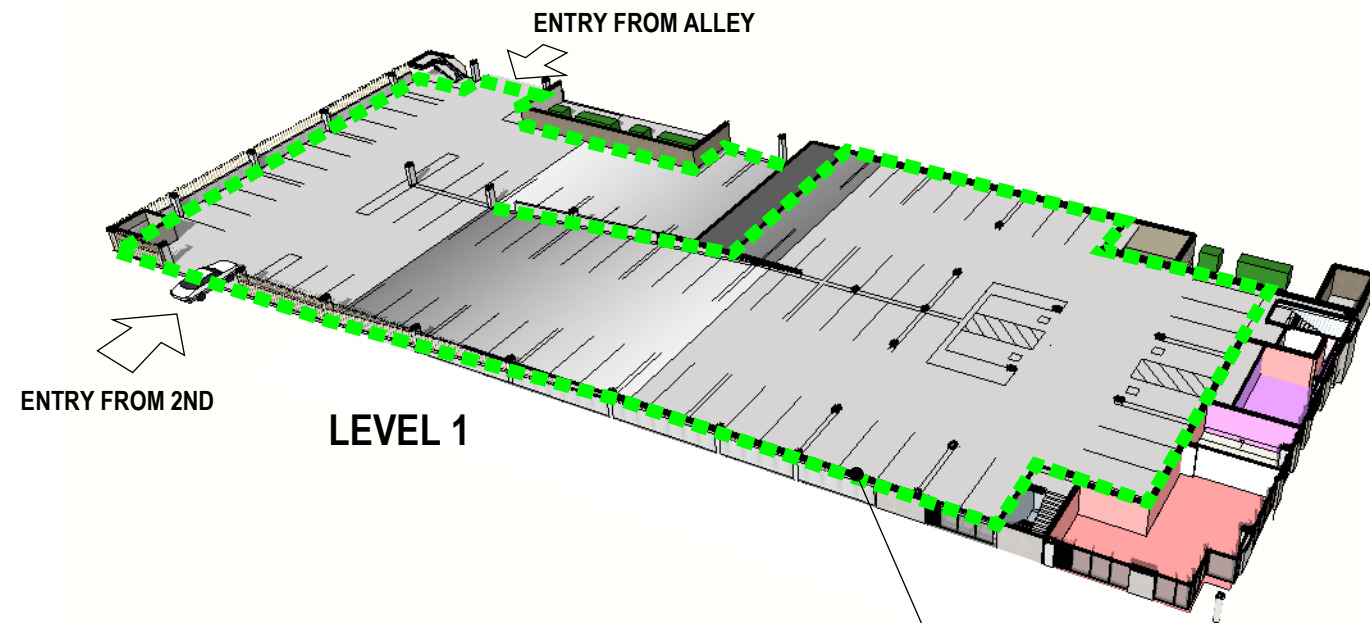
Unit Type	Beds	Baths	Unit SF	Total Units	% of Total
Studio/1BA	0.0	1.0	465 SF	15	15.0%
1BR/1BA	1.0	1.0	546 SF	3	3.0%
1BR/1BA	1.0	1.0	548 SF	2	2.0%
1BR/1BA	1.0	1.0	594 SF	5	5.0%
1BR/1BA	1.0	1.0	616 SF	8	8.0%
2BR/2BA	2.0	2.0	758 SF	10	10.0%
2BR/2BA	2.0	2.0	921 SF	5	5.0%
Townhomes	2.0	2.0	1,163 SF	4	4.0%
			Total	52	52.0%

The creation of residential units, retail spaces, and public parking is in alignment with the City of Twin Falls comprehensive plan and economic development goals. The project will leverage the original TFURA and City of Twin Falls investments into the Old Main Avenue renewal area and will bring significant economic activity to the district. Neighboring businesses will benefit from increased demand created by residents living in the area and the ease of accessible parking will encourage visitors, thus increasing the District's tax base.

