



## Twin Falls City Council Agenda

Monday, October 2, 2017, 5:00 PM

City Council Chambers  
305 Third Avenue East - Twin Falls, IDAHO

\*\*\*AMENDED AGENDA\*\*\*

**Members:** Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Chris Talkington, Gregory Lanting, Christopher Reid, Ruth Pierce

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) CONSIDERATION OF AMENDMENTS TO AGENDA
- 4) PROCLAMATIONS
  - a) Fire Prevention Week October 8 - 14, 2017  
Purpose: Presentation By: Tim Lauda, Fire Marshall
- 5) GENERAL PUBLIC INPUT
- 6) CONSENT CALENDAR
  - a) Request to approve the Accounts Payable for September 26-September 30, 2017.  
Purpose: Action By: Sharon Bryan, Deputy City Clerk
  - b) Request to approve the September 25, 2017, City Council Minutes.  
Purpose: Action By: Sharon Bryan, Deputy City Clerk
  - c) Request to accept the Improvement Agreement for the purpose of developing Eastpark Professional Subdivision No. 3, a ZDA.  
Purpose: Action By: Troy Vitek, Assistant City Engineer
  - d) Request to approve the Findings of Fact and Conclusion of law for the following: South Estates Subdivision No. 2  
Purpose: Action By: Renée Carraway-Johnson, Zoning & Development Manager
  - e) Request to approve the Final Plat for Eastpark Professional Subdivision No. 3, a ZDA, approximately 7.74 (+/-) acres consisting of 11 lots on property located on the west side of Madrona Street North and the north side of Cheney Drive c/o EHM Engineers, Inc.  
Purpose: Action By: Rene'e V Carraway-Johnson, Zoning & Development Manager
- 7) ITEMS OF CONSIDERATION

- a) Request to approve Contract Amendment No. 4 from CH2M HILL for the operation and maintenance of the Waste Treatment Plant, industrial pre-treatment program and associated sewer lift stations.

Purpose: Action By: Jackie Fields, City Engineer, Shawn Moffitt, CH2M

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

9) PUBLIC HEARINGS

10) ADJOURNMENT

- a) Request to adjourn to Executive Session 74-206 (1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; and, (c) To acquire an interest in real property which is not owned by a public agency;

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Leila Sanchez (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

### **Public Input Procedures**

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

### **Public Hearing Procedures for Zoning Requests**

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
  2. Individuals wishing to testify or speak before the City Council or Planning and Zoning shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, 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. 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.
  4. 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.
  5. A City Staff Report shall summarize the application and history of the request.
  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.
    - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
    - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
    - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
  8. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council or Planning & Zoning Commission, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor or Chairman may again establish time limits.
  9. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning and 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.

*Office of the Mayor*  
*City of Twin Falls, Idaho*

# Proclamation

## Fire Prevention Week

**WHEREAS**, the city of Twin Falls is committed to ensuring the safety and security of all those living in and visiting Twin Falls; and,

**WHEREAS**, U.S. fire departments responded to 365,500 home fires in 2015, according to the National Fire Protection Association (NFPA); and,

**WHEREAS**, U.S. home fires resulted in 2,560 civilian deaths in 2015, representing the majority (78 percent) of all U.S. fire deaths; and,

**WHEREAS**, newer homes are built with lightweight materials that burn faster than older home constructions; and, many of today's products and furnishings produce toxic gases and smoke when burned, making it impossible to see and breathe within moments; and, these conditions contribute to a much smaller window of time for people to escape a home fire safely, with people having as little as one to two minutes to escape from the time the smoke alarm sounds; and,

**WHEREAS**, a home fire escape plan provides the skill set and know-how to quickly and safely escape a home fire situation; and, a home fire escape plan includes two exits from every room in the home; a path to the outside from each exit; smoke alarms in all required locations; and a meeting place outside where everyone in the home will meet upon exiting; and, home fire escape plans should be developed by all members of the household; and, practicing a home fire escape plan twice a year ensures that everyone in the household knows what to do in a real fire situation; and,

