



Twin Falls City Council Agenda

Monday, October 14, 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 October 07, Minutes.
By: Amy Luna, Deputy City Clerk
 - b) **ACTION ITEM:** Request to approve Accounts Payable for October 3-9, 2024. By:
Amy Luna, Deputy City Clerk
- 4) ITEMS OF CONSIDERATION
 - a) **ACTION ITEM:** Request to Discontinue the DEQ Land Application Permit at Auger Falls.
By: Lee Glaesemann, Assistant City Engineer
 - b) **ACTION ITEM:** Consideration to use water reserves to award the base bid and bid alternate for the 2024 Lateral 38 Improvement Project to PMF, Inc. in the amount of \$369,477.30 and authorize a contingency in the amount of \$35,000 for potential change orders.
By: Rob Bohling, Water Superintendent
 - c) **DISCUSSION:** A discussion about potential amendments to City Code Title 3, Chapter 6 regarding special event permits.
By: Mitch Humble, Deputy City Manager
- 5) GENERAL PUBLIC INPUT
- 6) ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 7) PUBLIC HEARINGS
 - a) **ACTION ITEM:** Request for City Council to amend the Federation Point Zoning Development Agreement and Conceptual Plan to specify lot sizes for each building on property located at 2035 Washington St N. c/o EHM Engineers Inc on behalf of Federation Point Property, LLC (PZ24-0081).
By: William Klaver, Senior City Planner
 - b) **ACTION ITEM:** Request for City Council to approve the Annexation of approximately 2 acres located on the SW corner of Park Ave. and Washington St. South c/o Gem State Dairy Products, LLC (PZ24-0082).
By: Lisa Strickland, City Planner
- 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, October 7, 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, Assistant Public Works Director Erin Steel, Street Superintendent Mark Thomson, City Planner Kelli Ebersole, Planning & Zoning Director Jonathan Spendlove, Senior Planner Will Klaver, Police Chief Craig Kingsbury, Fire Chief Les Kenworthy, Deputy Fire Chief Mitchell Brooks, Fire Marshal Gabriel Hammett, Public Information Coordinator Joshua Palmer, Assistant City Engineer Lee Glaesemann, Water Department Manager Justin Ash, 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) PROCLAMATIONS

a) Breast Cancer Awareness Month

Mayor Pierce read and presented the ***Breast Cancer Awareness Month Proclamation***.

b) Fire Prevention Week

Mayor Pierce read and presented the ***Fire Prevention Week Proclamation***.

4) CONSENT CALENDAR

MOTION: Council Member Reid 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 September 30, Minutes.

b) Request to approve Accounts Payable for September 23 thru October 02, 2024.

c) Request to approve an Alcohol License Transfer for Rudy's

d) Request City Council to approve the Special Event Permit for the organizers of the Harvest Festival event.

e) Request City Council to approve the Special Event Permit for the organizers of the Downtown Christmas Street Market event.

5) ITEMS OF CONSIDERATION

a) Request to negotiate with Suburban Construction Management for CM/GC services associated with the renovation of the Public Works Site and use \$1.2M from water and wastewater reserves to fund the project.

Assistant PW Director Steel requests to negotiate with Suburban Construction Management for CM/GC services associated with the renovation of the Public Works Site and use \$1.2M from water and wastewater reserves to fund the project.

Mayor Pierce recused herself as she does accounting for Suburban Construction Management. Vice Mayor Brown proceeded.

Discussion ensued on the following: None.

MOTION: Council Member Reid moved to approve the request to negotiate with Suburban Construction Management for CM/GC services associated with the renovation of the Public Works Site and use \$1.2M from water and wastewater reserves to fund the project. **Council Member Vollmer** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 6 to 0 with 1 abstention.

- b) Request to approve the purchase of a 2024 John Deere 624P wheel loader at a cost of \$165,390.47 using a Cooperative Purchasing Agreement with Sourcewell and authorize the Public Works Director to execute the contract.

Streets Superintendent Thomson requested to approve the purchase of a 2024 John Deere 624P wheel loader at a cost of \$165,390.47 using a Cooperative Purchasing Agreement with Sourcewell and authorize the Public Works Director to execute the contract.

Discussion ensued on the following:

Council Member Reid: How far out are we from receiving this loader?

MOTION: Vice Mayor Brown moved to approve the request to approve the purchase of a 2024 John Deere 624P wheel loader at a cost of \$165,390.47 using a Cooperative Purchasing Agreement with Sourcewell and authorize the Public Works Director to execute the contract. **Council Member Stone** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

6) GENERAL PUBLIC INPUT

Citizen Paula Sinclair spoke about the parking around town. Specifically, handicap parking spaces. Asking the city to inventory the handicap spaces and manage them.

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Reid spoke about the Magic Valley Airshow kickoff party that took place last week.

Council Member Hawkins spoke about the Citizens Academy currently underway.

8) PUBLIC HEARINGS

- a) Request to appeal the Planning and Zoning Commission's decision regarding Special Use Permit PZ24-0076 to allow drive-thru with extended retail hours of operation on property located at 2616 Addison Ave E. c/o Floid Gilbert (PZ24-0098)

Planner Ebersole presented a request to appeal the Planning & Zoning Commission's decision regarding Special Use Permit PZ24-0076 to allow drive-thru with extended retail hours of operation on property located at 2616 Addison Ave. E. c/o Floid Gilbert (PZ24-0098).

Council Member Hawkins recused himself due to friendship with the applicant.

The applicant (Taco Bell) and their attorney spoke on the request.

Questions for Applicant ensued as follows:

Vice Mayor Brown: Asked when the light was installed.

Council Member Stone: Asked for clarification on the stacking plan.

Vice Mayor Brown: Assisted with the clarification.

Council Member Reid: Asked about a cross-use land agreement.

Mayor Pierce: Where would more than 9 cars go?

Council Member Vollmer: Asked about parking concerns with the neighbors and what the barrier is between them.

Council Member Stone: Asked about agreements for back stacking.

The appellant, Floid Gilbert spoke about the request.

Questions for the appellant ensued as follows:

Council Member Stone: Asked for clarification on the appellant's background.

Council Member Cutler: Asked for clarification on how close the entrance is to the intersection.

Public Hearing Opened: 6:15 pm

Citizen Tenille Sorenson spoke against the request.

Citizen Kurt Stewart spoke against the request.

Citizen Doug Miller spoke against the request.

Citizen Machel Larson spoke against the request.

Citizen Jonathan Miller spoke against the request.

Citizen Paula Sinclair spoke for the drive-thru/development.

Citizen Kirt VanLewin spoke against the request.

Citizen Patty Genther spoke against the request.

Citizen Kirsten Stewart spoke against the request.

Citizen Randy Kern spoke against the request.

Citizen Sam Navarez spoke against the request.

Citizen Bill Swanson spoke against the request.

Citizen Sharon Dowdle spoke against the request.

Citizen Paula Clellen spoke against the request.

Citizen Kelly Carpenter spoke against the request.

The applicant addressed the citizens' concerns.

The appellant addressed the citizens' concerns.

Public Hearing Discussion ensued as follows:

Council Member Stone: Asked for clarification on the 9 criteria for a special use permit.

Council Member Vollmer: Are there stop signs at 9th and Carriage?

Vice Mayor Brown: Asked for further clarification to move forward.

Council member Vollmer: Addressed the property value statement that was made.

Vice Mayor Brown: Do we have traffic counts in this area?

Assistant Engineer Glaesemann: gave some traffic counts on Addison but had none for carriage.

Vice Mayor Brown: Asked if the counts have vehicle sizes.

P&Z Director Spendlove: Gave some additional information.

Council Member Vollmer: Are there any plans for changes to the Addison intersection that we are not aware of?

Public Hearing Closed: 7:03 pm

Council Discussion ensued as follows:

Council Member Stone: Thanked all for their input and clarified that the property is zoned commercial, and something will come in. However, he spoke against the drive thru.

Council Member Cutler: Spoke against granting special use beyond what is currently permitted.

Council Member Reid: Thanked Taco Bell for coming and doing business in Twin Falls. However, he will vote against this request.

Vice Mayor Brown: Spoke about some concerning points.

Council Member Vollmer: Would be great to have other food options in this area. Concerned about the stacking at this corner.

Council Member Stone: Stated that comments had been made that staff had been identified as a potential negative impact on the area.

MOTION: **Council Member Reid** moved to approve the requested Special Use Permit PZ24- 0076 to allow drive-thru with extended retail hours of operation on property located at 2616 Addison Ave. E. c/o Floid Gilbert (PZ24-0098). **Council Member Stone** seconded the motion. The roll call vote showed all members present voted. The motion failed 1 to 5 with 1 abstention.

9) EXECUTIVE SESSION

10) ADJOURNMENT

The meeting adjourned at 07:15 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)



Date: Monday, October 14, 2024
To: Honorable Mayor and City Council
From: Lee Glaesemann, Assistant City Engineer

ACTION ITEM

Request:

Request to Discontinue the DEQ Land Application Permit at Auger Falls.

Time Estimate:

5-10 Minutes plus time for Q&A

Background:

In an effort to improve Snake River water quality and to help meet Department of Environmental Quality discharge requirements, the City developed a treated wastewater land application site at Auger Falls in 2013. The City used EPA grant funding to improve the road to Auger Falls, install a pipeline, and construct ponds for the land application of treated wastewater at Auger Falls. Since then, the City has been pumping a portion of its treated wastewater about 2 miles from the City's wastewater treatment plant to Auger Falls for land application.

This land application process uses soil to filter phosphorus from wastewater before it reaches the river. It was anticipated that large amounts of phosphorus could be removed at the Auger Falls site, and if successful, the land application area could be expanded to 70 or 80 acres. However, over the last ten years, testing results have shown that the soil's capacity to remove phosphorus is more limited than expected and an unknown amount of phosphorus is passing through the soil filter. If the amount of phosphorus removal cannot be measured, the City cannot use the Auger Falls site to help with the City's discharge permit requirements.

If the City cannot get discharge permit credit, it is difficult to justify the cost and potential liability of the continued operation of the Auger Falls land application site.

Land application of treated wastewater is regulated and permitted by the Department of Environmental Quality. The DEQ land application permit for Auger Falls has several compliance requirements that must be met.

- Public access is restricted. The wastewater contains potentially harmful coliforms, so fencing is required around the Auger Falls ponds to prevent public access and potential contact with the wastewater.
- The amount of water applied to the site must be measured daily as well as daily pond coverage observations.
- Recycled water must be tested monthly for BOD, phosphorus, nitrogen compounds, TSS, pH, and coliform.
- Groundwater must be tested twice a year for phosphorus, nitrogen compounds, pH, chloride, TSS, BOD, iron, and manganese.
- Soil must be tested annually for phosphorus, nitrogen compounds, electrical conductivity, and pH.

- An annual report must be submitted to DEQ, including testing data, data interpretations, land loading rates, and other details about application site's operation and maintenance.

In addition to the permit requirements, the Auger Falls ponds need to be monitored for burrowing activity by muskrats and rock chucks. If the pond berms are compromised and the regulated wastewater leaves the fenced area, we must notify DEQ about the unauthorized discharge.

Muskrat burrowing has been particularly challenging. Although we monitor berm conditions and repair berm damage, we have had instances where we have had overflows to adjacent ponds. Fortunately, there have been no unauthorized discharges beyond the fenced area.

Muskrats have also attempted to block pipes which has caused pond levels to rise above design limits before the blockages were discovered.

Since the land application area is in a well-used park, typical rodent control measures like trapping, shooting, or baiting could be dangerous for people or pets, which makes it difficult to deal effectively with muskrat issues.

The operation of the Auger Falls site has many various costs and risks associated with it. If discharge permit credit cannot be obtained, it is difficult to justify these costs and risks.

Approval Process:

A majority vote of the Council is needed.

Budget Impact:

Actual costs are difficult to quantify. If the permit is discontinued, personnel will be reallocated to higher priority work and pumping and testing costs will be eliminated,

Regulatory Impact:

This is a Department of Environmental Quality permitted activity. If discontinuing the permit is approved, Staff will work with DEQ to close it out.

History:

N/A

Analysis:

N/A

Conclusion:

Maintaining and operating the Auger Falls land application site has costs that include personnel monitoring, testing, reporting, maintenance, and pumping costs. Since phosphorus removal cannot be quantified for discharge permit credit, it is difficult to justify the cost and potential liability of continued land application at Auger Falls.

Staff recommends discontinuing the Land Application Permit at Auger Falls.

Attachments:

None



Date: Monday, October 14, 2024
To: Honorable Mayor and City Council
From: Rob Bohling, Water Superintendent

ACTION ITEM

Request:

Consideration to use water reserves to award the base bid and bid alternate for the 2024 Lateral 38 Improvement Project to PMF, Inc. in the amount of \$369,477.30 and authorize a contingency in the amount of \$35,000 for potential change orders.

Time Estimate:

Staff estimates 5-10 minutes for this agenda item.

Background:

This project is the combination of two separate projects that were budgeted in previous fiscal years but have not yet been completed. The City also collaborated with the Twin Falls Canal Company to secure a flood management grant in early 2024 to help offset costs through the Idaho Department of Water Resources Board.

The first project formerly known as Perrine Downstream Improvements was budgeted in FY 2022-2023. Currently, the downstream irrigation system after the Perrine Irrigation Station is undersized and has not allowed the Twin Falls Canal Company to deliver the maximum shares allotted. The project will upsize the system and separate irrigation water to several different water users while assisting the City to ensure we do not flood downstream properties. It includes upsizing pipe across 2700 East and the construction of new structures both at the road crossing and downstream of the crossing.

The second project budgeted in FY 2023-2024 is the rerouting of irrigation water using new structures and an automated gate at the Perrine Irrigation Station to allow Lateral 38 to function more optimally. The new structures and gate will allow the irrigation station to measure irrigation water accurately and divert the appropriate amount of irrigation water as the demand fluctuates.

Since the two projects are related and in close proximity, one to another, we decided to combine them using a base bid with a bid alternate. The project was publicly bid in accordance with Idaho Statute 67-2805 on September 26, 2024, with the City receiving three bids. The apparent low bidder was PMF, Inc. and under the engineer's opinion of probable cost (\$422,769.30).

Approval Process:

A majority vote of the council.

Budget Impact:

The request is for \$404,477.30 (Base Bid of \$279,763.40 + Bid Alternate of \$89,713.90 + \$35,000 contingency).

In January 2024, the City in collaboration with the Twin Falls Canal Company, secured a small grant which allows us to match funds for the project in the amount of \$5,914. In FY 2022-2023, \$107,000 was allocated for Perrine Downstream Improvements which rolled into water reserves. Last year, \$280,000

allocated for Lateral 38 Improvements also rolled into water reserves. As such, the entirety of the money once allocated for these two formerly separate projects in several line items but not yet spent, will come back out of reserves to fund the project. The City will be reimbursed the amount of the grant.

Regulatory Impact:

History:

Analysis:

Conclusion:

City staff recommends City Council award the 2024 Lateral 38 Improvement Project to PMF, Inc. in the amount of \$369,477.30 and authorize a contingency in the amount of \$35,000 for potential change orders.

Attachments:

1. Lateral 38 Bid Summary
2. Flood Management Grant Contract



September 30, 2024

To: Robert Bohling, Water Dept. Superintendent
City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

Re.: 2024 Lateral 38 Improvement Project

Dear Sir;

This transmittal is a summary of the bid opening on September 26, 2024 for the above referenced project. Three bids were received and opened per the requirements. A bid summary has been tabulated for your reference. Results of the bids and the tabulation are summarized briefly below. Please refer to the attachment for a detailed summary of the bids along with the Engineer's opinion of probable costs.

<u>Contractor:</u>	<u>Base Bid</u>	<u>Total Bid with Alternate</u>
PMF, Inc.	\$279,763.40	\$369,477.30
Extreme Excavation	\$398,878.40	\$488,592.30
Burks Excavation	\$565,859.00	\$783,180.00

All bid packages appear to be complete, bid bonds included with PMF, Inc. being the apparent low bidder. Public works licenses for PMF and all listed subcontractors were verified to be in place with the State of Idaho and active.

Our recommendation is to award the contract to PMF, Inc. for the total amount of **\$369,477.30 (Three Hundred Sixty Nine Thousand Four Hundred and Seventy Seven Dollars and Forty Cents)**. This total includes the combined amount of the Base Bid and Bid Alternate. Please feel free to contact me at 734-4888 if you have any questions or need further information regarding the project.

Sincerely,

Tim Vawser
EHM Engineers, Inc.

Attachment: Bid Summary

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • [208] 734-4888 • Fax [208] 734-6049
3501 W. Elder St., Suite 100 • Boise, Idaho 83705 • [208] 386-9170 • Fax [208] 386-9076

2024 Lateral 38 Improvement Project
CITY OF TWIN FALLS
Bid Opening: September 26, 2024 2:00 pm mst

BID TABULATION

Base Bid

ACTIVITY DESCRIPTION	UNIT	ESTIMATED QUANTITY	Engineers OPC		PMF, Inc.		Extreme Excavation		Burks Excavation	
			Unit Pricing	Total Price	Unit Pricing	Total Price	Unit Pricing	Total Price	Unit Pricing	Total Price
ROADWAY EXCAVATION INCLUDING PIPE REMOVAL	STA	2.50	\$1,750.00	\$4,375.00	\$5,000.00	\$12,500.00	\$8,000.00	\$20,000.00	\$22,200.00	\$55,500.00
GRADING	STA	2.50	\$2,000.00	\$5,000.00	\$1,000.00	\$2,500.00	\$1,000.00	\$2,500.00	\$7,960.00	\$19,900.00
GEOTEXTILE FABRIC	SY	1,220	\$7.00	\$8,540.00	\$6.50	\$7,930.00	\$3.00	\$3,660.00	\$3.00	\$3,660.00
3" TYPE II SUBBASE	CY	408	\$50.00	\$20,400.00	\$60.00	\$24,480.00	\$47.00	\$19,176.00	\$65.00	\$26,520.00
3/4" TYPE 1 LEVELING COARSE	CY	140	\$75.00	\$10,500.00	\$70.00	\$9,800.00	\$55.00	\$7,700.00	\$110.00	\$15,400.00
5" PLANTMIX PAVEMENT	SY	790	\$60.00	\$47,400.00	\$40.00	\$31,600.00	\$57.00	\$45,030.00	\$80.00	\$63,200.00
GRAVEL DRIVEWAY ADJUSTMENTS	CY	80	\$75.00	\$6,000.00	\$75.00	\$6,000.00	\$65.00	\$5,200.00	\$220.00	\$17,600.00
TEMP. GRAVEL ROADWAY AT PIPE CROSSING - SURFACE AND MAINTENANCE	LF	50	\$200.00	\$10,000.00	\$70.00	\$3,500.00	\$200.00	\$10,000.00	\$295.00	\$14,750.00
6" PVC IRRIGATION OPERFLOW PIPE (FURNISH & INSTALL)	LF	34	\$60.00	\$2,040.00	\$56.00	\$1,904.00	\$36.00	\$1,224.00	\$130.00	\$4,420.00
12" PVC IRRIGATION PIPE (FURNISH & INSTALL)	LF	160	\$90.00	\$14,400.00	\$52.00	\$8,320.00	\$70.00	\$11,200.00	\$110.00	\$17,600.00
18" PVC IRRIGATION PIPE (FURNISH & INSTALL)	LF	12	\$200.00	\$2,400.00	\$96.00	\$1,152.00	\$150.00	\$1,800.00	\$300.00	\$3,600.00
21" CMP IRRIGATION PIPE (FURNISH & INSTALL)	LF	8	\$200.00	\$1,600.00	\$103.00	\$824.00	\$200.00	\$1,600.00	\$320.00	\$2,560.00
57" x 38" ARCH PIPE (FURNISH & INSTALL) *ADD. # 1"	LF	65	\$375.00	\$24,375.00	\$250.00	\$16,250.00	\$530.00	\$34,450.00	\$400.00	\$26,000.00
48 RCP IRRIGATION PIPE (BEDDING & INSTALLATION ONLY - CITY SUPPLIED	LF	216	\$175.00	\$37,800.00	\$200.00	\$43,200.00	\$250.00	\$54,000.00	\$275.00	\$59,400.00
IRRIGATION STRUCTURE IRR-1	EA	1	\$8,000.00	\$8,000.00	\$6,800.00	\$6,800.00	\$15,500.00	\$15,500.00	\$24,450.60	\$24,450.60
IRRIGATION STRUCTURE IRR-2	EA	1	\$10,000.00	\$10,000.00	\$9,200.00	\$9,200.00	\$21,325.00	\$21,325.00	\$27,250.00	\$27,250.00
IRRIGATION STRUCTURE IRR-3	EA	1	\$12,000.00	\$12,000.00	\$10,500.00	\$10,500.00	\$23,000.00	\$23,000.00	\$32,550.00	\$32,550.00
IRRIGATION STRUCTURE IRR-4	EA	1	\$10,000.00	\$10,000.00	\$10,500.00	\$10,500.00	\$20,385.00	\$20,385.00	\$24,350.00	\$24,350.00
IRRIGATION STRUCTURE IRR-5	EA	1	\$12,000.00	\$12,000.00	\$9,400.00	\$9,400.00	\$37,500.00	\$37,500.00	\$26,350.00	\$26,350.00
IRRIGATION STANDPIPE STRUCTURE IRR-6	EA	1	\$1,500.00	\$1,500.00	\$5,500.00	\$5,500.00	\$5,000.00	\$5,000.00	\$10,600.00	\$10,600.00
IRRIGATION STRUCTURE ISP-1 AND 2	EA	2	\$500.00	\$1,000.00	\$8,700.00	\$17,400.00	\$5,000.00	\$10,000.00	\$9,690.00	\$19,380.00
RECONFIGURE DITCH FLOWLINE & TOP OF DITCH ELEVATIONS	LF	800	\$20.00	\$16,000.00	\$8.00	\$6,400.00	\$10.00	\$8,000.00	\$16.00	\$12,800.00
RIPRAP INLETS AND OUTLETS OF PIPES TO OPEN DITCHES	EA	6	\$1,200.00	\$7,200.00	\$350.00	\$2,100.00	\$1,500.00	\$9,000.00	\$1,180.00	\$7,080.00
ROCK (ESTIMATE)	SY	50	\$250.00	\$12,500.00	\$300.00	\$15,000.00	\$200.00	\$10,000.00	\$270.00	\$13,500.00
EXPLORATORY EXCAVATION / CONNECTION TO EXISTING IRRIGATION MAIN	LS	1	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$5,840.00	\$5,840.00
TRAFFIC CONTROL	LS	1	\$15,000.00	\$15,000.00	\$10,000.00	\$10,000.00	\$12,000.00	\$12,000.00	\$21,900.00	\$21,900.00
LAWN REPLACEMENT - HYDROSEEDING	LF	105	\$100.00	\$10,500.00	\$10.00	\$1,050.00	\$35.00	\$3,675.00	\$69.00	\$7,245.00
SALES TAX ON SUPPLIED PIPE	LS	1	\$1,478.40	\$1,478.40	\$1,478.40	\$1,478.40	\$1,478.40	\$1,478.40	\$1,478.40	\$1,478.40
SALES TAX ON SUPPLIED PIKOMETER	LS	1	\$975.00	\$975.00	\$975.00	\$975.00	\$975.00	\$975.00	\$975.00	\$975.00
TOTAL BASE BID				\$316,483.40		\$279,763.40		\$398,878.40		\$565,859.00