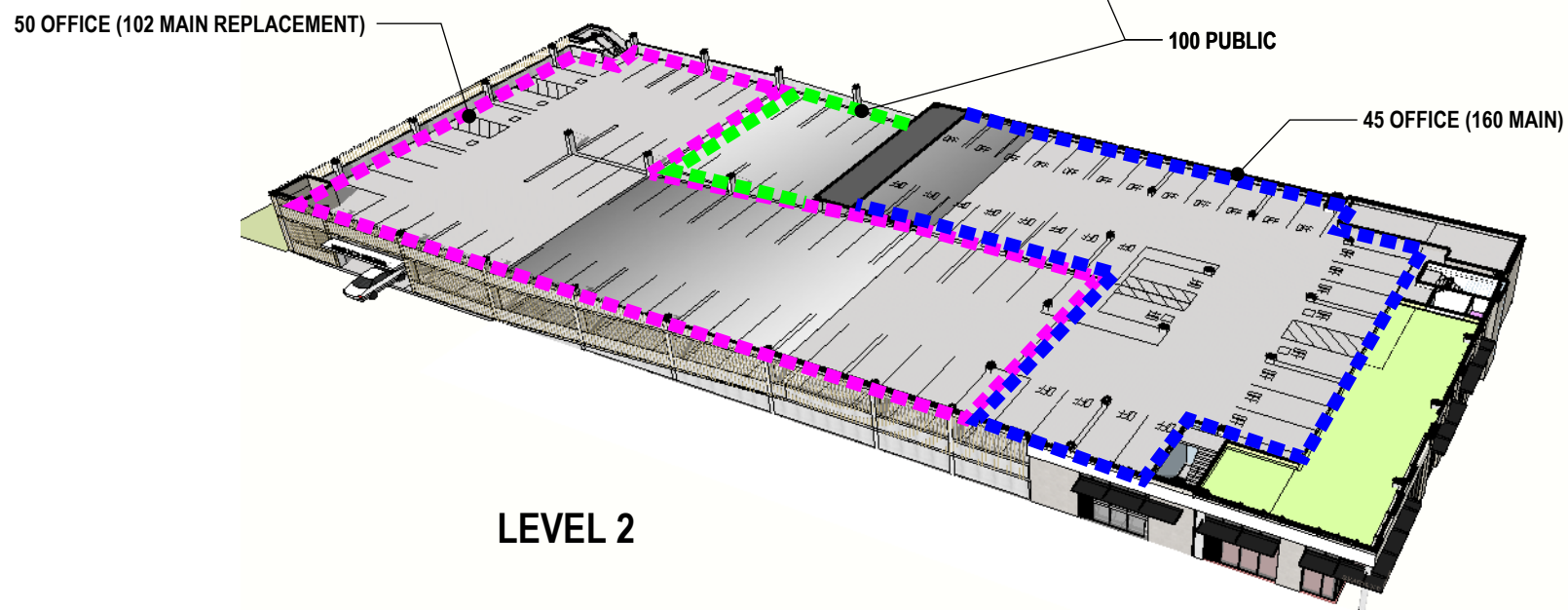
LEVEL B1



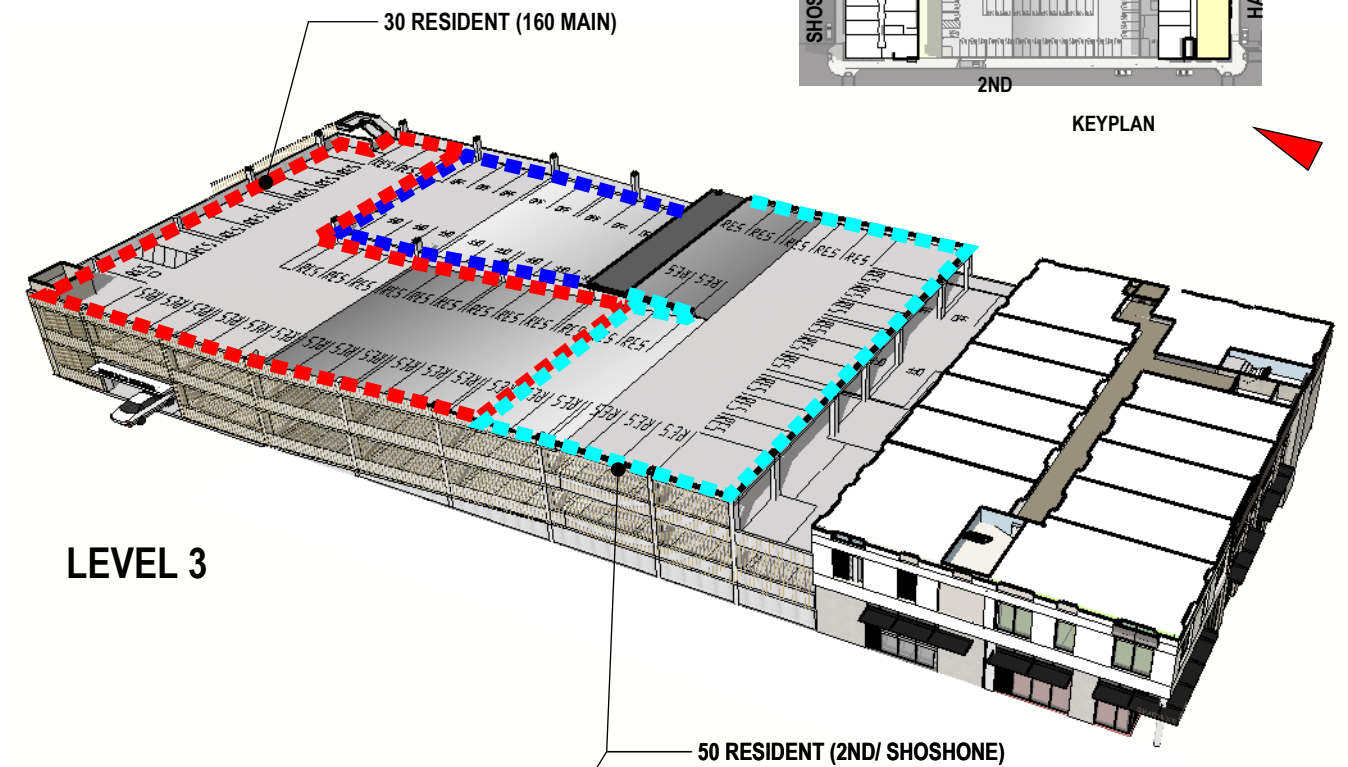
LEVEL 1



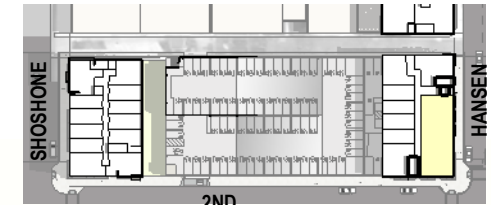
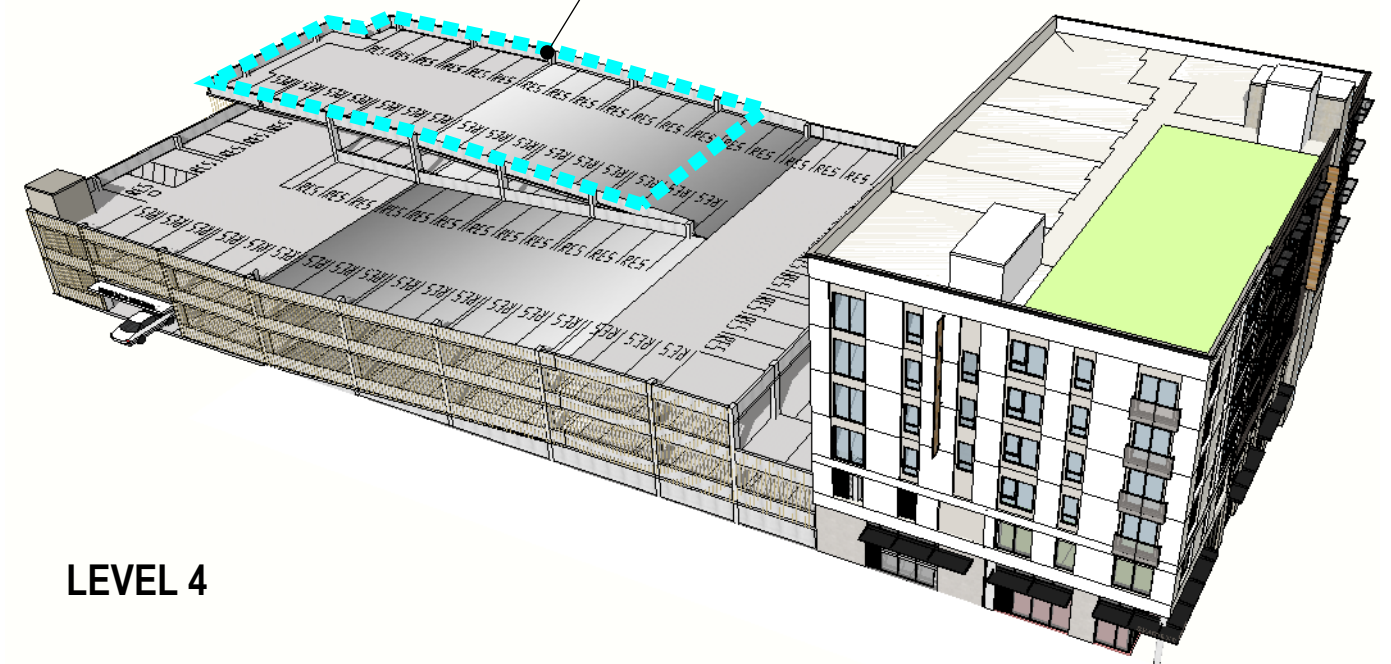
LEVEL 2



LEVEL 3



LEVEL 4



KEYPLAN

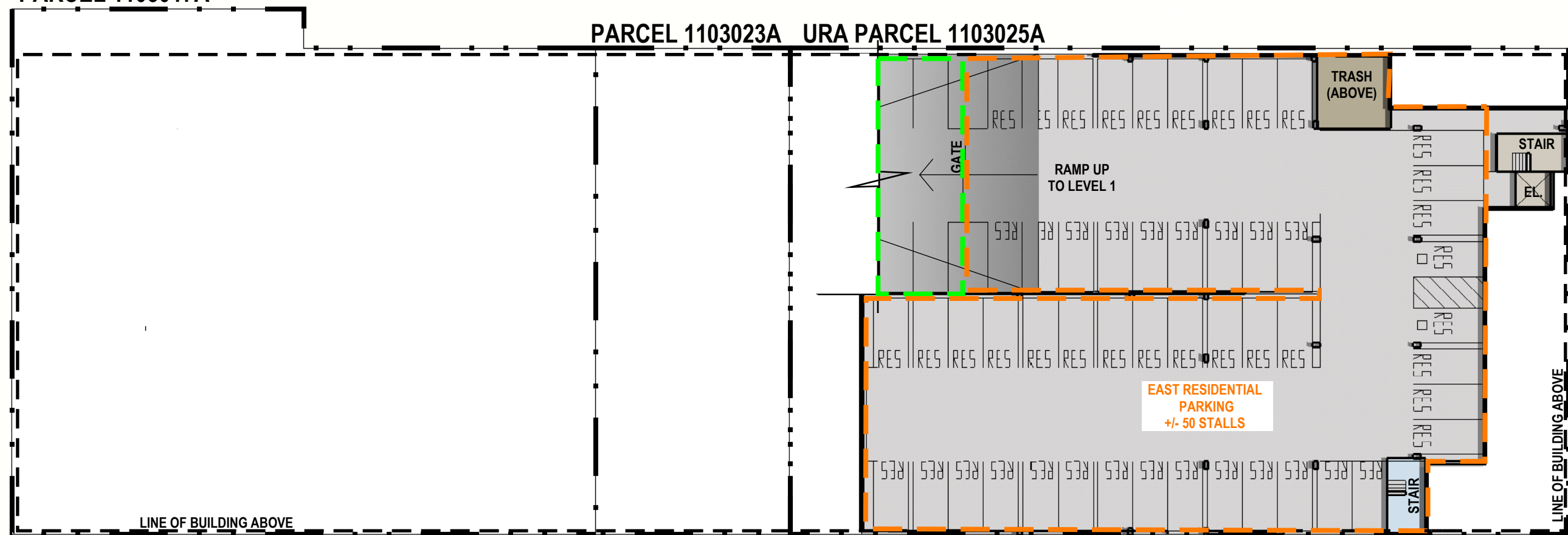
CONCEPT PARKING DIAGRAM

2nd & Hansen

2nd & Hansen St., Twin Falls, ID 83301
PNa JOB # 21-0XX

PARCEL 1103017A

PARCEL 1103023A URA PARCEL 1103025A



CONCEPT PLAN LEVEL B1

SCALE: 1"=30'

2nd & Hansen

2nd & Hansen St., Twin Falls, ID 83301
PNa JOB # 21-0XX

pivot north
ARCHITECTURE



CONCEPT LEVEL 2 PLAN

SCALE: 1"=30'

