



Twin Falls City Council Agenda

Monday, August 26, 2024, 5:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

Members: Mayor Ruth Pierce, Vice Mayor Jason Brown, Council Members Craig Hawkins, Spencer Cutler, Christopher Reid, Grayson Stone, Cherie Vollmer

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve City Council 2024 August 19, Minutes.
By: Amy Luna, Deputy City Clerk
 - b) **ACTION ITEM:** Request to approve Accounts Payable for August 15-21, 2024.
By: Amy Luna, Deputy City Clerk
 - c) **ACTION ITEM:** Request to approve August 21, 2024, Travel Requests.
By: Amy Luna, Deputy City Clerk
 - d) **ACTION ITEM:** Request to approve 2024 July Wells Fargo Credit Card Summary.
By: Amy Luna, Deputy City Clerk
 - e) **ACTION ITEM:** Request City Council to approve the Special Event Permit for the organizers of the Twin Falls Hispanic Heritage Festival event.
By: Lou Coronado, Sergeant, Twin Falls Police Department
 - f) **ACTION ITEM:** Request City Council to approve the Special Event Permit for the organizers of the Twin Falls Oktoberfest event.
By: Lou Coronado, Sergeant, Twin Falls Police Department
 - g) **ACTION ITEM:** Request to accept the Improvement Agreement for the purpose of developing **Little Creek Subdivision**.
By: Troy Vitek, City Engineer
 - h) **ACTION ITEM:** Request City Council to approve the Special Event Permit for the organizers of the End of Summer Jam event.
By: Lou Coronado, Sergeant, Twin Falls Police Department
 - i) **ACTION ITEM:** Request to accept the Improvement Agreement for the purpose of developing **Westpark Commercial Subdivision No. 12**.
By: Troy Vitek, City Engineer
 - j) **ACTION ITEM:** Request to approve a Trust Agreement for the **Little Creek Subdivision**, placing all lots in trust.
By: Troy Vitek, City Engineer
 - k) **ACTION ITEM:** Request to declare equipment #8220 2014 Ford 250 Super Duty surplus and authorize its sale by online auction.
By: Gretchen Scott, Deputy City Manager
- 4) ITEMS OF CONSIDERATION
 - a) **INFORMATIONAL:** Presentation on Ride TFT - Year 1 Status Review By: Maxine Durand, Transit Coordinator
 - b) **ACTION ITEM:** Request to adopt Ordinance No. O-2024-014 terminating the Urban Renewal Plan for the Washington Street South Urban Renewal Project and the Washington Street South Revenue Allocation Area.
By: Shawn Barigar, URA Executive Director
 - c) **ACTION ITEM:** Request to consider Resolution No. R-2024-008 accepting the Eligibility Report for the proposed Southwest Revenue Allocation Area, dated August 2024, and directing the Urban Renewal Agency to proceed with the preparation of an urban renewal plan for the area.
By: Shawn Barigar, URA Executive Director
 - d) **PRESENTATION:** Informational presentation regarding downtown loitering issues. By: Justin Dimond, Lieutenant, Twin Falls Police Department

5) GENERAL PUBLIC INPUT

6) ADVISORY BOARD REPORT/ANNOUNCEMENTS

7) EXECUTIVE SESSION

- a) **ACTION ITEM:** § 74-206(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student and (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

8) 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:
 - a. Wait to be recognized by the Mayor or Chairman.
 - b. Approach the microphone/podium.
 - c. State their name, and whether they are a resident or property owner of the City of Twin Falls and proceed with their input.
2. All public input will be limited to two (2) minutes. Individuals are not permitted to give their time to otherspeakers.
3. All presenters shall remain respectful.

Public input will not be about any of the items that were on this agenda, personnel, or a personnel-related issue. All issues involving City personnel should be directly communicated with the mayor and/or the City Manager.

Anyone failing to follow these rules will be provided with one (1) warning. Should the speaker continue to disregard these rules after the warning, will have the microphone muted and they will be asked to return to their seats.

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, August 19, 2024, 5:00 PM

Council Chambers
203 Main Avenue East. Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Ruth Pierce, Vice Mayor Jason Brown, Council Members Craig Hawkins, Christopher Reid, Spencer Cutler, Cherie Vollmer & Grayson Stone.

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Gretchen Scott, City Attorney Bruce Castleton(via teams), Streets Superintendent Mark Thomson, CFO Breanna Howard, Assistant Finance Director Parker S???, Budget Coordinator Mat Farnes, Assistant Public Works Director Erin Steel, Fire Chief Les Kenworthy, Police Chief Craig Kingsbury, Parks & Rec Director Wendy Davis, Public Works Director Josh Baird, Help Desk Technician Brettrick Barker, Deputy City Clerk Amy Luna.

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

2) PLEDGE OF ALLEGIANCE

Mayor Pierce invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) CONSENT CALENDAR

MOTION: Council Member Hawkins moved to approve the Consent Calendar as presented. **Council Member Stone** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- a) Request to approve City Council 2024 August 12, Minutes.
- b) Request to approve Accounts Payable for August 8-14, 2024.
- c) Request to approve Findings of Facts and Conclusions of Law for ZDA-ZDC 1607 Washington St S. (PZ24-0043).

4) ITEMS OF CONSIDERATION

- a) A request to adopt an ordinance amending City Code sections 4-1-4 and 6-2-3 regarding construction work hours.

Deputy City Manager Humble made a request to adopt an ordinance amending City Code sections 4-1-4 and 6-2-3 regarding construction work hours.

Discussion ensued on the following:

Council Member Reid: Thanked all that have worked on this and those that brought this to our attention.

MOTION: Council Member Reid made a motion to dispense with reading the rules and put **Ordinance 2024-011** on third and final reading by title only. **Council Member Stone** seconded the motion. The Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Mayor Pierce read **Ordinance #2024-0011** by title only.

MOTION: Council Member Reid moved to approve the request to adopt **Ordinance 2024-011** amending City Code sections 4-1-4 and 6-2-3 regarding construction work hours. **Vice Mayor Brown** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- b) Request to use \$75,000 of water reserves to hire a design professional for the Hamilton Manufacturing Inc. remediation project.

Assistant Public Works Director Steel made a request to use \$75,000 of water reserves to hire a design professional for the Hamilton Manufacturing Inc. remediation project.

Discussion ensued on the following:

Council Member Stone: Asked for clarification on the request.

MOTION: Vice Mayor Brown moved to approve the request to use \$75,000 of water reserves to hire a design professional for the Hamilton Manufacturing Inc. remediation project. **Council Member Vollmer** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- c) A presentation on the finances of the City of Twin Falls for the third quarter of fiscal year 2023-2024. This presentation will be an overview of the tax-supported funds and the three major enterprise funds: Water, Wastewater and Sanitation.

CFO Howard gave a presentation on the finances of the City of Twin Falls for the third quarter of fiscal year 2023-2024. This presentation will be an overview of the tax-supported funds and the three major enterprise funds: Water, Wastewater and Sanitation.

Discussion ensued on the following: None.

Mayor Pierce thanked CFO Howard.

5) GENERAL PUBLIC INPUT

6) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Mayor Pierce reminded everyone that we will not have a City Council meeting on September 3, 2024.

7) PUBLIC HEARINGS

- a) A public hearing on the use of \$307,591 of Forgone Revenue in the 2024-2025 Fiscal Year (FY 2025) to cover ongoing operation and maintenance costs, beginning on October 1, 2024, and ending on September 30, 2025.

City Manager Rothweiler held a public hearing on the use of \$307,591 of Forgone Revenue in the 2024-2025 Fiscal Year (FY 2025) to cover ongoing operation and maintenance costs, beginning on October 1, 2024, and ending on September 30, 2025.

Discussion ensued on the following: None.

Public Hearing Opened: 5:42 pm

Public Hearing Closed: 5:43 pm

Discussion ensued on the following:

Council Member Hawkins: Spoke in favor of the resolution.

Council Member Reid: Spoke in favor of the resolution.

MOTION: Council Member Reid moved to approve Resolution **2024-007** to use \$307,591 of Forgone Revenue in the 2024-2025 Fiscal Year (FY 2025) to cover ongoing operation and maintenance costs, beginning on October 1, 2024, and ending on September 30, 2025. **Council Member Stone** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

City Manager Rothweiler asked for a recess from 5:44 to 6:00 pm.

- b) A public hearing on the FY 2024-2025 Budget for the City of Twin Falls, Idaho.
City Manager Rothweiler held a public hearing on the FY 2024-2025 Budget for the City of Twin Falls, Idaho.

Discussion ensued on the following: None.

Public Hearing Opened: 6:16 pm.

Public Hearing Closed: 6:17 pm.

Discussion ensued on the following: None.

MOTION: Council Member Cutler made a motion to dispense with reading the rules and put ***Ordinance #2024-010*** on third and final reading by title only. **Council Member Reid** seconded the motion. The Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Mayor Pierce read ***Ordinance #2024-010*** by title only.

MOTION: Council Member Reid moved to approve ***Ordinance #2024-010*** appropriating \$102,649,038 for the 2025 Fiscal Year. **Council Member Vollmer** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

8) **ADJOURNMENT**

The meeting adjourned at 06:20 PM

Amy Luna, Deputy City Clerk

****If you wish to have a full accounting of this meeting, please listen to the recording that is located on our website. **** [Tfid.org](https://www.tfid.org)

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 Tres Gringos, LLC hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development Little Creek Subdivision.

WHEREAS, Developer desires to develop said real property for the following purposes: Residential.

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 public 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 and which are presently within or subsequently annexed into the City limits. (2) To operate and

maintain all approved public water lines, public pressure irrigation lines, public storm drainage lines, and public sewer lines constructed under the terms of this Agreement in any public rights-of-way or public 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) Public Storm Water facilities will be located in an exclusive stormwater easement. All other maintenance of non-pressurized irrigation lines is the responsibility of the Twin Falls Canal Company or the property on which the utility resides.

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 twenty percent (120%) of the total estimated cost for completing construction, including engineering design, inspection, and oversight, 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.

b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.

1. Treasurer or Trust Company - A cash deposit or certified check shall be deposited by the City. After the improvements have been accepted, the funds will be reimbursed. 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 twenty percent (120%) of the total estimated cost for completing construction, including engineering design, inspection, and oversight, of the specific public improvements, as estimated by the Developer's Engineer and approved by the City Engineer.
 3. Time - The 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 one extension of the approvals previously given for another two (2) years.
- c. Engineer of record shall hold a pre-construction meeting, including the City Engineering Department, design engineer and contractor. Engineer of record will 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, request for change orders and construction diaries to the City Engineering department every week during the construction of the development or subdivision.
- g. Submit to the City Engineer As-builts for the City records showing any approved changes to the original plans and specifications. A 24" x 36" complete plan set (stamped & signed), a pdf, and an AutoCAD file of the plans shall be provided within thirty (30) days after completion of the project.
- h. The developer's engineer shall submit an Engineer's Check-off and certification form stating that the work has been constructed in conformance to the plans and specifications, and thereby certifying that improvements were constructed to the lines and grades shown.

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

It shall be the responsibility of the 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 (ISPWC) and the City of Twin Falls Revisions to the ISPWC.

The Developer agrees to: (1) allow the City full and complete access to the work (2) provide all materials necessary to conduct independent testing (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 inspections are complete and the work has been accepted by the Developer's Engineer and the City Engineer. All such inspections shall be scheduled in accordance with Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to ISPWC, as adopted at time of construction plan approval. The 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's contractor shall apply for a Right-of-Way permit with a Traffic Control Plan to be approved by the City of Twin Falls prior to any road, lane, or sidewalk closures.

XI.

The City and the Developer agree to the following minimum for Required Improvements, City Costs, Required Inspections and any other improvements; which are 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 local street constructed on all public street rights-of-way serving residential use property.

- (3) Local and private streets shall be constructed as per the current standards, adopted at time of construction plan approval. These include City of Twin Falls Master Transportation plan, ISPWC and City of Twin Falls Revisions to ISPWC.
 - (4) Minor and Major collector streets shall be constructed as per the current standards, adopted at time of construction plan approval. These include City of Twin Falls Master Transportation plan, ISPWC and City of Twin Falls Revisions to ISPWC.
 - (5) Arterial typical sections will be designed by the developer's Engineer and approved by the City Engineer, with width determined on the Master Transportation Plan.
 - (6) A sidewalk, per Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the ISPWC, is required on all public pedestrian rights-of-way. Four foot (4') sidewalks, by special permission of the City Engineer, shall be constructed per ISPWC and the City of Twin Falls Revisions to the ISPWC for local 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 back of curb 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 landscape strip with a sprinkler system to the City of Twin Falls Parks and Recreation standards and shall also install a sidewalk to current adopted standards. 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) Streetlights as determined by City policy for street light installation.
 - (9) The cost of any street signs or traffic control devices installed by the City on new or existing streets.
- (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 to the ISPWC.

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 Marshall. 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 longer than 150 feet 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 water lines shall be one hundred and fifty feet (150'). Fire hydrants with STORZ connectors 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 or sidewalks. Any cost associated with 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 10-12-4.2 a wastewater collection system (eight-inch (8") minimum diameter) that will transport a flow of wastewater, under conditions of maximum and minimum discharge from the development to the existing City waste water system.
- (2) Wastewater lines adjacent to or internal to the development will be sized to continue the orderly expansion of the City Wastewater 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.
- (5) All manholes shall be provided with a gravel access 12" thick where no public roadway currently exists.

(b) City Costs

- (1) The City will perform the CCTV inspection on waste water lines which are part of the construction phase.

(c) Required Inspections and Testing

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

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 a designated lot to be maintained by the owner or when applicable, in a dedicated/exclusive storm water easement, granted to the City of Twin Falls.

(b) City Costs

- (1) The City will perform the CCTV inspection on storm water lines which are part of the construction phase.

(c) Required Inspections and Testing

- (1) The City will inspect all dry wells for geometry and materials. Rock will be submitted to the Developer's Engineer for confirmation of void space prior to placement in dry wells. Documentation of confirmation shall be provided to the city engineering department. 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. Privately owned Irrigation facilities shall be constructed 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, sidewalks or other permanent features will not be located on top of irrigation facilities. Irrigation facilities shall not be located in City Right-of-Way, except in crossings perpendicular to the right-of-way.

(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 to the ISPWC.

PRESSURE IRRIGATION SYSTEM

- (a) Required Improvements
 - (1) Pursuant to Section 10-12-4-2 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 three-fourths (3/4) of an acre 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 or receiving an improvement acceptance letter, for use in the City's pressurized irrigation system.
 - (2) Pressure irrigation water mains and fittings shall satisfy the currently adopted 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 currently adopted Pressurized Irrigation Master Plan 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 more than 30 users. One pressure irrigation water service line shall be constructed to each lot 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 the intersection.

One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each lot connected to the City pressure irrigation water system.

- (5) The Developer shall be responsible for all costs incurred in designing and installing the public pressure irrigation station to City Standards and Specifications or as an agreement negotiated with the City Engineer. 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 ISPWC
 - (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 to the ISPWC.

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

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.

CITY OF TWIN FALLS, IDAHO

Mayor

Tres Gringos, LLC



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

CORPORATION

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 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 seal the day and year first above written.