Bid Additive (Perrine Point Irrigation)

ACTIVITY DESCRIPTION	UNIT	ESTIMATED QUANTITY	Engineers OPC		PMF, Inc.		Extreme Excavation		Burks Excavation	
			Unit Pricing	Total Price	Unit Pricing	Total Price	Unit Pricing	Total Price	Unit Pricing	Total Price
ROADWAY IRRIGATION DEMOLITION & DISPOSAL	LS	1	\$10,500.00	\$10,500.00	\$7,500.00	\$7,500.00	\$9,680.00	\$9,680.00	\$22,950.10	\$22,950.10
CONCRETE IRRIGATION CHECK/DELIVERY STRUCTURE	LS	1	\$32,000.00	\$32,000.00	\$45,500.00	\$45,500.00	\$52,535.00	\$52,535.00	\$86,850.00	\$86,850.00
48" IRRIGATION MANHOLE	EA	2	\$6,000.00	\$12,000.00	\$3,500.00	\$7,000.00	\$6,250.00	\$12,500.00	\$10,500.00	\$21,000.00
30" IRRIGATION STANDPIPE	EA	2	\$1,500.00	\$3,000.00	\$2,500.00	\$5,000.00	\$5,000.00	\$10,000.00	\$9,690.00	\$19,380.00
12" C-10 CANAL GATE	EA	3	\$1,200.00	\$3,600.00	\$550.00	\$1,650.00	\$1,800.00	\$5,400.00	\$2,840.00	\$8,520.00
ADJUSTABLE V-NOTCH WEIR	EA	3	\$600.00	\$1,800.00	\$450.00	\$1,350.00	\$3,000.00	\$9,000.00	\$1,560.00	\$4,680.00
RUBICON SLIPMETER (CITY SUPPLIED INSTALL ONLY)	EA	1	\$5,000.00	\$5,000.00	\$500.00	\$500.00	\$4,500.00	\$4,500.00	\$1,900.00	\$1,900.00
6" PVC IRRIGATION PIPE (FURNISH & INSTALL)	LF	12	\$60.00	\$720.00	\$56.00	\$672.00	\$36.00	\$432.00	\$260.00	\$3,120.00
10" RCP IRRIGATION PIPE (FURNISH & INSTALL)	LF	5	\$120.00	\$600.00	\$70.00	\$350.00	\$110.00	\$550.00	\$955.00	\$4,775.00
12" PVC IRRIGATION PIPE (FURNISH & INSTALL)	LF	9	\$90.00	\$810.00	\$72.00	\$648.00	\$70.00	\$630.00	\$320.00	\$2,880.00
18" PVC IRRIGATION PIPE (FURNISH & INSTALL)	LF	28	\$200.00	\$5,600.00	\$96.00	\$2,688.00	\$150.00	\$4,200.00	\$220.00	\$6,160.00
48" RCP IRRIGATION PIPE (FURNISH & INSTALL)	LF	50	\$500.00	\$25,000.00	\$275.00	\$13,750.00	\$225.00	\$11,250.00	\$520.00	\$26,000.00
GRAVEL ROAD REPAIR (ESTIMATE)	CY	30	\$150.00	\$4,500.00	\$65.00	\$1,950.00	\$60.00	\$1,800.00	\$265.00	\$7,950.00
SALES TAX ON CITY SUPPLIED SLIPMETER	LS	1	\$1,155.90	\$1,155.90	\$1,155.90	\$1,155.90	\$1,155.90	\$1,155.90	\$1,155.90	\$1,155.90
TOTAL BID ADD				\$106,285.90		\$89,713.90		\$123,632.90		\$217,321.00

Total Base Bid and Add Alternates #1 & #2	\$422,769.30	\$369,477.30	\$488,592.30	\$783,180.00
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Note:

Highlighted areas depict bid errors in price or extension of totals. Unit prices were used to govern calculated totals. No significant change was made which effected the outcome of lowest apparent bidder. Sales tax on the City supplied Slipmeter were extended incorrectly as the unit price and has been corrected accordingly.

FLOOD MANAGEMENT GRANT CONTRACT

CONTRACT NO. 4490

This Contract between the Idaho Water Resource Board (Board) and City of Twin Falls (Sponsor) is made in reference to the following facts:

RECITALS

- A. House Bill 1181, passed and approved by the legislature, transferred \$1,000,000 from the General Fund to the Water Management Fund for Flood Management Grant Program Projects.
- B. House Bill 1181 allows for the award of grants larger than \$50,000, prioritizes projects on a competitive statewide basis, and directs the Board to require fifty percent (50%) matching funds for all projects.
- C. The Sponsor submitted a flood management grant funding request.
- D. Board staff determined that Sponsor's application complied with the intent of the Board's Flood Management Grant Program, that the costs are reasonable, and there are other funds to match the Board's contribution.
- E. On July 21, 2023, the Board approved the Sponsor's grant request.

The parties agree as follows:

1. PROJECT COORDINATION

- A. The Board's Contract Manager shall be Neeley Miller [email Neeley.Miller@idwr.idaho.gov, phone 208-287-4831], who shall be the Board's representative for the administration of this Contract.
- B. The Sponsor's Project Coordinator shall be Jason Brown [email jbrown@tfcanal.com, phone 208-733-6731], or their assigned duly authorized representative, who shall be the Sponsor's representative for the administration of this Contract.

2. SCOPE OF WORK

- A. The Sponsor shall perform the tasks described in the project scope below (the Project):

Replace existing undersized pipe and structures on the tail end of lateral 38. There are three main areas where this project will take place: (1) the crossing of lateral 38 on 2700 E. (2) the replacement of two 24-inch pipes located across the property at 1307 North 2700 E. with a new 48-inch pipe, along with a new delivery structure, (3) will be the construction of a new delivery and diversion structure at the spill of lateral 38 and the beginning (head) of lateral 38 extension.
- B. The Sponsor shall be responsible for coordinating with all regulatory agencies and jurisdictions and for obtaining the required approvals and permitting to complete the Project.
- C. Prior to the disbursement of funds, the Sponsor will provide all permitting information related to the Project to the Board's authorized representative for review.

- D. At the completion of the Project, the Sponsor shall submit to the Board a final project report which shall include a report on grant activities.
- E. Sponsor shall submit to the Board a certificate of completion, stating that the Project was completed in substantial conformance with local laws and regulations.

3. INSPECTIONS BY THE BOARD

At the end of the Project, the Board's Contract Manager may inspect and review the work for compliance with the Scope of Work and terms of the Contract.

4. COMPENSATION AND PAYMENTS

- A. This is a cost reimbursement not to exceed Contract where the Board has approved grant funding of \$5,914. The total cost of the completed project is \$317,946. Sponsor shall be responsible for the remaining project costs.
- B. Sponsor shall submit a summarized invoice, along with supplier and contractor invoices as supporting documentation, upon completion of the Project to IDWR Payable, PO Box 83720, Boise, ID 83720-0098, or by email idwrpayable@idwr.idaho.gov. The following information must be on invoices:
 - a. Billing date
 - b. Sponsor's name, address, and telephone number
 - c. Contract number
 - d. Timeframe covered by the invoice
 - e. Itemized activities performed during the billing period
 - f. Total amount being billed for the billing period
- C. The Board will review and upon approval, pay invoices in accordance with Idaho Code § 67-2302.

5. TERM

This Contract shall take effect when both parties have signed it. The date of this Contract will be the date the Contract is signed by the last party to sign it and shall continue in effect for two years from the date of execution.

6. GENERAL TERMS AND CONDITIONS

The Sponsor shall abide by all applicable terms and conditions contained in Standard Contract Provisions, Idaho Water Resource Board, attached as Attachment A and incorporated by this reference. For purposes of this Contract, references to Contractor in the Standard Contract Provisions apply to the Sponsor.

7. COUNTERPARTS

This Contract may be executed with electronic signatures and in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

The parties have executed this Contract on the date following their respective signatures.

IDAHO WATER RESOURCE BOARD

322 E Front Street, Suite 648

PO Box 83720

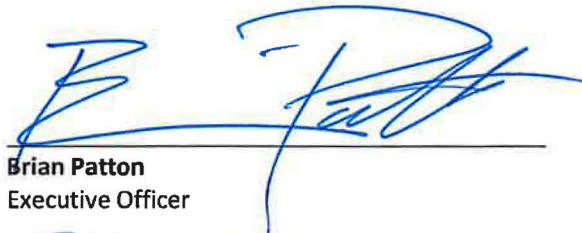
Boise, ID 83720-0098

CITY OF TWIN FALLS

203 Main Avenue E

PO Box 1907

Twin Falls, ID 83301



Brian Patton
Executive Officer

3 JAN 2024

Date



Josh R. Baird
Public Works Director

2 January 2024

Date

Attachment A

STANDARD CONTRACT PROVISIONS IDAHO WATER RESOURCE BOARD

1. DEFINITIONS

- A. "Board" or "IWRB" shall mean the Idaho Water Resource Board, 322 East Front Street, PO Box 83720, Boise, Idaho 83720-0098, by and through its authorized representatives.
- B. "Contract" shall mean the contract document to which these standard provisions are attached, without respect to the name of the contract document.
- C. "Contract Manager" shall mean that person appointed by the Board to administer this Contract on behalf of the Board and includes, except as otherwise provided in this Contract, an authorized representative of the Contract Manager acting within the limits of his authority.
- D. "Project Coordinator" shall mean that person appointed by the Contractor to administer this Contract on behalf of the Contractor and includes, except as otherwise provided in this Contract, an authorized representative of the Project Coordinator acting within the limits of his authority.

2. PROJECT COORDINATION

- A. All communications given to the Contract Manager or Project Coordinator shall be as binding as if given to the party.
- B. The Board, or anyone authorized to act on its behalf, may change the Contract Manager at any time by written notice served on the Contractor.
- C. The Project Coordinator shall be the Contractor's representative for administration of this Contract and shall have full authority to act on behalf of the Contractor unless specified otherwise in the main body of the Contract. The Contractor may change its Project Coordinator by prior written notice served on the Board.

3. LIMITATION OF PROGRAM FUNDS

- A. The Contractor acknowledges that the Board cannot obligate funds prior to obtaining funding approval.
- B. The Board certifies that state or federal funds are presently available and authorized for expenditure to pay the portion of costs which will accrue during the current state or federal fiscal year or applicable grant period.
- C. All obligations of the Board, including the continuance of payments under this Contract, are contingent upon the availability and continued appropriation of funds. In the event funds become unavailable as determined by the Board, the Board may immediately terminate this Contract or amend it accordingly. In no event shall the Board be liable for any payments in excess of approved or appropriated funds available for this project.

4. TERMINATION FOR CONVENIENCE

- A. The Board may terminate for its convenience this Contract in whole or in part. In such event, the Board shall serve a written Notice of Termination for Convenience on the Contractor by deposit in the United States mail, as certified, return receipt requested with proper postage affixed. Notice of Termination for Convenience shall be deemed served upon its receipt.

- B. The Contractor shall not incur after the date of service of the Notice of Termination for Convenience any non-cancellable obligations, except as authorized in the written Notice of Termination for Convenience.
- C. If a termination for the convenience of the Board is effected, an equitable adjustment in the payments authorized in this Contract shall be made. Such adjustments shall provide for payment to the Contractor for services rendered prior to the effective date of termination of the Contract and for all non-cancellable obligations incurred prior to receipt of a Notice of Termination for Convenience.
- D. Within twenty days of receipt of a Notice of Termination for Convenience, the Contractor shall submit a summary detailing all completed work required by this Contract and deliver or otherwise make available to the Board all data, reports, estimates, summaries and such other information and materials as may have been accumulated by Contractor in performing this Contract, whether completed or in process.

5. TERMINATION FOR DEFAULT

- A. In addition to any termination of this Contract in accordance with Section 4, the Board may terminate this Contract in whole or in part because of the failure of the Contractor to fulfill its obligations, if Contractor fails to cure such default after notice and a period to cure. Upon receipt of Notice of Termination for Default, the Contractor shall immediately discontinue all services affected. Oral notice of termination by the Board is effective when given, but in such a case, the Board shall confirm with written Notice of Termination for Default by deposit in the United States mail as certified, return receipt requested. The effective date of termination for default if no oral notice is given shall be the date of receipt of Notice of Termination for Default.
- B. If a termination for default is effected, the Board has the right to withhold payment for services provided that relate to the Contractor's default.
- C. Within twenty days of receipt of a Notice of Termination for Default, the Contractor shall submit a summary detailing all completed work required by this Contract and deliver or otherwise make available to the Board all data, reports, estimates, summaries and such other information and materials as may have been accumulated by Contractor in performing this Contract, whether completed or in process.
- D. The rights and remedies of the Board provided in this Contract are in addition to any other rights and remedies provided by law or under this Contract.

6. INDEMNIFICATION

- A. Contractor shall indemnify, defend, and save harmless the Board, its officers, agents, employees, and volunteers from and against any and all liability, claims, damages, losses, expenses, actions, settlements, attorneys' fees, and suits whatsoever caused by, arising out of, or in connection with Contractor's acts or omissions under this Contract or Contractor's failure to comply with any state or federal statute, law, regulation, or rule.
- B. Upon receipt of the Board's tender of indemnity and defense, Contractor shall immediately take all reasonable actions necessary, including, but not limited to, providing a legal defense for the Board, to begin fulfilling its obligation to indemnify, defend, and save harmless the Board. Contractor's indemnification and defense liabilities described herein shall apply regardless of any

allegations that a claim or suit is attributable in whole or in part to any act or omission of the Board under this Contract. However, if it is determined by a final judgment that the Board's negligent act or omission is the sole proximate cause of a suit or claim, the Board shall not be entitled to indemnification from Contractor with respect to such suit or claim, and the Board, in its discretion, may reimburse Contractor for reasonable defense costs attributable to the defense provided by any Special Deputy Attorney General appointed pursuant to Section 6.C.

- C. Any legal defense provided by Contractor to the Board under this section must be free of any conflicts of interest, even if retention of separate legal counsel for the Board is necessary. Any attorney appointed to represent the Board must first qualify as and be appointed by the Attorney General of the State of Idaho as a Special Deputy Attorney General pursuant to Idaho Code §§ 67-1401(13) and 67-1409(1).

7. NO PERSONAL LIABILITY

In no event shall any official, officer, employee, or agent of the Board and the State of Idaho be personally liable for any representation, statement, covenant, warranty, or obligation contained in, or made in connection with, this Contract, express or implied.

8. WORKERS COMPENSATION INSURANCE

Unless the Contractor is exempt under the provisions of Idaho Code § 72-212, the Contractor warrants that it has purchased worker's compensation insurance for Contractor and all employees engaged in the performance of this Contract and shall provide the Board with a Certificate of Insurance to verify the same within 15 days of the execution of this Contract. The Contractor shall notify the Contract Manager within five days of any change in the status of its worker's compensation insurance.

9. INSURANCE

- A. Contractor shall obtain and maintain insurance at its own expense for the duration of the Contract with insurance companies properly licensed to do business in Idaho insurance in amounts not less than the following:
 - i. Commercial General Liability (CGL) with a limit of not less than \$1,000,000 each occurrence/aggregate if defense is outside the limit, and \$2,000,000 per occurrence/aggregate, if defense is inside the limit.
 - ii. Automobile Liability including owned, non-owned, leased, and hired liability with a limit of not less than \$1,000,000 each occurrence.
 - iii. Professional liability insurance covering any damages caused by an error, omission, or any negligent acts. Combined single limit per occurrence shall not be less than \$1,000,000 or the equivalent. Annual aggregate limit shall not be less than \$1,000,000.
- B. The Contractor shall provide certificates of insurance or certified endorsements for the insurance required. Contractor shall provide a copy of the carrier's notice of cancellation or material changes within two days of the Contractor receiving notice from the carrier. All insurance, except for Workers Compensation and Professional Liability/Errors and Omissions, shall name the Board and the State of Idaho as Additional Insured.

10. RELATIONSHIP OF THE PARTIES

- A. The parties intend to create by the terms of this Contract, an independent contractor relationship between the Board and the Contractor.
- B. The parties do not intend to create by the terms of this Contract the relationship of employer and employee. Contractor's status under this Contract shall be that of an independent contractor and not that of an agent or employee of the State. Contractor shall be responsible for paying all employment-related taxes and benefits, such as federal and state income tax withholding, social security contributions, worker's compensation, and unemployment insurance premiums, health and life insurance premiums, pension contributions, and similar items. Contractor shall indemnify the Board and the State and hold them harmless from all claims for taxes (including but not limited to social security taxes), penalties, attorneys' fees, and costs that may be made or assessed against the State arising out of Contractor's failure to pay such taxes, fees or contributions.

11. ASSIGNMENT OF BENEFITS AND DELEGATION OF DUTIES

- A. The Contractor shall not delegate any duties under this Contract or assign any benefits, including any moneys due or to become due hereunder, without the prior written consent of the Board.
- B. In the event a delegation of duties or an assignment of benefits is approved by the Board, the Contractor shall remain responsible and agrees to bind every such delegate or assignee to comply with the terms and conditions of this Contract.

12. PUBLIC RECORDS

Pursuant to Idaho Code Title 74, Chapter 1, information or documents received from the Contractor may be open to public inspection and copying unless exempt from disclosure. The Contractor shall clearly designate each portion as "exempt" on each page of such documents and shall indicate the basis for such exemption. The Board will not accept the marking of an entire document as exempt. In addition, the Board will not accept a legend or statement on one page that all, or substantially all, of the document is exempt from disclosure. The Contractor shall indemnify and defend the Board against all liability, claims, damages, losses, expenses, actions, attorneys' fees, and suits whatsoever for honoring such a designation or for the Contractor's failure to designate individual documents as exempt. The Contractor's failure to designate as exempt any portion of a document that is released by the Board shall constitute a complete waiver of any and all claims for damages caused by such release.

13. RIGHTS IN DATA

- A. All data, plans, drawings, specifications, reports, operating manuals, notes, and other written documents produced in the performance of this Contract or in contemplation thereof, are owned by and are for the exclusive use of the Board and are subject to the rights of the Board set forth in this section.
- B. The Board shall have the right to reproduce, publish, and use all such documents or any part, in any manner and for any purposes whatsoever and to authorize others to do so.
- C. The Board agrees to identify the Contractor or designate appropriate authorship on all materials reproduced and published that are a direct product of the work performed under this Contract.

14. RETENTION OF RECORDS AND ACCESS TO FACILITIES, PREMISES, AND RECORDS

- A. The Contractor shall establish and maintain project budget accounts and records for work and services required by this Contract in accordance with generally accepted accounting principles and practices. Records shall be retained by the Contractor throughout the term of this Contract and for a period of three years following final settlement.
- B. At all reasonable times during the term of this Contract and for a period of three years following final settlement, the Board, State of Idaho, and their authorized representatives shall have access at the Contractor's offices to its records related to the services performed under this Contract for the purposes of inspection, audit, and copying by the Board, State of Idaho, and their authorized representatives.