**WHEREAS**, Twin Falls first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and, Twin Falls residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

**WHEREAS**, the 2017 Fire Prevention Week theme, "Every Second Counts: Plan 2 Ways Out!" effectively serves to educate the public about the vital importance of developing a home fire escape plan with all members of the household and practicing it twice a year;

**THEREFORE**, I, Shawn Barigar Mayor of Twin Falls do hereby proclaim October 8-14, 2017, as Fire Prevention Week throughout this community. I urge all the people of Twin Falls to find develop a home fire escape plan with all members of the household and practice it twice a year, and to participate in the many public safety activities and efforts of Twin Falls fire and emergency services during Fire Prevention Week 2017.

**IN WITNESS WHEREOF**, I do hereby set my hand and cause the Seal of the City of Twin Falls to be affixed.

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Shawn Barigar  
Mayor

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Attest: Leila A. Sanchez, Deputy City Clerk

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Date:



## **Twin Falls City Council Minutes**

Monday, September 25, 2017, 5:00 PM

**\*\*\* AMENDED \*\*\***

City Council Chambers  
305 Third Avenue East - Twin Falls, Idaho

### **1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM**

Present: Mayor Shawn Barigar, Vice Mayor Suzanne Hawkins, Councilmembers Nikki Boyd, Chris Talkington, Greg Lanting, Christopher Reid, Ruth Pierce

Absent:

Staff Present: Deputy City Manager Mitch Humble, City Attorney Fritz Wonderlich, Finance Accountant/Utility Services Supervisor Bill Baxter, Information Technology Communication Manager Kathy Marcus, Robin Wilson, Kennedy Esume, Rich Hall City Engineer Jackie Fields, Human Resources Director Gretchen Scott, Budget Coordinator Shayne Carpenter, Deputy City Clerk Sharon Bryan

Mayor Barigar called the meeting to order at 05:03: PM A  
quorum was present.

### **2) PLEDGE OF ALLEGIANCE**

Mayor Barigar invited Boy Scouts to lead us in the Pledge of Allegiance to the flag. Mayor Barigar asked all present, who wished, to recite the Pledge of Allegiance to the Flag.

Mayor Barigar had the Boy Scouts from Troop 84 and Troop 100 introduced themselves. Troop 84, Troop 200

### **3) CONSIDERATION OF AMENDMENTS TO AGENDA**

Deputy City Manager Humble said that the agenda was amended to include the Twin Falls Firefighter Union Contract and a change need to be made to Resolution for the Utility Rates.

### **4) PROCLAMATIONS: None**

### **5) GENERAL PUBLIC INPUT**

Nick Mattison, Twin Falls, concerned with the operation of the Judicial System.

Mayor Barigar explained that the City of Twin Falls has no jurisdiction on how the Judicial System operates.

### **6) CONSENT CALENDAR**

#### **MOTION:**

Councilmember Boyd moved to approve the Consent Calendar. Councilmember Pierce seconded the motion. Roll call vote showed members present voted in favor of the motion. 6 to 0. Councilmember Talkington abstained.

- a) Request to approve the Accounts Payable for September 19 - 25, 2017.
- b) Request to approve the September 18, 2017, City Council Minutes.

## 7) ITEMS OF CONSIDERATION

- a) Request to adopt the Utility Rate Resolution for Fiscal Year 2018.

Finance Accountant/Utility Services Supervisor Baxter reviewed the utility rate changes.

### **MOTION:**

Councilmember Talkington moved to adopt **Resolution 2017-015** as presented.

Councilmember Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

Discussion ensued on the following:

City Council thanked staff for putting together the Utility Billing flyer.

Sanitation Pilot program.

Can trucks can pick up the smaller containers.

- b) Update on GIS

Staff gave an update on GIS and City

Works.

Discussion ensued on the following:

When will all water meters be on GIS/City Works.

Appreciation of work being done.

Can locates for power be put in City Works.

Street numbering.

City Council thanked staff for the work they have done.