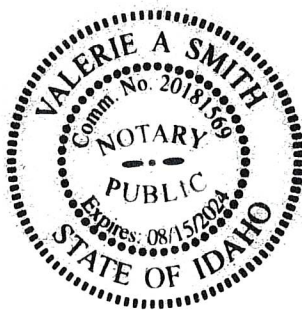
Notary Public for Idaho
Residing _____

PARTNERSHIP

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

On this 5TH day of August, 2024, before me, the undersigned, a Notary Public for Idaho, personally appeared Gerald Martens, known or identified to me (or proved to me on the oath of _____) to be one of the partners in the partnership of Tres Gringos, 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.



[Signature]

Notary Public for Idaho
Residing TWIN FALLS, ID
EXP: 8.15.2024

NOTICE OF DEVELOPER'S AGREEMENT

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 or development:
Little Creek Subdivision

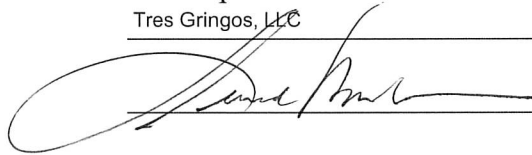
The Agreement imposes certain obligations upon the developer for the development of the subject property, and upon the developer's heirs, successors in interest and lawful assigns. Details of the conditions and obligations may be found by examining or photocopying the Agreement at the Office of the City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

CITY OF TWIN FALLS, IDAHO

 City Clerk

 Mayor

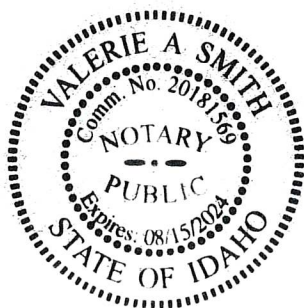
Developer
Tres Gringos, LLC



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

On this 5TH day of August, 2024, before me, the undersigned, a Notary Public for Idaho, personally appeared Gerald Martens, 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 TWIN FALLS, ID

EXP: 8.15.2024

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 ____ Westpark Partners hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development Westpark Commercial Subdivision No. 12, a PUD.

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: Commercial.

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 public 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 currently adopted 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 (120%) 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 (120%) 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 hold a pre-construction meeting, including the City Engineering Department, design engineer and contractor. Engineer of record will 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 Engineering department every week during the construction of the development or subdivision.
- f.
- 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 (ISPWC) 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 currently adopted 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 constructed according to current adopted standards; ISPWC, City of Twin Falls Revisions, Master Transportation Plan, etc 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 landscape strip with a sprinkler system to the City of Twin Falls Parks and Recreation standards and shall also install a sidewalk to current adopted standards. 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.
- (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 Marshall. 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 or sidewalks. 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.
 - (5) All manholes shall be provided with a gravel access 8" 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 a designated lot to be maintained by the owner or when applicable, in a dedicated/exclusive storm water easement, granted to the City of Twin Falls.

(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 to the Developer's Engineer for confirmation of void space prior to placement in dry wells. Documentation

of confirmation shall be provided to the city engineering department. 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, sidewalks or other permanent features will not be located on top of irrigation facilities. Irrigation facilities shall not be located in City Right-of-Way except in crossings, perpendicular to the right-of-way.

(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 three-fourths (3/4) of an acre 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 satisfy the currently adopted 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 currently adopted Pressurized Irrigation Master Plan 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 30 users. One pressure irrigation water service line shall be constructed to each lot 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 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

- 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

Westpark Partners - David Shotwell

David Shotwell

STATE OF IDAHO)

)ss.

County of ~~Twin Falls~~) *Ada County*

On this 15th day of July, 2024, before me, the undersigned, a Notary Public for Idaho, personally appeared David Shotwell, 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 IdahoResiding Eagle, Idaho

CORPORATION

KALLIANNE WAKE
COMM. #53214
NOTARY PUBLIC
STATE OF IDAHO

Exp. 03/04/2030

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 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 seal the day and year first above written.

 Notary Public for Idaho
 Residing _____

PARTNERSHIP

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 one of the partners in the partnership of _____, 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 _____

NOTICE OF DEVELOPER'S AGREEMENT

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 or development:

Westpark Commercial Subdivision No. 12, a PUD

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 OF TWIN FALLS, IDAHO

City Clerk

Mayor

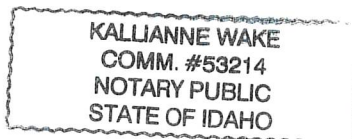
Developer
Westpark Partners

David Shotwell
DAVID SHOTWELL, MANAGING PARTNER.

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

On this ____ day of July, 2024, before me, the undersigned, a Notary Public for Idaho, personally appeared David Shotwell, 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.



Kallianne Wake

Notary Public for Idaho
Residing Eagle, ID

TRUST AGREEMENT

This Trust Agreement (the "Agreement") is made and entered into this _____ day of _____, 2024, by and between **TRES GRINGOS, LLC, 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:

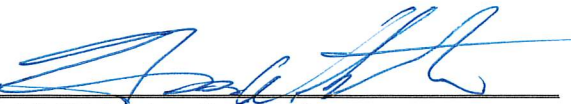
1. That upon the execution of this Agreement by both parties, the Trustor agrees to execute and deliver to the Trustee a Warranty Deed, conveying to the Trustee, in Trust, to be held solely for the benefit of the Beneficiary, the Property, to-wit:

Lots 1, 2, 3, 4, 5, 6, 7, 8, Block 1, **LITTLE CREEK SUBDIVISION**, 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 **LITTLE CREEK 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: 7.2.24

TRUSTOR:
TRES GRINGOS, LLC

BY: 
Gary M. Wolverton, Jr., Member

Date: July 22, 2024

TRUSTEE:
TITLEFACT, INC.

BY: Rudy Ashenbrener
Rudy Ashenbrener, Vice President

Date: _____

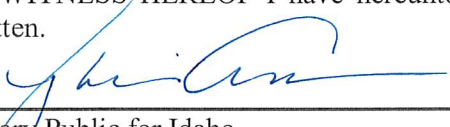
BENEFICIARY:
CITY OF TWIN FALLS, IDAHO

BY: _____

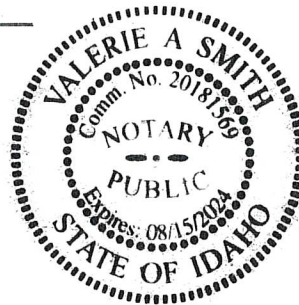
STATE OF IDAHO
County of Twin Falls

On this 2nd day of JULY, 2024, before me, a Notary Public in and for said State, personally appeared **GARY M. WOLVERTON, JR.**, known or identified to me to a member of the limited liability company of **TRES GRINGOS, LLC**, and the member 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 for Idaho
Residing in TWIN FALLS, ID
Commission expires 8-15-2024



STATE OF IDAHO
County of Twin Falls

On this _____ day of _____, 2024, before me, the undersigned, Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ 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:
My Commission expires:

STATE OF IDAHO
County of Twin Falls

On this _____ day of _____, 2024, 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, 7, 8, Block 1, **LITTLE CREEK SUBDIVISION**, Twin Falls County, Idaho.

Date: 7.2.24

TRES GRINGOS, LLC

BY: 

Gary M. Wolverton, Jr., Member

Date: July 22, 2024

TRUSTEE:

TITLEFACT, INC.

BY: 

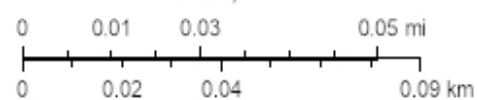
Rudy Ashenbrenner, V.P.

All Utility



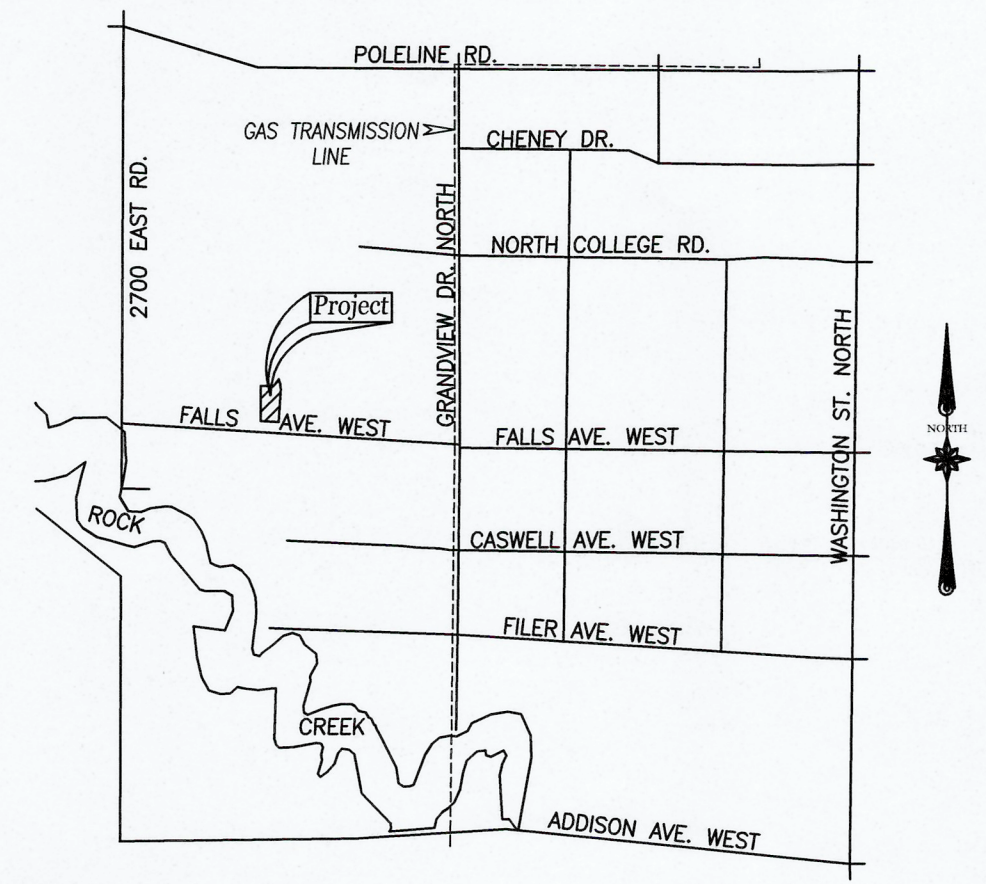
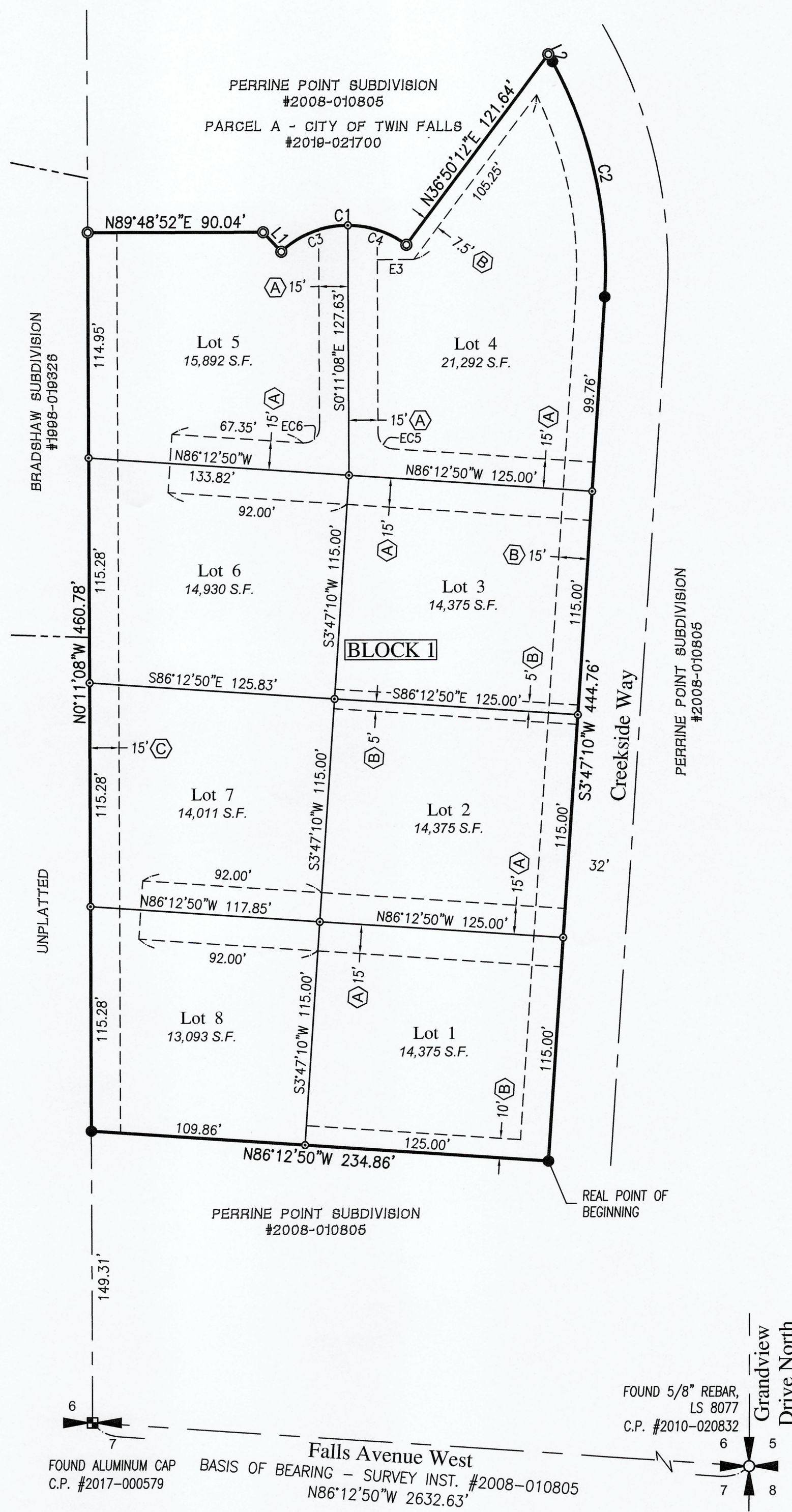
August 20, 2024

1:2,257



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystreisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Jennifer Jennings



Vicinity Map n.t.s

Curve Table

CURVE #	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
C1	79°53'31"	50.00'	69.72'	64.21'	41.87'	N86°53'27"E
C2	32°45'24"	218.00'	124.63'	122.94'	64.07'	S12°35'32"E
C3	43°06'31"	50.00'	37.62'	36.74'	19.75'	S68°29'57"W
C4	36°46'59"	50.00'	32.10'	31.55'	16.62'	N71°33'17"W

Easement Curve Table

CURVE E#	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
EC5	86°01'42"	8.00'	12.01'	10.91'	7.46'	S43°11'59"E
EC6	93°58'18"	8.00'	13.12'	11.70'	8.57'	N46°48'01"E

Line Table Easement Line Table

LINE #	BEARING	DISTANCE	LINE E#	BEARING	DISTANCE
L1	S43°03'18"E	13.56'	E3	S89°48'52"W	18.64'
L2	S28°58'14"E	4.26'			

Survey References Easement Key

- #2019-021700

#2016-008085 SUNWAY SUBDIVISION NO. 2

#2015-004500 SUNWAY CONVEYANCE PLAT

#2008-010805 PERRINE POINT SUBDIVISION

#1998-019326 BRADSHAW SUBDIVISION
- (A) ACCESS & UTILITY EASEMENT

(B) UTILITY EASEMENT

(C) TWIN FALLS CANAL COMPANY IRRIGATION EASEMENT

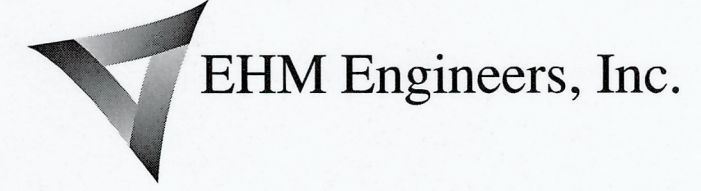
Deed References

- #2024-000641
- #2019-022375
- #2013-003344

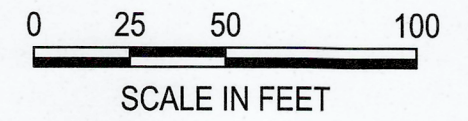
Health Certificate

"SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13, HAVE BEEN SATISFIED BASED ON THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF SANITARY RESTRICTIONS. BUYER IS CAUTIONED AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS MAY BE RE-IMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED."