15. FORCE MAJEURE

- A. If a Force Majeure Event prevents a party from complying with any one or more obligations under this Contract, that inability to comply will not constitute breach if (1) that party uses reasonable efforts to perform those obligations, (2) that party's inability to perform those obligations is not due to its failure to (A) take reasonable measures to protect itself against events or circumstances of the same type as that Force Majeure Event or (B) develop and maintain a reasonable contingency plan to respond to events or circumstances of the same type as that Force Majeure Event, and (3) that party complies with its obligations under this section.
- B. "Force Majeure Event" means any event or circumstance, whether or not foreseeable, that was not caused by that and any consequences of that event or circumstance.
- C. If a Force Majeure Event occurs, the noncomplying party shall promptly notify the other party of that Force Majeure Event's occurrence, its effect on performance, and how long the noncomplying party expects it to last. The noncomplying party shall update that information as reasonably necessary. During a Force Majeure Event, the noncomplying party shall use reasonable efforts to limit damages to the other party and to resume its performance under this Contract.

16. ILLEGAL ALIENS

Contractor warrants it does not knowingly hire or engage any illegal aliens or persons not authorized to work in the United States; it takes steps to verify that it does not hire or engage any illegal aliens or persons not authorized to work in the United States; and, that any misrepresentation in this regard or any employment of persons not authorized to work in the United States constitutes a material breach of this Contract and shall be cause for termination.

17. REQUIRED CERTIFICATIONS

- A. Boycott of Israel. Pursuant to Idaho Code § 67-2346, if payments under the Contract exceed one hundred thousand dollars (\$100,000) and Contractor employs ten or more persons, Contractor certifies that it is not currently engaged in, and will not for the duration of the Contract engage in, a boycott of goods or services from Israel or territories under its control. The terms in this section defined in Idaho Code § 67-2346 shall have the meaning defined therein.
- B. Ownership or Operation by China. Pursuant to Idaho Code § 67-2359, Contractor certifies that it is not currently owned or operated by the government of China and will not for the duration of the Contract be owned or operated by the government of China. The terms in this section defined in Idaho Code § 67-2359 shall have the meaning defined therein.

18. ENTIRE AGREEMENT/MERGER

This Contract sets forth the entire agreement between the parties related to the subject matter of this Contract and may not be modified unless in writing and signed by both parties.

19. SEVERABILITY

If any part of this Contract is declared invalid or becomes inoperative for any reason, such invalidity or failure shall not affect the validity and enforceability of any other provision.

20. SURVIVAL

All terms in this Contract that might involve performance subsequent to termination or expiration of this Contract or that cannot be reasonably ascertained or fully performed until after termination or expiration of this Contract shall survive. Survival of such terms shall not extend in violation of Article VII, Section 11 of the Idaho Constitution and Idaho Code §§ 59-1015 through 59-1017.

21. NO WAIVER

The failure by one party to require performance of any provision shall not affect that party's right to require performance at any time thereafter, nor shall a waiver of any breach or default of this Contract be construed as or deemed to be a waiver of any subsequent breach or default.

22. EFFECT OF SECTION HEADINGS

The section headings appearing in this Contract are not interpretations of the text but are inserted for convenience and reference only.

23. SOVEREIGN IMMUNITY

Nothing contained in this Contract shall be considered a waiver of the State's sovereign immunity, which immunity is expressly reserved.

24. GOVERNING LAW

This Contract shall be governed by and construed under the laws of the State of Idaho and the parties consent to the jurisdiction of the state courts of Ada County in the State of Idaho in the event of any dispute with respect to this Agreement.

25. NOTICES

All notices shall be in writing and sent certified mail, postage prepaid, return receipt requested to:

Idaho Water Resource Board

Attn: Purchasing Agent

PO Box 83720

Boise, ID 83720-0098

Contractor

Address listed in the

Contractor's Signature Block



Date: Monday, October 14, 2024
To: Honorable Mayor and City Council
From: Mitch Humble, Deputy City Manager

DISCUSSION

Request:

A discussion about potential amendments to City Code Title 3, Chapter 6 regarding special event permits.

Time Estimate:

The presentation and discussion could last about 30 minutes.

Background:

Earlier this year, a special event permit was issued by the City for the Paranormal Cirque to operate for a few days in late July. The event is a traveling circus show with a horror type of theme. Attendees under 17 had to be accompanied by an adult, and no one under 13 was permitted to attend. Shortly after the event, a small group of people attended a City Council meeting to share complaints about the event with the Council during the public input portion of the agenda. Most of the complaints focused on the content of the circus show, which they felt was inappropriate for our community. Content in an event is not something regulated by the City, as it is constitutionally protected. However, one comment indicated that the City should not have approved the permit request because the application was late, not meeting the Code required 45-day minimum timeline for event applications. Following the Council meeting that evening, staff reviewed the application and confirmed that the complaint was accurate. This event did not apply for a permit until fewer than 45 days prior to the date of the event.

After confirming the validity of the complaint, staff reviewed our special event process in general and compared it to the City Code regulating special event permits. We found a few discrepancies between our established process and the Code language. The City's process should comply with the City's Code. To make that happen, we should change either the Code or our process. In our Code review, we also identified some Code language that we believe should be amended, over and above the few discrepancies between Code and process. Before staff begins crafting any Code and/or process amendments, we thought it would be a good idea to discuss the issues with the Council and get feedback on what the Council would like to see in these amendments. Tonight's presentation will include identification of the current discrepancies and other potential amendments and the staff's recommendations on changes that we think should happen. We'd like the presentation to be an open discussion with the Council so that we can prepare the future amendments in a way that the Council desires.

Approval Process:

We are not asking for approval of tonight's agenda item. It is a discussion only, intended to generate feedback for future process and/or code amendments.

Budget Impact:

There is no budget impact associated with this discussion. However, some of the items discussed could lead to future budget impacts associated with possible City special event permit process and/or Code amendments.

Regulatory Impact:

There will be no immediate regulatory impact associated with tonight's discussion. Rather, the input received will be used to prepare process and/or Code amendments that could have a future regulatory impact.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council engage in the discussion regarding special event permits and provide direction to help prepare future process and/or Code amendments.

Attachments:

None



Date: Monday, October 14, 2024
To: Honorable Mayor and City Council
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request for City Council to amend the Federation Point Zoning Development Agreement and Conceptual Plan to specify lot sizes for each building on property located at 2035 Washington St N. c/o EHM Engineers Inc on behalf of Federation Point Property, LLC (PZ24-0081).

Time Estimate:

Approximately 15 minutes for staff presentation, and 15 minutes for the applicant's presentation. Questions and public input are excluded from this time estimate.

Background:

The applicant, Federation Point Property LLC / Buckley Real Estate Inc, represented by Tim Vawser of EHM Engineers, Inc, is proposing to amend the Federation Point Zoning Development Agreement (ZDA), located at 2035 Washington Street North. The property is currently one (1) parcel containing approximately 6 acres. This proposed amendment will allow duplex and four-plex buildings on individual parcels of 8,000 SF or greater.

Approval Process:

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA.

Per City Code 10-6-1.7(E) Approval of a ZDA shall be based on the following standards: the proposed uses are not detrimental to surrounding properties; deviations from Title 10 shall be warranted by the design of the conceptual plan; conformance to the Comprehensive Plan, and existing and/or proposed infrastructure must be adequate for the project.

Per City Code 10-14-1 thru 8 Any application for a zoning district change shall follow the procedures outlined in these sections.

Budget Impact:

N/A

Regulatory Impact:

Per City Code 10-6-1.4 (B) The ZDA shall conform to all sections of this title unless specifically addressed in the written commitment document. All applications to the city shall list all requested variations from the standard requirements.

Should this Zoning Development Agreement amendment be approved, the duplex and four-plex buildings may be on their own parcel of 8,000 SF or greater. However, no more than 90 units shall be placed on the 6 acre project site, as was originally approved in 2021.

History:

The Federation Point Zone Development Agreement (ZDA) was created in 2021. In 2022, the Federation Point ZDA was amended to accommodate the Gem Prep charter school.

On August 27, 2024, the Planning and Zoning Commission had a Preliminary Presentation as required by Twin Falls Municipal Code 10-6-1.

On September 10, 2024, the Planning and Zoning Commission recommended approval of the request by a vote of 4-0.

Analysis:**Proposed Changes are as follows:**

1. Modifying Section 3, Subsection B.2 to allow for duplex and four-plex buildings to be on lots no less than 8,000 SF.

The base zoning (RM) is allowed to have duplexes on 7,000 SF lots and four-plex units on 11,000 SF lot. The current ZDA Documents allow for the following: *"The lot/parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 four-plex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master plan included as Exhibit B".*

The proposed amendment keeps this preceding verbiage and adds the following: *"Four-plex and duplex buildings may be placed on any individual lot or parcel provided the lot/parcel area of any individual lot or parcel shall not be less than 8,000 square feet in area nor shall the combined total of buildings or units exceed the amount previously stated within this section nor shall the total land area be less than 6.1 acres".*

The applicant narrative states the purpose for this amendment is to "allow individual lots within the multifamily portion of the development to be built in stages". This is necessary for the applicant due to the "current status of the economy".

No other changes are being proposed in this amendment. The density, uses, layout, etc. all remain the same. The applicant concludes the narrative with "The change will not add any effect to the surrounding area other than to allow the development to proceed with construction in stages as the market determines. The intent and terms of the originally approved ZDA remain intact with a minor change to allow individual lots for each building."

Staff believes this amendment will have no detrimental impacts to the surrounding area.

Conclusion:

The Council is tasked with making a final decision on the proposed Amendment to allow, duplex and four-plex on their own parcel of 8,000 SF or greater, with a max density of 90 units on 6.1 acres.

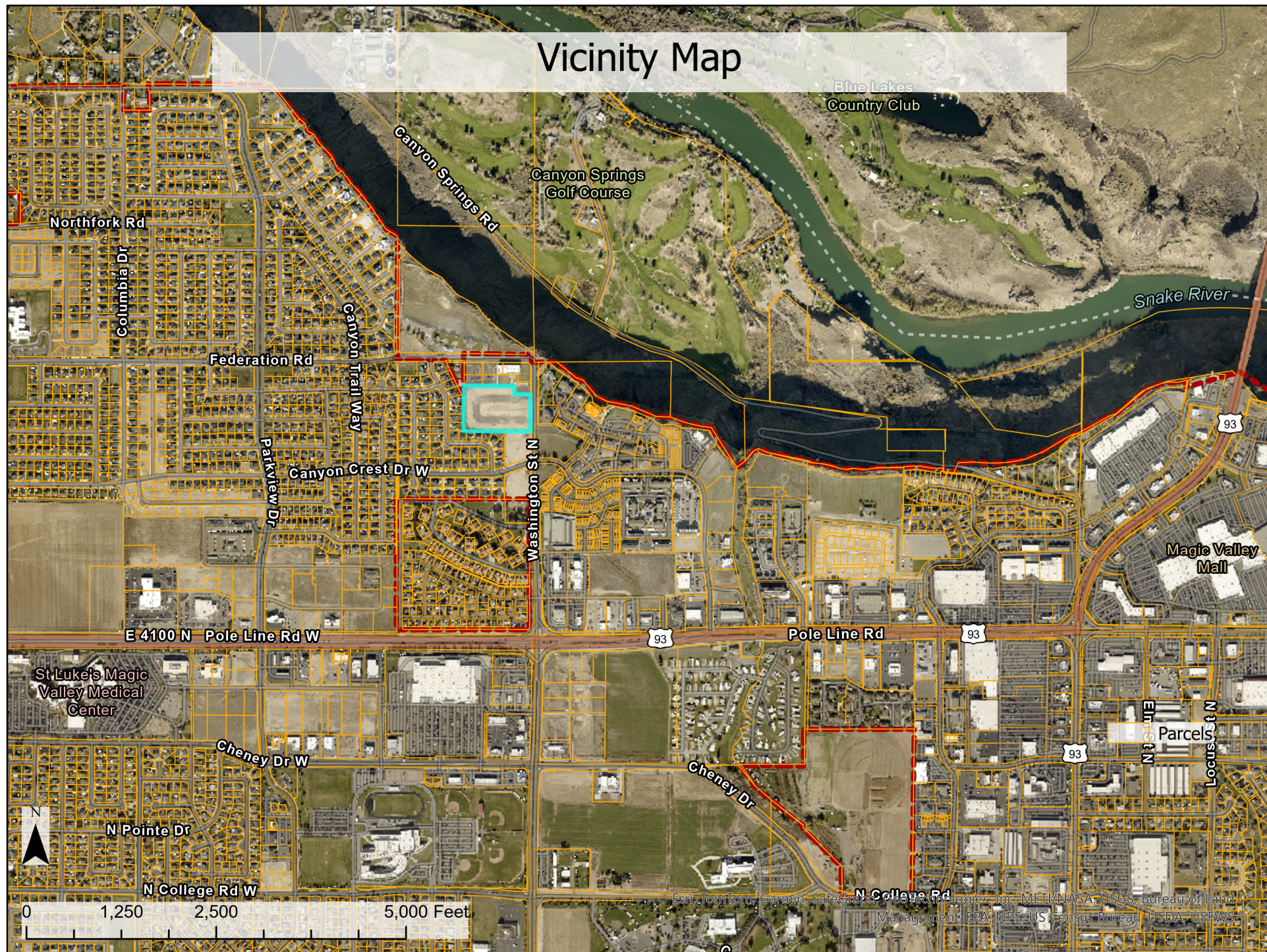
Staff proposes the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

Attachments:

1. PZ24-0081 Vicinity Map
2. PZ24-0081 Applicant Narrative
3. PZ24-0081 Proposed Amendment
4. PZ24-0081 Federation Point Original ZDA 04-28-21
5. PZ24-0081 Federation Point ZDA Amendment 05-24-22
6. PZ24-0081 Planning and Zoning Commission Minutes 9-10-24
7. 1 - Public Comment PZ24-0081 H Melton 10-1-24

Vicinity Map



FEDERATION POINT, ZDA
APPLICATION NARRATIVE

- 3.a. The proposed change to the ZDA allows individual lots within the multi-family portion of the development to be built in stages. With the current status of the economy being able to develop the property in stages allows the rental rate to grow at a more disciplined rate. Other than development phasing, this is not a change of any of the originally approved standards applied to the ZDA. Zoning, density, and layout is basically the same but an amended is needed due to minimum individual lot size.
- 3.b. An amended master development plan is included depicting the overall development and a colored exhibit of the immediate area.
- 3.c. This development would be basically unchanged from the originally approved ZDA. The changes proposed only reflect individual lots as opposed to one large lot. The change basically allows phased development.
- 3.d. The change will not add any affect to the surrounding area other than to allow the development to proceed with construction in stages as the market determines. The intent and terms of the originally approved ZDA remain intact with a minor change to allow individual lots for each building.

**Amendment to
Federation Point, ZDA
A Residential Mixed Use and Limited Commercial
Zoning Development Agreement**

THIS AGREEMENT, made and entered into this ___ day of _____, 2024, by and between the **CITY OF TWIN FALLS**, a municipal corporation, State of Idaho (hereinafter called "City"), and **FEDERATION POINT, LLC**, an Idaho limited liability company and **BUCKLEY REAL ESTATE, INC**, an Idaho Corporation (hereinafter called "Developers"), whose address is 1460 W. Swede Bay Rd., Coeur D Alene, Idaho 83814.

RECITALS

WHEREAS, the Developers are the owners and the equitable title holders to certain tracts of land in the City of Twin Falls, County of Twin Falls, State of Idaho, more particularly described in Exhibit A attached hereto. The subject land is located in Lot 7, Block 1, Federation Point Subdivision, a ZDA as depicted in and included as Exhibit A(hereinafter referred to as "Property") and;

WHEREAS, the Developers wish to amend and modify the permitted uses within the existing Zoning Development Agreement and;

WHEREAS, the City, by and through its City Council, has agreed to the development of said land and agreed to amendment of the permitted land uses within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which conditions and understandings are the subject of this Agreement.

COVENANTS

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

1. Section 3. Subsection B.2. shall be amended and modified to read as follows:
 2. Multi-family Residential: The lot/parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 fourplex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master development plan included as Exhibit B. Fourplex and duplex buildings may be

placed on any individual lot or parcel provided the lot/parcel area of any individual lot or parcel shall not be less than 8,000 square feet in area nor shall the combined total of buildings or units exceed the amount previously stated within this section nor shall the total land area be less than 6.1 acres.

IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

“CITY”
CITY OF TWIN FALLS

By: _____
Mayor

ATTEST:

City Clerk

“DEVELOPERS”

Federation Point, LLC

By: _____
David H. Scaggs, Member
Authorized Signer

Buckley Real Estate Inc.

By: _____
Stan Buckley, President

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 20____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ and _____, Known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed the said instrument, and acknowledged to me that such City 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.

By: _____

NOTARY PUBLIC FOR IDAHO

Residing at _____

My commission expires _____

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 20__ before me, the undersigned, a Notary Public in and for said County and State, personally appeared David H. Scaggs, known or identified to me, to be the person who subscribed the foregoing instrument and acknowledged to me that she 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)
 ss.
County of Twin Falls)

On this _____ day of _____, 20____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared Stan V. Buckley, known or identified to me, to be the person who subscribed the foregoing instrument and acknowledged to me that she executed the same.

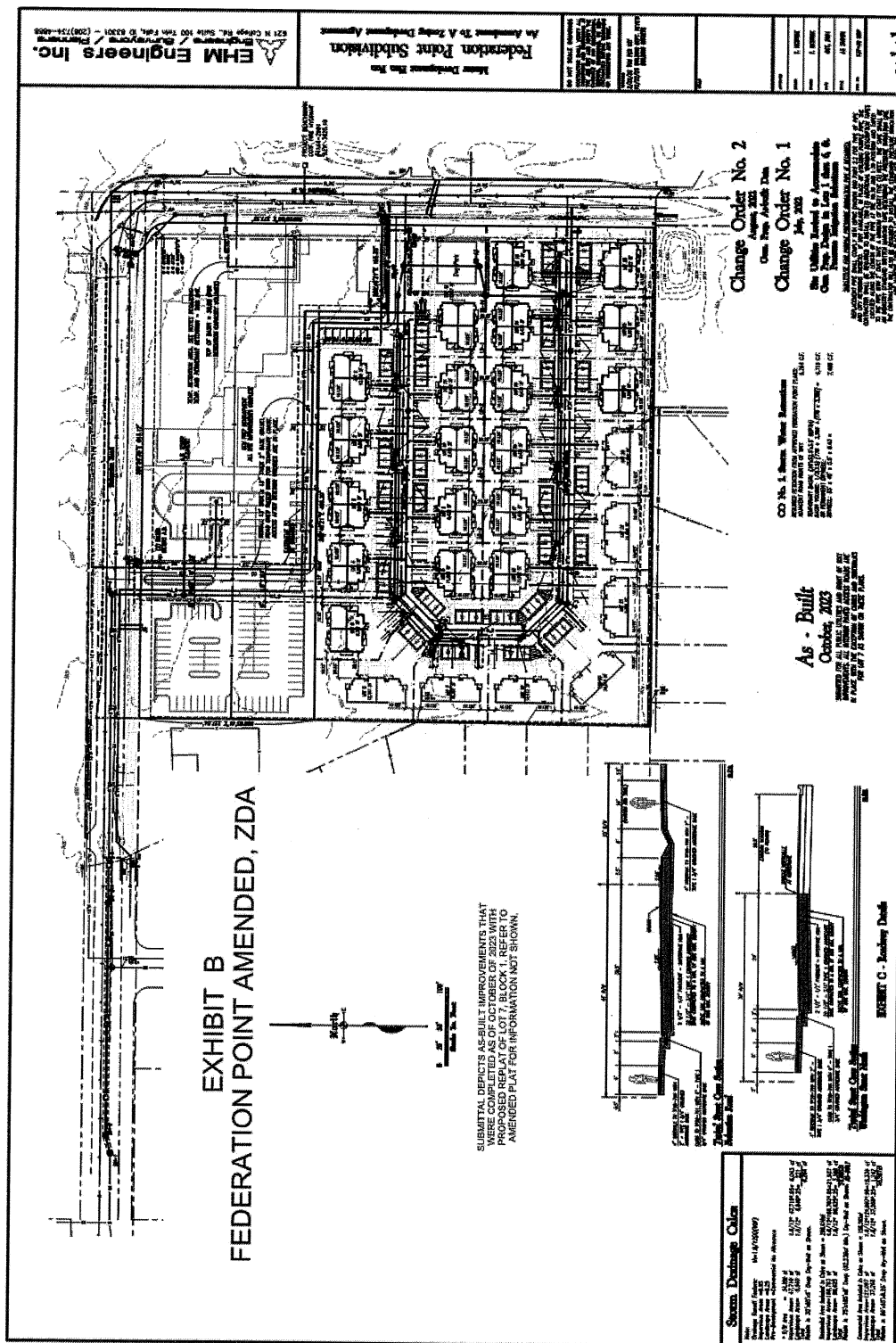
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