2nd & Hansen

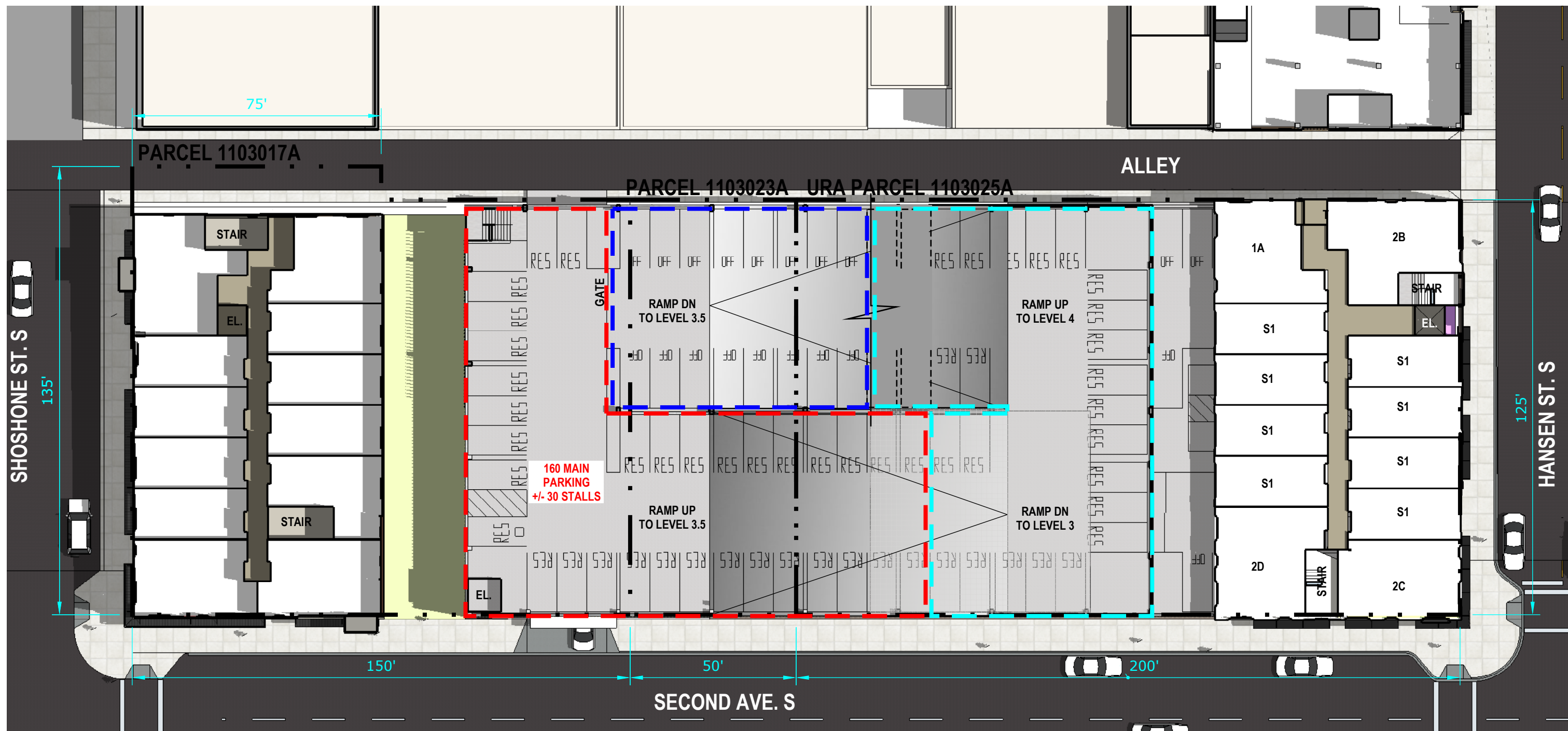
2nd & Hansen St., Twin Falls, ID 83301
PNa JOB # 21-0XX



03

10.12.2021

pivot north
ARCHITECTURE



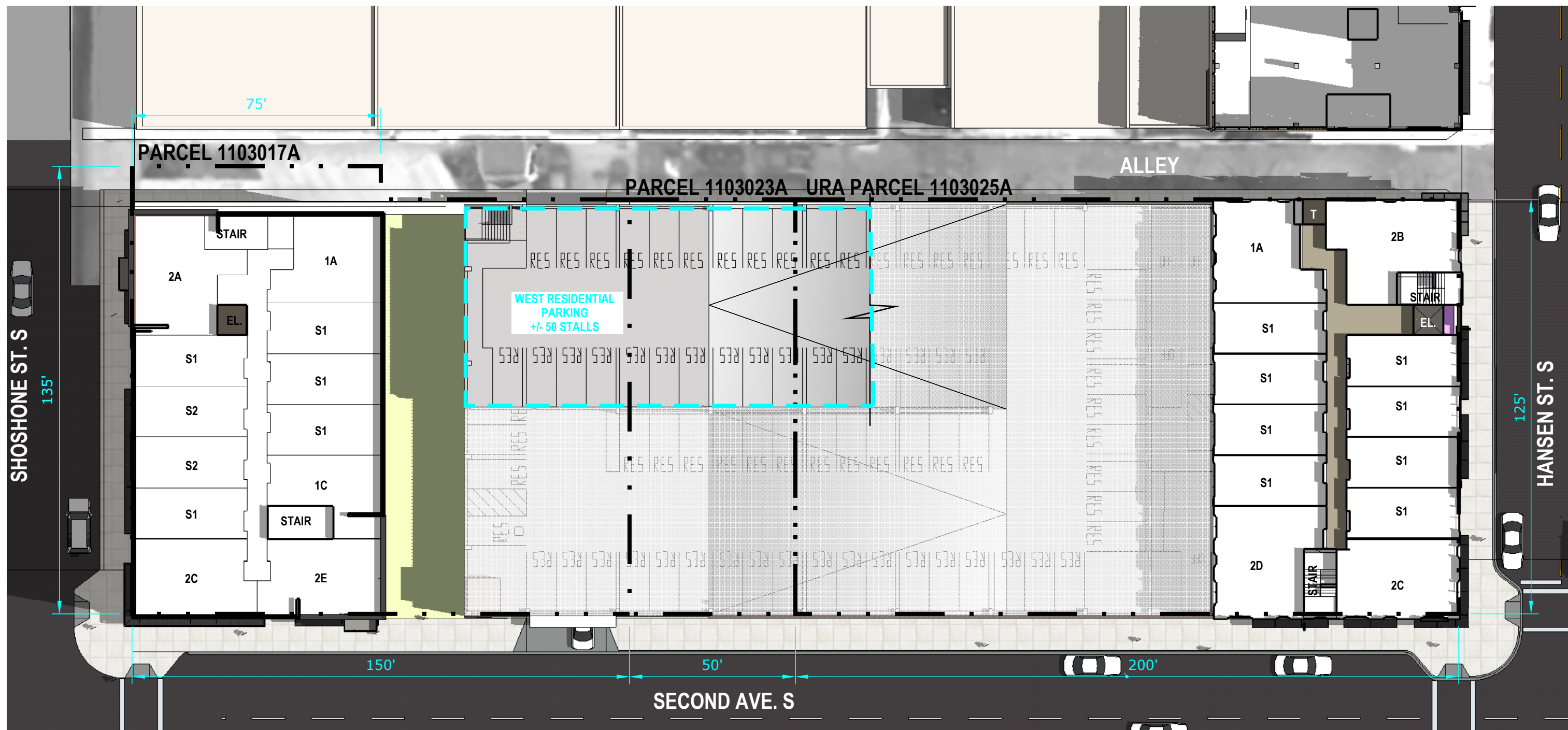
CONCEPT LEVEL 3 PLAN

SCALE: 1"=30'

2nd & Hansen

2nd & Hansen St., Twin Falls, ID 83301
PNa JOB # 21-0XX





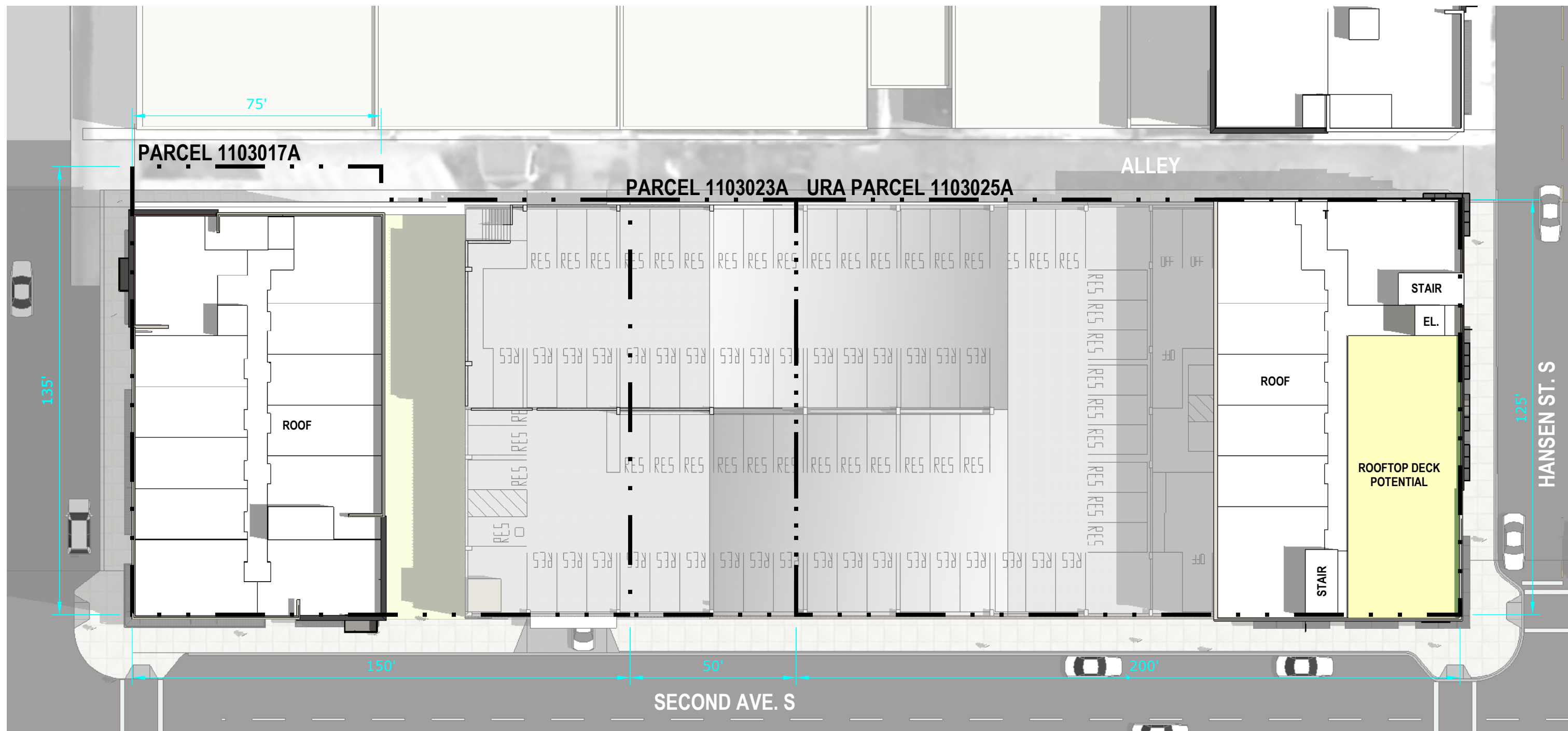
CONCEPT TYPICAL UPPER PLAN

SCALE: 1"=30'