- c) Request to make capital allocations in FY 2017 with realized savings in the General Fund. Deputy City Manager asked to make capital allocations in FY 2017 with realized savings in the General Fund.

Discussion ensued on the following:

-Would like to know what the company that would do the Performance Measurement Professional Services might offer.

-How are we going to measure success.

-Cost saving concerns.

-Preserve Trail Head parking lot concerns.

-Fencing concerns along trail.

-Appreciate contentiousness of the City Staff.

-Concerns with the performance measurement professional services.

-Prefer paving rather than gravel lots.

-Compacted gravel in the parking lot until next Spring when City can pave lot.

- Temporary fix to Preserve Trail Head Parking lot.
- Use funds from Rock Creek Trail extension to fix Preserve Trail Head parking lot.

**MOTION:**

Councilmember Talkington moved to approve the capital allocations in FY 2017 with realized savings in the General Fund for \$206,315 to support additional capital acquisitions as follows:

- Two fully equipped police patrol vehicles - \$67,000
- Additional body worn camera equipment - \$7,500
- Dispatch equipment and radio licenses - \$38,815
- Dispatch acoustic wall covering - \$3,000
- The Preserve Trail Head parking treatment - \$90,000

Vice Mayor Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

**MOTION:**

Councilmember Talkington moved to remove the Performance Measurement Professional Services and asked Staff to bring back a proposal for Council to review later. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

- d) Request to modify the speed zone on Orchard Dr. between Washington St. S. and Blue Lakes Blvd. S.

City Engineer Fields asked to modify the speed zone on Orchard Drive between Washington Street South and Blue Lakes Blvd South. Due to conflicts with jurisdiction, City Engineer Fields asked that City Council postpone their decision until after Highway District meeting.

Discussion ensued on the following: -

Concerned with safety.

-Traffic needs to be slowed down.

-Why are we waiting for the Highway District and not just make the change on the City's section of the road.

-Corner of Orchard and Harrison put a 35 mile sign.

-City Engineer Fields would follow data for 80 percentile. -

Concerned with relations with Highway District.

**MOTION:**

Councilmember Lanting moved to lower the speed limit to 35 MPH on the City's section of Orchard Drive. Councilmember Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- e) Approval and adoption of the Collective Bargaining Agreement between the City of Twin Falls and Twin Falls Firefighters Local 1556.

Human Resource Director Scott reviewed the Collective bargaining agreement between the City of Twin Falls and Twin Falls Firefighter Local 1556.

Discussion ensued on the following:

Twin Falls Firefighter Local 1556 in agreement. Commend the Twin Falls Firefighter Local 1556.

**MOTION:**

Councilmember Reid moved to adopt the Collective Bargaining Agreement between the City of Twin Falls and Twin Falls Firefighters Local 1556. Councilmember Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

**8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS**

Laurie Kenny, Twin Falls, thanked City Council for lowering the speed limit on Orchard Drive.

Nick Mattison, Twin Falls, ask City Council to be mindful of spending money.

Councilmember Talkington gave information on what he heard on Satellite TV regarding Twin Falls Idaho.

Councilmember Pierce gave and update on events for Breast Cancer awareness during the month of October.

Deputy City Manager Humble reminded City Council that on Wednesday, September 27, 2017 from 3:30 to 5:00 is a retirement celebration for Mark Petruzelli in the Council Chambers.

**9) PUBLIC HEARINGS**

- a) Request to amend the 2016-2017 Budget.

Budget Coordinator Carpenter reviewed the amendments to the 2016-2017 Budget.

Public Hearing Open:

Public hearing Closed:

**MOTION:**

Councilmember Talkington made a motion to suspend the rules and place Ordinance 2017-024 on third and final reading by title only. Councilmember Lanting seconded the motion.

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

Deputy City Clerk Bryan read the ordinance by title only:

**ORDINANCE NO. 2017-024**

AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO, AMENDING ORDINANCE NO. 2016-10, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017; APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF TWIN FALLS, IDAHO, IN THE SUM OF \$17,544,916; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:**

Vice Mayor Hawkins made a motion to adopt Ordinance 2017- 024. Councilmember Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**10) ADJOURNMENT**

The meeting adjourned at 07:28: PM

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Sharon Bryan, Deputy City Clerk

## IMPROVEMENT AGREEMENT

for

### DEVELOPMENTS

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and TKO Homes, LLC hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development South Estates No. 2.