DISTRICT HEALTH DEPARTMENT, EHS DATE:



LITTLE CREEK SUBDIVISION
A Re-Subdivision of a Portion of
Perrine Point Subdivision, Block 18
SW 4 SE 4, Section 6
Township 10 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2024



Legend

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

Surveyor's Narrative

THE PURPOSE OF THIS SURVEY IS TO LOCATE AND MONUMENT THE BOUNDARY OF LOTS 5 THROUGH 7, A PORTION OF LOT 8, LOTS 9 THROUGH 13, BLOCK 18 AND PERRINE COURT AS SHOWN ON THAT CERTAIN MAP ENTITLED "PERRINE POINT SUBDIVISION", RECORDED AS INSTRUMENT NO. 2008-010805.

THE LOTS, PERRINE COURT AND ADJACENT EASEMENTS, MENTIONED HEREINABOVE HAVE BEEN VACATED PER ORDINANCE NO. 2024-002 AND RECORDED AS INSTRUMENT NO. 2024-000641.

THE SOUTHWEST BOUNDARY OF SAID LOT 8 WAS ADJUSTED AS SHOWN ON RECORD OF SURVEY RECORDED AS INSTRUMENT NO. 2019-021700.

THE FOUND 1/2" REBAR'S ALONG THE SUBDIVISION BOUNDARY HAVE BEEN REPLACED WITH 5/8" REBAR AND CAP.

PIPELINES SUBJECT TO 50-1304.(2)(1) IS SHOWN ON THE VICINITY MAP.



RECEIVED
JUL 24 2024
CITY OF TWIN FALLS
ENGINEERING DEPT.

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 S2 SE4, SECTION 6, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO; SAID PROPERTY BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEING ALL OF LOTS 5 THROUGH 7, A PORTION OF LOT 8, LOTS 9 THROUGH 13, BLOCK 18 AND PERRINE COURT AS SHOWN ON THAT CERTAIN MAP ENTITLED "PERRINE POINT SUBDIVISION", RECORDED MAY 5, 2008 AS INSTRUMENT NO. 2008-010805 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY, SAID LOTS AND PERRINE COURT ARE VACATED PER ORDINANCE NO. 2024-002 RECORDED JANUARY 16, 2024 AS INSTRUMENT NO. 2024-000641 IN SAID OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF LOTS 5 THROUGH 7, A PORTION OF LOT 8, LOTS 9 THROUGH 13, BLOCK 18 AND PERRINE COURT AS SHOWN ON THAT CERTAIN MAP ENTITLED "PERRINE POINT SUBDIVISION", RECORDED MAY 5, 2008 AS INSTRUMENT NO. 2008-010805 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 13 AND BEING THE REAL POINT OF BEGINNING;
THENCE, ALONG THE SOUTH BOUNDARY OF SAID LOTS 12 AND 13, NORTH 86°12'50" WEST 234.86 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12;
THENCE, ALONG THE WEST BOUNDARY OF SAID MAP, NORTH 00°11'08" WEST 460.78 FEET TO THE SOUTHWEST CORNER OF PARCEL A AS SHOWN ON THAT CERTAIN RECORD OF SURVEY RECORDED DECEMBER 19, 2019 AS INSTRUMENT NO. 2019-021700 IN SAID OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY;
THENCE, ALONG THE SOUTHERN BOUNDARY OF SAID PARCEL A, NORTH 89°48'52" EAST 90.04 FEET;
THENCE, CONTINUING ALONG SAID SOUTHERN BOUNDARY, SOUTH 43°03'18" EAST 13.56 FEET;
THENCE, CONTINUING ALONG SAID SOUTHERN BOUNDARY, ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 79°53'31", AN ARC DISTANCE OF 69.72 FEET AND A LONG CHORD THAT BEARS NORTH 86°53'27" EAST 64.21 FEET;
THENCE, CONTINUING ALONG SAID SOUTHERN BOUNDARY, NORTH 36°50'12" EAST 121.64 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY BOUNDARY OF CREEKSIDE WAY AS SHOWN ON SAID MAP;
THENCE, ALONG SAID WESTERN RIGHT-OF-WAY BOUNDARY, SOUTH 28°58'14" EAST 4.26 FEET;
THENCE, CONTINUING ALONG SAID WESTERN RIGHT-OF-WAY BOUNDARY, ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 218.00 FEET, THROUGH A CENTRAL ANGLE OF 32°45'24, AN ARC DISTANCE OF 124.63 FEET AND A LONG CHORD THAT BEARS SOUTH 12°35'32" EAST 122.94 FEET;
THENCE, CONTINUING ALONG SAID WESTERN RIGHT-OF-WAY BOUNDARY, SOUTH 03°47'10" WEST 444.76 FEET TO SAID REAL POINT OF BEGINNING.

THE LOTS, RIGHT OF WAY AND ADJACENT EASEMENTS HAVE BEEN VACATED PER ORDINANCE NO. 2024-002 AND RECORDED AS INSTRUMENT NO. 2024-000641.

THE GROSS AREA CONTAINED IN THIS PLATTED LAND AS DESCRIBED IS 2.81 ACRES.

IT IS THE INTENTION OF THE UNDERSIGNED TO 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 TWIN FALLS CANAL COMPANY.

TRES GRINGOS, LLC, AN IDAHO LIMITED LIABILITY COMPANY

BY: GARY M WOLVERTON JR, MEMBER

ACKNOWLEDGMENT

STATE OF IDAHO)
COUNTY OF TWIN FALLS) ss

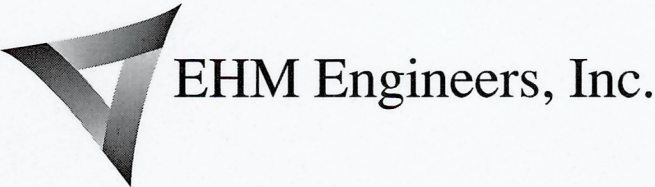
ON THIS _____ DAY OF _____, 2024, AT _____ M., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GARY M WOLVERTON JR, KNOWN OR IDENTIFIED TO ME TO BE A MEMBER OF TRES GRINGOS, LLC, AN IDAHO LIMITED LIABILITY COMPANY, THE LIMITED LIABILITY COMPANY THAT EXECUTED THIS 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 _____, 2024.

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 _____, 2024, 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 _____, 2024, 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 _____



Date: Monday, August 26, 2024
To: Honorable Mayor and City Council
From:

INFORMATIONAL

Request:

Presentation on Ride TFT - Year 1 Status Review

Time Estimate:

15 minutes

Background:

Approval Process:

Budget Impact:

Regulatory Impact:

History:

Analysis:

Conclusion:

Attachments:

1. Ride TFT Year 1 Report



TWIN FALLS TRANSIT

Year 1 Status Report

Ride TFT – Service Overview



- Point to Point, On-Demand service within city limits
- 6 six-person passenger vans, 2 four-person ADA wheelchair vans
- \$3 standard fare, \$1 discounted fare for riders with disabilities or ages 60+ (LINC cards accepted)
- Children ages 12+ can ride unaccompanied
- Service through Ride TFT app or Dispatch Line, **1-208-974-7433** (extra \$1 fee for dispatch line)



Important Milestones Since Month 6

- Added Van 8 in mid-April
- Twin Falls Transit Summit at CSI Herrett Center in May
- Various summer promotions and partnerships, including Project Succeed, Beer Fest, Twin Falls Library, and more
- After Hours and airport service still trending upwards; hoping for After Hours “break even” by end of 2024
- City of Twin Falls named direct recipient for 5307 public transportation funds through FTA
- Representation at ITD Statewide Transit Summit and Community Transportation Association of Idaho (CTAI)
- First official site review from ITD upcoming

Ride TFT -- Year 1 Ridership Data

	Rides	Passengers	Wait Time (minutes)	Wheelchair Rides	Percent of Discount Rides	Rider Experience (out of 5)	Fares Collected
July	3,251	4,338	14	173	52%	4.89	\$3,744
August	5,234	7,014	26	264	49%	4.85	\$6,388
September	4,700	6,086	35	205	49%	4.86	\$7,848
October	5,179	6,604	26	151	50%	4.90	\$9,263
November	5,401	6,989	30	204	51%	4.89	\$9,207
December	5,050	6,390	29	203	55%	4.89	\$8,210
January	5,371	6,724	35	182	54%	4.89	\$11,388
February	5,578	6,830	28	169	51%	4.93	\$13,514
March	5,660	7,028	24	210	50%	4.92	\$13,505
April	6,063	7,584	24	250	50%	4.89	\$12,540
May	6,712	8,334	25	240	53%	4.92	\$11,336
June	6,292	8,099	28	234	58%	4.93	\$12,176

Total	64,491	82,020	<i>null</i>	2,485	<i>null</i>	<i>null</i>	\$ 119,119.00
Average	5,374	6,835	27	207	52%	4.90	\$ 9,926.58

July 2024 – Surpassing Idaho Falls

July 2024

Idaho Falls: 6,796 Rides; 8,215 Passengers
Twin Falls: 6,918 Rides; 8,802 Passengers

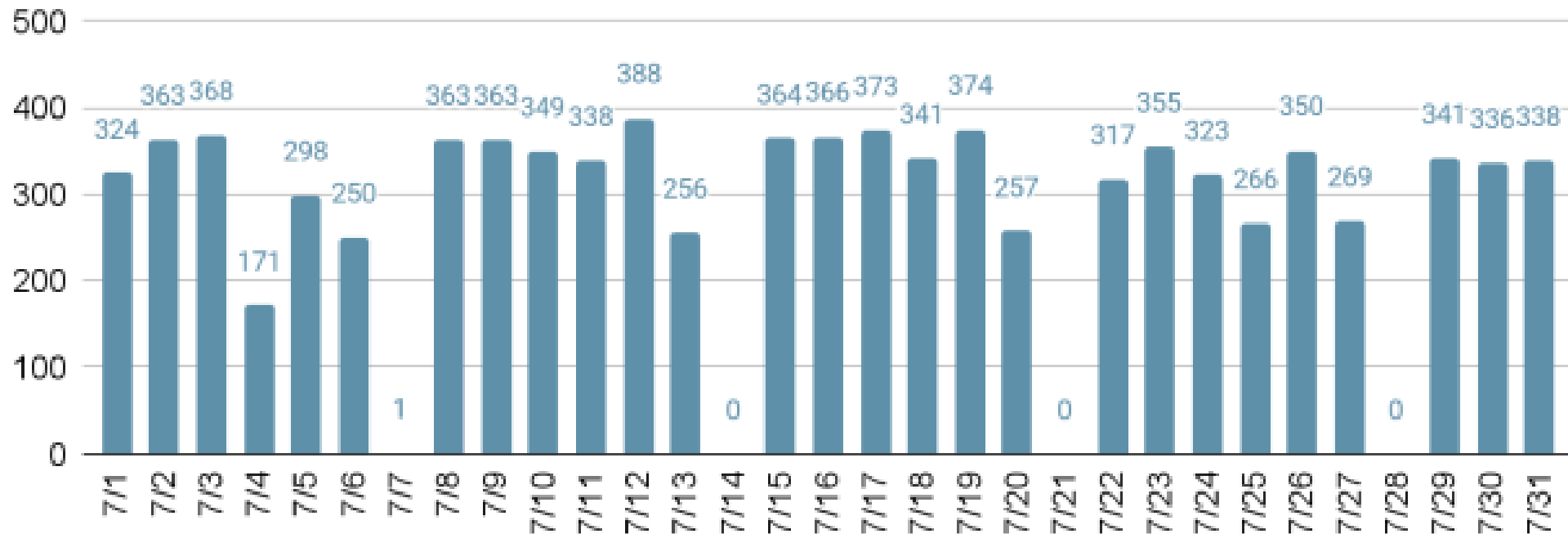
Year 1

Idaho Falls: 68,941 Rides; 84,759 Passengers
Twin Falls: 64,491 Rides; 82,020 Passengers