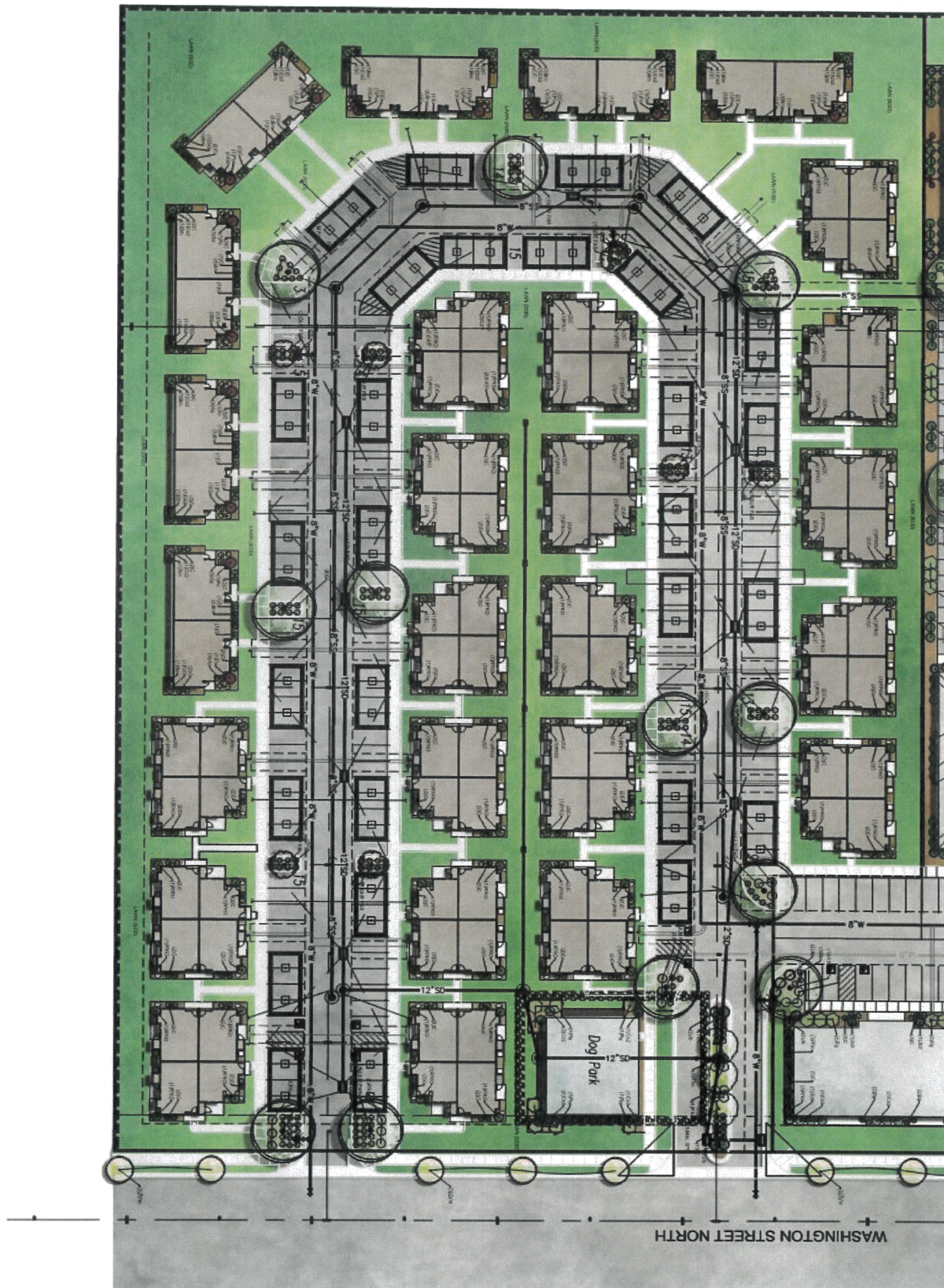
NOTARY PUBLIC FOR IDAHO
Residing at _____
My commission expires _____

**EXHIBIT A
LEGAL DESCRIPTION
TWIN FALLS COUNTY, IDAHO**

Being all of Lot 7, Block 1 as shown on that certain map entitled “Federation Point Subdivision, a ZDA”, recorded April 27, 2022 as Instrument No. 2022-008141 in the office of the County Recorder of Twin Falls County, more particularly described as follows:

End of Description





FEDERATION POINT AMENDED ZDA
EXHIBIT B-2

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this 12th day of APRIL, 2021, by and between the City of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Steve Hepworth (hereinafter called "Developer") for the purpose of developing Residential Mixed Uses and Limited Commercial Uses on property located West of Washington Street North and South of Federation Road, known as Federation Point Subdivision, a ZDA.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 15; RM, Residential Mixed Use District or as amended, Title 10 – Chapter 4 – Section 19; CRO, Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
2. RM and CRO, Residential Mixed Use District and Canyon Rim Overlay District modified to include the following;
 - A. Permitted uses;
 1. Governmental facilities:
 - a. Governmental office buildings.
 2. Medical facilities:
 - a. Doctor's offices.
 3. Residential:
 - a. Bed and breakfast facilities.
 - b. Household units in the same building as an allowed use by the owner or an employee of the allowed use.
 - c. Household units in the upper floors of commercial or professional buildings.
 4. Retail Trade:
 - a. Antique shop.
 - b. Apparel and accessories.
 - c. Art galleries and frame shops.
 - d. Bakery.
 - e. Bookstore.
 - f. Craft shop, in conjunction with retail business.
 - g. Eating places.
 - h. Florist shop.
 - i. Food, drugs, etc.
 - j. General merchandise.
 - k. Hardware store.
 - l. Hobby and toy store.
 - m. Home décor, excluding appliances

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

- n. Home furnishings and appliances.
- o. Ice cream store.
- p. Import store.
- q. Laundering and dry cleaning.
- r. Laundromats.
- s. Music store.
- t. Sporting goods store.

5. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Cottage businesses.
- e. Finance and investment offices.
- f. Insurance and related business.
- g. Photographic studios.
- h. Professional organizations.
- i. Professional services.
- j. Real estate and related business.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

- B. Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the District unless special provisions are taken. Special use permits may be granted for the following uses:

1. Misc.:

- a. Any facility with drive-through service.

2. Parks:

- a. Public parks and playgrounds with crowd attracting facilities.

3. Public Assembly:

- a. Funeral chapels.
- b. Schools – private, single purpose.
- c. Schools - private, vocational and/or academic.
- d. Schools – public.
- e. Theaters – indoor.
- f. Wedding chapels and/or reception halls.

4. Residential:

- a. Accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garages built at the

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

same time the home is built.

- b. Motels or transient hotels
- c. Nursing homes, rest homes, and assisted living facilities.

5. Retail Trade:

- a. Alcoholic beverages, when consumed on premises where sold.
- b. Permitted retail/trade operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- c. Pet shop.

6. Services:

- a. Dog Grooming.

7. Sports Facilities:

- a. Athletic areas.
- b. Indoor recreation facility.

3. Property Development Standards to be modified to include the following;

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

A. Use Of Lots:

- 1. Each building is not required to be located on a separate lot. If desired, multiple buildings (including dwellings – duplex, triplex, fourplex) may be located on one contiguous lot/parcel.

B. Lot Area:

- 1. Commercial Uses: The lot area for shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. No commercial building shall occupy more than sixty percent (60%) of a lot.
- 2. Multi-family Residential: The lot/parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 fourplex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master development plan included as Exhibit B.

C. Yards:

- 1. The front building line shall be as depicted on the master development plan. All front yard building setbacks shall be twenty feet (20') from the property line or when multiple units are on one parcel a minimum of twenty-five feet (25') from the centerline of a private drive.

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

2. The side building line shall not be closer than five feet (5') to the side property line.
3. The rear building line shall not be closer than ten feet (10') to the rear property line for multifamily units or five feet (5') for commercial units.
4. Rear, front, or side building lines adjacent to Federation Road and Washington Street North shall be fifteen feet (15') from the right of way line. No other building setback limitations shall be applicable to this development.
5. Rear, front, or side building lines adjacent to the western and southern boundary of the development shall be twenty feet (20') from the subdivision boundary.

D. Other Development Criteria:

1. Perimeter Landscape Buffer and Screening: A landscaping buffer of twenty-five feet (25'), including sidewalks, shall be installed from back of curb along Washington Street North and Federation Road. A six foot (6') high masonry wall shall be installed along the south and west boundary of the development adjacent to existing residential lots.
2. Streets: Federation Road and Washington Street North shall be constructed per the attached Exhibit C with a ten foot (10') wide concrete path on the north side of Federation Road adjacent to the development boundary for infill of a portion of the Canyon Rim Trail Extension.

Federation Point, ZDA
A Residential Mixed Use and Limited Commercial
Zoning Development Agreement

Developer: Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

City: City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

"CITY"
CITY OF TWIN FALLS

By: Suzanne Hawkins
Mayor

ATTEST:

Leila Sanchez
City Clerk

"DEVELOPER"
Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

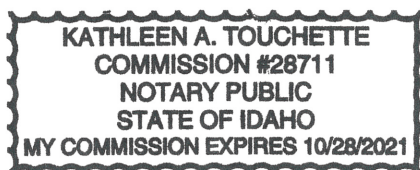
By: Steven F. Hepworth

STATE OF IDAHO)
ss.

County of Twin Falls)

On this 26th day of APRIL, 2021 before me, a Notary Public for said County and State, personally appeared SUZANNE HAWKINS and LEILA SANCHEZ, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City 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.



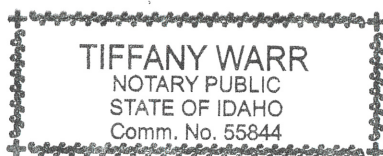
Kathleen A. Touchette

Residing at TWIN FALLS, ID

Commission Expires: 10/28/2021

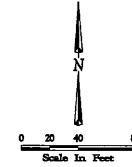
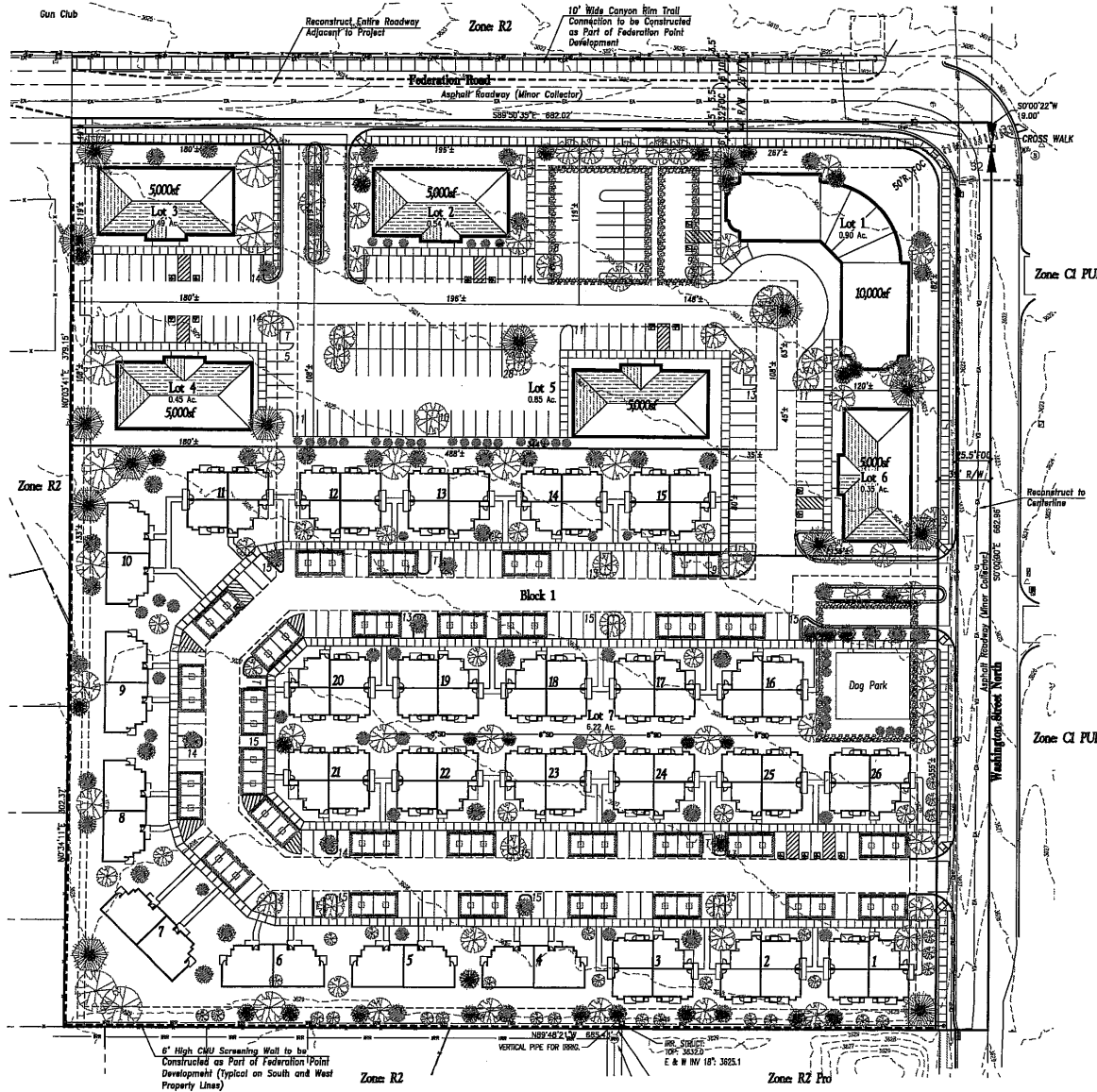
STATE OF Idaho)
)
) SS.
County of Minidoka)

Tiffany Warr



Residing at 701 7th St. Rupert ID
83350

Commission Expires: 3-10-2022



Federation Point Subdivision
A ZDA
Located in
A Portion of
NE4 SE4 & SE4 NE4, Section 32
T. 9 S., R. 17 E., BM
Twin Falls County, Idaho
2020

Legend	EXISTING	PROPOSED
PROPERTY BOUNDARY LINE	---	---
PROPOSED RIGHT OF WAY	---	---
STREET CENTERLINE	---	---
EASEMENT AS NOTED	---	---
WATER MAIN (FIRE LINE)	8" 8"	8" 8"
8" SEWER MAIN	8" 8"	8" 8"
PRESSURE IRRIGATION	8" 8"	8" 8"
PRESSURE IRRIGATION	8" 8"	8" 8"
UNDERGROUND POWER	8" 8"	8" 8"
NATURAL GAS LINE	8" 8"	8" 8"
FIBER OPTIC LINE	8" 8"	8" 8"
STORM DRAIN	8" 8"	8" 8"
STORM DRAIN & GUTTER	8" 8"	8" 8"
EDGE OF ASPHALT	8" 8"	8" 8"
CONTOUR LINE	8" 8"	8" 8"
MANHOLE	8" 8"	8" 8"
FIRE HYDRANT	8" 8"	8" 8"
GATE VALVE	8" 8"	8" 8"
WATER SERVICE	8" 8"	8" 8"
SEWER SERVICE	8" 8"	8" 8"
P.I. SERVICE	8" 8"	8" 8"
P.I. FLOW-OFF ASSEMBLY	8" 8"	8" 8"
CATCH BASIN	8" 8"	8" 8"
LIGHT POLE	8" 8"	8" 8"
UTILITY RISERS/STRUCTURES	8" 8"	8" 8"
SIGN	8" 8"	8" 8"
DRAINAGE ARROW	8" 8"	8" 8"

Existing Zone: R2
Proposed Zone: RM, ZDA

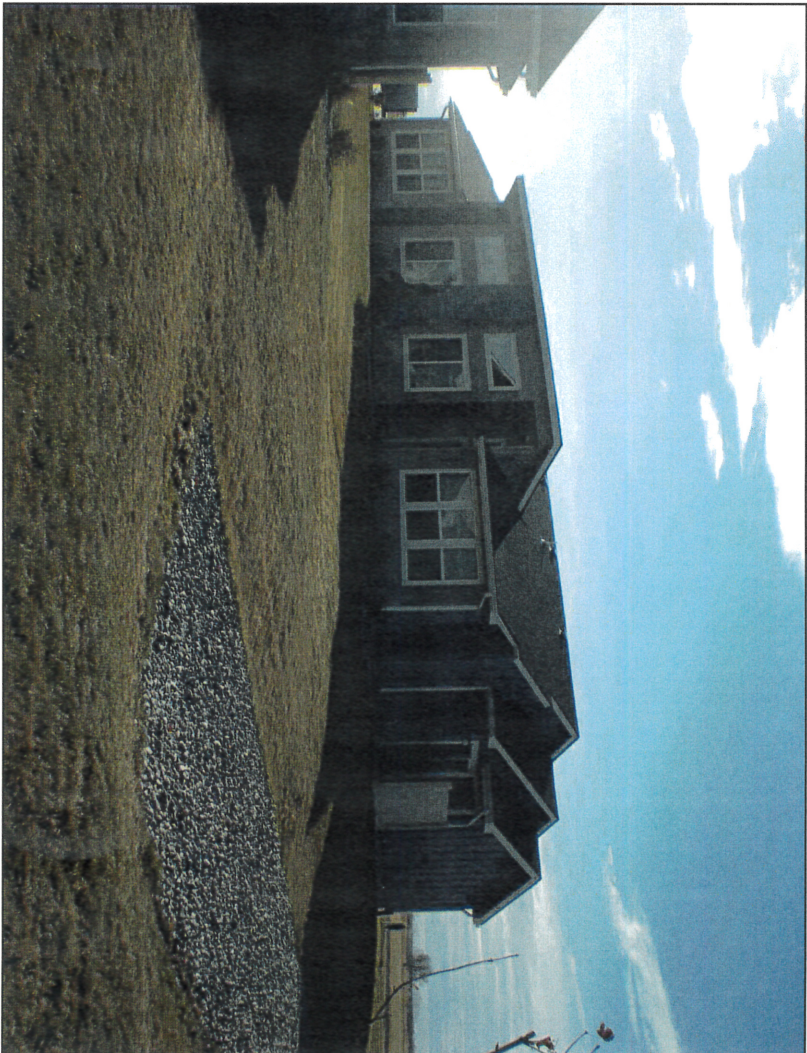
Exhibit B ZDA Master Plan

EHM Engineers, Inc.
Engineers / Surveyors / Planners
We make the world a better place to live.
621 North 234th Street, Suite 8300
P.O. Box 734-888, Inc. (208) 734-6909
www.ehm-inc.com

ZDA Exhibit B for
FEDERATION POINT Subdivision, A ZDA
Twin Falls, Idaho

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL
DIMENSIONS AND LOCATIONS AT
CONSTRUCTION SITE. VERIFY THE
CORNER OF ANY UNUSUAL
EXISTING DIMENSIONS. USE
DIMENSIONS WITHIN DRAWING
OR HARPING ANY WORK.

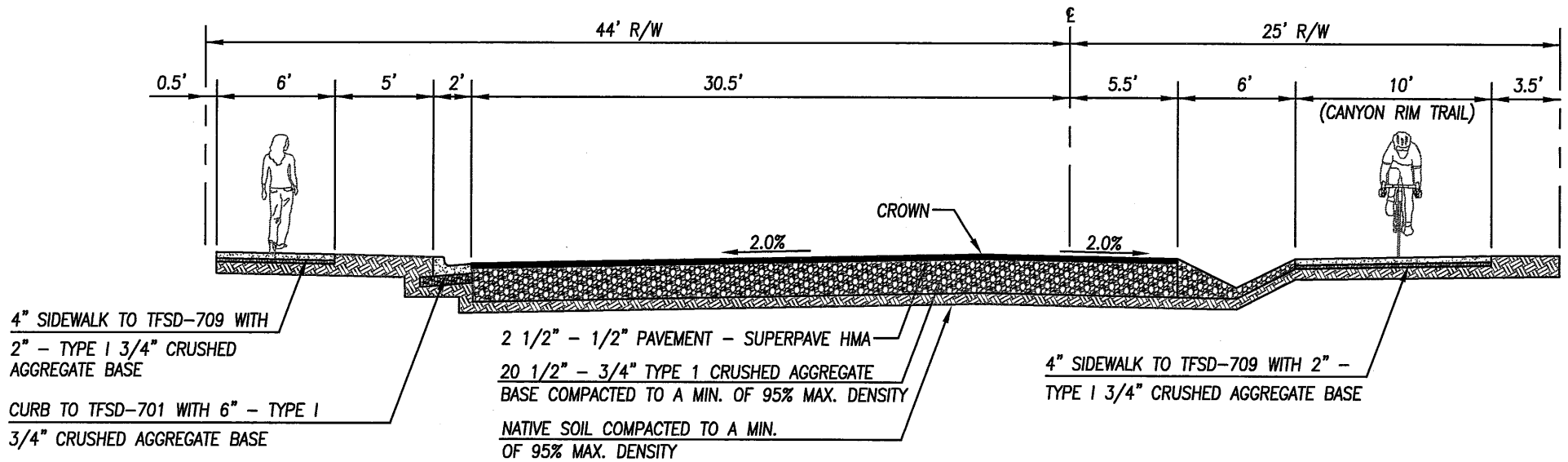
APPROVED	T. MCGRIDE
DATE	JUNE, 2020
BY	AS SHOWN
FOR	137-2020A Exhibit B
SHEET NO.	137-20
SHEET 1	



TYPICAL DUPLEX UNIT



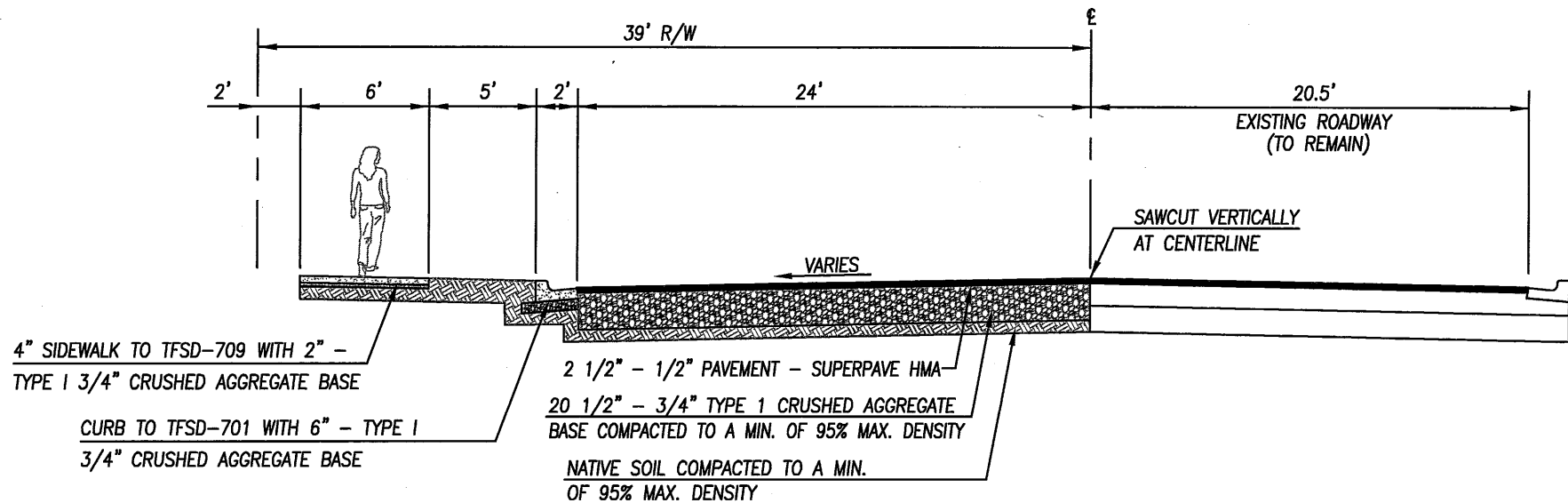
TYPICAL FOUR-PLEX UNIT



Typical Street Cross Section

Federation Road

n.t.s.