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

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

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

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

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

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

### WITNESSETH

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

#### I.

City agrees: (1) to operate and maintain all approved streets, alleys, service and roads, excluding state highways, constructed under the terms of this Agreement in any public rights-of-way

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

## II.

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

### a. Surety Bond

1. Accrual - The Bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement.
2. Amount - the bond shall be in an amount equal to one hundred percent (100%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the Developer's Engineer and approved by the City Engineer.
3. Term Length - The term length in which the bond is in force, for the duration of that phase of the project, shall be until completed and accepted by the City Engineer.
4. Bonding for Surety Company - The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the Council.
5. The escrow agreement shall be drawn and furnished by the subdivider to the satisfaction of the Council.

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

1. Treasurer, Escrow Agent or Trust Company - A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit such surety acceptable by the Council, shall be deposited with an escrow agent or trust company.
2. Dollar Value - The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred percent (100%) of the estimated cost of construction for the specific public improvements, as estimated by Developer's Engineer and approved by the City Engineer.
3. Escrow Time - The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until all required improvements are completed and accepted by the City Engineer.
4. Progressive Payment - In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

### III.

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

- a. Prepare a master utility plan showing the location of all existing and proposed utility lines to include but not be limited to sewer, water, gas, electricity, telephone, irrigation, pressure irrigation and storm sewer.
- b. Prepare detailed plans and specifications for construction of all improvements required by this Agreement and shall include but not be limited to a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All

construction plans shall be prepared in accordance with the public agencies' standards and specifications.

- c. Perform construction surveying, staking, testing, inspection and administer the construction of all facilities required by this contract.
- d. Submit all test reports, inspection reports, change orders and construction diaries to the City Engineer every week during the construction of the development or subdivision.
- e. Prepare and submit an updated copy of the enclosed development and subdivision checklist to the City Engineer every week during the construction of the development or subdivision, and also upon completion of the project.
- f. Submit to the City Engineer the final plans, and master utility plan for the City records showing any approved changes to the original plans and specifications. A permanent drawing in ink on approved transparent polyester drafting film and an electronic media copy of the plans in ACAD 2000 using City standard format shall be provided within thirty (30) days after completion of the project.
- g. Submit a letter upon completion of construction stating that the work has been constructed in conformance to the plans and specifications, with the certification by the Developer's Engineer that improvements were constructed to the lines and grades shown.

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

The City agrees to provide asphalt pavement testing for conformance with City standards, but it shall be the responsibility of Developer's Engineer to provide all necessary quality control during construction. All tests shall be taken at a frequency based upon City of Twin Falls Standard Specifications.

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

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

#### IV.

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

V.

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

VI.

The Developer hereby agrees and petitions the City to annex into the corporate limits of said City, the above described real property that is contiguous with the same or becomes contiguous to said City limits. Developer agrees to annexation of said real property by the City upon the terms and conditions as shall be set forth by said City.

VII.

The Developer and the City agree that the improvements listed herein are required unless specifically waived by action of the City Council and that said improvements will be constructed on any public rights-of-way or easements approved and accepted by the City Council all as designed by the Developer's Engineer and approved by the City Engineer and in accordance with standards established by the City Engineer and that all required improvements will be completed in a timely manner. If improvements are not completed in a timely manner, the Developer shall provide an updated, current version of the developer's agreement and financial guarantee for City Council consideration.

VIII.

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

IX.

Developer agrees to pay the total extra cost of all additional materials, labor and equipment necessary to construct any streets the City requires to be wider or deeper than a standard street or any water or sewer lines the City requires to be larger than the size required to properly serve the

development. The requirement for wider and deeper streets shall be based on the City Master Street Plan. Requirements for larger water and sewer lines shall be based on the citywide sewer and water system sizing guidelines.