Year 1 Wheelchair Rides

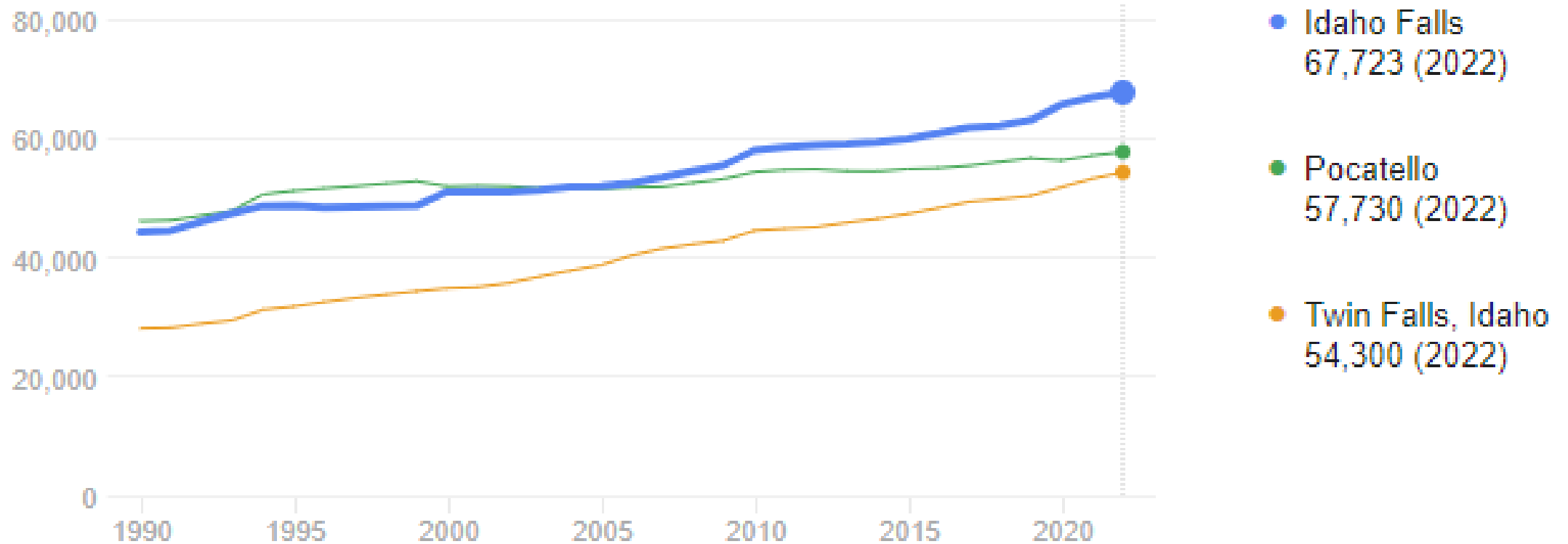
Idaho Falls: 1,690
Twin Falls: 2,485

Ridership



Idaho Falls / Population

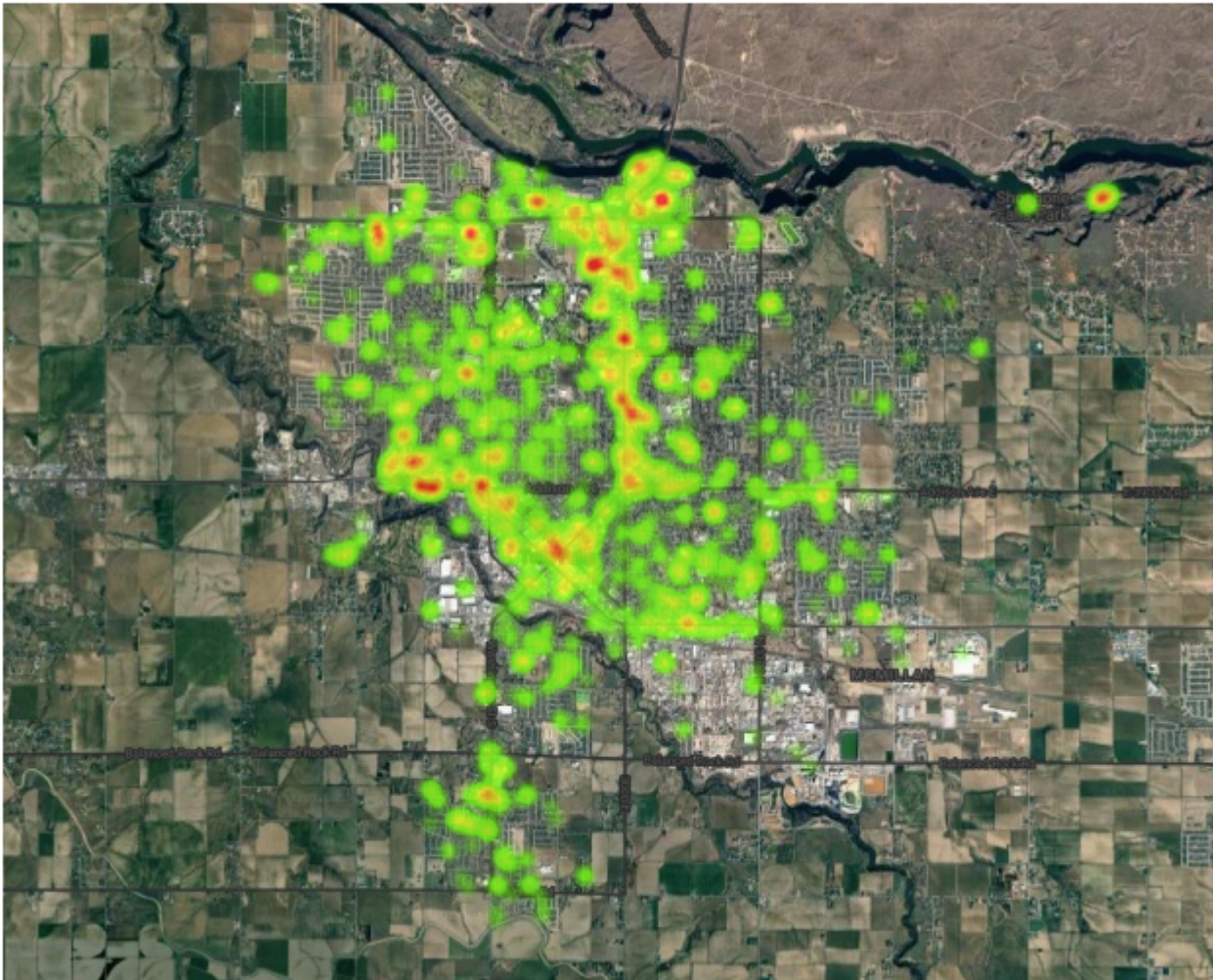
67,723 (2022)



Source: United States Census Bureau, pulled via Google search

Planning for Growth

Dropoffs Heat Map



- Current program is good, but lacking capacity for ADA riders (over 50% of rides are for disabled or age 60+ passengers)
- Overall average wait times are acceptable, but still high; demand surges and population growth will stress this further
- Future need for some fixed-route service; intercity connection with neighboring communities; additional rolling stock and transit facilities
- Strong public participation plan, council involvement, collaboration with MPO, and budgetary support will be needed to maintain adequate public transit service in Twin Falls



Date: Monday, August 26, 2024
To: Honorable Mayor and City Council
From: Shawn Barigar, URA Executive Director

ACTION ITEM

Request:

Request to adopt Ordinance No. O-2024-014 terminating the Urban Renewal Plan for the Washington Street South Urban Renewal Project and the Washington Street South Revenue Allocation Area.

Time Estimate:

The staff presentation will take approximately 10 minutes with time for questions and comments from the Council.

Background:

The Urban Renewal Agency of the City of Twin Falls adopted a resolution in July of this year outlining the intent to terminate the Urban Renewal Plan for the Washington Street South Urban Renewal Project and the established Washington Street South revenue allocation area, which was adopted by City Council Ordinance No. 2019-015 on December 16, 2019, but which Plan and Project Area were not effective until 2020. The contemplated development under the Washington Street South Plan has not occurred and will not occur, and therefore, the Agency intends to terminate the Washington Street South Plan and Project Area.

The Plan and Project Area are terminating approximately sixteen (16) years early. The Agency has reviewed the projected revenues and expenses of the Washington Street South Plan and Project Area and has determined the Project Area can be terminated by December 31, 2024, effective retroactive to January 1, 2024, as it relates to assessed values within the Project Area.

The Agency's action in July was the first step in the termination process. Required communication to the overlapping taxing districts, the State Tax Commission, and the County Assessor's office has occurred. The final, ministerial step in the termination process is the City Council's adoption of a termination ordinance, which is before the council for consideration.

The Council's adoption of this Ordinance and the subsequent publication of the summary ordinance and notice to the overlapping taxing districts and the Idaho State Tax Commission will complete the termination and return the Project Area to the regular tax rolls.

Approval Process:

Idaho Code requires that an ordinance be read on three separate days prior to its passage. Two of the readings can be satisfied by reading the title only. Further, Idaho Code allows the reading rules to be dispensed if "one-half (1/2) plus one (1) of the members of the full council" authorize the action. Should the council wish to approve the ordinance this evening, a motion to dispense with the rules would have to be approved by five or more council members, prior to a vote on the passage of the ordinance.

Suggested motion language if dispensing the rules: I move that we dispense with the reading rules and place Ordinance 2024-014 on third and final reading by title only.

If five or more council members approve dispensing with the rules, then the title must be read, followed by a motion on approval of Ordinance 2024-014: I move that we approve Ordinance 2024-014, as presented.

Budget Impact:

There will be nominal expenses associated with the publication of the summary ordinance as well as communication with the overlapping taxing districts and State Tax Commission, which will be paid by the Urban Renewal Agency. The Agency is projecting there will not be a surplus to be distributed to the overlapping taxing districts at the end of the Agency's 2024 fiscal year on September 30, 2024. To the extent there is a non-obligated surplus, any funds will be remitted to the Twin Falls County Treasurer to be distributed to the taxing districts in the same manner and proportion as the most recent distribution to the taxing districts of the taxes on the taxable property located within the revenue allocation area following payment of all final Agency expenses and financial obligations and upon a final accounting of the Project Area.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends the Council adopt Ordinance 2024-014, terminating the Washington Street South Revenue Allocation Area for the Urban Renewal Plan for the Washington Street South Project.

Attachments:

1. Resolution 2024-03 = RAA Washington St S Intent to Terminate
2. Washington Street South Project Area Map
3. Washington St S Plan Termination Ordinance Summary

RESOLUTION NO. 2024-03

BY THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO, MAKING CERTAIN FINDINGS THAT REVENUES ARE SUFFICIENT TO COVER ALL ESTIMATED AGENCY EXPENSES FOR FUTURE YEARS FOR THE URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA KNOWN AS THE WASHINGTON STREET SOUTH PROJECT AREA; ESTIMATING THE REMAINING PROJECT OBLIGATIONS AND COSTS; RECOMMENDING TO THE CITY COUNCIL THAT THE REVENUE ALLOCATION PROVISION FOR THE WASHINGTON STREET SOUTH PROJECT AREA BE TERMINATED; RECOMMENDING FURTHER THAT THE CITY COUNCIL PASS AN ORDINANCE TERMINATING THE REVENUE ALLOCATION PROVISION FOR THE URBAN RENEWAL PLAN FOR THE WASHINGTON STREET SOUTH URBAN RENEWAL PROJECT, AND RETURNING THE REVENUE ALLOCATION AREA TO THE REGULAR TAX ROLL EFFECTIVE TAX YEAR 2024; PROVIDING FOR THE PAYMENT OF DELINQUENT PROPERTY TAXES FOLLOWING TERMINATION; PROVIDING FOR PAYMENT OF CERTAIN EXPENSES FOR FUTURE FISCAL YEARS; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION, made on the date hereinafter set forth by The Urban Renewal Agency of the City of Twin Falls, Idaho, an independent public body, corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), as a duly created and functioning urban renewal agency for Twin Falls, Idaho, hereinafter referred to as the "Agency."

WHEREAS, by Resolution No. 909, dated July 19, 1965, the Board of Commissioners of the City of Twin Falls, Idaho (the "City") created an urban renewal agency pursuant to the Law;

WHEREAS, on December 16, 2019, the City Council of the City of Twin Falls (the "City Council"), after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Washington Street South Urban Renewal Project (the "Washington Street South Plan") to redevelop a portion of the City, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2019-015 on December 16, 2019, approving the Washington Street South Plan, and making certain findings, including establishing the Washington Street South revenue allocation area (the

“Washington Street South Project Area”). Due to the timing of the publication of the Ordinance Summary and recording, the Washington Street South Plan and Project Area has an effective base year retroactive to January 1, 2020;

WHEREAS, the Washington Street South Plan contained a revenue allocation financing provision pursuant to the Act;

WHEREAS, the termination date for the Project Area, as set forth in the Washington Street South Plan, is December 31, 2040, except for revenues to be received in 2041, as authorized pursuant to Idaho Code § 50-2905(7);

WHEREAS, the contemplated development under the Washington Street South Plan has not occurred and will not occur, and the Agency intends to terminate the Washington Street South Plan and Project Area;

WHEREAS, the Agency expects all obligations and expenses under the Washington Street South Plan, and as identified in the FY2024 Washinton Street South Supplemental Termination Budget attached hereto as Exhibit B, to be incurred and satisfied by the Agency’s current fiscal year ending September 30, 2024. An updated estimate of the Agency operations and administrative fees and costs are set forth in the FY2024 Supplemental Termination Budget attached hereto as Exhibit B, and as further described in Termination Plan attached hereto as Exhibit A;

WHEREAS, the Agency will request the Twin Falls County Treasurer to not distribute to the Agency any Project Area revenue allocation funds from delinquency tax payments in fiscal year 2025, or subsequent years, generated from the 2023 assessed values, or earlier. To the extent any Project Area revenue allocation funds are received by the Agency in fiscal year 2025, or later, the Agency will return those funds to the Twin Falls County Treasurer for distribution to the taxing districts;

WHEREAS, the Agency will have sufficient funds on deposit for payment of all final Agency operations and administrative fees and costs;

WHEREAS, the Agency has reviewed the remaining Agency operations and administrative fees and costs, and based on projected revenues and expenses of the Washington Street South Plan and Project Area, has determined there are sufficient funds for payment of all final Agency expenses and has further determined the revenue allocation area can be terminated on or before December 31, 2024;

WHEREAS, pursuant to Exhibit A and Exhibit B, the Agency estimates no surplus will be available for remittance to the County Treasurer for distribution to the taxing districts on or before September 30, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO, AS FOLLOWS:

Section 1: That the above statements are true and correct.

Section 2: That the Termination Plan attached hereto as Exhibit A is hereby approved and adopted by the Agency Board.

Section 3: That the revenue allocation area contained in the Washington Street South Plan shall be terminated on or before December 31, 2024, consistent with the termination provisions set forth in the Act, allowing certain taxing entities to use the 2024 estimated assessed values above the adjusted base assessment roll for the Project Area for their budgetary purposes, and further, pursuant to Idaho law, as amended, those certain taxing entities may, for their budgetary purposes, take into account a portion of the increment value for the Project Area, which portion of the increment value shall be added to the 2024 new construction roll, pursuant to Idaho Code § 63-301A(3)(f), as amended.

Section 4: That the Agency does not intend to take revenue allocation funds in tax year 2025, generated from the 2024 assessed values, and the allocation of revenues under section 50-2908, Idaho Code, shall cease effective January 1, 2024.

Section 5: That all financial obligations related to the Project Area have been provided for, and any outstanding obligations will be paid in full on or before September 30, 2024. The Agency will have sufficient funds on deposit for payment of the final Agency operations and administrative fees and costs.

Section 6: That any delinquent property taxes due to the Agency that were levied for calendar year 2023, or earlier, shall not be paid to the Agency after September 30, 2024, but shall be distributed by the Twin Falls County Treasurer to the taxing districts in the same manner and proportion as the most recent distribution to the taxing districts of the taxes on the taxable property located within the revenue allocation area.

Section 7: That any non-obligated surplus deemed by the Agency to exist will be remitted to the Twin Falls County Treasurer for distribution to the taxing districts prior to the end of the Agency's 2024 fiscal year on or before September 30, 2024, in the same manner and proportion as the most recent distribution to the taxing districts of the taxes on the taxable property located within the revenue allocation area. *See* I.C. 50-2909(4).

Section 8: That the Agency does hereby request that the City Council, pursuant to 50-2903(5), Idaho Code, adopt an Ordinance providing for the termination of the Project Area revenue allocation area in the Washington Street South Plan, to be effective on or before December 31, 2024, and declaring that the tax year 2024 revenues¹ from the increment value as levied upon

¹ The Agency will receive the second half of the 2023 tax payments in July or August 2024, following the June 20, 2024, payment deadline, but will not receive any allocation of revenue from the Project Area after September 30, 2024.

within the revenue allocation area are not needed for the payment of any Agency indebtedness or Agency projects to be completed before September 30, 2025, and should flow to the respective taxing districts pursuant to Idaho law.

Section 9: That a copy of this Resolution be sent to the Twin Falls County Assessor's Office, the Twin Falls County Auditor/Recorder and the Idaho State Tax Commission to provide notice of termination of the revenue allocation area in the Washington Street South Plan.