Typical Street Cross Section

Washington Street North

n.t.s.

EXHIBIT C - Roadway Details

ORDINANCE NO. O-2022-011

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

WHEREAS, Hepworth Family Landholdings, LLC c/o EHM Engineers, Inc. has made application for an amendment to the Federation Point ZDA to allow "Private" and "Public School" as an outright permitted use and approve an additional Conceptual Site Plan of property located at the southwest corner of Federation Road and Washington Street North; City of Twin Falls, and an amendment of the revised Area of Impact and Comprehensive Plan Land Use Map; and

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 29th day of March, 2022, to consider the Zoning Designation and necessary Zoning & Planning Map amendment upon a rezone of the real property below described, and an amendment to the revised area of Impact and Comprehensive Plan Land Use Map; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 2nd day of May, 2022.

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

SECTION 1. The following described real property located at the southwest corner of Federation Road and Washington Street North is the subject of an amendment to the Federation Point ZDA to allow "Private" and "Public School" as an outright permitted use and approve an additional Conceptual Site Plan.

"Exhibit A"-Legal Description

"Exhibit B"-Zoning Development Agreement

SECTION 2. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same area hereby amended to reflect the rezoning designation of the real property above described.

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

PASSED BY THE CITY COUNCIL

May 16, 2022

SIGNED BY THE MAYOR

May 16, 2022

Guth Dence
Mayor

ATTEST:

erin parish
Deputy City Clerk

PUBLISH: Thursday, MAY 19, 2022

Exhibit A

**ZDA Legal Description
Twin Falls County, Idaho**

Being a portion of Lots 10 and 11, Block 1 as shown on that certain map entitled "The Pinnacle Subdivision, A Planned Unit Development", recorded August 26, 1996 as Instrument No. 1996-014850 in the office of the County Recorder of Twin Falls, and a portion of the North half of the Southwest Quarter of Section 33, Township 9 South, Range 17 East, Boise Meridian more particularly described as follows:

Beginning at the Northeast corner of said Lot 10 and being the REAL POINT OF BEGINNING;

Thence, North 87°17'06" East 32.62 feet;

Thence, South 68°44'23" East 84.15 feet to the Northwest corner of that certain map entitled "Westpark Commercial Subdivision No. 4", recorded May 25, 2007 as Instrument No. 2007-012709 in said office of the County Recorder of Twin Falls County;

Thence, along the West Boundary of said map (2007-012709), South 00°13'48" West 405.84 feet to the Southwest corner thereof;

Thence, along the North Right-of-Way of Canyon Crest Drive, along the arc of a non-tangent curve to the left having a radius of 282.00 feet, through a central angle of 05°32'36", an arc distance of 27.28 feet and long chord that bears North 87°38'57" West 27.27 feet;

Thence, continuing along said North Right-of-way, South 89°34'43" West 82.75 feet to the Southeast corner of that certain map entitled "River Vista South Subdivision, A Planned Unit Development", recorded June 29, 2006 as Instrument No. 2006-015859;

Thence, along the East Boundary of said map (2006-015859), North 00°25'15" West 99.11 feet to the Southeast corner of said Lot 11;

Thence, along the South Boundary of said Lot 11, North 89°34'43" West 102.84 feet to the Southwest corner thereof;

Thence, along the West Boundary of said Lot 11, North 00°25'17" East 125.00 feet;

Thence, leaving said West Boundary, North 15°54'11" East 44.87 feet;

Thence, North 00°00'00" East 24.02 feet to a point on the North Boundary of said Lot 11;

Thence, leaving said North Boundary, North 00°00'00" East 50.31 feet;

Thence, North 25°54'11" East 36.50 feet;

Thence, North 00°00'00" East 55.57 feet to a point on the North Boundary of said Lot 10;

Thence, along said North Boundary, North 87°17'06" East 75.11 feet to
said REAL POINT OF BEGINNING.

Containing approximately 1.79 Acres.

End of Description

2022 Amendment to Federation Point, ZDA

A Residential Mixed Use and Limited

This Zoning Development Agreement (ZDA) is made and entered into this day MAY 2 2022, by and between the City of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Steve Hepworth (hereinafter called "Developer") for the purpose of developing Residential Mixed Uses and Limited Commercial Uses on property located West of Washington Street North and South of Federation Road, known as Federation Point Subdivision, a ZDA.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 — Chapter 4 — Section 15; RM, Residential Mixed Use District or as amended, Title 10 — Chapter 4 — Section 19; CRO, Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
2. RM and CRO, Residential Mixed Use District and Canyon Rim Overlay District modified to include the following;
 - A. Permitted uses;
 1. Governmental facilities:
 - a. Governmental office buildings.
 2. Medical facilities:
 - a. Doctor's offices.
 3. Residential:
 - a. Bed and breakfast facilities.
 - b. Household units in the same building as an allowed use by the owner or an employee of the allowed use.
 - c. Household units in the upper floors of commercial or professional buildings.
 4. Retail Trade:
 - a. Antique shop.
 - b. Apparel and accessories.
 - c. Art galleries and frame shops.
 - d. Bakery.
 - e. Bookstore.
 - f. Craft shop, in conjunction with retail business.
 - g. Eating places.
 - h. Florist shop.
 - i. Food, drugs, etc.
 - j. General merchandise.
 - k. Hardware store.
 1. Hobby and toy store.
 - m. Home décor, excluding appliances

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

- n. Home furnishings and appliances.
- o. Ice cream store.
- p. Import store.
- q. Laundering and dry cleaning.
- r. Laundromats.
- s. Music store.
- t. Sporting goods store.

5. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Cottage businesses.
- e. Finance and investment offices.
- f. Insurance and related business.
- g. Photographic studios.
- h. Professional organizations.
- i. Professional services.
- j. Real estate and related business.

6. Public Assembly:

- a. Schools — private, single purpose.
- b. Schools - private, vocational and/or academic.
- c. Schools — public.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

- B. Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the District unless special provisions are taken. Special use permits may be granted for the following uses:

1. Misc.:

- a. Any facility with drive-through service.

2. Parks:

- a. Public parks and playgrounds with crowd attracting facilities.

3. Public Assembly:

- a. Funeral chapels.
- b. ~~Schools — private, single purpose.~~
- c. ~~Schools — private, vocational and/or academic.~~
- d. ~~Schools — public.~~
- e. Theaters — indoor.
- f. Wedding chapels and/or reception halls.

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

4. Residential:

- a. Accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garages built at the same time the home is built.
- b. Motels or transient hotels
- c. Nursing homes, rest homes, and assisted living facilities.

5. Retail Trade:

- a. Alcoholic beverages, when consumed on premises where sold.
- b. Permitted retail/trade operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- c. Pet shop.

6. Services:

- a. Dog Grooming.

7. Sports Facilities.

- a. Athletic areas.
- b. Indoor recreation facility.

3. Property Development Standards to be modified to include the following;

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

A. Use Of Lots:

1. Each building is not required to be located on a separate lot. If desired, multiple buildings (including dwellings - duplex, triplex, fourplex) may be located on one contiguous lot/parcel.

B. Lot Area:

1. Commercial Uses: The lot area for shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. No commercial building shall occupy more than sixty percent (60%) of a lot.
2. Multi-family Residential: The lot parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 four plex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master development plan included as Exhibit B.

C. Yards:

1. The front building line shall be as depicted on the master development plan. All front yard building setbacks shall be twenty feet (20') from the property line or when multiple units are on one parcel a minimum of twenty-five feet (25') from the centerline of a private drive.

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

2. The side building line shall not be closer than five feet (5') to the side property line.
3. The rear building line shall not be closer than ten feet (10') to the rear property line for multifamily units or five feet (5') for commercial units.
4. Rear, front, or side building lines adjacent to Federation Road and Washington Street North shall be fifteen feet (15') from the right of way line. No other building setback limitations shall be applicable to this development.
5. Rear, front, or side building lines adjacent to the western and southern boundary of the development shall be twenty feet (20') from the subdivision boundary.

D. Other Development Criteria:

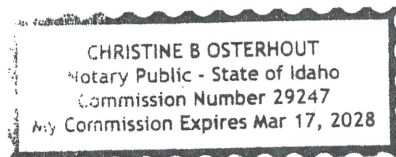
1. Perimeter Landscape Buffer and Screening: A landscaping buffer of twenty- five feet (25'), including sidewalks, shall be installed from back of curb along Washington Street North and Federation Road. A six foot (6') high masonry wall shall be installed along the south and west boundary of the development adjacent to existing residential lots.
2. Streets: Federation Road and Washington Street North shall be constructed per the attached Exhibit C with a ten foot (10') wide concrete path on the north side of Federation Road adjacent to the development boundary for infill of a portion of the Canyon Rim Trail Extension.

Federation Point, ZDA
A Residential Mixed Use and Limited
Commercial Zoning Development Agreement

STATE OF Idaho
County of Minidoka

On this 25 day of April, 2022 before me, a Notary Public for said County and State, personally appeared Steven F. Hepworth, known or identified to me, to be the Member of the Limited Liability Company, that executed said instrument.

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



Christine B Osterhout

Residing at Declo, ID

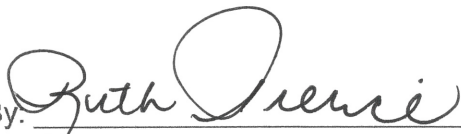
Commission Expires: 3-17-2028

Federation Point, ZDA
A Residential Mixed Use and Limited
Commercial Zoning Development Agreement

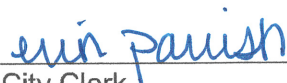
Developer: Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

City: City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

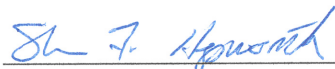
"City"
City of Twin Falls

By. 
Mayor

ATTEST


City Clerk

"DEVELOPER"
Hepworth Family Landholdings,
LLC


Steven F. Hepworth, Member

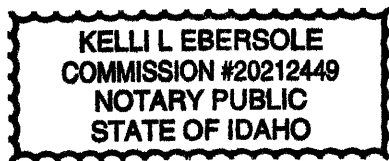
Federation Point, ZDA
A Residential Mixed Use and Limited
Commercial Zoning Development Agreement

STATE OF IDAHO)

County of Twin Falls)^{ss.}

On this 2nd day of MAY, 2022 before me, a Notary Public for said County and State, personally appeared RUTH PIERCE and ERIN DARRISH, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City 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.

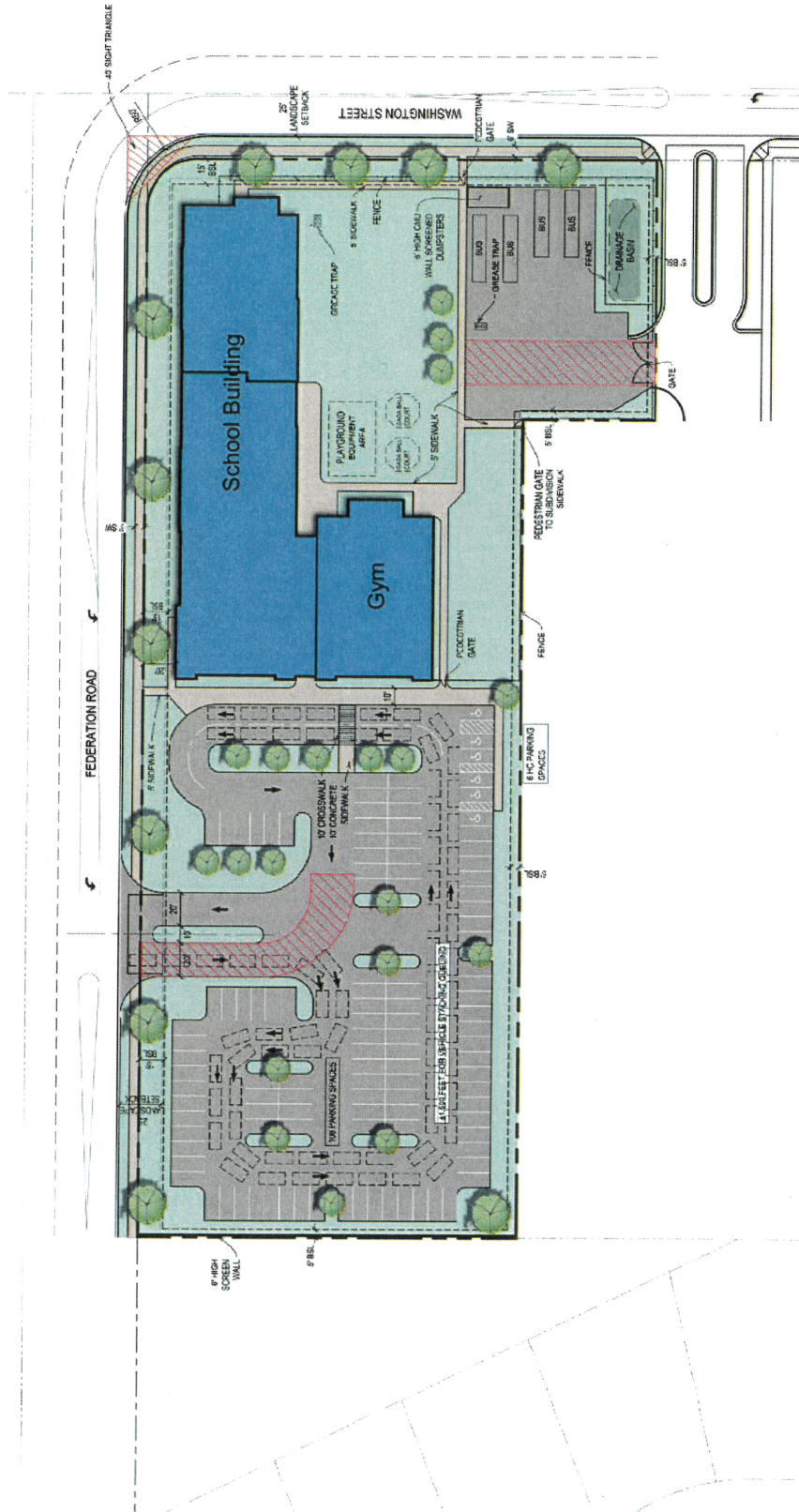


Kelli Ebersole

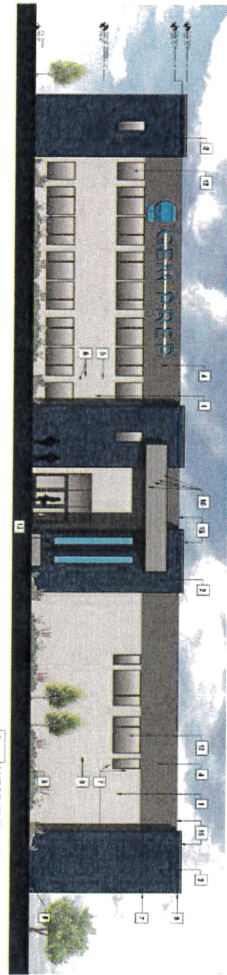
Residing at TWIN FALLS, ID

Commission Expires: May 17, 2027

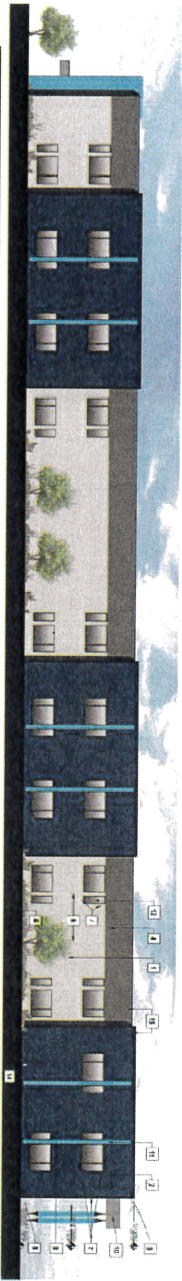
Site Plan



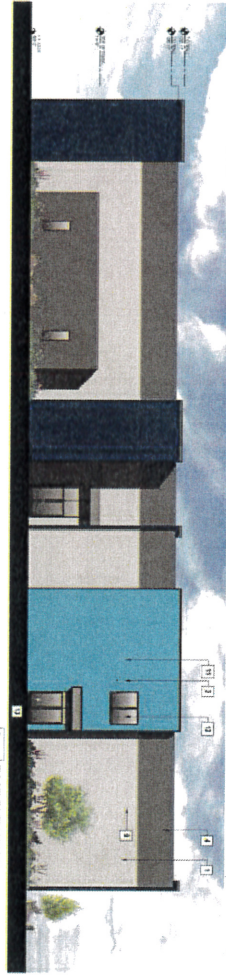
Elevations



4 WEST ELEVATION

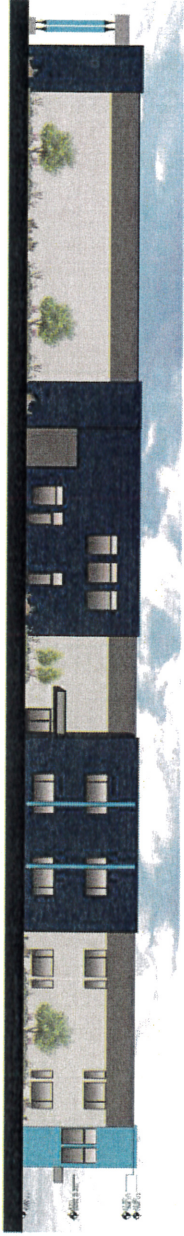


2 NORTH ELEVATION



3 EAST ELEVATION

EXTERIOR FINISHES	
1	Dark Blue
2	Light Grey
3	Dark Blue
4	Light Grey
5	Dark Blue
6	Light Grey
7	Dark Blue
8	Light Grey
9	Dark Blue
10	Light Grey
11	Dark Blue
12	Light Grey
13	Dark Blue
14	Light Grey



1	Dark Blue
2	Light Grey
3	Dark Blue
4	Light Grey
5	Dark Blue
6	Light Grey
7	Dark Blue
8	Light Grey
9	Dark Blue
10	Light Grey
11	Dark Blue
12	Light Grey
13	Dark Blue
14	Light Grey



Original

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this 12th day of APRIL, 2021, by and between the City of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Steve Hepworth (hereinafter called "Developer") for the purpose of developing Residential Mixed Uses and Limited Commercial Uses on property located West of Washington Street North and South of Federation Road, known as Federation Point Subdivision, a ZDA.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 15; RM, Residential Mixed Use District or as amended, Title 10 – Chapter 4 – Section 19; CRO, Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
2. RM and CRO, Residential Mixed Use District and Canyon Rim Overlay District modified to include the following;
 - A. Permitted uses;
 1. Governmental facilities:
 - a. Governmental office buildings.
 2. Medical facilities:
 - a. Doctor's offices.
 3. Residential:
 - a. Bed and breakfast facilities.
 - b. Household units in the same building as an allowed use by the owner or an employee of the allowed use.
 - c. Household units in the upper floors of commercial or professional buildings.
 4. Retail Trade:
 - a. Antique shop.
 - b. Apparel and accessories.
 - c. Art galleries and frame shops.
 - d. Bakery.
 - e. Bookstore.
 - f. Craft shop, in conjunction with retail business.
 - g. Eating places.
 - h. Florist shop.
 - i. Food, drugs, etc.
 - j. General merchandise.
 - k. Hardware store.
 - l. Hobby and toy store.
 - m. Home décor, excluding appliances

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

- n. Home furnishings and appliances.
 - o. Ice cream store.
 - p. Import store.
 - q. Laundering and dry cleaning.
 - r. Laundromats.
 - s. Music store.
 - t. Sporting goods store.
5. Services:
- a. Advertising.
 - b. Apparel repair and alteration.
 - c. Beauty and barber shops.
 - d. Cottage businesses.
 - e. Finance and investment offices.
 - f. Insurance and related business.
 - g. Photographic studios.
 - h. Professional organizations.
 - i. Professional services.
 - j. Real estate and related business.

Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

- B. Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the District unless special provisions are taken. Special use permits may be granted for the following uses:
- 1. Misc.:
 - a. Any facility with drive-through service.
 - 2. Parks:
 - a. Public parks and playgrounds with crowd attracting facilities.
 - 3. Public Assembly:
 - a. Funeral chapels.
 - b. Schools – private, single purpose.
 - c. Schools - private, vocational and/or academic.
 - d. Schools – public.
 - e. Theaters – indoor.
 - f. Wedding chapels and/or reception halls.
 - 4. Residential:
 - a. Accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garages built at the

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

same time the home is built.

- b. Motels or transient hotels
- c. Nursing homes, rest homes, and assisted living facilities.

5. Retail Trade:

- a. Alcoholic beverages, when consumed on premises where sold.
- b. Permitted retail/trade operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- c. Pet shop.

6. Services:

- a. Dog Grooming.

7. Sports Facilities:

- a. Athletic areas.
- b. Indoor recreation facility.

3. Property Development Standards to be modified to include the following;

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

A. Use Of Lots:

- 1. Each building is not required to be located on a separate lot. If desired, multiple buildings (including dwellings – duplex, triplex, fourplex) may be located on one contiguous lot/parcel.

B. Lot Area:

- 1. Commercial Uses: The lot area for shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. No commercial building shall occupy more than sixty percent (60%) of a lot.
- 2. Multi-family Residential: The lot/parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 fourplex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master development plan included as Exhibit B.

C. Yards:

- 1. The front building line shall be as depicted on the master development plan. All front yard building setbacks shall be twenty feet (20') from the property line or when multiple units are on one parcel a minimum of twenty-five feet (25') from the centerline of a private drive.

Federation Point, ZDA

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

2. The side building line shall not be closer than five feet (5') to the side property line.
3. The rear building line shall not be closer than ten feet (10') to the rear property line for multifamily units or five feet (5') for commercial units.
4. Rear, front, or side building lines adjacent to Federation Road and Washington Street North shall be fifteen feet (15') from the right of way line. No other building setback limitations shall be applicable to this development.
5. Rear, front, or side building lines adjacent to the western and southern boundary of the development shall be twenty feet (20') from the subdivision boundary.

D. Other Development Criteria:

1. Perimeter Landscape Buffer and Screening: A landscaping buffer of twenty-five feet (25'), including sidewalks, shall be installed from back of curb along Washington Street North and Federation Road. A six foot (6') high masonry wall shall be installed along the south and west boundary of the development adjacent to existing residential lots.
2. Streets: Federation Road and Washington Street North shall be constructed per the attached Exhibit C with a ten foot (10') wide concrete path on the north side of Federation Road adjacent to the development boundary for infill of a portion of the Canyon Rim Trail Extension.

Federation Point, ZDA
A Residential Mixed Use and Limited Commercial
Zoning Development Agreement

Developer: Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

City: City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

"CITY"
CITY OF TWIN FALLS

By: Suzanne Hawkins
Mayor

ATTEST:

Leila Sanchez
City Clerk

"DEVELOPER"
Hepworth Family Landholdings, LLC
Steven F. Hepworth, Member

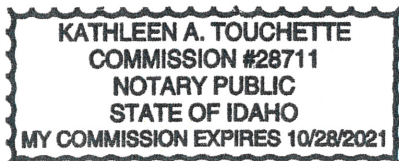
By: SL F. Hepworth

STATE OF IDAHO)
ss.

County of Twin Falls)

On this 19th day of APRIL, 2021 before me, a Notary Public for said County and State, personally appeared SUZANNE HAWKINS and LEILA SANCHEZ, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City 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.



Kathleen A. Touchette

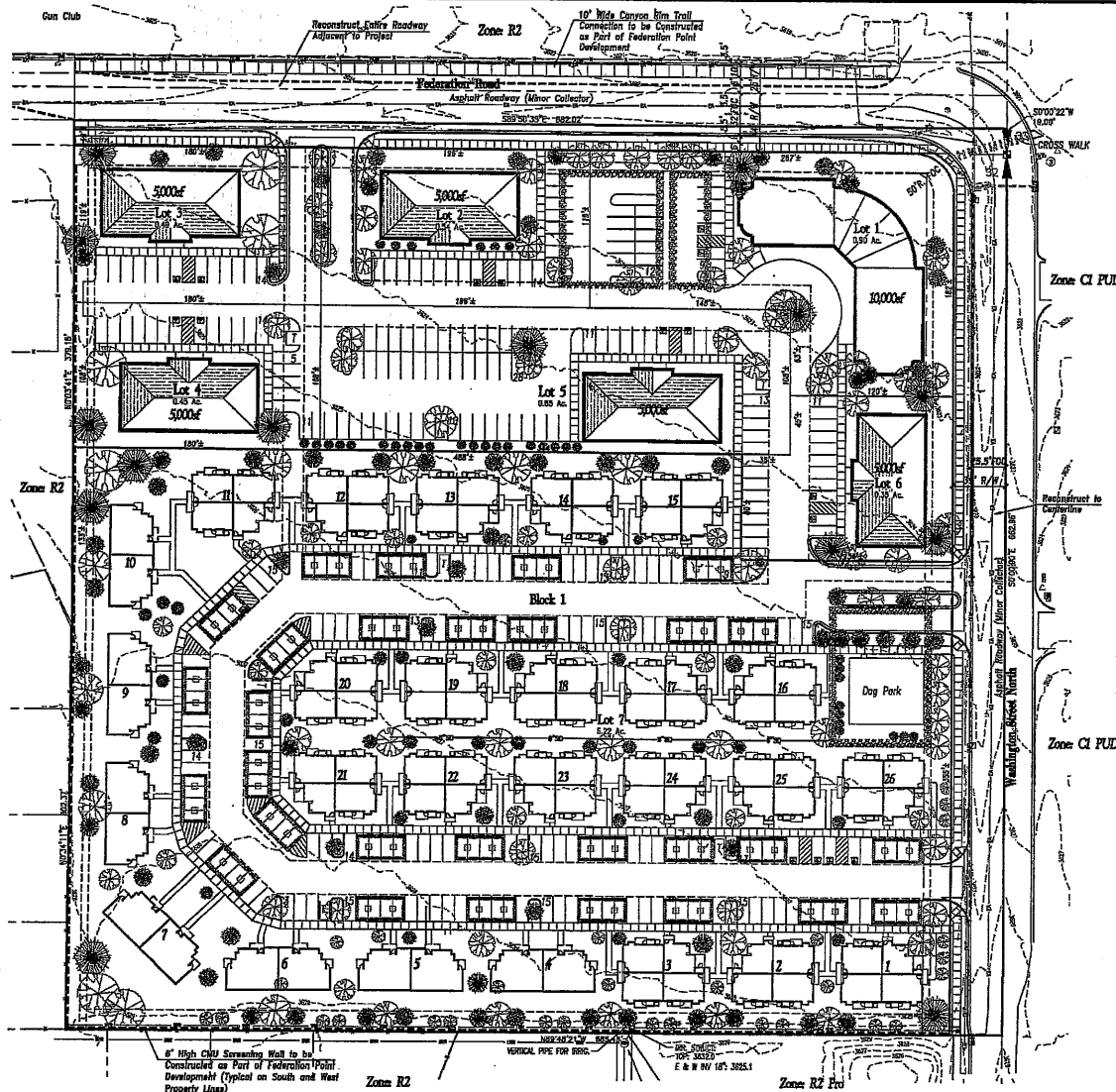
Residing at TWIN FALLS, ID

Commission Expires: 10/28/2021

A Residential Mixed Use and Limited Commercial Zoning Development Agreement

Residing at 701 7th St. Rupert ID
83350

Commission Expires: 3-10-2022




 Scale In Feet
 0 20 40 60
Federation Point Subdivision
 A ZDA
 Located In
 A Portion of
 NE4 SE4 & SE4 NE4, Section 32
 T. 9 S., R. 17 E., BM
 Twin Falls County, Idaho
 2020

Legend

	EXISTING	PROPOSED
PROPERTY BOUNDARY LINE	---	---
PROPOSED RIGHT OF WAY	---	---
STREET CENTERLINE	---	---
EXISTING AS NOTED	---	---
WATER MAIN (FIRE LINE)	---	---
AT SEWER MAIN	---	---
PRESSURE CONDUIT	---	---
PRESSURE CONDUIT	---	---
UNDERGROUND POWER	---	---
NATURAL GAS LINE	---	---
FIBER OPTIC LINE	---	---
SEWER MAIN	---	---
STANDARD CURB & GUTTER	---	---
EDGE OF ASPHALT	---	---
CONTOUR LINE	---	---
MANHOLE	---	---
FIRE HYDRANT	---	---
GATE VALVE	---	---
WATER SERVICE	---	---
SEWER SERVICE	---	---
P.U. SERVICE	---	---
P.U. BLOW-OFF ASSEMBLY	---	---
CATCH BASIN	---	---
UTILITY POLE	---	---
UTILITY RISERS/STRUCTURES	---	---
SEAL	---	---
DRAINAGE ARROW	---	---

Existing Zone: R2
 Proposed Zone: RM, ZDA

Exhibit B ZDA Master Plan

EFHM Engineers, Inc.
 Registered Professional Engineers
 601 North College Blvd., Suite 200
 Twin Falls, Idaho 83401
 P (208) 734-1888 F (208) 734-6949 www.efhm.com

ZDA Exhibit B Plan
FEDERATION POINT Subdivision, A ZDA
 Twin Falls, Idaho

800 FOOT SCALE DRAWINGS
 ENGINEER SHALL VERIFY ALL
 INFORMATION AND PROCEEDING AS
 THE JOB AND NOT BE RESPONSIBLE
 FOR THE ACCURACY OF THE
 INFORMATION PROVIDED BY THE
 OWNER OR ANY OTHER PARTY
 IN THE FIELD OR IN THE
 OFFICE.

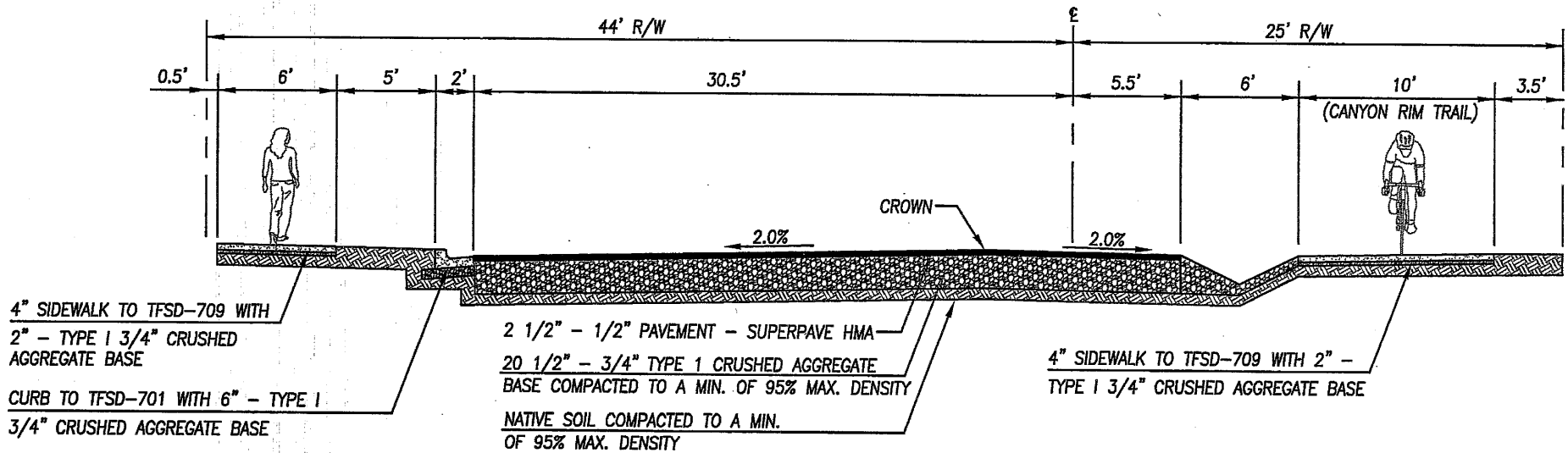
DESIGNED BY	T. MCBRIDE
CHECKED BY	T. MCBRIDE
DATE	JUNE, 2020
SCALE	AS SHOWN
PROJECT NO.	137-2020A Exhibit B
SHEET NO.	137-20



TYPICAL DUPLEX UNIT



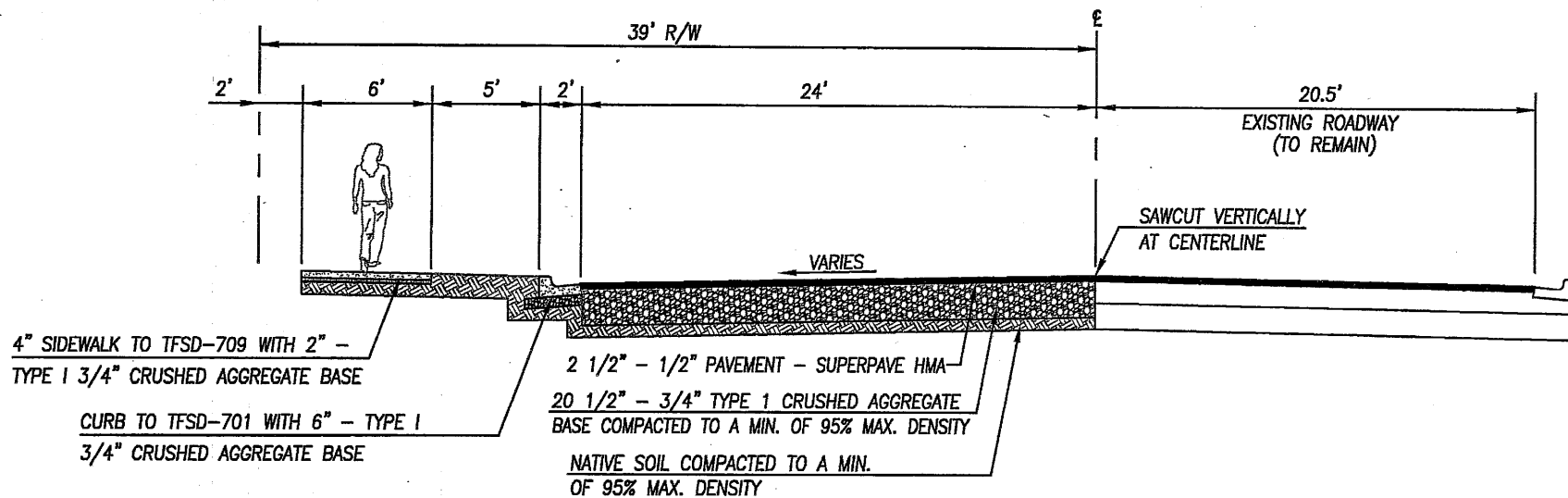
TYPICAL FOUR-PLEX UNIT



Typical Street Cross Section

Federation Road

nts.



Typical Street Cross Section

Washington Street North

nts.

EXHIBIT C - Roadway Details

ORDINANCE NO. 0-2021-006

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

WHEREAS, Hepworth Family Landholdings, LLC c/o Steve Hepworth has made application for annexation of property located at the southwest corner of Federation Road and Washington Street North; and,

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 22nd day of February, 2021, to consider the Zoning Designation and necessary Area of Impact and Zoning District Maps amendment upon annexation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 29th day of March, 2021, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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

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

"Exhibit A"- Legal Description

"Exhibit B" - ZDA Master Plan

"Exhibit C" - Roadway Details

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

SECTION 2. The real property described in Section 1 hereof be and the same is hereby zoned RM, ZDA.

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or

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

SECTION 4. The Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the newly incorporated real property as hereby zoned.

SECTION 5. The City Clerk immediately upon the passage and publication of this Ordinance is required by law certify a copy of the same and deliver said certified copy to the County Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL

April 19, 2021

SIGNED BY THE MAYOR

April 19, 2021

Sueanne Hawkins
Mayor

ATTEST:

[Signature]
Deputy City Clerk

PUBLISH: Thursday, APRIL 22, 2021

Exhibit A
Legal Description
Annexation
Twin Falls County, Idaho

Being a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Beginning at the East Quarter corner of said Section 32 as shown on that certain map entitled "Northern Sky Subdivision", recorded November 21, 2007 as Instrument No. 2007-030627 in the office of the County Recorder of Twin Falls County and being the REAL POINT OF BEGINNING;
Thence, along the East Boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, South 00°00'00" East 662.96 feet to a point on the Boundary of said map;
Thence, along said Boundary, North 89°48'21" West 685.43 feet;
Thence, continuing along said Boundary, North 00°34'11" East 302.37 feet;
Thence, leaving said Boundary, North 00°03'41" East 404.15 feet to a point on the centerline of Federation Road;
Thence, North 00°03'41" East 25.00 feet to a point on the North right of way of Federation Road;
Thence, along said right of way, South 89°50'35" East 681.97 feet to a point on the East Boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32;
Thence, along said East Boundary, South 00°00'22" West 69.00 feet to said REAL POINT OF BEGINNING.

Containing approximately 11.47 acres.

End of Description



Twin Falls Planning & Zoning Commission Minutes

Tuesday, September 10, 2024, 6:00 PM

203 Main Ave East
Twin Falls, ID 83303

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact: Susan Petruzzelli

1) Confirmation of Quorum/Call Meeting to Order

NAME called the meeting to order at 06:00 PM

Members Attending: Titus, Rambur, Weatherford, Zimmerman

Staff Attending: Spendlove, Klaver, Strickland, Ebersole, Green, O'Leary

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of meeting minutes from the following meeting: August 27, 2024

Commissioner Zimmerman made a motion to approve the consent calendar, as presented.

Commissioner Weatherford seconded the motion.

4) Items of Consideration

5) Public Hearings

- a) Request for a recommendation to City Council to amend the Federation Point Zoning Development Agreement and Conceptual Plan to specify lot sizes for each building on property located AT 2035 Washington St N. c/o EHM Engineers Inc on behalf of Federation Point Property, LLC (PZ24-0081).

Staff Presentation:

Senior Planner Klaver presented the request for a recommendation to City Council to amend the Federation Point Zoning Development Agreement and Conceptual Plan to specify lot sizes for each building on property located AT 2035 Washington St N. c/o EHM Engineers Inc on behalf of Federation Point Property, LLC (PZ24-0081).

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA.

Per City Code 10-6-1.7(E) Approval of a ZDA shall be based on the following standards: the proposed uses are not detrimental to surrounding properties; deviations from Title 10 shall be warranted by the design of the conceptual plan; conformance to the Comprehensive Plan, and existing and/or proposed infrastructure must be adequate for the project.

Per City Code 10-14-1 thru 8 Any application for a zoning district change shall follow the procedures outlined in these sections.

The Federation Point Zone Development Agreement (ZDA) was created in 2021. In 2022, the Federation Point ZDA was amended to accommodate the Gem Prep charter school.

A preliminary presentation before the Planning and Zoning Commission was presented at the August 27, 2024, Planning and Zoning Meeting, satisfying the requirement of City Code 10-6-1.7 (B).

Proposed Changes are as follows:

1. Modifying Section 3, Subsection B.2 to allow for duplex and four-plex buildings to be on lots no less than 8,000 SF.

The base zoning (RM) is allowed to have duplexes on 7,000 SF lots and four-plex units on 11,000 SF lot. The current ZDA Documents allow for the following: *"The lot/parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 four-plex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master plan included as Exhibit B"*. The proposed amendment before you today keeps this verbiage.

However, it adds the following clarification: *"Four-plex and duplex buildings may be placed on any individual lot or parcel provided the lot/parcel area of any individual lot or parcel shall not be less than 8,000 square feet in area nor shall the combined total of buildings or units exceed the amount previously stated within this section nor shall the total land area be less than 6.1 acres"*.

The applicant narrative states the purpose for this amendment is to "allow individual lots within the multifamily portion of the development to be built in stages". This is necessary for the applicant due to the "current status of the economy". No other changes are being proposed in this amendment. The density, uses, layout, etc. all remain the same. The applicant concludes the narrative with "The change will not add any effect to the surrounding area other than to allow the development to proceed with construction in stages as the market determines. The intent and terms of the originally approved ZDA remain intact with a minor change to allow individual lots for each building."

Staff would agree with this statement and would recommend approval of the proposed amendment.

The Commission is tasked with making a recommendation on the Amendment of "Federation Point ZDA" to allow, by right, duplex and four-plex on their own parcel of 8,000 SF or greater, with a max density of 90 units on 6.1 acres.

Staff proposes the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

Applicant Presentation:

Tim Vawser from EHM Engineers stated that they are splitting the property for financing reasons to finish the project.