2nd & Hansen

2nd & Hansen St., Twin Falls, ID 83301
PNa JOB # 21-0XX





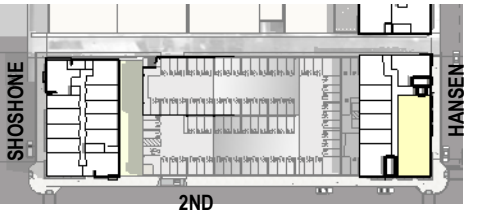
CONCEPT ROOF PLAN

SCALE: 1"=30'

2nd & Hansen

2nd & Hansen St., Twin Falls, ID 83301
PNa JOB # 21-0XX





KEYPLAN



CONCEPT ELEVATION SCALE: 1"=20'

2nd & Hansen

2nd & Hansen St., Twin Falls, ID 83301
PNa JOB # 21-0XX



VIEW TO CORNER OF 2ND AND HANSEN, LOOKING N

CONCEPT PERSPECTIVE VIEWS

2nd & Hansen

2nd & Hansen St., Twin Falls, ID 83301
PNa JOB # 21-0XX

v1

10.12.2021



VIEW TO CORNER OF 2ND AND SHOSHONE, LOOKING E

CONCEPT PERSPECTIVE VIEWS

2nd & Hansen

2nd & Hansen St., Twin Falls, ID 83301
PNa JOB # 21-0XX

v2

10.12.2021





Planning Zoning

11-12-21

We, the local
citizens have been so
dismayed at the wanton
bulldozing in "our Town"
be stories High 7-riders
listen to the people who
love this little town

Don't change its charming
personality for money
we need. Please LISTEN.
We speak, we give spoken
Don't listen to money
& greed of outsiders.

Thank you!

CATHY JANE



Twin Falls Planning & Zoning Commission Minutes

Tuesday, November 9, 2021, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

COUNCIL CHAMBERS SPECIAL MEETING

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Commissioner Bolton called the meeting to order at 06:00 PM

A quorum was present.

Members Present: In Person - Bolton, Musser, Detweiler By Phone - Hansen, Kelley

Staff Present: Spendlove, Ebersole, Hart, Zollinger, Strickland, Vitek

2) Consent Calendar

MOTION: Commissioner Detweiler moved to approve the Consent Calendar, as presented.

Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 5 to 0.

a) Approval of minutes from the following meetings:

October 26, 2021

November 3, 2021

3) Items of Consideration - None

4) Public Hearings

a) Request for a recommendation to City Council to vacate the Denton Subdivision Plat on property located at 449 Dubois Avenue c/o Leonard Denton. (app. PZ21-0152)

Staff Presentation:

City Planner Strickland the request for a recommendation to City Council to vacate the Denton Subdivision Plat on property located at 449 Dubois Avenue c/o Leonard Denton. (app. PZ21-0152)

All procedures will follow the process as described in TF City Code: 10-16-1

Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or

voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council that the vacation be granted, or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

The Denton Subdivision was platted in 2009.

Approval of this request would allow for the property to return to 1 lot. This vacation would not affect the zoning on the property and the final plat would be returned to one lot. The staff does not anticipate any negative impacts to the surrounding area should the request be approved.

The vacation of the plat would eliminate the right of way dedication of Dubois Avenue, along with a fire turn around easement.

Approval of this request would allow for the property to return to 1 lot and be useable land area for permitted accessory buildings, or uses by the original property to the north.

Upon conclusion, staff is in support of this request. Should the Commission recommend approval to the City Council as presented, staff recommends approval be subject to the following conditions:

1. Subject to right of way dedications for Filer Ave W and Borah Ave W being retained by the City of Twin Falls.

Applicant Presentation:

Leonard Denton, applicant, presented the request to vacate the Denton Subdivision Plat on property located at 449 Dubois Avenue. He stated the original plan was to sell off the back acre of the property but won't work due to lack of access to services. He stated he wants to reestablish the original plat.

PZ/Questions & Comments: none

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

MOTION: Commissioner Musser moved to approve the request for a recommendation to City Council to vacate the Denton Subdivision Plat on property located at 449 Dubois Avenue c/o Leonard Denton, as presented, with staff recommendations. (app. PZ21-0152). Commissioner Detweiler seconded the motion.

Unanimously Approved by a vote of 5 to 0.

- b) Request for a recommendation to City Council on the appropriate Zoning District for property proposed to be Annexed. Legally described as lots 5 and 6 of the Orchalara Subdivision. Parcel Number RPO6501000005A c/o TD&H Engineering on behalf of Martin Street Development, LLC. (app. PZ21-0155)

Staff Presentation:

City Planner Zollinger presented the request for a recommendation to City Council on the appropriate Zoning District for property proposed to be Annexed. Legally described as lots 5 and 6 of the Orchalara Subdivision. Parcel Number RPO6501000005A c/o TD&H Engineering on behalf of Martin Street Development, LLC. (app. PZ21-0155)

Per City Code 10-15-1 Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area.

Per City Code 10-15-2 (A) The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

The subject properties are located within the area of impact and have a zoning designation of SUI/Canyon Rim Overlay. Applicant is requesting R6 CRO zoning, and must go through the ZDA process if annexation is approved.

The applicant intends to annex the property into the city to receive city utilities. Although the designation does not comply with the comprehensive plan, the property being zoned Canyon Rim Overlay requires that any development proposed for the property must be done through a Zoning Development Agreement or ZDA.

The applicant is preparing to rezone this property along with other neighboring property in the form of a ZDA but has chosen to take the step of annexation first and rezone to ZDA later.

The Commission is tasked with making a recommendation to the City Council on the zoning designation being requested by the applicant. The Commission's recommendation may be to deny the request, approve the request as presented, request a different zoning designation, or request additional information be provided.

Applicant Presentation:

Rex Harding, representing applicant, presented the request for a recommendation to City Council on the appropriate Zoning District for property proposed to be Annexed. Legally described as lots 5 and 6 of the Orchalara Subdivision. Parcel Number RPO6501000005A. He stated the request is for R6 CRO zoning to be approved with the annexation. He stated the whole property will be included in a larger ZDA after the annexation and the whole property will have city sewer and water.

PZ/Questions & Comments:

- Commissioner Musser asked what equivalent zoning in the city to SUI in the county is.
- Planning and Zoning Director Spendlove clarified the surrounding zoning and what is similar zoning to SUI. He clarified the commission's recommendation to City Council and the future processes to develop the property.
- Commissioner Hansen asked for clarification of the location of the property.
- City Planner Zollinger clarified the location of the property in question.

Public Hearing: Opened

- Lamar Orton, citizen, stated his concern about not knowing what zone was being requested on the public notification. He stated he believes that R2 zoning is more appropriate for the area.
- Commissioner Hansen asked about the public notification.
- Planning and Zoning Director Spendlove clarified the public notice states the commission is being asked to recommend the appropriate zoning for this property, and it was not noticed as specific zoning. He stated on the public notice for City Council, the commission's recommendation for zoning will be stated on the notice.

Public Hearing: Closed**Discussions Followed:**

- Commissioner Hansen stated his concern regarding proper notification and concern about R6 zoning on the canyon rim.
- Commissioner Kelley agreed regarding the zoning.
- Commissioner Detweiler agreed and asked for clarification on the vote tonight.
- Planning and Zoning Director Spendlove clarified what the commission is voting on tonight is a recommendation for the appropriate zone for the property to be annexed. City Council will vote on the appropriate zoning for the annexed property.
- Commissioner Detweiler stated he isn't sure R6 zoning is appropriate for the canyon rim.
- Commissioner Musser asked for R2 zoning clarification.
- Planning and Zoning Director Spendlove clarified the R2 zoning vs. R6 zoning.
- Commissioner Bolton asked if the public notification was appropriate.
- Planning and Zoning Director Spendlove stated, with an annexation request, there is no zoning associated with the property. The zoning comes through as part of the annexation request.
- Commissioner Kelley stated the commission can table this item for further information.
- Commissioner Hansen stated the notification was done by law and spoke to surrounding property zoning. He stated he does not believe that R6 is an appropriate zoning for these lots but believes R2 or R4 is appropriate.
- Planning and Zoning Director Spendlove clarified the tabling process.
- Discussion ensued regarding tabling the item.

MOTION: Commissioner Musser moved to approve the recommendation to City Council of R2 CRO zoning for property proposed to be Annexed. Legally described as lots 5 and 6 of the Orchalara Subdivision. Parcel Number RPO6501000005A c/o TD&H Engineering on behalf of Martin Street Development, LLC. (app. PZ21-0155), as presented with staff recommendations. Commissioner Detweiler seconded the motion.

Motion Approved by a vote of 4 to 1.

- c) Request for a recommendation to City Council to vacate platted right-of-way adjacent to Lot 3 and 4, Block 1 of the Lakewood Subdivision. RPT3088001003B c/o Jerry and Brenda Naylor. (app. PZ21-0156)

Staff Presentation:

City Planner Strickland presented the request for a recommendation to City Council to vacate platted right-of-way adjacent to Lot 3 and 4, Block 1 of the Lakewood Subdivision. RPT3088001003B c/o Jerry and Brenda Naylor. (app. PZ21-0156)

All procedures will follow the process as described in TF City Code: 10-16-1 Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council that the vacation be granted, or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

Hill View Drive was platted with the Lakewood Subdivision in 1960.