Section 10: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by The Urban Renewal Agency of the City of Twin Falls, on June 28, 2024.
Signed by the Chair of the Board of Commissioners and attested by the Secretary to the Board of Commissioners, on June 28, 2024.

APPROVED;

By: Rudy Ashenbrener
Rudy Ashenbrener, Chair

ATTEST:

By: Dave McAlindin
Dave McAlindin, Secretary

EXHIBIT A

(Termination Plan)

EXHIBIT A

THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO URBAN RENEWAL PLAN FOR THE WASHINGTON STREET SOUTH URBAN RENEWAL PROJECT AND THE CORRESPONDING REVENUE ALLOCATION AREA THE “WASHINGTON STREET SOUTH PLAN”

The Urban Renewal Agency of the City of Twin Falls (the “Agency”) intends to terminate the revenue allocation area adopted at the time of the original adoption of the Urban Renewal Plan for the Washington Street South Urban Renewal Project, by the Twin Falls City Council on December 16, 2019, by Ordinance No. 2019-015¹ (the “Washington Street South Plan”) and the corresponding Washington Street South revenue allocation area (the “Project Area”). A map of the Project Area is included.

The termination date for this Project Area as set forth in the Plan is December 31, 2040; except for revenues to be received in 2041, as authorized pursuant to Idaho Code § 50-2905(7). The Agency has reviewed the projected revenues and expenses of the Washington Street South Plan and Project Area and has determined the Project Area can be terminated by December 31, 2024, effective retroactive to January 1, 2024, as it relates to assessed values within the Project Area. As a result, the Agency will not receive revenue allocation funds in tax year 2025, generated from the 2024 assessed values, and the allocation of revenues under § 50-2908, Idaho Code, shall cease effective January 1, 2024².

Based on updated budget information, this Termination Plan is prepared, in part, in order to describe the Agency’s plan to pay its financial obligations in the final year and to describe other actions necessary to wind up the affairs of the Project Area. This plan reviews the Agency’s existing financial obligations and the payment of certain expenses on or before September 30, 2024.

¹ Due to the timing of the publication of the Ordinance Summary and recording, the Washington Street South Plan and Project Area has an effective base year retroactive to January 1, 2020.

² The Agency has or will receive the second half of the 2023 tax payments in July or August 2024, following the June 20, 2024, payment deadline, but will not receive any allocation of revenue from the Project Area after September 30, 2024.

Intent Regarding Delinquencies:

The Agency will request the Twin Falls County Treasurer to not distribute to the Agency any Project Area revenue allocation funds from delinquency tax payments after September 30, 2024, or subsequent years, generated from the 2023 assessed values, or earlier. To the extent the Agency receives any delinquency tax payments related to the Project Area after September 30, 2024, or later, then the Agency will return those funds to the Twin Falls County Treasurer for distribution to the taxing districts in the same manner and proportion as the most recent distribution to the taxing districts of the taxes on the taxable property located within the revenue allocation area.

Fiscal Year 2024 Supplemental Termination Budget Summary:

As further set forth below, the Agency expects all the Project Area expenses to be paid on or before September 30, 2024. Any miscellaneous expenses incurred in Fiscal Year 2025 shall be covered by other available Agency funds.

As shown on the Fiscal Year 2024 Supplemental Termination Budget, the Agency has identified \$79,000 in Fiscal Year 2024 Project Area expenditures. These expenditures are generally related to Agency legal and consultant fees, operations and administrative/management fees and costs to be paid on or before September 30, 2024.

The Agency is projecting there will not be a surplus at the end of the Agency's 2024 fiscal year on September 30, 2024. Although not anticipated to occur, if there is a final distribution of non-obligated surplus funds on or before September 30, 2024, any funds will be remitted to the Twin Falls County Treasurer to be distributed to the taxing districts in the same manner and proportion as the most recent distribution to the taxing districts of the taxes on the taxable property located within the revenue allocation area following payment of all final Agency expenses and financial obligations and upon a final accounting of the Project Area.

Real Property:

The Agency does not own real property in the Project Area.

Management Fee:

The FY2024 Supplemental Termination Budget has identified a management fee in the amount of \$25,000, which is the allocated amount of costs related to Agency administration of the Project Area.

Legal and Advertising:

The FY24 Supplemental Termination Budget includes a line item for Legal and Advertising, which is intended to address the estimated costs of termination, and a potential new revenue allocation area including the Washington Street South geographic area.

FY2025 – Post-Termination Final Administrative Costs:

The Agency anticipates there may be FY2025 post-termination final administrative costs, including an allocable share of the audit, legal reporting requirements, and legal and administrative

EXHIBIT B

(FY24 Supplemental Termination Budget)

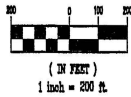
EXHIBIT B

FY2024 SUPPLEMENTAL TERMINATION BUDGET

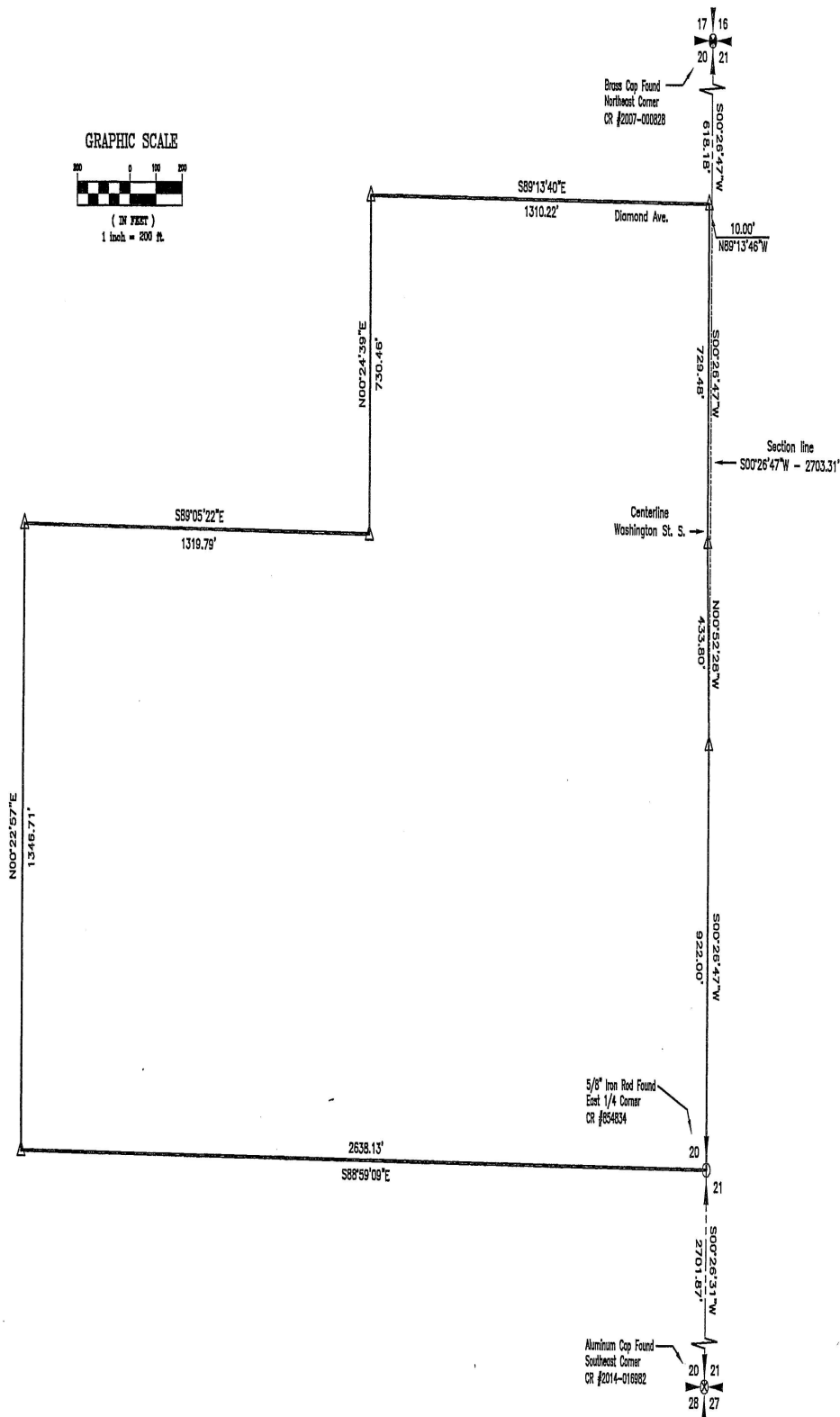
Revenue	Projected <i>(Projected Through September 30, 2024)</i>
FY2024 Revenue Allocation Proceeds	\$ 33,600
Cash Carryover	45,400
Loan from General Fund	-
TOTAL:	\$ 79,000

Expenditures	Projected
Area Redevelopment	-
Program Operations	-
Management Fee	\$ 25,000
Legal and Advertising	54,000
Professional Fees	-
Pay-off Loan to General Fund	-
TOTAL:	\$ 79,000

GRAPHIC SCALE



TOWNSHIP 10 SOUTH, RANGE 17 EAST
SECTION 20, BOISE MERIDIAN
TWIN FALLS COUNTY, IDAHO



LEGEND

PARCEL BOUNDARY	
SECTION LINE	
BRASS CAP FOUND	
5/8" IRON ROD FOUND	
ALUMINUM CAP FOUND	
CALCULATED POINT	

GARCIA
LAND SURVEYING, LLC

Exhibit Map
Twin Falls URA

**NOTICE AND PUBLISHED SUMMARY
OF ORDINANCE PURSUANT TO I.C. §50-901(A)**

CITY OF TWIN FALLS ORDINANCE NO. O-2024-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, IMMEDIATELY TERMINATING THE URBAN RENEWAL PLAN FOR THE WASHINGTON STREET SOUTH URBAN RENEWAL PROJECT AND THE ESTABLISHED REVENUE ALLOCATION AREA FOR THE WASHINGTON STREET SOUTH PROJECT AREA; REQUIRING DISTRIBUTION OF ANY NON-OBLIGATED SURPLUS DETERMINED TO EXIST AS OF SEPTEMBER 30, 2024, PURSUANT TO SECTION 50-2909, IDAHO CODE; AUTHORIZING THE CITY CLERK OR THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO, TO FILE THE ORDINANCE, TOGETHER WITH THE BOUNDARY MAP, WITH THE OFFICE OF THE COUNTY RECORDER, THE COUNTY ASSESSOR, AND THE IDAHO STATE TAX COMMISSION AS PROVIDED IN SECTION 63-215, IDAHO CODE; PROVIDING THAT A COPY OF THIS ORDINANCE SHALL BE GIVEN TO EACH OF THE TAXING ENTITIES AFFECTED BY SAID REVENUE ALLOCATION AREA; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1: That the above statements are true and correct.

Section 2: That the Washington Street South Project Area contained in the Washington Street South Plan, as more particularly shown in **Attachment 2**, is hereby terminated, consistent with the termination provisions set forth in the Act.

Section 3: That the Agency does not intend to receive revenue allocation funds in calendar year 2025, generated from the 2024 assessed values, and the allocation of revenues under section 50-2908, Idaho Code, shall cease effective January 1, 2025.

Section 4: That any non-obligated surplus funds deemed by the Agency to exist will be remitted to the County Treasurer on or before the end of the Agency's 2024 fiscal year on September 30, 2024, or following the final accounting of the Agency's 2024 fiscal year on or before April 1, 2025, but in any event no later than September 30, 2025, to be distributed to the taxing districts in the same manner and proportion as the most recent distribution to the taxing districts of the taxes on the taxable property located within the Washington Street South Project Area. *See* I.C. 50-2909(4). Further, any other remaining funds in subsequent fiscal years received by the Agency from delinquent taxes after September 30, 2025, shall be disbursed in the same manner each fiscal year.

Section 5: That a copy of this Ordinance shall be sent to and/or filed with the Twin Falls County Assessor's Office, the County Auditor/Recorder, and the Idaho State Tax Commission, together with a boundary map, to provide notice of termination of the Washington

Street South Project Area in the Washington Street South Plan by either the City Clerk or Agency representatives.

Section 6: At least one-half, plus one of the City Council members finding good cause, the City Council hereby dispenses with the rule that this Ordinance be read on three different days; two readings of which shall be in full, and have hereby adopted this Ordinance, having considered it at one reading.

Section 7: That this Ordinance shall be in full force and effect immediately upon its adoption, approval, and publication.

Section 8: The Summary of this Ordinance, a copy of which is attached hereto as **Attachment 3**, is hereby approved.

Section 9: All ordinances, resolutions, orders, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

Section 10: SAVINGS CLAUSE: This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

PASSED by the City Council of the City of Twin Falls, Idaho, this ____ day of August 2024.

APPROVED by the Mayor of the City of Twin Falls, Idaho, this ____ day of August 2024.

ATTACHMENTS TO THE ORDINANCE

Attachment 1 Agency Resolution No. 2024-03, including as exhibits the Termination Plan setting forth an estimate of remaining project costs and other administrative fees and costs, and a FY2024 Supplemental Termination Budget

Attachment 2 Washington Street South Project Area Map

Attachment 3 Ordinance Summary

A full text of the Ordinance is available for inspection at City Hall, City of Twin Falls, 203 Main Avenue East, Twin Falls, Idaho.

City of Twin Falls
Mayor and City Council
By: Deputy City Clerk

Consolidated Readings [enter].

**STATEMENT OF TWIN FALLS CITY ATTORNEY AS TO ADEQUACY OF
SUMMARY OF ORDINANCE NO. O-2024-014**

The undersigned, Bruce Castleton, legal counsel for the City of Twin Falls, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance No. O-2024-014 of the City of Twin Falls, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A (3).

DATED this _____ day of _____, 2024.

Bruce Castleton, Attorney for the City

4870-9346-6579, v. 1a



Date: Monday, August 26, 2024
To: Honorable Mayor and City Council
From: Shawn Barigar, URA Executive Director

ACTION ITEM

Request:

Request to consider Resolution No. R-2024-008 accepting the Eligibility Report for the proposed Southwest Revenue Allocation Area, dated August 2024, and directing the Urban Renewal Agency to proceed with the preparation of an urban renewal plan for the area.

Time Estimate:

The staff presentation will take approximately 10 minutes with time for questions and comments from the Council.

Background:

In June 2024, the Urban Renewal Agency of the City of Twin Falls authorized Kushlan|Associates to perform an Eligibility Report within the vicinity of Washington Street South, Orchard Drive West, Grandview Drive South, and South Park Avenue West in the Southwest area of the City. The Study Area encompasses 15 individual property parcels totaling approximately 352 acres. The area provides an opportunity for future commercial and industrial development supported by eligible public improvements initiated by the Urban Renewal Agency, should the new area be established. The Study Area includes parcels within unincorporated Twin Falls County; however, annexation applications have been submitted.

The completed report is attached to this staff report and provides important background information on demographics and growth projections. Most importantly, the eligibility report considers these statistics in regard to the Idaho Code sections governing Urban Renewal, including the requirements to determine whether an area is eligible for creating a district.