PZ/Questions & Comments:

- Chairperson Titus asked if there is a plan for phases on this build.
- Tim Vawser explained that there is a conceptual phasing plan. He stated that it can be changed if it's approved through engineering.
- Chairperson Titus asked about the connections that already exists throughout this property and if they are planning on finishing this to connect to others.
- Tim Vawser replied that they will keep everything flowing together.

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Commissioner Rambur feels that it was approved in the past and feels it will work now
- Chairperson Titus asked about sidewalks and other connections and when does that get approved and looked at.
- Senior Planner Klaver stated that is done during the building permit process, he added that they can have it come back to dictate where to build first.
- Chairperson Titus asked about a specific criteria and asked if this applies to the entire ZDA and she feels that there is extra traffic at certain times. She asked if there are any concerns with access at this time.
- Senior Planner Klaver replied that engineering hasn't made any comments. He stated that there have been talks about a crosswalk but there are no concerns at this time.
- Director Spendlove explained that the issues with drop offs are with the school and their SUP. He stated that they can lose the SUP if it can't be managed.

MOTION: Commissioner Weatherford moved to approve the request for a recommendation to City Council to amend the Federation Point Zoning Development Agreement and Conceptual Plan to specify lot sizes for each building on property located at 2035 Washington St N. c/o EHM Engineers Inc on behalf of Federation Point Property, LLC (PZ24-0081). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- b) Request for a recommendation to City Council on the appropriate zoning designation for a proposed annexation of approximately 2 acres located on the SW corner of Park Ave. and Washington St. South c/o Gem State Dairy Products, LLC (PZ24-0082).

Staff Presentation:

Planner Strickland presented the request for a recommendation to City Council on the appropriate zoning designation for a proposed annexation of approximately 2 acres located on the SW corner of Park Ave. and Washington St. South c/o Gem State Dairy Products, LLC (PZ24-0082).

10-15-1: COMMISSION RECOMMENDATION REQUIRED:

Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area. The council shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendment or repeal until recommendations have been received from the commission. (Ord. 2012, 7-6-1981)

10-15-2: PUBLIC HEARING:

- A. The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)
- B. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the proposal with its recommendations to the council. (Ord. 3091, 3-2-2015)
- C. The council, prior to adoption, amendment or repeal of the plan or zoning ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the hearing of the council, if the council makes a material change in the plan or zone, further notice and hearing shall be provided before the council adopts the plan or zone

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

In 2019, Gem State Dairy rezoned the undeveloped agricultural property to the northwest from R-4 and M-1 to M-2 for future development. They have since purchased the subject property that is currently zoned M-1 and are proposing to change the zone to M-2, if annexed. The subject area is located within the County's area of impact. This area references and utilizes the City's zoning district. This area was zoned M-1. Although it is County zoning and we have no jurisdiction on how it was previously utilized, we know generally what was entitled in the County. An analysis between the M-1 and M-2 zoning district's has been conducted below.

Although a declaration of land use is not required with a rezone request, the commission can take into consideration the differences between the zones and the land use allowances when making their recommendation. A review of the M-1 and the M-2 Zoning District revealed that the land uses within each zone are very similar, except for how the uses are categorized into permitted and special uses. The M-2 Zoning District also has uses that are not listed in the M-1 zoning district, but these additional uses require a Special Use Permit within the M-2 zone. Staff has provided a land use comparison chart in the attachments along with a copy of the M-1 & M-2 Zoning District Chapters.

As part of the consideration, the commission must also review the comprehensive plan to determine if the change would be appropriate and compatible with the future land use plan. This property has two comprehensive plan designations, the first being Neighborhood Commercial on the east and Industrial/Flex on the west. Neighborhood Commercial is characterized by small scale commercial developments designed to complement the neighborhood's character. Examples of neighborhood commercial land uses are offices, small scale retail, civic and community facilities and apartments. The Industrial/Flex is characterized by businesses that provide non-retail employment and support local industries within the community, such as hotels, restaurants and other retail uses and located near regional roads and railways. Staff has determined that the current zoning of M-1 and the proposed zoning of M-2 are very similar in nature and are compatible with the future land use plan. The proposed zone change, if approved, would support the goals of the comprehensive plan which is to allow future industrial growth in this area.

Upon conclusion, the commission is tasked with making a recommendation to the City Council on the zoning designation being requested by the applicant. The commission may recommend the proposed zone change from M-1 to M-2, recommend the M-1 zone be maintained, recommend an alternative zoning designation, or table the request to acquire new information.

Should the Commission recommend approval, Staff recommends the following conditions:

1. Right-of-Way dedication for Park Avenue; and
2. Park Avenue Right-of-Way improvements completed at the time of development.

PZ/Questions & Comments:

- Chairperson Titus asked for clarification on Park Ave and if it exists yet.
- Planner Strickland stated it does not the applicant would responsible to build their part of the road.
- Director Spendlove explained how the road would work. If it's required to get to Washington for a safe development, Park will go East to West.

- Planner Strickland showed other properties on the map and explained that once development starts they will extend beyond this parcel.

Applicant Presentation:

Hank Hafliger stated they have no intentions of construction at this time.

Public Hearing: Opened and closed with no public input.

Discussions Followed:

- Chairperson Titus asked the other commissioners if the change in zone changes their minds.
- Commissioner Weatherford asked for clarification on the chart. What is permitted vs what needs a special use Permit.
- Planner Strickland explained the differences on the list with more detail.
- Director Spendlove added that anything on the list can be used. The decision need to be if this zone is appropriate with the surrounding zones.
- Commissioner Rambur asked about the Future Land Use and will the zones work with that.
- Planner Strickland stated both future uses will work with that area.
- Chairperson Titus stated with no one speaking against or with concerns she feels this will work.

MOTION: Commissioner Weatherford moved to approve the request for a recommendation to City Council on the appropriate zoning designation for a proposed annexation of approximately 2 acres located on the SW corner of Park Ave. and Washington St. South c/o Gem State Dairy Products, LLC (PZ24-0082). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

6) Upcoming Meeting(s)

- a) September 23, 2024 - Combined work session with City Council
- b) September 24, 2024

7) Adjournment

The meeting adjourned at 06:44 PM

Jody Green

Jody Green, Planning Technician



City Council Public Comments

Citizens have the ability to provide public comments for city staff and council members to review. If you would like to provide comments, please fill out the form below.

First Name *

Heather

Last Name *

Melton

Phone Number

8016861114

E-mail *

Heathersattetc@gmail.com

Are you a resident of Twin Falls?

☒ Yes

☐ No

Do you wish to speak on *

☒ an item on the agenda

☐ general public input on something not on the agenda

Date Of Council Meeting *

2024-10-14

Agenda Item Number *

Pz24-0081

Public Comments *

Please provide your comments in the space provided.

Hello,

I received a notice of public hearing in the mail a few days ago. This notice is for the Federation Point Property. I went to the first set of meetings about this corner. It was an enormous waste of time for everyone involved. We got a large portion of neighborhood to speak and to share our thoughts at the last set of meetings and it did not matter at all. We were hardly even acknowledged. Why do you hold these meetings? No one cares what the people living in these communities have to say. That was made VERY clear to us. This notice of public hearing is a puppet-show. You will notice there will be few (if any) from the community attending this meeting. We are beat down. You have shown us, you do not care what we have to say and you will do what you want. We do not matter.

-Disillusioned community member



Date: Monday, October 14, 2024
To: Honorable Mayor and City Council
From: Lisa Strickland, City Planner

ACTION ITEM

Request:

Request for City Council to approve the Annexation of approximately 2 acres located on the SW corner of Park Ave. and Washington St. South c/o Gem State Dairy Products, LLC (PZ24-0082).

Time Estimate:

Approximately 5-10 minutes for the presentation with questions/comments to follow.

Background:

This is a request to approve the annexation and set the zoning district of M-2 for approximately 2 acres currently owned by Gem State Dairy Products, LLC.

On September 10, 2024, the Planning and Zoning Commission recommended the M2 Zoning District being appropriate for this request, by a vote of 4-0.

Approval Process:

COMMISSION RECOMMENDATION REQUIRED: Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area. The council shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendment or repeal until recommendations have been received from the commission.

PUBLIC HEARING:

- A. The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes.
- B. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the proposal with its recommendations to the council.
- C. The council, prior to adoption, amendment or repeal of the plan or zoning ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the hearing of the council, if the council makes a material change in the plan or zone, further notice and hearing shall be provided before the council adopts the plan or zone.
- D. Concurrently or immediately following the adoption of an ordinance of annexation, the council shall amend the planning and zoning regulations as shall be found to be necessary.

Budget Impact:

N/A

Regulatory Impact:

If approved this property will come under the jurisdiction of all City Codes including Building, Fire, Police, Zoning, etc.

History:

In 2019, Gem State Dairy rezoned the agricultural property to the northwest from R4/M1 to M-2 for future development. They have since purchased this subject property, and are proposing to Annex into City Limits with a requested Zoning District of M2.

Analysis:

The subject area is located within the County's area of impact. This area references and utilizes the City's zoning district. This area was zoned M-1. Although it is County zoning and we have no jurisdiction on how it was previously utilized, we know generally what was entitled in the County. An analysis between the M-1 and M-2 zoning district's has been conducted below.

Although a declaration of land use is not required with a rezone request, the Council can take into consideration the differences between the zones when making your decision. A review of the M-1 and the M-2 Zoning District reveals that the land uses within each zone are very similar. However, the uses are categorized into permitted and special uses with the M11 district restricting most land uses into the Special Use section. The M-2 Zoning District has additional land uses, but these are mostly restricted to a Special Use Permit. Staff has provided a land use comparison chart in the attachments along with a copy of the M-1 & M-2 Zoning District Chapters.

The Council is required to reference the Comprehensive Plan and make a determination that this request is in general conformance with that plan. This property has two comprehensive plan designations, the first being Neighborhood Commercial on the East (along Washington St South) and Industrial/Flex west of this arterial corridor.

Neighborhood Commercial is characterized by small scale commercial developments designed to complement the neighborhood's character. Examples of neighborhood commercial land uses are offices, small scale retail, civic and community facilities and apartments. The Industrial/Flex category is characterized by businesses that provide non-retail employment and support local industries within the community, such as hotels, restaurants and other retail uses and located near regional roads and railways. Staff has determined the proposed zoning of M-2 could be found to be compatible with the Comprehensive Plan and Future Land Use Map.

Conclusion:

The Council is tasked with making a final decision on the Annexation and Zoning District of this property. The Council may approve the request as presented, approve with conditions, table the request for additional information, or deny the request.

If the Council decides to approve this request , then Staff recommends the following conditions:

1. Subject to the applicant dedicating Right-of-Way for Park Avenue, width of the dedication to be determined by the City Engineer.
2. Subject to Park Avenue Right-of-Way improvements to be installed by owner of the property at the time of development, design of improvements to be determined by the City Engineer.

Attachments:

1. PZ24-0082 Vicinity Map

2. PZ24-0082 Zoning & FLU Map
3. PZ24-0082 Applicant Narrative
4. PZ24-0082 Land Use Comparison Chart
5. PZ24-0082 M-1 & M-2 Zoning District Code
6. PZ24-0082 Planning and Zoning Commission Minutes 9-10-24

Request for a recommendation for zoning district change from M-1 to M-2 for property proposed for annexation located on the SW corner of Park Ave. and Washington St. South. (PZ24-0082)



ZONING MAP



Zoning

Current Zoning: R-6 PRO

Current Land Use: Existing Building (unoccupied)

Proposed Zoning: N/A

Proposed Land Use: Commercial Daycare

Surrounding Area

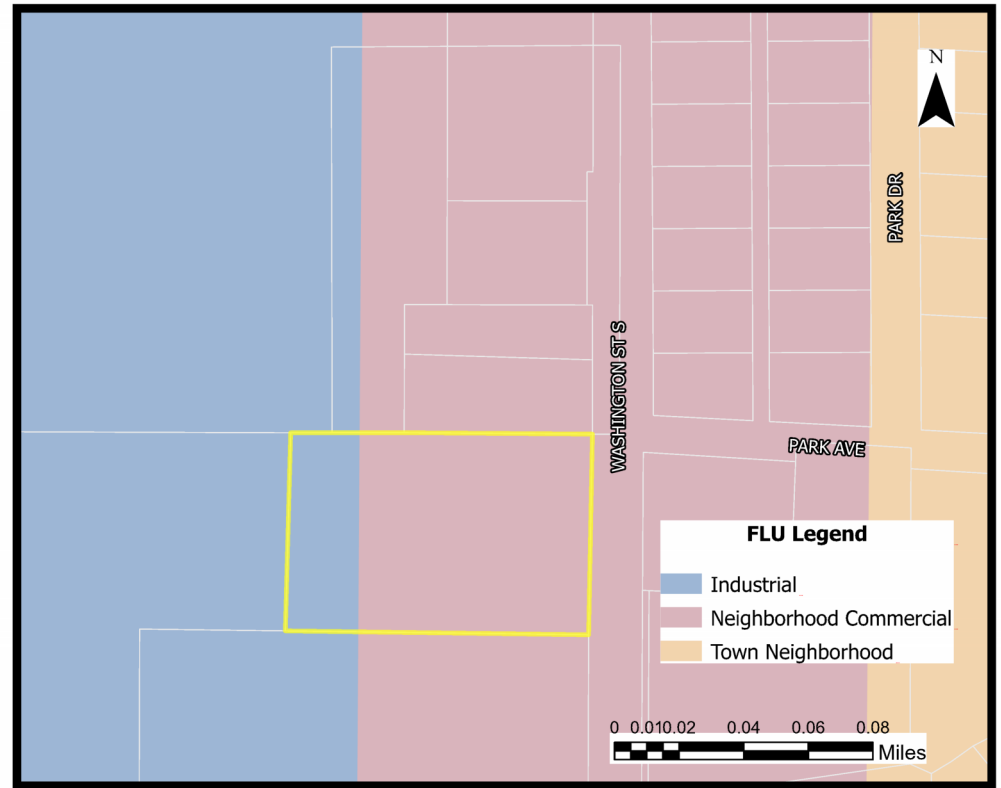
North: Commercial Daycare

South: Professional Office

East: Parking Lot

West: Assisted Living Facility

FUTURE LAND USE MAP



Regulations

10-4-6 R-6 & 10-4-18 PRO
10-13-2 Special Use Permit

FLU Category

Neighborhood Commercial
Provides supporting services and small-scale commercial that complement the neighborhood
Land Uses: Office, Apartments and Small-scale retail

Industrial/Flex
Non-retail employment, supportive uses for hotels, restaurants and other retail close to regional roads and railways

Land Uses: Office parks, Warehousing, General Manufacturing, Food Process, Industrial campus'

City of Twin Falls

Community Development Services

P.O. Box 1907

Twin Falls, Idaho 83303

Director of Planning and Zoning,

Gem State Dairy Products, owner of Parcel # RP10S17E207201 request that this parcel be annexed into the city of Twin Falls, Idaho.

The reason for the request is merely that the parcel is better suited incorporated into Twin Falls long term plans.

We, also, request that the zoning be changed ~~to R2 from its current R1.~~ from M-1 to M-2

Thank you,

A handwritten signature in black ink, appearing to be 'Hank Hafliger', written over the 'Thank you,' text.

Hank Hafliger

Manager

Gem State Dairy Products, LLC

P.O. Box 105

Twin Falls, Idaho

83303

Land Use Comparison Chart

M-1 Requires SUP M-2 Outright Permits	M-1 Does Not Permit M-2 Outright Permits	M-1 Does Not Permit M-2 Requires SUP
a. Farms - fish. b. Dairy product processing. c. Fish, meat and poultry processing. d. Grain and seed processing. e. Jails, detention centers, work release centers. f. Apparel and related items. g. Building materials. h. Concrete products. i. Food products. j. Furniture and fixtures. k. Handcrafted furniture. l. Metal products. m. Miscellaneous products. n. Paper products. o. Petroleum products. p. Plastic products. q. Professional and scientific products. r. Rubber products. s. Sand and gravel yards. t. Textile products. u. Animal hospital - large animals. v. Manufactured/mobile home sales and/or rentals. w. Furniture repair/upholstery. x. Sporting vehicle and motorcycle service and/or repair. y. Go-cart tracks. z. Railroad buildings, equipment and yards. - aa. Taxicab office.	a. Livestock Sales b. Racetracks	a. Sewage treatment plants. b. Chemicals and chemical products (H-1 and H-7(2)) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section. c. Wrecking yards, automobile salvage yards and junkyards, but prohibited within canyons, within two hundred feet (200') of canyon rims and on land with slopes greater than fifteen percent (15%) grade. d. Automobile impound facility e. Gun clubs. f. H-1 and H-7(2) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section.

Note:

Property Development Standards are the same for both zoning districts, with one exception.

M-2 states:

1. H-1 Facilities: H-1 facilities shall be secured at all times from trespass by unauthorized persons. (Ord. 2526, 5-20-1996)

10-4-9: M1, LIGHT MANUFACTURING DISTRICT:

10-4-9.1: PURPOSE:

This district is intended to provide for light nonpolluting and major traffic producing industries as well as commercial uses without residential encroachment. (Ord. 2526, 5-20-1996)

10-4-9.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - plants and trees.
 - c. Intensive agricultural units of five (5) acres or more without residential facilities.
2. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Telegraph centers and telegraph stations.
 - c. Telephone exchange stations.
 - d. Underground and aboveground transmission lines.
 - e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
3. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Cemeteries.
 - c. Historic sites and monuments.
 - d. Libraries, museums and art galleries.
 - e. Planetariums and aquariums.
4. Governmental facilities:
 - a. City, county, highway district - shops.
 - b. Fire stations and police stations.
 - c. Governmental office buildings.
 - d. Judicial facilities.
 - e. Water treatment plants.
5. Medical facilities:
 - a. Acupuncture facilities approved by the South-Central district health department or other state regulatory agency.
 - b. Ambulance service.

- c. Animal hospital - small animals.
- d. Doctors' offices.
- e. Drug and alcohol treatment centers.
- f. Prosthetics - sales, service and/or construction.
- g. Rehabilitation services.

6. Parks:

- a. Open space.
- b. Park concessions.
- c. Private parks and playgrounds without crowd attracting facilities.
- d. Public parks and playgrounds without crowd attracting facilities.
- e. Public parks and playgrounds with crowd attracting facilities.

7. Public assembly:

- a. Auditoriums.
- b. Exhibition halls.
- c. Fairgrounds.
- d. Funeral chapels.
- e. Religious facilities.
- f. Schools - private, single purpose.
- g. Schools - private, vocational and/or academic.
- h. Sports arena.
- i. Wedding chapels and/or reception halls.

8. Residential:

- a. Home occupations.
- b. Household units existing at the time this title was adopted.
- c. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.

9. Retail trade:

- a. Apparel and accessories.
- b. Automobile and truck sales and/or rentals.
- c. Automobile parts store.
- d. Bakery.
- e. Bookstore.
- f. Car wash facilities.

- g. Commercial greenhouses.
 - h. Craft shop, in conjunction with retail business.
 - i. Eating places.
 - j. Equipment rental.
 - k. Farm and garden supplies.
 - l. Florist shop.
 - m. Food, drugs, etc.
 - n. Fuel sales (bulk).
 - o. Gasoline service stations.
 - p. General merchandise.
 - q. Hardware store.
 - r. Hobby and toy store.
 - s. Home furnishings and equipment.
 - t. Ice cream store.
 - u. Import store.
 - v. Large implement and heavy equipment sales and/or rentals.
 - w. Laundering and dry cleaning.
 - x. Laundromats.
 - y. Lumber, plumbing and/or electrical supply stores.
 - z. Music store.
 - aa. Pawnshop.
 - bb. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
 - cc. Pet shop.
 - dd. Sporting goods store.
 - ee. Sporting vehicles and motorcycles - sales and/or rentals.
 - ff. Storage unit rentals.
 - gg. Taxidermy studio.
 - hh. Tire shops.
 - ii. Truck stop.
10. Services:
- a. Advertising.
 - b. Apparel repair and alteration.

- c. Appliance repair.
 - d. Beauty and barbershops.
 - e. Building care contracting offices.
 - f. Business associations.
 - g. Civic, social and fraternal organizations.
 - h. Construction trade offices.
 - i. Consumer credit collection offices.
 - j. Copy center - self-service.
 - k. Dog grooming and/or kennels.
 - l. Duplicating and stenographic offices.
 - m. Employment agency.
 - n. Finance and investment offices.
 - o. Horticultural services.
 - p. Insurance and related business.
 - q. Labor unions and organizations.
 - r. Photography studios.
 - s. Professional organizations.
 - t. Professional services.
 - u. Publishing and printing business.
 - v. Real estate and related business.
 - w. Testing laboratories.
 - x. Tourist information center.
 - y. Welfare and charitable facilities.
11. Sports facilities:
- a. Athletic areas.
 - b. Miniature golf courses.
 - c. Outdoor, public and commercial ice and roller skating facilities.
 - d. Outdoor, public and commercial swimming pools.
 - e. Outdoor public and commercial tennis courts.
12. Transportation:
- a. Bus facilities, including pick up shelters.
 - b. Freight transfer points.