Vacation of the right of way will not affect the zoning. Staff does not anticipate any negative impacts to the surrounding area should the request be approved.

Upon conclusion staff is in support of this request, should the Commission recommend approval to the City Council as presented, staff recommends approval be subject to the following conditions:

1. Subject to a recorded access and utility easement to lot 3 of the Lakewood Subdivision.
2. Subject to a recorded utility easement for existing phone lines.
3. Subject to a recorded utility easement for pressurized irrigation.

Applicant Presentation:

Jerry Naylor, applicant, presented the request for a recommendation to City Council to vacate platted right-of-way adjacent to Lot 3 and 4, Block 1 of the Lakewood Subdivision. He stated the desire to develop the property. He stated he has met the requirements and prepared to issue easement request.

PZ/Questions & Comments: none**Public Hearing: Opened and Closed without input****Discussions Followed: without concerns**

MOTION: Commissioner Detweiler moved to approve the request for a recommendation to City Council to vacate platted right-of-way adjacent to Lot 3 and 4, Block 1 of the Lakewood Subdivision. RPT3088001003B c/o Jerry and Brenda Naylor, as presented with staff recommendations. (app. PZ21-0156)

Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 5 to 0.

- d) Request for a Special Use Permit to allow for a parking garage on property located on 2nd Avenue South between Hansen Street and Shoshone Street c/o Bill Truax, President on behalf

of Galena Opportunity, Inc. (app. PZ21-0158)

Staff Presentation:

Planning and Zoning Director Spendlove presented the request for a Special Use Permit to allow for a parking garage on property located on 2nd Avenue South between Hansen Street and Shoshone Street c/o Bill Truax, President on behalf of Galena Opportunity, Inc. (app. PZ21-0158)

There are associated future buildings proposed with the overall project that contain a mix of Retail, Office, and Residential uses. The drawings depict these associated building finishes of Glass, Metal, Concrete, and other common rock/stone like materials. The garage itself appears to have an exterior finish of some unknown material.

The proposed garage will contain ~325 parking spaces. As part of an Urban Renewal Project, the garage will have 100 dedicated public spaces. The additional ~225 spaces will be private to the residents and businesses of the associated project.

As part of the Urban Renewal Project, the garage is to be part of a mixed-use building, providing ground floor retail, and dwelling units. These requirements were put in place by the URA in order to further the strategic plan and Comprehensive Plan goals of the City.

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The current use of the property as Parking lots have been in place for over three decades.

According to City Records, this is the first Parking Garage/Structure to be constructed within the City of Twin Falls.

No further pertinent zoning history is known at this time.

Per City Code 10-4-7, *Open Garages for automobiles* is listed as a special use.

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Downtown" This request meets this designation and other comprehensive plan guidelines by encouraging development and infill, while also providing downtown housing options.

City Staff determines this request follows the City's comprehensive plans.

The most noticeable impact of this land use will be of a visual nature. Attachment 6 shows a comparison of current streetscapes along 2nd Ave South. It would be prudent to require

natural vegetation along 2nd Ave to help mitigate the visual impact of this 400-foot-long continuous building.

Additionally, the applicant is proposing an exterior finish on the garage. It would also be appropriate for the commission to inspect this material prior to construction in order to ensure the new parking garage is harmonious with the surrounding buildings, some of which are historical in nature.

Applicant Presentation:

Bill Truax, applicant, presented the request for a Special Use Permit to allow for a parking garage on property located on 2nd Avenue South between Hansen Street and Shoshone Street. He stated he has worked with the URA and the City for months on making this a viable project. He stated the parking garage would double the current public parking.

PZ/Questions & Comments: none

Public Hearing: Opened

- Paul Graff, business owner, stated his concern as being the most affected business with this construction project. He stated he is okay with a parking garage, but is concerned about parking during construction, as there is a parking issue now with current construction. He asked about parking lot management.
- Mr. Truax addressed parking lot management and how it will be documented. He stated his company will work with businesses regarding parking during construction.
- Planning and Zoning Director Spendlove stated the garage will be done as the first phase prior to the other buildings, with the public parking open as soon as possible. He stated they are trying to limit impact.
- Commissioner Hansen asked if parking garage can be required to be built first as a condition.
- Planning and Zoning Director Spendlove stated the commission could add that condition to add to the record.

Public Hearing: Closed

Discussions Followed:

- Commissioner Hansen discussed adding construction phasing condition. (garage first)

MOTION #1: Commissioner Hansen moved to add a condition to the Special Use Permit that the parking structure is completed prior to other construction.
Commissioner Musser seconded the motion.

Motion Approved by a vote of 4 to 1.

Motion #2: Commissioner Musser made a motion to approve the request for a Special Use Permit to allow for a parking garage on property located on 2nd Avenue South between Hansen Street and Shoshone Street c/o Bill Truax, on behalf of Galena Opportunity, Inc. (app. PZ21-0158), with the amended condition.
Commissioner Detweiler seconded the motion.

Unanimously Approved by a vote of 5 to 0.

- e) Request for a recommendation to City Council to allow for additional building height beyond 50 feet on property located on 2nd Avenue South between Hansen Street and Shoshone Street c/o Bill Truax, President, on behalf of Galena Opportunity, Inc. (app. PZ21-0159)

Staff Presentation:

Planning and Zoning Director Spendlove presented the request for a recommendation to City Council to allow for additional building height beyond 50 feet on property located on 2nd Avenue South between Hansen Street and Shoshone Street c/o Bill Truax, President, on behalf of Galena Opportunity, Inc. (app. PZ21-0159)

This is a request for Additional Building Height to allow two eighty-five foot (85') tall mixed use buildings. The subject property is located within the CB (Commercial Business) Zoning District and P-1 Parking Overlay.

The future buildings are proposed with a mix of Retail/Office/Residential type uses. The drawings depict building finishes of Glass, Metal, Concrete, and other common rock/stone like materials.

Similar, but not exact copies of the building at 160 Main Ave South, these buildings would be among the tallest structures in the vicinity and will create shadows on adjacent buildings, streets, and alleys. These additional tall buildings will add to the changing skyline of downtown, bringing additional housing, businesses and activity to the central core of downtown.

An additional aspect of this proposed project, although partially outside the scope of this application, is the construction of parking garage containing ~300 parking spaces.

A request for additional height follows the public hearing process for zoning map amendments as described in subsection 10-14-5(B) and section 10-14-7 of City Code.

The Planning & Zoning Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The Commission shall then transmit its recommendation to City Council.

After receiving the recommendation, the City Council shall conduct a public hearing, and make a final decision on the request.

The current use of the property as Parking lots have been in place for over three decades. No further pertinent zoning history is known at this time.

Per City Code 10-7-3, The council may allow greater than standard building heights with or without extra setback requirements, by following certain public hearing requirements.

Per City Code 10-10-12, Off-street parking is not required within the P1 district as for outright permitted uses.

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Downtown". This request meets this designation and other comprehensive plan guidelines by encouraging

development and infill, while also providing downtown housing options.

The 2009 Master Transportation plan identifies the surrounding 2nd Avenues as arterial roadways and the immediate Main and Hanson Streets as a local streets. Staff has determined that the adjacent roadways are sufficient to accommodate the proposed use based on existing and expected future roadway capacities.

City Staff determines this request follows the City's comprehensive plans.

The applicant and Staff do not anticipate detrimental impacts beyond reasonable levels. However, Staff does anticipate specific impacts such as

- The proposed building will be among the tallest building downtown and add to the progressing change of the current downtown skyline.
- Due to the height of the building there will a significant increase in the amount of shaded area in proximity to the building.
- Due to both the commercial and residential uses which will occupy the building there will.
- There will be an increase in vehicle traffic to and around the proposed building.

Staff believes the majority of these impacts will have positive reverberations in terms of increased vibrancy, economic benefits, and redevelopment of underutilized properties.

The increased vehicles generated by this project will be largely mitigated by the proposed parking structure that is to be constructed as part of the overall project.

The commission may recommend to City Council that additional height be approved as requested, approved with modifications, tabled for additional information, or it may recommend that the request be denied.

Applicant Presentation:

Bill Truax, applicant, presented the request for a Special Use Permit to allow for a parking garage on property located on 2nd Avenue South between Hansen Street and Shoshone Street. He stated he has worked with the URA and the City for months on making this a viable project. He stated the parking garage would double the current public parking.

PZ/Questions & Comments: none

Public Hearing: Opened

- Lisa Maas, citizen, stated her disapproval of this request. She stated her concern for traffic congestion and changing the scope of the city. She stated she would like this project to be put in another district and wants a cap on the height restriction in the downtown area.
- Arnel Culum, citizen, stated his opposition to this project. He stated his concern for the size of the apartments and for the lack of audience at the meeting.

Public Hearing: Closed

Discussions Followed:

- Commissioner Kelley stated his support for the project. He likes building up in the city, not out. He does not want to build up on the canyon rim and stated downtown is the location to build up.
- Commissioner Hansen stated his support for the project. He understands the growing pains, but Twin Falls is a growing town. He stated downtown living will take cars off road and this project is similar to the height of the other downtown project.
- Commissioner Detweiler stated there is a need for the garage and is in favor of building up downtown. He stated if we don't grow downtown, it will dry up. URA is working on renewing our downtown.
- Commissioner Musser stated he believes the downtown needs to grow, not die. This project will bring a strong downtown and this is where the height should be.