The Eligibility Report identifies that 7 of the 10 criteria outlined in the Idaho Code are met in the Study Area. Based upon Kushlan|Associates review of the data and the conditions that exist within the Study Area, the Southwest area is eligible for the establishment of an urban renewal plan and revenue allocation area. The Urban Renewal Agency has accepted this report and is requesting that the City Council do the same and authorize the Agency to move forward with development of an Urban Renewal Plan for the Southwest area.

Establishment of a new area follows specific steps in Idaho Code including drafting of the plan itself, receipt of agriculture consents from property owners within the proposed area whose properties are agricultural operations, review by the Planning and Zoning Commission for concurrence with the comprehensive plan, formal adoption of the plan by the Agency board, communication with overlapping taxing districts, and ultimately formal adoption of an ordinance by the City Council following a noticed public hearing.

Approval Process:

A majority vote of the City Council.

Budget Impact:

There are costs associated with the establishment of a new plan and urban renewal/revenue allocation area, which will be paid by the Urban Renewal Agency of the City of Twin Falls.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Agency staff recommends the adoption of Resolution 2024-008 accepting the Eligibility Report for the Southwest Revenue Allocation Area and directing the Urban Renewal Agency to proceed with the preparation of an urban renewal plan for the area.

Attachments:

1. Resolution R-2024-008 - Adopt Eligibility Report for Southwest RAA

RESOLUTION NO. 2024-008

A RESOLUTION BY THE COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, DETERMINING A CERTAIN AREA WITHIN THE CITY OF TWIN FALLS, AND ITS AREA OF OPERATION, ALSO REFERRED TO AS THE SOUTHWEST AREA, TO BE A DETERIORATED AREA AND/OR A DETERIORATING AREA AS DEFINED BY IDAHO CODE SECTIONS 50-2018(8), (9) AND 50-2903(8); DIRECTING THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS TO COMMENCE THE PREPARATION OF AN URBAN RENEWAL PLAN SUBJECT TO CERTAIN CONDITIONS, WHICH PLAN MAY INCLUDE REVENUE ALLOCATION PROVISIONS FOR ALL OR PART OF THE AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the “City Council”) of the City of Twin Falls (the “City”) created the Urban Renewal Agency of the City of Twin Falls, Idaho, an independent public body, corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”) and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”), a duly created and functioning urban renewal agency for Twin Falls, Idaho, hereinafter referred to as the “Agency.”

WHEREAS, by Resolution No. 909, dated July 19, 1965, the Board of Commissioners of the City created an urban renewal agency pursuant to the Law;

WHEREAS, on June 30, 1997, the City Council, by Resolution No. 1603, determined certain property to be a deteriorated area or a deteriorating area or a combination thereof and designated the area as appropriate for an urban renewal project to be known as Urban Renewal Area #4 (the “Area #4 Plan”). The Area #4 Plan has been amended several times;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-3 (the “RAA #4-3 Plan”) to redevelop a portion of the City within the boundaries of the Area #4 Plan, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3022 on December 12, 2011, approving the RAA #4-3 Plan and making certain findings, including establishing the RAA #4-3 revenue allocation area (“RAA #4-3”);

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-4 (the “RAA #4-4 Plan”) to redevelop a portion of the City within the boundaries of the Area #4 Plan, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3097 on June 1, 2015, approving the RAA #4-4 Plan and making certain findings, including establishing the RAA #4-4 revenue allocation area ("RAA #4-4");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Orchard Drive East Urban Renewal Project ("Orchard Drive East Plan") pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2022-024 on November 14, 2022, approving the Orchard Drive East Plan and making certain findings, including establishing the Orchard Drive East revenue allocation area ("Orchard Drive East Revenue Allocation Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Old Towne-2 Urban Renewal Project ("Old Towne-2 Plan") pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. O-2023-014 on November 27, 2023, approving the Old Towne-2 Plan and making certain findings, including establishing the Old Towne-2 revenue allocation area ("Old Towne-2 Revenue Allocation Area");

WHEREAS, the above referenced urban renewal plans are collectively referred to as the Existing Urban Renewal Plans and their corresponding project areas are collectively referred to as the Existing Project Areas;

WHEREAS, based on inquiries and information presented, the Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;

WHEREAS, in 2024, the Agency authorized Kushlan|Associates, to commence an eligibility study and preparation of an eligibility report of an area approximately 352.75 acres in size (excluding rights-of-way) and which is generally located west of Washington Street South and south of Diamond Avenue West. A portion of the area reviewed is within the boundaries of the terminating Washington Street South revenue allocation area. The eligibility study area is commonly referred to as the Southwest area (the "Study Area");

WHEREAS, Idaho Code Section 50-2018(18) provides an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, annexation of that portion of the Study Area located outside the City limits and within unincorporated Twin Falls County is in progress;

WHEREAS, though a portion of the Study Area lies outside the City limits, because that area is currently proceeding through the annexation process, no formal resolution from Twin Falls County, Idaho, has been requested. In the event annexation of that area has not been obtained by the time the City Council considers approval of a new urban renewal plan, it is anticipated the City would either seek to obtain an agreement with Twin Falls County, Idaho, as required by Idaho Code Section 50-2906(3), or remove the unincorporated area from the final boundary of the revenue allocation area;

WHEREAS, the Agency obtained the Southwest Revenue Allocation Area Eligibility Report, dated August 19, 2024 (the "Report"), a copy of which is attached hereto as **Exhibit A**, which examined the Study Area, for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, pursuant to Idaho Code Sections 50-2018(8), (9) and 50-2903(8), which define the qualifying conditions of a deteriorating area and deteriorated area, many of the conditions necessary to be present in such an area are found in the Study Area, including:

- a. age or obsolescence;
- b. predominance of defective or inadequate street layout;
- c. faulty lot layout in relation to size, adequacy, accessibility, or usefulness; obsolete platting;
- d. insanitary or unsafe conditions;
- e. diversity of ownership;
- f. substantially impairs or arrests the sound growth of a municipality; and
- g. results in economic underdevelopment of the area

WHEREAS, the Study Area includes open space/open land;

WHEREAS, under the Act, a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. See Idaho Code Section 50-2903(8);

WHEREAS, Idaho Code Sections 50-2018(9), 50-2903(8) and 50-2008(d) list additional conditions applicable to open land areas, including open land areas to be acquired by the Agency, which are the same or similar to the conditions set forth in the definitions of "deteriorating area" and "deteriorated area;"

WHEREAS, the Report addresses the necessary findings concerning the eligibility of open land within the Study Area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, the effects of the listed conditions cited in the Report result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in its present condition or use;

WHEREAS, under the Law and the Act, Idaho Code Sections 50-2903(8)(f) and 50-2018 (8) and (9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation, except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, the Study Area includes parcels subject to such consent. While the necessary consents have not been obtained, any and all consents shall be obtained prior to City Council adoption of any urban renewal plan;

WHEREAS, the Report includes a preliminary analysis concluding the base assessment roll value for the Study Area along with the base assessment roll values for the Existing Project Areas do not exceed 10% of the current assessed valuation of all taxable property within the City;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or a deteriorating area;

WHEREAS, the Agency, on August 19, 2024, adopted Resolution No. 2024-06 (a copy of which is attached hereto as **Exhibit B** without the attached exhibits thereto) accepting the Report and authorizing the Chairman or Executive Director of the Agency to transmit the Report to the City Council, requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the Study Area, which plan may include a revenue allocation provision as allowed by the Act;

WHEREAS, it is desirable and in the best public interest that the Agency prepare an urban renewal plan for the area identified as the proposed Southwest Area in the Report located within the City, county of Twin Falls, state of Idaho, and within the City's area of operation;

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

Section 1: That the City Council finds and declares that the above statements are true and correct.

Section 2. That the Mayor and Council of the City of Twin Falls, Idaho, finds and declares:

- (a) That the Study Area described in the Report, attached hereto as **Exhibit A**, is a deteriorated area or a deteriorating area within the City and its area of operation, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, and qualifies as an urban renewal project and justification exists for designating the area as appropriate for an urban renewal project;
- (b) That there is a need for the Agency to function in accordance with the provision of Chapters 20 and 29, Title 50, Idaho Code, as amended, within a designated area for the purpose of establishing an urban renewal plan.
- (c) That the Study Area identified in the Report is determined to be a deteriorated area or a deteriorating area, as defined in Chapters 20 and 29, Title 50, Idaho Code, as amended, or a combination thereof, and such area is designated as appropriate for an urban renewal project;
- (d) That the rehabilitation, conservation, and redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of the City.
- (e) That the Agency will obtain any agricultural consents from the real property owners, as may be necessary, prior to formally submitting the proposed urban renewal plan to the City for its consideration.

Section 3. That the Agency shall be, and hereby is, directed to commence preparation of an urban renewal plan for all or a portion of the Study Area described in the Report for consideration by the Agency Board and, if acceptable, final consideration by the City Council in compliance with Chapters 20 and 29, Title 50, Idaho Code, as amended.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the Council of the City of Twin Falls, Idaho, this _____ day of August 2024.

SIGNED by the Mayor of the City of Twin Falls, Idaho this _____ day of August 2024.

By: _____
Ruth Pierce, Mayor

ATTEST:

By: _____
Deputy City Clerk

Exhibit A

The Southwest Revenue Allocation Area
Eligibility Report, dated August 19, 2024

Southwest Revenue Allocation Area

Eligibility Report

Prepared for

The Urban Renewal Agency of the
City of Twin Falls

August 19, 2024



Kushlan | Associates
Boise, Idaho

Introduction:

Kushlan | Associates was retained by the Urban Renewal Agency of the City of Twin Falls (the Agency) to assist them in their consideration of establishing a new urban renewal district in the City of Twin Falls, Idaho (the City).

The Mayor, with the confirmation of the City Council, has appointed seven members to the Urban Renewal Agency of the City of Twin Falls to guide the development of urban renewal plans and oversee their implementation. The current membership of the Commission is as follows:

Chair:	Rudy Ashenbrener
Vice Chair:	Dave McAlindin
Secretary:	Eric Smallwood

Commissioners:	Dan Brizee
	Jan Rogers
	JJ McBride
	Jennifer Colvin

Executive Director: Shawn Barigar

Background:

While Native Americans inhabited the area for millennia, the development of the community of Twin Falls, as we know it today was initiated in 1900. I. B. Perrine had farmed in the Snake River Canyon since 1884, providing sustenance to the Wood River mines and the surrounding area in South Central Idaho. In response to the adoption of the Carey Act in 1894 that encouraged the development of facilities to irrigate traditionally arid lands, Perrine led an effort to create the Twin Falls Land and Water Company (TFLWC) in 1900 supported by Salt Lake and Eastern financial interests. The first infrastructure investment was the construction of Milner Dam on the Snake River on which construction was commenced in 1903 and completed in 1905. Construction of distribution facilities in the Main Line, Highline and Lowline canals set the stage for the establishment of the community of Twin Falls with the original plat being filed on May 12, 1904, with formal incorporation occurring in 1905.

The Idaho State Legislature created Twin Falls County on February 21, 1907, naming the City of Twin Falls as County Seat. The county had previously been part of Cassia County and Owyhee County at different times in its history. As farming grew as the lead component of the area's economy, the community grew to support those engaged in that enterprise.

Over time the community has grown and prospered, often influenced by transportation improvements impacting the region. The Minidoka and Southwestern Railroad (M&SW) arrived in Twin Falls on August 7, 1904. The M&SW was acquired by the Oregon Short Line Railroad, a division of the Union Pacific Railroad, in 1912. The Twin Falls – Jerome

Intercounty Bridge was opened in 1927 connecting the communities north and south of the Snake River. Now called the I.B. Perrine Bridge, it serves as the crossing for US Highway 93 that connects Mexico and Canada through Arizona, Nevada, Idaho and Montana. U.S 93 runs through the city, as do US Highway 30 and State Highways 50 and 74. Interstate 84 now carries its east-west traffic approximately 3 miles north of Twin Falls.

In support of that continuing economic vitality of the region, the community turned to the Urban Renewal Law in 1965 with the creation of the Urban Renewal Agency of the City of Twin Falls by Resolution 909 adopted by the Twin Falls City Council on July 19, 1965. In 1997 the City Council adopted Resolution 1603 that consolidated prior existing urban renewal areas into a new combined Area 4. Subsequent to that action, the City Council has established six revenue allocation areas to pursue specific objectives. Those areas are noted below with their expiration dates:

Area 4-1 (Old Towne)	2022 (Closed)
Area 4-3 (Chobani)	2031
Area 4-4 (Clif Bar)	2035
Washington Street South	2040 (to be closed 2024)
Orchard Drive East	2042
Old Towne-2	2043

A formal Eligibility Study as required under Idaho Code must be conducted for this and any future areas that the Agency and City will consider ensuring the decision makers have current information on which to exercise their discretion.

Cities across the nation actively participate in the economic vitality of their communities through investment in infrastructure. Water and sewer facilities as well as transportation and other systems are all integral elements of an economically vital community. Idaho cities have a significant challenge in responding to these demands along with the on-going need to reinvest in their general physical plant to ensure it does not deteriorate to the point of system failure. Idaho cities face stringent constitutional limitations and near total dependence upon legislative action to provide funding. An Idaho city's access to funding sources and the ability to employ effective financing mechanisms such as General Obligation bonding, severely constrain capital investment strategies.

With a difficult approval threshold (66 2/3%) for General Obligation bond issues, accessing what few tools exist in Idaho cities remains a prudent exercise of the City's fiduciary obligations. The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law and Economic Development Act are some of the few that are available. New sources of State support are not likely to become available in the foreseeable future, thus the Agency's interest in exploring the potential for establishing their seventh urban renewal district is appropriate.

Demographics:

According to the US Census Bureau, the estimated 2024 population of the City of Twin Falls is 56,521 and has grown by 17.4% since 2020. This is a higher growth rate than that experienced statewide which was 6.8% during that period.

At 25.2%, Twin Falls' percentage of people under 18 years of age exceeds the statewide percentage of 23.9% by 1.3%. The percentage of population under 5 years of age exceeds the statewide figure by 1.1% (6.9% vs. 5.8%). The percentage of the Twin Falls population over 65 years of age (15.8%) is less than the statewide percentage (17.0%) by 1.2%. These statistics reflect a population base that is slightly younger than that found statewide.

The population is predominately white at 83.8% as compared to the statewide percentage of 92.6%. The Hispanic population exceeds the statewide percentage by 1.6% (15.1% vs. 13.5%).

Housing units are 63.0% owner-occupied as opposed to the statewide statistic of 72.0%. Median value of owner-occupied housing units is \$243,700 as compared to \$331,600 statewide. Monthly owner costs with mortgage are \$1,375 as compared to the statewide figure of \$1,520. Median gross rent in Twin Falls is reported as \$952 as compared to \$1,061 statewide.

When income statistics are compared to statewide numbers, we see that the population of Twin Falls lags the rest of Idaho in these categories as well. The median household income in Twin Falls is \$58,024, approximately 21% below the statewide figure of \$70,214. Per capita money income for the Twin Falls population is \$31,255 as compared to the statewide number of \$34,919. The percentage of the Twin Falls population below poverty level is 12.1% as compared to the statewide number of 10.7%.

These statistics suggest that the Twin Falls population may have limited capacity to fund new or increasing revenue sources to support economic development efforts in addition to on-going operational requirements. Thus, utilizing existing investment mechanisms such as found in Title 50, Chapters 20 and 29 is a prudent exercise of local legislative authority.