#### X.

The City shall provide no compensation for the cost of an oversize water or sewer line. In the case of water or sewer lines extended adjacent to or outside the limits of development, the Developer shall be eligible for payback from adjacent property owners pursuant to Resolution No. 1182. The Developer shall also be eligible for compensation when a private developer extends or connects to any water or sewer system previously installed by private developer, pursuant to Resolution 1651.

#### XI

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

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

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

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

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

The Developer shall be responsible for any damage to any existing public improvements and shall repair or replace any such damage as required by the City Engineer, during or after completion of this project.

## XII.

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

### PUBLIC WAYS

#### (a) Required Improvements

- (1) Curb, gutter and sidewalk on all public street rights-of-way.
- (2) A standard residential street thirty six feet (36') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course on all public street rights-of-way serving residential use property.
- (3) Minor residential and private streets as specified in the City of Twin Falls Standard Drawings.
- (4) A standard commercial or collector street forty eight feet (48') wide with an eleven inch (11") gravel course and three inch (3") asphaltic concrete surface course on all public street rights-of-way serving commercial use property or as a collector street. Whenever a street serves an industrial use property the City Engineer will determine the appropriate structural section.
- (5) A service-road twenty four feet (24') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course and with concrete curb-gutter or curb and valley-gutter on all public service road rights-of-way.
- (6) A sidewalk five feet (5') wide minimum on all public pedestrian rights-of-way. Four foot (4') sidewalks by special permission of the City Council are allowed by City of Twin Falls Standard Drawings for minor residential streets under certain conditions.

- (7) Landscaping and sidewalk placement required adjacent to arterial and collector streets: A tract of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets. Within that tract the developer shall install landscaping six feet (6') in depth with a sprinkler system and with grass and trees behind the curb line and shall also install a five foot (5') sidewalk. The landscaping will be maintained by the city and funded through a fee added to the water bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. TFCC §10-12-4.2(O).
- (8) Street signs and traffic control devices on all public streets.
- (9) Street lights as determined by City policy for street light installation.
- (b) City Costs
  - (1) The cost of any street signs or traffic control devices installed by the City on new or existing streets.
  - (2) The cost of any required street lights (standard luminaires mounted on a wood pole). The Developer shall pay the extra cost of any decorative luminaries or poles. Prior approval will be required, and the cost of maintenance, replacement and power usage will be considered.
- (c) Required Inspections and Testing
  - (1) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

#### WATER SYSTEM

- (a) Required Improvements
  - (1) Pursuant to City Code Section 7-8-3, 7-8-10 and 10-12-4.2 water line and fittings six inch (6") minimum diameter that will transport a flow of water, which will satisfy fire, domestic, other water demands of the development, based upon the City water pipe sizing plan and computer water model. Water line extension shall include connection from the existing City Water System to each building site and fire hydrants and then loop back to the City System in a manner that will provide a properly functioning system approved by the City Engineer, Water Superintendent and Fire

Chief. If the development is to be constructed in phases, the water system shall be looped back to the City system during the first phase. No dead-end lines will be allowed during any phase of the project.

- (2) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City water distribution network in accordance with existing sizing guidelines.
- (3) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users or creating a critical situation in the suppression of fires.
- (4) Fire hydrant connections and fire hydrants spacing to substantially comply with the minimum standards suggested by the Fire Rating Bureau and American Water Works Association. Fire hydrants are required in all developments.
- (5) One water service line shall be constructed to each building site at the time the water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way.

During construction of the curb the letter W shall be stamped into the top or face of the curb directly in front of the water meter box. The impression shall be not less than one and one half inches (1½") high. Meters shall be grouped at adjacent side lot lines when possible or at another location if requested by the Developer and approved by the City Engineer and Water Superintendent.

Water meter boxes will not be allowed in driveway approaches. Any cost associated in relocating meters from driveway approaches will be the responsibility of the Developer or Lot Owner. Temporary address or lot number signs shall be staked at the location where the water meter box is to be installed. The City may install multiple water meters in a single water meter box.