MOTION: Commissioner Hansen moved to approve the recommendation to City Council to allow for additional building height beyond 50 feet on property located on 2nd Avenue South between Hansen Street and Shoshone Street c/o Bill Truax, President, on behalf of Galena Opportunity, Inc. (app. PZ21-0159), as presented with staff recommendations. Commissioner seconded the motion.

Unanimously Approved by a vote of 5 to 0.

- f) Request for a Special Use Permit to allow an indoor recreation facility (gym) on property located at 2634 Addison Avenue East c/o EHM Engineers, Inc. on behalf of Center of Physical Rehabilitation. (app. PZ21-0160)

Staff Presentation:

Senior Planner Hart presented the request for a Special Use Permit to allow an indoor recreation facility (gym) on property located at 2634 Addison Avenue East c/o EHM Engineers, Inc. on behalf of Center of Physical Rehabilitation. (app. PZ21-0160)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The subject property has been used for retail purposes in the past. T's Beverage Barn in 2005, and Pro Rentals and Sales went in sometime around 2012 and relocated recently. The subject property is 1.04 acres, zoned C1, and has an existing building on site, approximately 3000 SF.

The applicant is proposing to operate an indoor recreation facility and a future expansion of

4000 SF to the existing building.

The applicant is moving their physical therapy business to the subject property. In addition to the physical therapy center, members will be allowed to use their facility as a gym. The physical therapy center is an outright permitted use. The gym is considered an indoor recreation facility that requires a special use.

Surrounding properties have existing commercial and residential uses on them. To the north, properties are zoned C1 and used for agricultural purposes. To the east and west, the properties are zoned C1 and have existing residential and commercial uses. To the south, properties are zoned R2 and have existing residential units on them.

The proposed special use is consistent with the C1 zoning district regulations and with the general purposes of the Comprehensive Plan and is not detrimental to any of the outright permitted uses or other existing uses in the zone and will not otherwise be detrimental to public health, safety, and welfare.

Upon conclusion, should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

Applicant Presentation:

Dave Thibault, representing app, presented the request for a Special Use Permit to allow an indoor recreation facility (gym) on property located at 2634 Addison Avenue East. He spoke to the building expansion being conducive to this type of service. He stated the physical therapy presence in the area makes sense with the surrounding businesses and care center.

PZ/Questions & Comments:

- Commissioner Musser asked if the expansion requires additional landscaping.
- Senior Planner Hart stated the existing landscaping meets current code.

Public Hearing: Opened and Closed without input

Discussions Followed: without concern

MOTION: Commissioner Musser moved to approve the request for a Special Use Permit to allow an indoor recreation facility (gym) on property located at 2634 Addison Avenue East c/o EHM Engineers, Inc. on behalf of Center of Physical Rehabilitation. (app. PZ21-0160), as presented with staff recommendations.
Commissioner Detweiler seconded the motion.

Unanimously Approved by a vote of 5 to 0.

5) Upcoming Meeting(s)

a) Tuesday, November 30, 2021

6) Adjournment

The meeting adjourned at 07:36 PM

Kelli Ebersole

Kelli Ebersole, Administrative Assistant



Date: Monday, January 10, 2022
To: Honorable Mayor and City Council
From: Ian Zollinger

ACTION ITEM

Request:

Request for annexation with a C-1 zoning designation, located at the northwest corner of Kimberly Road and Hankins Road c/o EHM Engineers, Inc., on behalf of The Housing Company/Blake Jumper for MN&R Wood LLC. (app. PZ21-0174)

Time Estimate:

15 Minutes for presentation by staff and applicant.

Background:

Request for annexation with a C-1 zoning designation, located at the northwest corner of Kimberly Road and Hankins Road. The applicant and staff have had extensive discussions regarding the prospective future project at this location. As part of those discussions, staff identified Hankins Road as currently under-built. The road depth and width need to be reconstructed in order to meet the future needs of this project, as well as the needs of the City moving forward. The applicant has expressed to Staff their willingness to meet this condition as part of their building permit approval process.

Approval Process:

Per City Code 10-15-1 Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area.

Budget Impact:

NA

Regulatory Impact:

Annexation of this property will affect the regulations by which this property is enforced. It will, if annexed, fall under all regulatory policies of the City of Twin Falls and not just Title 10, as with property in the Area of Impact.

History:

The properties are located within the Area of Impact and are undeveloped.

Analysis:

The subject properties are located within the area of impact and have a zoning designation of C-1.

The applicant intends to annex the property into the city to receive city utilities and to develop the property in accordance with the permitted uses of the C-1 Commercial Highway Zoning District. The applicant is proposing a multi-family residential development, which the C1 zoning district permits. The subject property and surrounding properties are all within the C-1 zoning district. The subject property

and the proposed development would be compatible with surrounding properties and their uses and would act as a natural transition between various types of uses permitted in the C-1 zoning district.

Conclusion:

On December 14, 2021, the Planning and Zoning Commission recommended approval of the C-1 zoning designation by a vote of 6-0.

The Council may approve the request as presented, deny the request, request a different zoning designation, or request additional information be provided.

If the Council approves this request, then Staff recommends the following condition:

1. Applicant required to reconstruct Hankins Road to centerline for the length of the applicant's property. Details of reconstruction (depth and width) to be determined by the City Engineer.

Attachments:

1. Narrative
2. Applicant Site Plan
3. Vicinity Map
4. City - Future Land Use Map
5. PZ21-0174 Public Comment #1
6. 12-14-21 PZC minutes draft

THE HOUSING COMPANY
APPLICATION NARRATIVE

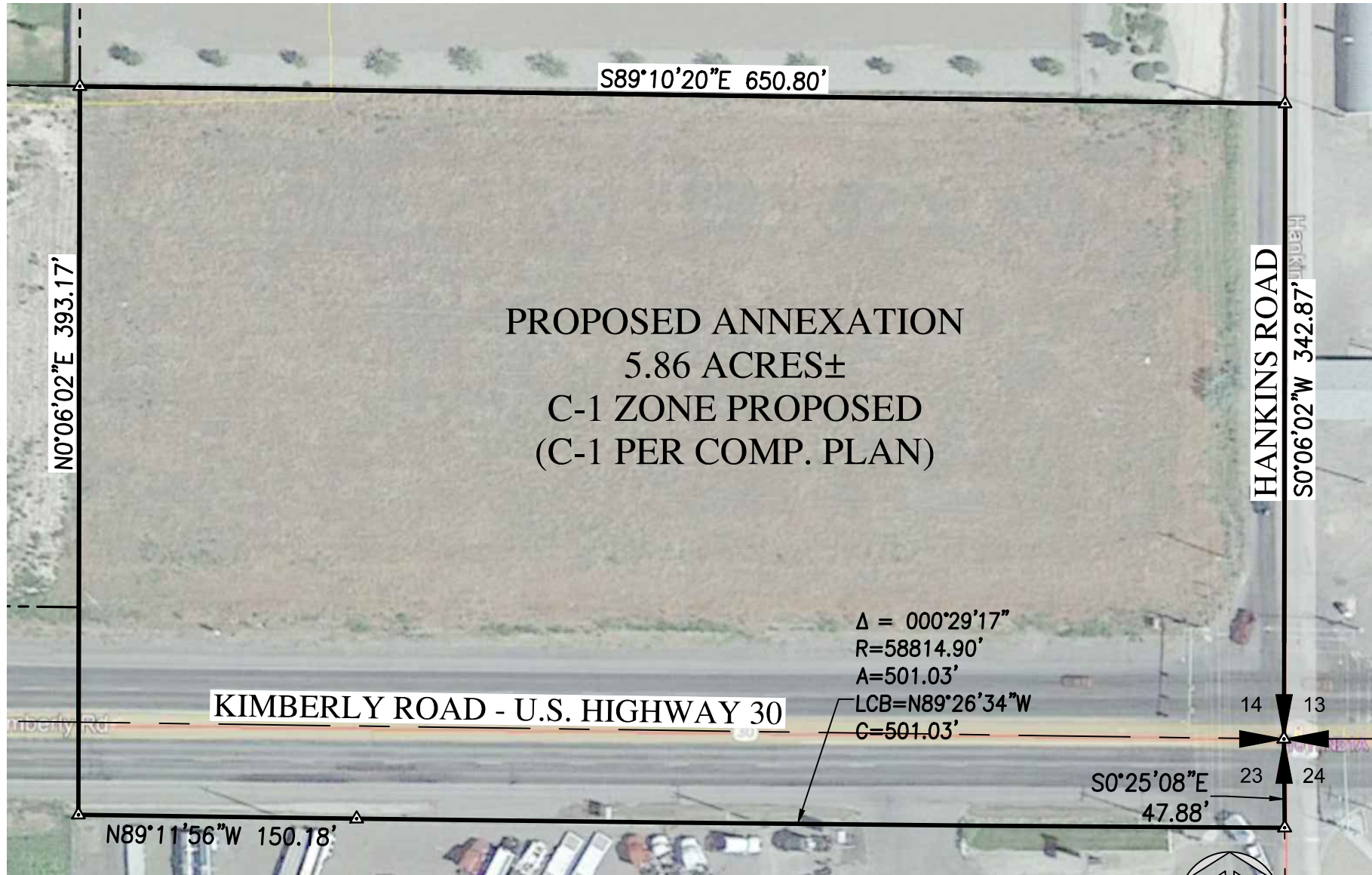
4.a. This property is located at northwest corner of the intersection of Kimberly Road and Hankins Road in the City of Twin Falls impact area and carries a zoning designation of C-1. The Housing Company is interested in annexing the property into the City limits of Twin Falls in order to develop a multi-family community in conformance with the C-1 zone with City services.