<i>Statistics are derived from the latest United States Census Bureau Report.</i>

Steps in Consideration of an Urban Renewal District:

The first step in consideration of establishing an urban renewal district in Idaho is to define a potential area for analysis as to whether conditions exist within it to qualify for redevelopment activities under the statute. We have called this the "Study Area".

The next step in the process is to review the conditions within the Study Area to determine whether the area is eligible for creating a district. The State Law governing urban renewal

sets out the following criteria, at least one of which must be found, for an area to be considered eligible for urban renewal activities:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)].
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)].
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)].
4. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)].
5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)].
6. Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)].
7. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)].
8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)].
9. Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)].
10. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)].

If the Eligibility Report finds that one or more of the conditions noted above exists within the Study Area, then the Urban Renewal Agency may adopt it and forward it to the City Council for their consideration. If the City Council concurs with the determination of the Urban Renewal Agency, they may direct that an Urban Renewal Plan be developed for the area that addresses the issues raised in the Eligibility Report.

The Urban Renewal Agency, then acts to prepare the Urban Renewal Plan for the new District and determines whether to also recommend the establishment of a Revenue Allocation Area to fund improvements called for in the Plan. Once the Plan for the District and Revenue Allocation Area are completed, the Urban Renewal Board forwards it to the City Council for their consideration.

The City Council must refer the Urban Renewal Plan to the Planning and Zoning Commission for a finding that the Plan, as presented, is consistent with the City's Comprehensive Plan. At the same time, the taxing entities levying property taxes within the boundaries of the proposed Urban Renewal District are provided a thirty-day opportunity to comment on the Plan to the City Council. While the taxing entities are

invited to comment on the Plan, their concurrence is not required for the City Council to proceed with their formal consideration.

Once the Planning and Zoning Commission makes their finding of consistency and the thirty-day comment period has passed, the City Council is permitted to hold a public hearing and formally consider the adoption of the Plan creating the new Urban Renewal District and Revenue Allocation Area.

The City Council must also find that the taxable value of the district to be created, when added to the Base Assessed Value of any existing Urban Renewal/Revenue Allocation Area, does not exceed the statutory maximum of 10% of the citywide assessed valuation.

If the City Council, in their discretion, chooses to proceed, they will officially adopt the Urban Renewal Plan and Revenue Allocation Area and provide official notification of that action to the overlapping taxing districts, County officials and Idaho State Tax Commission.

The Urban Renewal Agency then proceeds to implement the Plan.

Description of the Southwest Study Area:

The Study Area subject to the current review (Southwest) is located primarily in the south-central part of the City and consists of parcels adjacent or in close proximity to a major north/south arterial, Washington Street South. The thoroughfare is the primary access to the Twin Falls Regional Airport and, in this section, is also designated as Idaho State Highway 74.

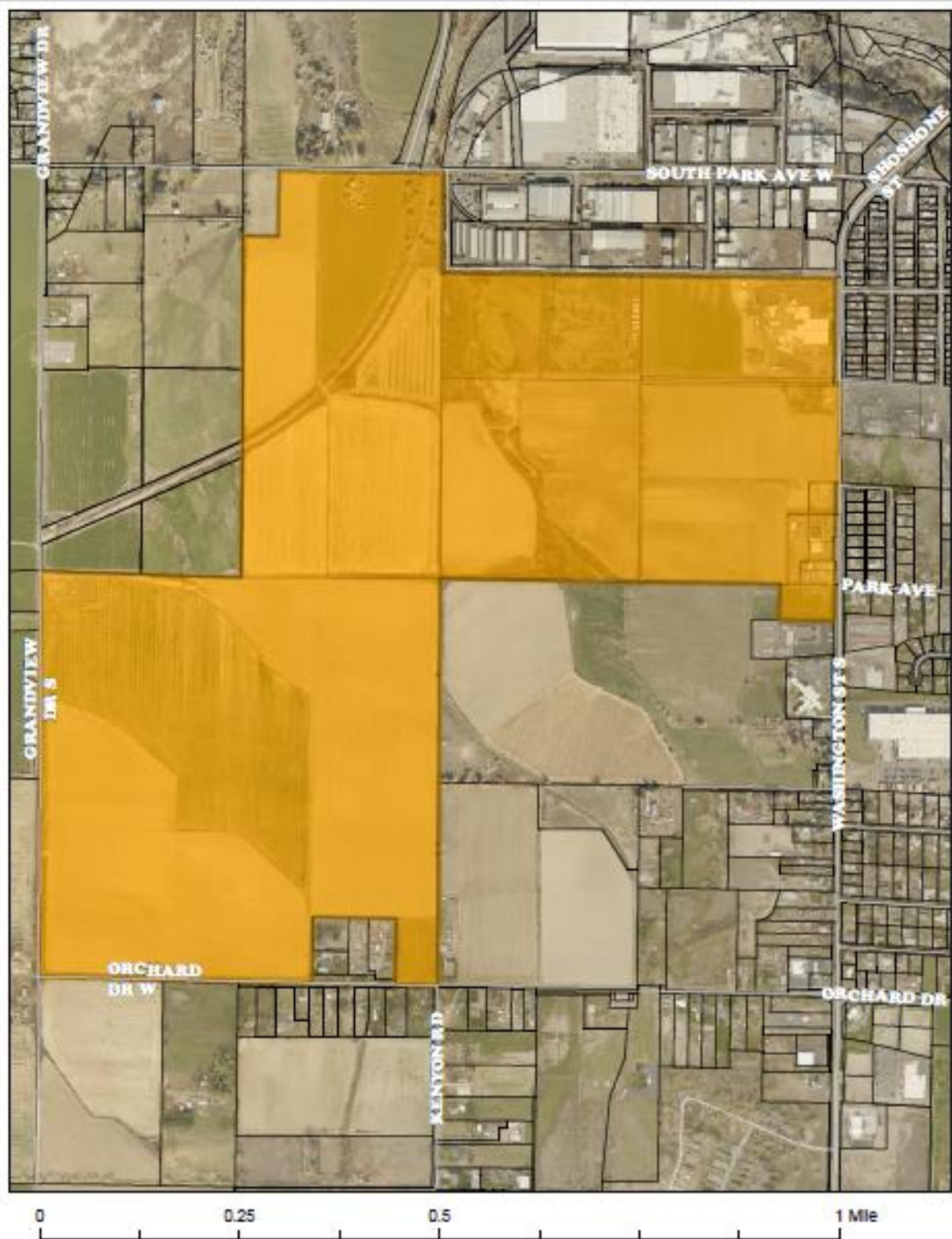
According to the records supplied by the Twin Falls County Assessor, the area contains a total of 352.748 acres, excluding public rights-of-way. This area encompasses fifteen (15) individual tax parcels. The total area is taxable with no properties being exempt from taxation. The majority of the acreage is currently used for agricultural purposes, and thus, is assessed at agricultural land values.

Table 1 reflects the data for each of the 15 tax parcels represented in the Study Area:

Table 1

Tax Parcel	Acres	Land Value	Improvement Value	Total Value
RPT00107201805A	34.64	\$72,385	\$0	\$72,385
RPT00107201200A	40.61	\$183,150	\$106	\$183,256
RPT00107201830A	0.84	\$74,886	\$0	\$74,886
RPT00107201821A	0.75	\$90,808	\$1,995,768	\$2,086,576
RPT00107201811A	0.484	\$58,680	\$0	\$58,680
RPT00107202300A	1.31	\$159,066	\$68,230	\$227,296
RPT00107201806	0.326	\$52,799	\$458,739	\$511,538
RPT00107201801	0.478	\$77,418	\$0	\$77,418
RPT00107200010A	18.66	\$754,460	\$10,313,150	\$11,067,610
RPT00107202410A	77.5	\$245,943	\$109,146	\$355,089
RPT00107204800A	154.94	\$319,215	\$0	\$319,215
RP10S17E207201	2.0	\$4,242	\$0	\$4,242
RP10S17E200610	9.58	\$202,287	\$0	\$202,287
RPT00107200620	0.42	\$895	\$0	\$895
RPT00107200600	10.21	\$19,366	\$0	\$19,366
Total	352.748	\$2,315,600	\$12,945,139	\$15,260,739

Please see the following map for a graphic representation of the Study Area.



Analysis of the Study Area:

The Study Area consists of 15 tax parcels representing 352.748 acres located in and immediately adjacent to the South-central part of the City of Twin Falls. Those properties located within unincorporated Twin Falls County are expected to annex to the City coincident to the consideration of this process.

It is located generally west of Washington Street South and south of Diamond Avenue West. It is a mixture of commercially and industrially zoned properties. A significant portion of the Study Area remains in agricultural uses pending urban level development. As such, written consent of the property owners will be required before they may be included within the boundary of an urban renewal district.

A detailed review of the Study Area reflects a pattern of underinvestment and disinvestment over time. Within the Study Area one finds properties where recent investment has been made with either new construction or significant renovation. Four of the parcels reflect this condition.

Conversely where one finds improvement values less than land values, the property is either vacant or the structures are generally obsolete. Table 1 above shows that a substantial percentage of the properties located within the Study Area reflect this condition. Ten (10) properties representing approximately 254.2 acres are primarily vacant and dedicated to agricultural use. Three parcels reflect improvement values substantially below land value.

The American Institute of Appraisers suggests that an economically viable, developed property would reflect a ratio of 30% land to 70% improvements. After initial improvements are made, without continuing reinvestment, the improvement ratio declines and as it approaches par, a condition of disinvestment or deterioration is assumed.

Additionally, one (1) parcel within the Study Area is landlocked with no access to a public street and one (1) of the major parcels is connected to Washington Street by only a narrow twenty-foot extension of the property, a condition inadequate for any level of intense urban development.

A major gasoline pipeline transects the Study Area on a prescribed easement limiting development potential along its length.

Even if one arbitrarily sets an Improvement to Land Value ratio of 1:1 as a benchmark below which one finds notable disinvestment, one finds the vast majority of the area within the Study Area is below this line.

Table 2

The Comparison of Land Value to Improvement Value		
Category	Number of Lots	Percentage of Area
Vacant	11	78.5%
Improvement Value < 1.0 X Land Value	3	28.8.0%
200% - 300%	0	0%
300% - 400%	0	0%
400% - 500%	0	0%
500% - 600%	0	0 %
600% - 700%	0	0%
700% - 800%	0	0%
800%-900%	1	0.08%
900% - 1000%	0	0%
Improvement Value > 1000%	2	4.5%

As the table shows, the percentage of properties where re-investment has been made is relatively small.

Infrastructure:

A similar pattern of under-investment exists in the public infrastructure in the Study Area. While limited investment has been made on Washington Street South associated with recent development, full improvement to current City standards has not been made. Curb and gutter are in place on the west side fronting new commercial development, but no pedestrian facilities or storm drainage facilities are in place. The balance of Washington Street South through the Study Area shows an improvement standard reflective of historic rural state highways consisting of an asphalt mat with no provision for storm drainage, pedestrian facilities or urban levels of illumination. Such facilities were not designed to accommodate projected levels of commercial and industrial traffic envisioned in City planning documents, potentially resulting in significant deterioration of the street surface.

At the point in time of this investigation, no street network exists west of Washington Street South. Any substantial industrial development as envisioned in the City's Comprehensive Plan would require a more robust street network throughout the area currently being used for agricultural purposes.

Street lighting is inadequate on Washington Street South and totally non-existent in the balance of the Study Area. Areas of the City, experiencing more recent development enjoy a significantly higher standard of illumination than found in the Study Area.

Storm Drainage: As noted above, none of Washington Street South frontage has storm drainage facilities installed. In the areas where no curbs and gutters exist, storm drainage

facilities, piped systems or open ditches, are not in place to handle discharges from storms or from melting snow. This allows ponding of water creating traffic hazards as well as deterioration of the roadbed itself. This condition is predominant in the Study Area especially on the east side of Washington Street South, south of Highland Avenue.

As the City grows, national standards for handling storm drainage will apply to the City. One can expect substantial investment in such facilities will be required during the life of an urban renewal district.

Water: Municipal water service is available in the Study Area only in the Washington Street South right-of-way. Fire hydrant placement appears inadequate even for the current land uses.

The City of Twin Falls Water System Master Plan, adopted in 2016, notes inadequate fire flows in the area to support the land uses envisioned in the City's Comprehensive Plan. Much of the area is undeveloped vacant land that is zoned for significantly more dense urban uses represented by their commercial and industrial zoning designations. Extensions will be required to serve the large parcels when development occurs. Depending upon specific uses, fire flows may have to be upgraded to ensure adequate fire protection is available in a denser development environment.

Sewer: As with the water system, the sewer collection system will need to be enhanced throughout the area to serve the development envisioned in the City's Comprehensive Plan and zoning documents. Additionally, the type of development envisioned, may include high treatment requirements due to the type of processing, and are anticipated to have significant demands upon the City's wastewater treatment facility located adjacent to the river in the Snake River Canyon. It has been the City's policy to require pre-treatment of effluent such as will be generated in the Study Area prior to its being discharged into the City's collection system to ensure compliance with the environmental requirements of the permits issued by the State Department of Environmental Quality (DEQ).

Required Findings Regarding Eligibility for the Study Area:

In order to make a finding that the Study Area is, in fact, eligible for being considered for the establishment of an urban renewal district, one must compare the conditions found in the area with the statutory criteria noted above. For the convenience of the reader those criteria are repeated here:

1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)].
2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)].
3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)].

4. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)].
5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)].
6. Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)].
7. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)].
8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)].
9. Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)].
10. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8) (c)].

Criterion #1: *The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site*: As noted above 10 of the properties representing 74% of the acreage in the Study Area are vacant or have minimal improvements. The other 3 parcels reflect recent commercial investment. Given that most of the land is vacant and what structures are present are relatively new, one cannot find that a “substantial number of deteriorated structures” are present. Therefore, Criterion #1 is not met.

Criterion #2: *Age or Obsolescence*: The majority of the Study Area is vacant land currently under cultivation. Given the designation in the City’s Comprehensive Plan and zoning documents supporting commercial and industrial uses, the current agricultural use is obsolete. Therefore, Criterion #2 is met.

Criterion #3: *Predominance of Defective or Inadequate Street Layout*. While some of the parcels can be served from Washington Street South, Grandview Drive S and Orchard Drive W, the presence of large undeveloped acreages suggests the current network will prove inadequate to support future development. Both Highland and Park Avenue will need to be extended to the west of Washington Street South providing access to the interior portions of the currently vacant parcels. A denser circulation system will be required to support more intensive uses. Improvement of Grandview and Orchard will be necessary to provide a circulation pattern consistent with urban standards. Therefore, Criterion #3 is met.

Criterion #4: *Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting*. Six (6) of the parcels within the Study Area are large, and mostly vacant. Future development consistent with the City’s Comprehensive Plan will require subdivision and the extension of public access to the completed parcels. Also, as noted above, there is one parcel that currently has no access to a public street, and one large 40-acre parcel has limited 20-foot frontage, thus severely limiting their utility in an urban setting. Therefore, Criterion #4 is met.