The City will make the water line tap only after all appropriate tap fees for a Water Connection General Permit have been received and permits issued. All new water service line and connections made from existing water service mains to service any new development will be the responsibility of the

Developer. The City will make the necessary service line tap after payment of the required water connection general permit fees.

- (6) One water service line tap, meter box, and service line shall be constructed for each building connected to the City water system. It is understood and agreed that the City will make all service line taps and install all meter boxes and that the fee paid by the developer for a Water Connection General Permit will reimburse the City for such work.
- (7) It is further understood and agreed that the City will make all connections to the existing water system. The City will disinfect the new water system at the developer's expense.

(b) City Costs

- (1) None.

(c) Required Inspections

- (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-7-4, 7-7-11 and 10-12-4.2 a waste water collection system (eight-inch (8") minimum diameter) that will transport a flow of waste water, under conditions of maximum and minimum discharge from the development, to the existing City waste water system.
- (2) Waste water sewer lines adjacent to or internal to the development will be sized to continue the orderly expansion of the City Waste Water Collection System in accordance with existing sizing guidelines and computer sewer model.
- (3) Manholes to provide access for maintenance and cleaning of the sewer lines located at any change of grade or alignment of the sewer, at the end of each sewer and spaced not more than four hundred feet (400') apart.
- (4) During construction of the curb the letter S shall be stamped into the top or face of the curb directly in front of the sewer service line location. The impression shall be not less than one and one half inches (1½") high.

(b) City Costs

(1) None.

(c) Required Inspections and Testing

(1) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

DRAINAGE SYSTEM

(a) Required Improvements

(1) Any valley-gutters, ditching, grading or other surface drainage facilities necessary to convey any storm run-off originating from or traversing across the proposed development over the land surface to a point of retention, detention or discharge approved by the City Engineer.

(2) Any catch basin, storm sewer and other sub-surface drainage facilities necessary to convey any storm run-off, originating from or traversing across the proposed development, to a point of retention, detention or discharge approved by the City Engineer, that cannot, in the City Engineer's opinion, be conveyed over the land surface without causing damage to public or private property or without being an unreasonable inconvenience or hazard to a private individual, a group of individuals or the general public.

(b) City Costs

(1) None.

(c) Required Inspections and Testing

(1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

GRAVITY IRRIGATION SYSTEM

(a) Required Improvements

(1) Any pipe, boxes or other appurtenances necessary to convey all irrigation water in underground pipe across the development and any adjacent public property. Irrigation facilities outside an established City irrigation district shall be constructed in an irrigation easement on private property except where it is necessary for irrigation water to cross the public right-of-way and all such crossings shall be perpendicular to the center line of said right-of-way unless otherwise approved by the City Engineer due to some unusual condition.

- (b) City Costs
  - (1) None.
- (c) Required Inspections and Testing
  - (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

**PRESSURE IRRIGATION SYSTEM**

- (a) Required Improvements
  - (1) Pursuant to Section 7-8-3 of the City Code, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or PUD, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or PUD. One (1) share of Twin Falls Canal Company Water for each acre of property within the subdivision shall be deeded to the City of Twin Falls before the filing of the final plat for use in the City's pressurized irrigation system.
  - (2) Pressure irrigations water line and fittings shall be four inch (4") minimum diameter or larger that will transport a flow of water, which will satisfy all irrigation water demands of the development, based upon the computer irrigation water model that the developer's engineer has prepared.
  - (3) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City Pressure Irrigation water distribution network in accordance with existing sizing guidelines.
  - (4) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users. One pressure irrigation water service line shall be constructed to each subdivision

lot site at the time the pressure irrigation water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way. One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each subdivision lot connected to the City pressure irrigation water system.