4.bi. The proposed annexation and zoning are in compliance with the current comprehensive plan which designates the area as a commercial corridor with a transition to the north to town neighborhood. This project will provide a housing option in the area relating to the goals of the comprehensive plan .

4.b.ii. This development would be compatible with the neighboring properties and the surrounding area. A similar housing development and a City water reservoir exist to the north and northwest while commercial and industrial uses exist to the south and east. To the west is vacant land also with a C-1 zoning designation. The plan for this site provides a natural transition to surrounding uses.

4.b.iii. As stated earlier, the intended use of this property is to be a multi-family community which offers an affordable housing option to the residents. Based on the history and mission of The Housing Company it will become an attractive and needed addition to the neighborhood and provide a quality development on a parcel that has sat vacant for many years.

PRELIMINARY



PROPERTY ZONING PER COMP. PLAN: C-1
PROPOSED ZONING OF PROPERTY: C-1
ZONING OF ADJACENT PARCELS: C-1

ACCESS: KIMBERLY ROAD AND HANKINS ROAD
UTILITIES: SEWER AND WATER IN HANKINS W/
WATER IN KIMBERLY ROAD.

Located In
S² SE⁴ SE⁴, Section 14 & NE⁴ NE⁴, Section 23
Township 10 South, Range 17 East Boise Meridian
Twin Falls County, Idaho
2021

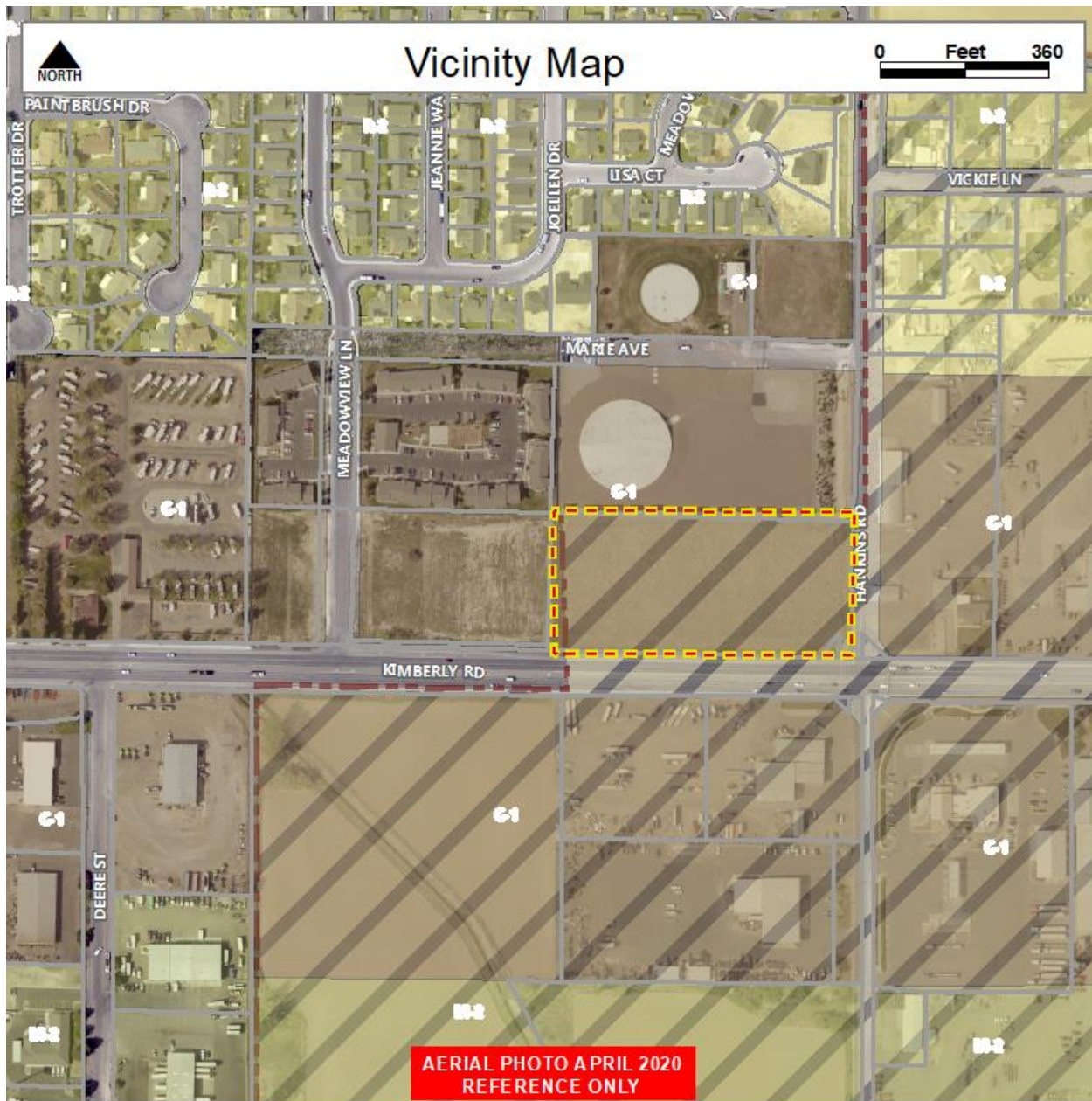


0 40 80 160
SCALE IN FEET

ANNEXATION EXHIBIT FOR
THE HOUSING COMPANY
TWIN FALLS COUNTY, IDAHO

JOB NO.: 545-21
APPROVED
DESIGN
DRAWN CSH
DATE NOV., 2021
SCALE SHOWN
545-21 EXH-01
Sheet No.: 1

EHM Engineers, Inc.
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE
Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
p (208) 734-4888 fax (208) 734-6049 web: ehminc.com



Current Zoning: C-1 Commercial Highway

Existing Land Use: Vacant/Undeveloped

Comprehensive Plan: Commercial

Proposed Zoning: C-1 Commercial Highway

Surrounding Zoning Designations & Land Use(s)

North: C-1, Institutional

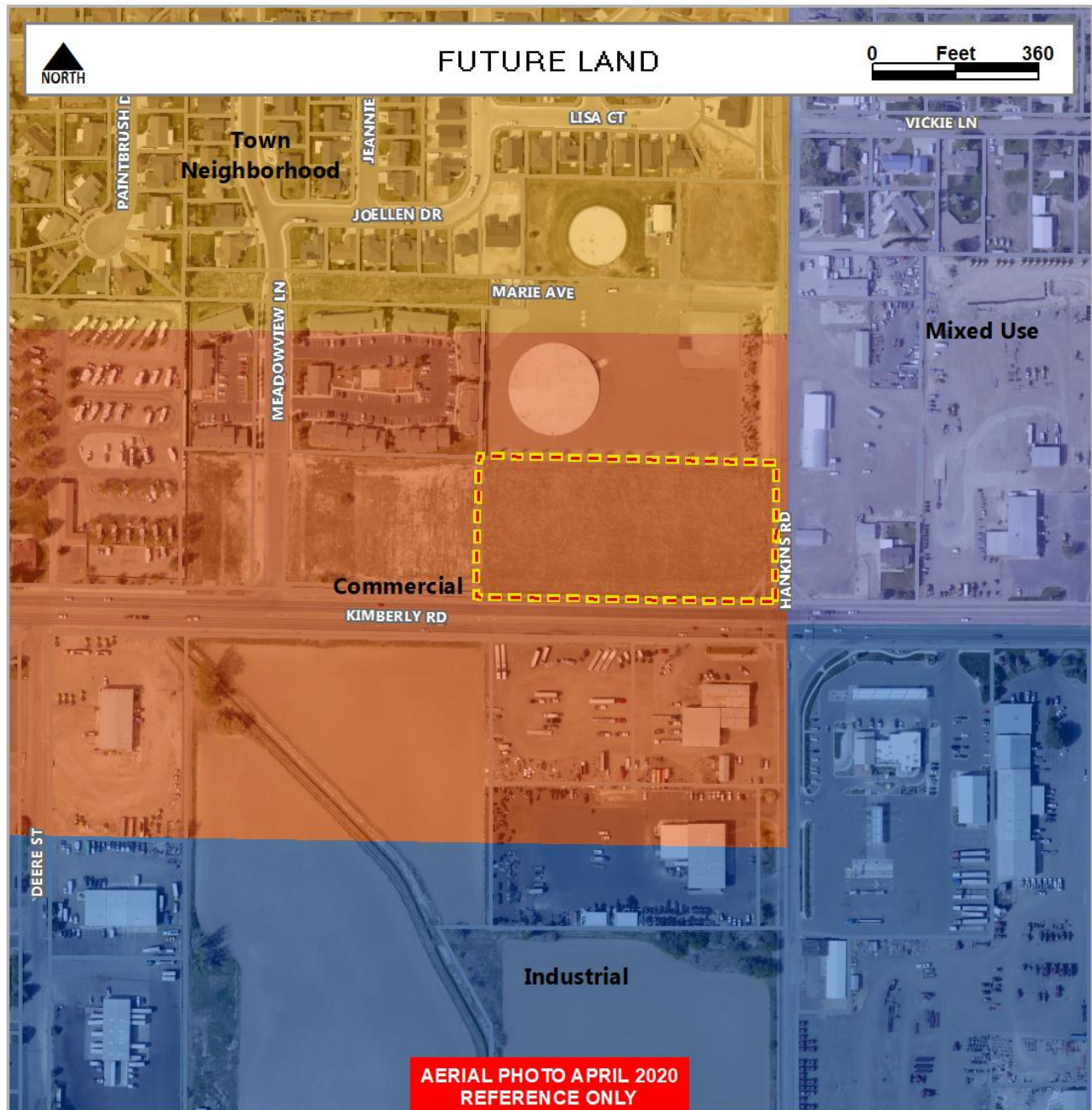
East: C-1, Commercial

South: C-1, Unincorporated/ Commercial

West: C-1, Vacant/ Undeveloped/ Multi Family Residential

Applicable Regulations

10-1-4, 10-4-8, 10-15



Current Zoning: C-1 Commercial Highway

Existing Land Use: Vacant/Undeveloped

Comprehensive Plan: Commercial

Proposed Zoning: C-1 Commercial Highway

Surrounding Zoning Designations & Land Use(s)