- c. Open parking lot or garage for automobiles.
 - d. Open parking lot or garage for trucks and buses.
 - e. Open parking lot for trucks and equipment.
 - f. Packing and crating.
 - g. Taxicab office.
 - h. Ticket and arrangement facilities.
 - i. Trucking facilities.
13. Wholesale:
- a. Wholesale distribution and warehousing, but excluding H-1 facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2999, 1-24-2011)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

- 1. Agricultural:
 - a. Farms - fish.
- 2. Agricultural processing:
 - a. Dairy product processing.
 - b. Fish, meat and poultry processing.
 - c. Grain and seed processing.
- 3. Communications and utilities:
 - a. Radio and television stations with wireless communications facilities.
 - b. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
- 4. Cultural facilities:
 - a. Zoos.
- 5. Governmental facilities:
 - a. City, county, highway district - open storage yards.
 - b. Jails, detention centers, work release centers.
- 6. Manufacturing:
 - a. Apparel and related items.
 - b. Building materials.
 - c. Concrete products.

- d. Food products.
 - e. Furniture and fixtures.
 - f. Handcrafted furniture.
 - g. Metal products.
 - h. Miscellaneous products.
 - i. Paper products.
 - j. Petroleum products.
 - k. Plastic products.
 - l. Professional and scientific products.
 - m. Recycling center.
 - n. Rubber products.
 - o. Sand and gravel.
 - p. Textile products.
7. Medical facilities:
- a. Animal hospital - large animals.
 - b. Hospitals and clinics.
8. Miscellaneous:
- a. Any facility with drive-through service.
 - b. Construction yards.
9. Parks:
- a. Amusement parks.
10. Public assembly:
- a. Schools - public.
 - b. Theaters - indoor.
 - c. Theaters - outdoor.
11. Residential:
- a. Mobile homes, if accessory to and located on the same property of an allowed use and occupied by the owner or an employee of the allowed use.
 - b. RV and camping parks.
 - c. Residence halls, residence hotels, rooming houses.
 - d. Shelter homes.
12. Retail trade:
- a. Alcoholic beverages when consumed on premises where sold.

- b. Automobile and recreational vehicle rental/storage yard.

- c. Manufactured/mobile home sales and/or rentals.

13. Services:

- a. Auctions and/or public sales.

- b. Automobile and truck service and/or repair.

- c. Daycare services.

- d. Furniture repair/upholstery.

- e. In home daycare services.

- f. Sporting vehicle and motorcycle service and/or repair.

- g. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.

14. Sports facilities:

- a. Go-cart tracks.

- b. Golf courses and country clubs.

- c. Golf driving ranges.

- d. Indoor recreation facility.

- e. Sport shooting range - indoor.

15. Transportation:

- a. Railroad buildings, equipment and yards.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection [10-17-1](#)(F) of this title is made that the distinction between them is of little consequence.. (Ord. 2526, 5-20-1996; amd. Ord. 2620, 8-2-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011; Ord. 2021-010, 5-3-2021)

10-4-9.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M1 district:

(A) Lot Area:

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

(B) Lot Occupancy:

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

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

(D) Yards: Front yards shall conform to the following standards, or section [10-7-6](#) of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial And Manufacturing Uses: No property line setbacks are required on side or rear yard. A setback of thirty five feet (35') on arterials and fifteen feet (15') on other streets is required. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of street frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontage.
2. Household units not attached to nonresidential uses. No requirement.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.
2. Residential uses shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in nonresidential buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

- (I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section [9-9-16](#) of this code. (Ord. 2550, 6-2-1997)

10-4-10: M2, HEAVY MANUFACTURING DISTRICT:

10-4-10.1: PURPOSE:

This district is intended to provide industrial users ample room in the city to develop and expand without encroachment by noncompatible uses. (Ord. 2526, 5-20-1996)

10-4-10.2: USE REGULATIONS:

- (A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
1. Agricultural:
 - a. Farms - animals on pasture.
 - b. Farms - fish.
 - c. Farms - plants and trees.
 - d. Intensive agricultural units of five (5) acres or more without residential facilities.
 2. Agricultural processing:
 - a. Dairy product processing.
 - b. Fish, meat and poultry processing.
 - c. Grain and seed processing.
 - d. Livestock sales.
 3. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Telegraph centers and telegraph stations.
 - c. Telephone exchange stations.
 - d. Underground and aboveground transmission lines.
 - e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
 4. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Cemeteries.
 - c. Historic sites and monuments.
 - d. Libraries, museums and art galleries.
 - e. Planetariums and aquariums.
 5. Governmental Facilities:
 - a. City, County, highway district - open storage yards.
 - b. City, County, highway district - shops.

- c. Fire stations and police stations.
- d. Governmental office buildings.
- e. Jails, detention centers, work release centers.
- f. Judicial facilities.
- g. Water treatment plants.

6. Manufacturing:

- a. Apparel and related items.
- b. Building materials.
- c. Concrete products.
- d. Food products.
- e. Furniture and fixtures.
- f. Handcrafted furniture.
- g. Metal products.
- h. Miscellaneous products.
- i. Paper products.
- j. Petroleum products.
- k. Plastic products.
- l. Professional and scientific products.
- m. Rubber products.
- n. Sand and gravel yards.
- o. Textile products.

7. Medical Facilities:

- a. Acupuncture facilities approved by the South Central District Health Department or other State regulatory agency.
- b. Ambulance service.
- c. Animal hospital - large animals.
- d. Animal hospital - small animals.
- e. Doctors' offices.
- f. Drug and alcohol treatment centers.
- g. Prosthetics - sales, service and/or construction.
- h. Rehabilitation services.

8. Parks:

- a. Open space.

- b. Park concessions.
- c. Private parks and playgrounds without crowd-attracting facilities.
- d. Public parks and playgrounds without crowd attracting facilities.
- e. Public parks and playgrounds with crowd attracting facilities.

9. Public Assembly:

- a. Auditoriums.
- b. Exhibition halls.
- c. Fairgrounds.
- d. Funeral chapels.
- e. Religious facilities.
- f. Schools - private, single purpose.
- g. Schools - private, vocational and/or academic.
- h. Sports arena.
- i. Wedding chapels and/or reception halls.

10. Residential:

- a. Home occupations.
- b. Household units existing at the time this Title was adopted.
- c. Household units in the same buildings as an allowed use and occupied by the owner or an employee of the allowed use.

11. Retail Trade:

- a. Apparel and accessories.
- b. Automobile and truck sales and/or rentals.
- c. Automobile parts store.
- d. Bakery.
- e. Bookstore.
- f. Car wash facilities.
- g. Commercial greenhouses.
- h. Craft shop, in conjunction with retail business.
- i. Eating places.
- j. Equipment rental.
- k. Farm and garden supplies.
- l. Florist shop.
- m. Food, drugs, etc.

- n. Fuel sales (bulk).
- o. Gasoline service stations.
- p. General merchandise.
- q. Hardware store.
- r. Hobby and toy store.
- s. Home furnishings and equipment.
- t. Ice cream store.
- u. Import store.
- v. Large implement and heavy equipment sales and/or rentals.
- w. Laundering and dry-cleaning.
- x. Laundromats.
- y. Lumber, plumbing and/or electrical supply stores.
- z. Manufactured/mobile home sales and/or rentals.
- aa. Music store.
- bb. Pawnshop.
- cc. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- dd. Pet shop.
- ee. Sporting goods store.
- ff. Sporting vehicles and motorcycles - sales and/or rentals.
- gg. Storage unit rentals.
- hh. Taxidermy studio.
- ii. Tire shops.
- jj. Truck stop.

12. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Appliance repair.
- d. Beauty and barber shops.
- e. Building care contracting offices.
- f. Business associations.
- g. Civic, social and fraternal organizations.
- h. Construction trade offices.

- i. Construction yards.
- j. Consumer credit collection offices.
- k. Copy center - self-service.
- l. Dog grooming and/or kennels.
- m. Duplicating and stenographic offices.
- n. Employment agency.
- o. Finance and investment offices.
- p. Furniture repair/upholstery.
- q. Horticultural services.
- r. Insurance and related business.
- s. Labor unions and organizations.
- t. Photography studios.
- u. Professional organizations.
- v. Professional services.
- w. Publishing and printing business.
- x. Real estate and related business.
- y. Sporting vehicle and motorcycle service and/or repair.
- z. Testing laboratories.
- aa. Tourist information center.
- bb. Welfare and charitable facilities.

13. Sports Facilities:

- a. Athletic areas.
- b. Go-cart tracks.
- c. Miniature golf courses.
- d. Racetracks.

14. Transportation:

- a. Bus facilities, including pick up shelters.
- b. Freight transfer points.
- c. Open parking lot or garage for automobiles.
- d. Open parking lot or garage for trucks and buses.
- e. Open parking lot or garage for trucks and equipment.
- f. Packing and crating.

- g. Railroad buildings, equipment and yards.
- h. Taxicab office.
- i. Ticket and arrangement facilities.
- j. Trucking facilities.

15. Wholesale:

- a. Wholesale distribution and warehousing, but excluding H-1 and H-7(2) facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999; amd. Ord. 2635, 10-12-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications and utilities:

- a. Radio and television stations with wireless communications facilities.
- b. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural facilities:

- a. Zoos.

3. Governmental facilities:

- a. Sewage treatment plants.

4. Manufacturing:

- a. Chemicals and chemical products (H-1 and H-7(2)) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section.
- b. Recycling centers.
- c. Wrecking yards, automobile salvage yards and junkyards, but prohibited within canyons, within two hundred feet (200') of canyon rims and on land with slopes greater than fifteen percent (15%) grade.

5. Medical facilities:

- a. Hospitals and clinics.

6. Miscellaneous:

- a. Any facility with drive-through service.

7. Parks:

- a. Amusement parks.

8. Public assembly:

- a. Schools - public.
- b. Theaters - indoor.
- c. Theaters - outdoor.

9. Residential:

- a. Mobile homes, if accessory to and located on the same property of an allowed use and occupied by the owner or an employee of the allowed use.

10. Retail trade:

- a. Alcoholic beverages when consumed on the premises where sold.
- b. Automobile and recreational vehicle rental/storage yard.

11. Services:

- a. Auctions and/or public sales.
- b. Daycare services.
- c. In home daycare services.
- d. Tattoo parlors or dermagraphic studios approved by the South Central district health department or other state regulatory agency.
- e. Automobile and truck service and/or repair.
- f. Automobile impound facility.

12. Sports facilities:

- a. Golf courses and country clubs.
- b. Golf driving ranges.
- c. Gun clubs.
- d. Indoor recreation facility.
- e. Outdoor, public and commercial ice and roller skating facilities.
- f. Outdoor, public and commercial swimming pools.
- g. Outdoor public and commercial tennis courts.
- h. Sport shooting range - indoor.

13. Wholesale:

- a. H-1 and H-7(2) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection [10-17-1](#)(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996; amd. Ord. 2635, 11-15-1999; Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2999, 1-24-2011; Ord. 2021-010, 5-3-2021)

10-4-10.3: PROPERTY DEVELOPMENT STANDARDS:

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

(A) Lot Area:

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

(B) Lot Occupancy:

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

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

(D) Yards: Front yards shall conform to the following standards, or section [10-7-6](#) of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Uses: No property line setbacks are required on side and rear yards. Setbacks on arterial frontages shall be thirty five feet (35') from property line and fifteen feet (15') on other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booths, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer part of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontages.
2. Household units not attached to nonresidential uses: No requirement.

(G) Off-Street Parking:

1. Each nonresidential use shall comply with the provisions of Chapter 10 of this Title.
2. Residential uses shall provide two (2) parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off-street parking space for each dwelling unit in the building.

(H) Signs: See Chapter 9 of this Title. (Ord. 2526, 5-20-1996)

- (I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of Section [9-9-16](#) of this Code. (Ord. 2550, 6-2-1997)
- (J) H-1 Facilities: H-1 facilities shall be secured at all times from trespass by unauthorized persons. (Ord. 2526, 5-20-1996)



Twin Falls Planning & Zoning Commission Minutes

Tuesday, September 10, 2024, 6:00 PM

203 Main Ave East
Twin Falls, ID 83303

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact: Susan Petruzzelli

1) Confirmation of Quorum/Call Meeting to Order

NAME called the meeting to order at 06:00 PM

Members Attending: Titus, Rambur, Weatherford, Zimmerman

Staff Attending: Spendlove, Klaver, Strickland, Ebersole, Green, O'Leary

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of meeting minutes from the following meeting: August 27, 2024

Commissioner Zimmerman made a motion to approve the consent calendar, as presented.

Commissioner Weatherford seconded the motion.

4) Items of Consideration

5) Public Hearings

- a) Request for a recommendation to City Council to amend the Federation Point Zoning Development Agreement and Conceptual Plan to specify lot sizes for each building on property located AT 2035 Washington St N. c/o EHM Engineers Inc on behalf of Federation Point Property, LLC (PZ24-0081).

Staff Presentation:

Senior Planner Klaver presented the request for a recommendation to City Council to amend the Federation Point Zoning Development Agreement and Conceptual Plan to specify lot sizes for each building on property located AT 2035 Washington St N. c/o EHM Engineers Inc on behalf of Federation Point Property, LLC (PZ24-0081).

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA.

Per City Code 10-6-1.7(E) Approval of a ZDA shall be based on the following standards: the proposed uses are not detrimental to surrounding properties; deviations from Title 10 shall be warranted by the design of the conceptual plan; conformance to the Comprehensive Plan, and existing and/or proposed infrastructure must be adequate for the project.

Per City Code 10-14-1 thru 8 Any application for a zoning district change shall follow the procedures outlined in these sections.

The Federation Point Zone Development Agreement (ZDA) was created in 2021. In 2022, the Federation Point ZDA was amended to accommodate the Gem Prep charter school.

A preliminary presentation before the Planning and Zoning Commission was presented at the August 27, 2024, Planning and Zoning Meeting, satisfying the requirement of City Code 10-6-1.7 (B).

Proposed Changes are as follows:

1. Modifying Section 3, Subsection B.2 to allow for duplex and four-plex buildings to be on lots no less than 8,000 SF.

The base zoning (RM) is allowed to have duplexes on 7,000 SF lots and four-plex units on 11,000 SF lot. The current ZDA Documents allow for the following: *"The lot/parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 four-plex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master plan included as Exhibit B"*. The proposed amendment before you today keeps this verbiage.

However, it adds the following clarification: *"Four-plex and duplex buildings may be placed on any individual lot or parcel provided the lot/parcel area of any individual lot or parcel shall not be less than 8,000 square feet in area nor shall the combined total of buildings or units exceed the amount previously stated within this section nor shall the total land area be less than 6.1 acres"*.

The applicant narrative states the purpose for this amendment is to "allow individual lots within the multifamily portion of the development to be built in stages". This is necessary for the applicant due to the "current status of the economy". No other changes are being proposed in this amendment. The density, uses, layout, etc. all remain the same. The applicant concludes the narrative with "The change will not add any effect to the surrounding area other than to allow the development to proceed with construction in stages as the market determines. The intent and terms of the originally approved ZDA remain intact with a minor change to allow individual lots for each building."

Staff would agree with this statement and would recommend approval of the proposed amendment.

The Commission is tasked with making a recommendation on the Amendment of "Federation Point ZDA" to allow, by right, duplex and four-plex on their own parcel of 8,000 SF or greater, with a max density of 90 units on 6.1 acres.

Staff proposes the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

Applicant Presentation:

Tim Vawser from EHM Engineers stated that they are splitting the property for financing reasons to finish the project.

PZ/Questions & Comments:

- Chairperson Titus asked if there is a plan for phases on this build.
- Tim Vawser explained that there is a conceptual phasing plan. He stated that it can be changed if it's approved through engineering.
- Chairperson Titus asked about the connections that already exists throughout this property and if they are planning on finishing this to connect to others.
- Tim Vawser replied that they will keep everything flowing together.

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Commissioner Rambur feels that it was approved in the past and feels it will work now
- Chairperson Titus asked about sidewalks and other connections and when does that get approved and looked at.
- Senior Planner Klaver stated that is done during the building permit process, he added that they can have it come back to dictate where to build first.
- Chairperson Titus asked about a specific criteria and asked if this applies to the entire ZDA and she feels that there is extra traffic at certain times. She asked if there are any concerns with access at this time.
- Senior Planner Klaver replied that engineering hasn't made any comments. He stated that there have been talks about a crosswalk but there are no concerns at this time.
- Director Spendlove explained that the issues with drop offs are with the school and their SUP. He stated that they can lose the SUP if it can't be managed.

MOTION: Commissioner Weatherford moved to approve the request for a recommendation to City Council to amend the Federation Point Zoning Development Agreement and Conceptual Plan to specify lot sizes for each building on property located at 2035 Washington St N. c/o EHM Engineers Inc on behalf of Federation Point Property, LLC (PZ24-0081). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- b) Request for a recommendation to City Council on the appropriate zoning designation for a proposed annexation of approximately 2 acres located on the SW corner of Park Ave. and Washington St. South c/o Gem State Dairy Products, LLC (PZ24-0082).

Staff Presentation:

Planner Strickland presented the request for a recommendation to City Council on the appropriate zoning designation for a proposed annexation of approximately 2 acres located on the SW corner of Park Ave. and Washington St. South c/o Gem State Dairy Products, LLC (PZ24-0082).

10-15-1: COMMISSION RECOMMENDATION REQUIRED:

Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission on the proposed plan and zoning ordinance changes for the unincorporated area. The council shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendment or repeal until recommendations have been received from the commission. (Ord. 2012, 7-6-1981)

10-15-2: PUBLIC HEARING:

- A. The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)
- B. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the proposal with its recommendations to the council. (Ord. 3091, 3-2-2015)
- C. The council, prior to adoption, amendment or repeal of the plan or zoning ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the hearing of the council, if the council makes a material change in the plan or zone, further notice and hearing shall be provided before the council adopts the plan or zone

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

In 2019, Gem State Dairy rezoned the undeveloped agricultural property to the northwest from R-4 and M-1 to M-2 for future development. They have since purchased the subject property that is currently zoned M-1 and are proposing to change the zone to M-2, if annexed. The subject area is located within the County's area of impact. This area references and utilizes the City's zoning district. This area was zoned M-1. Although it is County zoning and we have no jurisdiction on how it was previously utilized, we know generally what was entitled in the County. An analysis between the M-1 and M-2 zoning district's has been conducted below.

Although a declaration of land use is not required with a rezone request, the commission can take into consideration the differences between the zones and the land use allowances when making their recommendation. A review of the M-1 and the M-2 Zoning District revealed that the land uses within each zone are very similar, except for how the uses are categorized into permitted and special uses. The M-2 Zoning District also has uses that are not listed in the M-1 zoning district, but these additional uses require a Special Use Permit within the M-2 zone. Staff has provided a land use comparison chart in the attachments along with a copy of the M-1 & M-2 Zoning District Chapters.

As part of the consideration, the commission must also review the comprehensive plan to determine if the change would be appropriate and compatible with the future land use plan. This property has two comprehensive plan designations, the first being Neighborhood Commercial on the east and Industrial/Flex on the west. Neighborhood Commercial is characterized by small scale commercial developments designed to complement the neighborhood's character. Examples of neighborhood commercial land uses are offices, small scale retail, civic and community facilities and apartments. The Industrial/Flex is characterized by businesses that provide non-retail employment and support local industries within the community, such as hotels, restaurants and other retail uses and located near regional roads and railways. Staff has determined that the current zoning of M-1 and the proposed zoning of M-2 are very similar in nature and are compatible with the future land use plan. The proposed zone change, if approved, would support the goals of the comprehensive plan which is to allow future industrial growth in this area.

Upon conclusion, the commission is tasked with making a recommendation to the City Council on the zoning designation being requested by the applicant. The commission may recommend the proposed zone change from M-1 to M-2, recommend the M-1 zone be maintained, recommend an alternative zoning designation, or table the request to acquire new information.

Should the Commission recommend approval, Staff recommends the following conditions:

1. Right-of-Way dedication for Park Avenue; and
2. Park Avenue Right-of-Way improvements completed at the time of development.

PZ/Questions & Comments:

- Chairperson Titus asked for clarification on Park Ave and if it exists yet.
- Planner Strickland stated it does not the applicant would responsible to build their part of the road.
- Director Spendlove explained how the road would work. If it's required to get to Washington for a safe development, Park will go East to West.

- Planner Strickland showed other properties on the map and explained that once development starts they will extend beyond this parcel.

Applicant Presentation:

Hank Hafliger stated they have no intentions of construction at this time.

Public Hearing: Opened and closed with no public input.

Discussions Followed:

- Chairperson Titus asked the other commissioners if the change in zone changes their minds.
- Commissioner Weatherford asked for clarification on the chart. What is permitted vs what needs a special use Permit.
- Planner Strickland explained the differences on the list with more detail.
- Director Spendlove added that anything on the list can be used. The decision need to be if this zone is appropriate with the surrounding zones.
- Commissioner Rambur asked about the Future Land Use and will the zones work with that.
- Planner Strickland stated both future uses will work with that area.
- Chairperson Titus stated with no one speaking against or with concerns she feels this will work.

MOTION: Commissioner Weatherford moved to approve the request for a recommendation to City Council on the appropriate zoning designation for a proposed annexation of approximately 2 acres located on the SW corner of Park Ave. and Washington St. South c/o Gem State Dairy Products, LLC (PZ24-0082). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

6) Upcoming Meeting(s)

- a) September 23, 2024 - Combined work session with City Council
- b) September 24, 2024

7) Adjournment

The meeting adjourned at 06:44 PM

Jody Green

Jody Green, Planning Technician