Criterion #5: *Insanitary or Unsafe Conditions.* The substandard condition of the streets, the lack of storm drainage facilities, the incomplete street lighting system and the lack of adequate pedestrian facilities point to current unsafe conditions that will be exacerbated as development occurs consistent with the City’s Comprehensive Plan. The water system will need to be expanded into the large parcels to provide adequate fire protection. Sewer treatment system upgrades will be required to fully serve the anticipated development. Therefore, Criterion #5 is met.

Criterion #6: *Diversity of Ownership.* The 15 parcels examined in this study are under the ownership of 8 entities. Such diversity of ownership creates challenges for creating and executing a common vision for the area. Therefore, Criterion #6 is met.

Criterion #7: *Tax or Special Assessment Delinquency.* The records of the Twin Falls County Assessor do not reflect any tax or special assessment delinquency. Therefore, Criterion #7 is not met.

Criterion #8: *Defective or Unusual Conditions of Title.* No defective or unusual conditions of title are reported by the Twin Falls County Assessor. Therefore, this criterion is not met.

Criterion #9: *Results in Economic Underdevelopment of the Area.* Large and landlocked parcels, a diverse ownership pattern and inadequate infrastructure are all factors that inhibit the development of properties within the Study Area as envisioned in City planning documents. The gasoline pipeline limits design options in the development of a major portion of the Study Area. Therefore, Criterion #9 is met.

Criterion #10: *Substantially Impairs or Arrests the Sound Growth of a Municipality.* The Study Area exists within and adjacent to the corporate limits of the City of Twin Falls and abuts dense urban development on the north, and east sides. Annexation of those parcels located in unincorporated Twin Falls County is being initiated. The lack of adequate infrastructure within the Study Area inhibits the development envisioned in the City’s Comprehensive Plan. Therefore Criterion #10 is met.

Findings: Southwest Urban Renewal District: Conditions exist within the Study Area to allow the Board of Commissioners of the Urban Renewal Agency of the City of Twin Falls and the Twin Falls City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

	Criteria	Met	Not Met
1	The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site		X
2	Age or Obsolescence	X	
3	Predominance of Defective or Inadequate Street Layout	X	

	Criteria	Met	Not Met
4	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness	X	
5	Insanitary or Unsafe Conditions	X	
6	Diversity of Ownership	X	
7	Tax or Special Assessment Delinquency		X
8	Defective or unusual condition of title		X
9	Results in Economic Underdevelopment of the Area	X	
10	Substantially Impairs or Arrests the Sound Growth of a Municipality	X	

Analysis: Open Land Conditions: In addition to the eligibility conditions identified above, the geographic area under review is also required to satisfy the “open land” conditions. Idaho Code Section 50-2903(8)(c) states: “[a]ny area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas.”

Many of the eligibility criteria set forth in Idaho Code Section 50-2903(8)(c) for predominantly open land areas mirror or are the same as those criteria set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b). “Diversity of ownership” is the same, while “obsolete platting” appears to be equivalent to “faulty lot layout in relation to size, adequacy, accessibility, or usefulness.” “Deterioration of structures or improvements” is the same or similar to “a substantial number of deteriorated or deteriorating structures” and “deterioration of site or other improvements.” There is also an additional qualification that the provisions of Idaho Code Section 50-2008(d) shall apply to open areas.

Idaho Code Section 50-2008(d)(4) primarily addresses the urban renewal plan approval process and sets forth certain conditions and findings for agency acquisition of open land as follows:

(4) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and

sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

In summary, there is one set of findings if the area of open land is to be acquired and developed for residential uses and a separate set of findings if the land is to be acquired and developed for nonresidential uses.

Basically, open land areas may be acquired by an urban renewal agency and developed for nonresidential uses if such acquisition is necessary to solve various problems, associated with the land or the infrastructure, that have delayed the area's development. These problems include defective or usual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout. All of the stated conditions are included in one form or another in the definition of a deteriorated area and/or a deteriorating area set forth in Idaho Code Sections 50-2903(8)(b) and 50-2018(9). The conditions listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and "the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area."

The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply. The parcel size, the lack of water and sewer facilities; a nonexistent access and internal street system; an inadequate storm drain system; and lack of fire protection, are all conditions which delay development of the Study Area.

Based on the above analysis, obsolete platting/faulty lot layout, diversity of ownership, and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

CONCLUSION:

Based upon our review of the data and the conditions that exist within the Study Area as noted above, the Twin Falls City Council may, at its discretion, determine that the Study Area, as proposed, is eligible for the establishment of an urban renewal district.

Other Relevant Issues

Agricultural Land Owners Concurrence: A substantial part of the area within the Study Area is valued as agricultural land. The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for agricultural purposes without the express written consent of the property owner. Such consent has not yet been requested. Final consideration of any urban renewal plan created through this process could not proceed without the required consents being in-hand.

10% Analysis: In addition to the findings reported above, we also sought to verify that the assessed value of the proposed Study Area is within the statutory limits. As noted above, State Law limits the percentage of assessed value that can be included in urban renewal/revenue allocation districts to 10% of the current assessed valuation of all taxable property within the City. According to Twin Falls County Assessor records, the most recent certified value for the City of Twin Falls is \$6,406,571,903. The taxable value of the Study Area is \$15,260,739 representing 0.238% of the total City assessed value. The Base Assessed Value of the Twin Falls RAA 4-3 is \$1,096,508; Twin Falls RAA 4-4 is \$4,090,577; Orchard Drive East RAA is \$483,336; and Old Towne-2 RAA is \$233,672,375. The assessed value of the Study Area is \$15,260,739. The existing Washington Street South RAA is planned to be closed. The Table below shows the result compared to the statutory requirement.

Statutory 10% Limitation Analysis		
Area	Base Assessed Value	Percentage
Total City	\$6,406,571,903	100%
• RAA 4-3 (Chobani)	\$1,069,508	0.017%
• RAA 4-4 (Clif Bar)	\$4,090,577	0.064%
• Washington Street South RAA (To be Closed TY2024)	\$0	0%
• Orchard Drive East RAA	\$483,336	0.008%
• Old Towne-2 RAA	\$233,672,375	3.65%
• Proposed Southwest RAA	\$15,260,739	0.238%
Total UR Base Assessed Value Percentage	\$254,576,535	3.977%

We also explored the effect of creating this district on the capacity of the Urban Renewal Agency to consider future districts should they choose to do so. The table below shows that even if a new district similar to the Study Area were to be established, approximately 6.023% of the citywide assessed value would remain uncommitted.

Remaining Urban Renewal Capacity		
• Maximum 10% Limitation	\$640,657,190	10%
• RAA 4-3 (Chobani)	\$1,069,508	0.017%
• RAA 4-4 (Clif Bar)	\$4,090,577	0.064%
• Orchard Drive East RAA	\$483,336	0.008%
• Old Towne-2 RAA	\$233,672,752	3.65%
• Proposed Southwest RAA	\$15,260,739	0.238%
• Total AV in Revenue Allocation Areas	\$254,576,535	3.977%
• Available AV under limitation	\$386,080,655	6.023%

v.20240821:11:45L

Exhibit B

Resolution No. 2024-06 Accepting the Southwest Revenue Allocation Area
Eligibility Report, dated August 19, 2024
(Attachments to the Resolution are Not Included)

4889-0597-2186, v. 1a

RESOLUTION NO. 2024-06

BY THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO, ACCEPTING THAT CERTAIN REPORT ON ELIGIBILITY FOR CERTAIN PROPERTY REFERRED TO AS THE SOUTHWEST AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; TO MAKE ANY NECESSARY TECHNICAL CHANGES TO THE REPORT; AUTHORIZING AND DIRECTING THE CHAIR OR EXECUTIVE DIRECTOR TO TRANSMIT THE REPORT AND THIS RESOLUTION TO THE CITY COUNCIL OF THE CITY OF TWIN FALLS REQUESTING ITS CONSIDERATION FOR DESIGNATION OF AN URBAN RENEWAL AREA AND SEEKING FURTHER DIRECTION FROM THE COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION, made on the date hereinafter set forth by the Urban Renewal Agency of the City of Twin Falls, Idaho, an independent public body, corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), a duly created and functioning urban renewal agency for Twin Falls, Idaho, hereinafter referred to as the "Agency."

WHEREAS, by Resolution No. 909, dated July 19, 1965, the Board of Commissioners of the City of Twin Falls, Idaho (the "City") created an urban renewal agency pursuant to the Law;

WHEREAS, on June 30, 1997, the City Council, by Resolution No. 1603, determined certain property to be a deteriorated area or a deteriorating area or a combination thereof and designated the area as appropriate for an urban renewal project to be known as Urban Renewal Area #4 (the "Area #4 Plan"). The Area #4 Plan has been amended several times;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-3 (the "RAA #4-3 Plan") to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3022 on December 12, 2011, approving the RAA #4-3 Plan and making certain findings, including establishing the RAA #4-3 revenue allocation area ("RAA #4-3");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for Urban Renewal Area #4-4 (the "RAA #4-4 Plan") to redevelop a portion of the City within the boundaries of the Urban Renewal Area #4, as amended, pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 3097 on June 1, 2015, approving the RAA #4-4 Plan and making certain findings, including establishing the RAA #4-4 revenue allocation area ("RAA #4-4");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Orchard Drive East Urban Renewal Project ("Orchard Drive East Plan") pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 2022-024 on November 14, 2022, approving the Orchard Drive East Plan and making certain findings, including establishing the Orchard Drive East revenue allocation area ("Orchard Drive East Revenue Allocation Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Old Towne-2 Urban Renewal Project ("Old Towne-2 Plan") pursuant to the Law and the Act;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. O-2023-014 on November 27, 2023, approving the Old Towne-2 Plan and making certain findings, including establishing the Old Towne-2 revenue allocation area ("Old Towne-2 Revenue Allocation Area");

WHEREAS, the above referenced urban renewal plans are collectively referred to as the Existing Urban Renewal Plans and their corresponding project areas are collectively referred to as the Existing Project Areas;

WHEREAS, based on inquiries and information presented, the Agency commenced certain discussions concerning examination of an additional area as appropriate for an urban renewal project;

WHEREAS, in 2024, the Agency authorized Kushlan Associates, to commence an eligibility study and preparation of an eligibility report of an area approximately 352.75 acres in size, exclusive of rights-of-way, and is generally located west of Washington Street South and south of Diamond Avenue West. A portion of the area reviewed is within the boundaries of the terminating Washington Street South revenue allocation area. The eligibility study area is commonly referred to as the Southwest area (the "Study Area");

WHEREAS, the Agency has obtained the Southwest Revenue Allocation Area Eligibility Report, dated August 19, 2024 (the "Report"), a copy of which is attached hereto as **Exhibit A**, which examined the Study Area, for the purpose of determining whether such area was a

deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, at the time the Study Area was reviewed for eligibility, a portion of the Study Area was outside the City limits and within unincorporated Twin Falls County, but annexation of the Study Area parcels is either in progress or contemplated to occur within the immediate future;

WHEREAS, pursuant to Idaho Code Sections 50-2018(8), (9) and 50-2903(8), which define the qualifying conditions of a deteriorating area and deteriorated area, many of the conditions necessary to be present in such an area are found in the Study Area, including:

- a. age or obsolescence;
- b. predominance of defective or inadequate street layout;
- c. faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
 obsolete platting;
- d. insanitary or unsafe conditions;
- e. diversity of ownership;
- f. substantially impairs or arrests the sound growth of a municipality; and
- g. results in economic underdevelopment of the area.

WHEREAS, the effects of the listed conditions cited in the Report result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in its present condition or use;

WHEREAS, under the Act, a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. See Idaho Code Section 50-2903(8);

WHEREAS, Idaho Code Sections 50-2018(9), 50-2903(8) and 50-2008(d) list additional conditions applicable to open land areas, including open land areas to be acquired by the Agency;

WHEREAS, the Report addresses the necessary findings concerning the eligibility of open land within the Study Area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, under the Law and the Act, Idaho Code Sections 50-2903(8)(f) and 50-2018 (8) and (9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation, except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, the Study Area includes parcels subject to such consent. While the necessary consents have not been obtained, any and all consents shall be obtained prior to City Council adoption of any urban renewal plan;

WHEREAS, the Report includes a preliminary analysis concluding the base assessment roll value for the Study Area along with the base assessment roll values for the Existing Project Areas do not exceed 10% of the current assessed valuation of all taxable property within the City;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or a deteriorating area;

WHEREAS, the Agency Board finds it in the best public interest to accept this Report.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF THE CITY OF TWIN FALLS, IDAHO, AS FOLLOWS:

Section 1. That the above statements are true and correct.

Section 2. That the Agency Board acknowledges acceptance and receipt of the Report, attached hereto as **Exhibit A**, recognizing technical changes or corrections which may be required before transmittal to the City Council for its consideration.

Section 3. That there are one or more areas within the City that are a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8), as more fully set forth in the Report, attached hereto as **Exhibit A**.

Section 4. That one such area is the Study Area, which is approximately 352.75 acres in size, exclusive of rights-of-way, and is generally located west of Washington Street South and south of Diamond Avenue West. The area studied consists of both properties located within the City limits as well as within the area of City impact, in unincorporated Twin Falls County; however, the parcel within unincorporated Twin Falls County is anticipated to proceed shortly through the formal annexation process of the City.

Section 5. That the rehabilitation, conservation, development and redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of the City.

Section 6. That the Chair of the Board of Commissioners or Executive Director is hereby authorized to transmit the Report to the Twin Falls City Council requesting that the City Council:

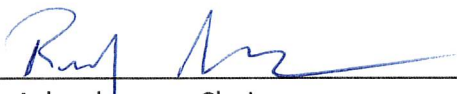
- a. Determine whether the Study Area identified in the Report qualifies as an urban renewal project and justification for designating the area, as appropriate, for an urban renewal project;
- b. If such designation is made, whether the Agency should proceed with the preparation of an urban renewal plan for the area, which plan may include a revenue allocation provision as allowed by law; and
- c. Coordinate with the Agency to obtain the required agricultural consent from the property owners.

Section 7. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

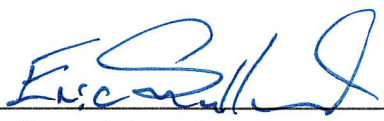
PASSED AND ADOPTED by the Urban Renewal Agency of the City of Twin Falls, on August 19, 2024.

APPROVED AND EXECUTED by the Chairman of the Board of Commissioners of the Agency and attested by the Secretary to the Board of Commissioners, on this 19th day of August 2024.

APPROVED:

By: 
Rudy Ashenbrener, Chair

ATTEST:

By: 
Eric Smallwood, Secretary

4862-3589-5767, v. LB



Date: Monday, August 26, 2024
To: Honorable Mayor and City Council
From: Justin Dimond, Lieutenant, Twin Falls Police Department

PRESENTATION

Request:

Informational presentation regarding downtown loitering issues.

Time Estimate:

Approximately 15 minutes.

Background:

An informational presentation about the ongoing loitering issues occurring on Main Avenue and the downtown area. Several residents and business owners have expressed concerns, and this discussion is meant to provide examples of the issues that have been reported, the citations issued, and the arrests that have been made.

Approval Process:

Consent of Honorable Mayor Pierce and the City Council.

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Several residents and business owners have expressed concerns regarding the ongoing loitering issues taking place on Main Avenue and downtown Twin Falls. This presentation is to present data, review what corrective measures have been taken, and to explore further solutions.

Attachments:

None