North: C-1, Institutional

East: C-1, Commercial

South: C-1, Unincorporated/ Commercial

West: C-1, Vacant/ Undeveloped/ Multi Family Residential

Applicable Regulations

10-1-4, 10-4-8, 10-15

From: [Barbara](#)
To: [Kelli Ebersole](#)
Subject: Housing company Blake Jumper app PZ21-0174
Date: Saturday, December 18, 2021 4:18:30 PM

[EXTERNAL SENDER]

In regards to the above company in subject line.

Twin falls is small. Our roads cant even handle the amount of traffic now. There are accidents daily.

Its crowded everywhere we go. This town is growing so fast it is turning into a city. Kts no longer a nice quiet town. I do not want anymore businesses or new housing near me. At what point do you stop the builders from taking over. Im sure my comments do not mean a thing. Im thinking the city is going to go ahead with whatever they want to do anyway.

Thank you for your time

Barbara Campbell



Twin Falls Planning & Zoning Commission Minutes

Tuesday, December 14, 2021, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Council Chambers

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 06:00 PM
A quorum was present.

Members Present: Titus, Kelley, Bolton, Musser, Perez, Hansen

Staff Present: Spendlove, Nope, Vitek, Hart, Zollinger, Strickland, Ebersole

2) Consent Calendar

MOTION: Vice Chair Kelley moved to approve the Consent Calendar, as presented.
Commissioner Musser seconded the motion.

Motion Approved by a vote of 5-0-1.

- a) Approval of Minutes from the following meeting: November 30, 2021

3) Public Hearings

- a) Request for a recommendation to City Council on the appropriate Zoning District for property proposed to be annexed with a C-1 zoning designation, located at the northwest corner of Kimberly Road and Hankins Road c/o EHM Engineers, Inc., on behalf of The Housing Company/Blake Jumper for MN&R Wood LLC. (PZ21-0174)

Staff Presentation:

IZ presented the Request for a recommendation to City Council on the appropriate Zoning District for property proposed to be annexed with a C-1 zoning designation, located at the northwest corner of Kimberly Road and Hankins Road c/o EHM Engineers, Inc., on behalf of The Housing Company/Blake Jumper for MN&R Wood LLC. (PZ21-0174)

Per City Code 10-15-1 Prior to annexation of an unincorporated area, the council shall

request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area.

Per City Code 10-15-2 (A) The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

The properties are located within the Area of Impact and are undeveloped.
The subject properties are located within the area of impact and have a zoning designation of C-1.

The applicant intends to annex the property into the city to receive city utilities and to develop the property in accordance with the permitted uses of the C-1 Commercial Highway Zoning District. The applicant is proposing a multi-family residential development, which the C1 zoning district permits. The subject property and surrounding properties are all within the C-1 zoning district. The subject property and the proposed development would be compatible with surrounding properties and their uses and would act as a natural transition between various types of uses permitted in the C-1 zoning district.

The Commission is tasked with making a recommendation to the City Council on the zoning designation being requested by the applicant. The Commission's recommendation may be to approve the request as presented, request a different zoning designation, or deny the request, or request additional information be provided.

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented request for a recommendation to City Council on the appropriate Zoning District for property proposed to be annexed with a C-1 zoning designation, located at the northwest corner of Kimberly Road and Hankins Road. The request is for an annexation with a zoning overlay that is compatible with the future land use map. The buyers project fits in the C-1 zone, so a zoning change is not necessary. He stated the proposed project is for a housing development, similar to the Fieldstream Apts.

PZ/Questions & Comments:

- Commissioner Musser asked about alternate zoning to C-1 and why is the applicant not requesting residential zoning.
- City Planner Zollinger answered R-6 zoning is the equivalent for residential, but the C-1 zoning allows for multi-family residential of 5 units or more.
- Commissioner Hansen asked what the first step in development for this project is.
- Planning and Zoning Director Spendlove stated, depending on the project, if the

land use is permitted, the applicant may be able to go to building permits process.

- Planning and Zoning Director Spendlove reviewed commission's decision tonight is the appropriate zoning if the property is annexed.

Public Hearing: Opened and closed without input

Discussions Followed: without concerns

MOTION: Commissioner Hansen moved to recommend approval of the C-1 zoning for the property proposed to be annexed located at the northwest corner of Kimberly Road and Hankins Road c/o EHM Engineers, Inc., on behalf of The Housing Company/Blake Jumper for MN&R Wood LLC. (PZ21-0174), as presented with staff recommendations.

Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 6-0.

4) Items of Consideration

- a) Request for approval of the preliminary plat for the Kenyon Meadow Subdivision, approximately 16.87 (+/-) acres consisting of 103 lots located at the 1500-1600 block of Kenyon Road South, c/o EHM Engineers, Inc. on behalf of BMB Development (app. PZ21-0171)

Staff Presentation:

City Planner Strickland presented the request for approval of the preliminary plat for the Kenyon Meadow Subdivision, approximately 16.87 (+/-) acres consisting of 103 lots located at the 1500-1600 block of Kenyon Road South, c/o EHM Engineers, Inc. on behalf of BMB Development (app. PZ21-0171)

As per Twin Falls City Code 10-12-2.3: The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plan.

Approval of the Preliminary Plat will set many parameters for which the Final Plat must substantially conform to. Including the total number of lots, street layout, sidewalk connections, and other similar items.

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. After a final plat has been approved by the City Council and construction plans approved, the plat will be recorded, and lots sold for development.

The property was annexed in 2007 and has remained undeveloped.

The 2016 Comprehensive Plan "Grow With Us" designates this area as Town Neighborhood. The staff has determined a residential development in this area is in conformance with the comprehensive plan and will be compatible with the ongoing development in the area.

Upon conclusion, should the Commission approve this request 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

Applicant Presentation:

David Thibault, EHM Engineers, Inc., representing applicant, presented the request for approval of the preliminary plat for the Kenyon Meadow Subdivision, approximately 16.87 (+/-) acres consisting of 103 lots located at the 1500-1600 block of Kenyon Road. He stated this project type is new to area. He stated the request is for a higher density development, meeting the minimum lot size requirement in the R-4 zone. He stated this project is in conformance with the Comprehensive Plan. He stated the access points will be at the collector street, Kenyon Road and at 3600 E(South Hills Drive).

PZ/Questions & Comments:

- Commissioner Hansen asked about the lot lines and required distance between homes.
- Planning and Zoning Director Spendlove answered setback on the side yard is 5 feet to the property line or the homes must be 10 feet apart. He stated the front and rear setbacks are 20' each.
- Chairperson Titus asked about unplanted portion circled in the map.
- City Planner Strickland stated the unplanted portion is not part of request.

Public Hearing: Opened

- Ann Bentley, citizen, shared her concern of no green space/park in this subdivision.
- Mr. Thibault addressed her concern.

Public Hearing: Closed

Discussions Followed:

- Commissioner Musser asked about closest park to the area.
- Planning and Zoning Director Spendlove answered the city's Parks Master Plan has a park in the area. He explained the new parks impact fee program and

how the parks director will choose needed parks in area. He stated the Parks Master Plan is available for view. He stated the parks are determined on the preliminary plat. He pointed out the park area at Pheasant Meadows dedicated to the city for a park with walkways.

- Commissioner Bolton asked if other neighborhoods in town where the density is similar to this project.
- Planning and Zoning Director Spendlove gave examples of areas of density.
- Commissioner Hansen stated even though this meets the minimum requirement for setbacks, is this what is wanted for the area.
- Chairperson Titus asked for clarification on parks. What is in the commission's jurisdiction?
- Planning and Zoning Director Spendlove stated there is limit on a commission's decision, as dictated by the State. He stated the commission can't change the minimum code requirement.

MOTION: Vice Chair Kelley moved to approve the Request for approval of the preliminary plat for the Kenyon Meadow Subdivision, approximately 16.87 (+/-) acres consisting of 103 lots located at the 1500-1600 block of Kenyon Road South, c/o EHM Engineers, Inc. on behalf of BMB Development (app. PZ21-0171), as presented, with staff recommendations.

Commissioner Bolton seconded the motion.

Motion Approved by a vote of 5 to 1.

5) Upcoming Meeting(s)

a) Tuesday, January 11, 2022

6) Adjournment

The meeting adjourned at 06:33 PM

Kelli Ebersole, Administrative Assistant