- (5) The Developer shall be responsible for all costs incurred in designing and installing the pressure irrigation station. This includes the land, pumps, motors, filters, buildings, delivery system to the station from the TFCC head gate, storage pond, Supervisory Control and Data Acquisition (SCADA) system, and power to the station.
- (6) All pressure irrigation system plans must be prepared by the Developer's engineer shall be according to the City's standard specifications and drawings. Plans submitted to the City shall be signed by a Professional Engineer for review and final approval, before the City Engineer will sign the plat or approve construction plans.
- (7) The Pressure Irrigation System shall be located with in easements, right of ways and/or property deeded to the City of Twin Falls.
- (b) City Cost.
  - (1) None
- (c) Required Inspections and Testing
  - (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

#### SPECIAL FEATURES

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

a) Required Improvements

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b) City Costs

(1) None.

## XIII.

The City and the Developer agree that the sequence of construction shall be as follows unless special approval in writing is obtained from the City Engineer:

1. Erosion and sedimentation controls.
2. Stormwater retention and detention facilities.
3. Waste water sewers and service connections.
4. Waste water manholes.
5. Storm sewers and catch basins.
6. Gravity irrigation pipes and boxes.
7. Pressure irrigation lines, service connections, etc.
8. Water lines and service connections.
9. Gas lines, power lines, telephone lines and cablevision lines.
10. Any other underground improvements that are required.
11. Sub-base preparation for public ways.
12. Gravel base course for public ways.
13. Curb-gutter, valley-gutter and sidewalk.
14. Gravel leveling course.
15. Asphalt paving.
16. Special Features.

## XIV.

The Development may be phased as indicated on the attached development plan submitted by the Developer and approved by the City Engineer.

The terms of the basic agreement shall apply individually to each phase shown on the attached plan as though each phase were a separate and independent development providing each phase is begun in the sequence indicated on the development plan.

The two (2) year time limit, (indicated in Section VII of the Agreement) for completing the required improvements shall begin for each phase when the Developer sells a lot or an application or a building permit to construct a building within the phase has been received by the City.

The Developer may cease further development after completing any phase and before beginning the next phase and the basic agreement shall terminate in accordance with Section XVI, of the basic agreement for any undeveloped phases of the development originally proposed in the basic agreement.

XV.

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

## XVI.

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

**Attest:**

CITY OF TWIN FALLS, IDAHO

**City Clerk**

Mayor

Developer

TKO Homes, LLC

by: 

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

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

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

Notary Public for Idaho  
Residing at Twin Falls, Idaho

CORPORATION

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

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public for Idaho, personally appeared \_\_\_\_\_, known or identified to me (or proved to me on the oath of \_\_\_\_\_) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



## NOTICE OF DEVELOPER'S AGREEMENT

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

### South Estates No. 2

The Agreement imposes certain obligations upon the developer for the development of the subject property, and upon the developer's heirs, successors in interest and lawful assigns. Details of the conditions and obligations may be found by examining or photocopying the Agreement at the Office of the City Engineer, 321 2<sup>nd</sup> Avenue East, Twin Falls, Idaho 83301.

CITY OF TWIN FALLS, IDAHO

City Clerk

**Mayor**

Developer

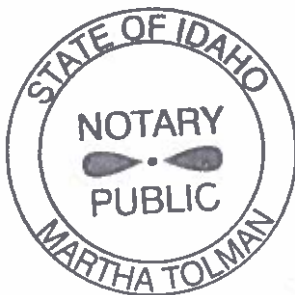
TKO Homes, LLC

by: 

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

On this 7<sup>th</sup> day of August, 2017, before me, the undersigned, a Notary Public for Idaho, personally appeared Jared M Hunt, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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



Martha Tolman  
Notary Public for Idaho  
Residing at Twin Falls, Idaho  
Exp 10/17/18



## BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re: )  
)  
Final Plat Application, ) FINDINGS OF FACT,  
)  
South Estates Subdivision No. 2 )  
c/o EHM Engineers, Inc. ) CONCLUSIONS OF LAW,  
Applicant(s). )  
) AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on September 18, 2017 for consideration of the final plat of the South Estates No.2 Subdivision, approximately 7.61 (+/-) acres consisting of 29 single family lots and 2 tracts located at the north east corner of Orchard Drive and Harrison Street South, and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

### FINDINGS OF FACT

1. Applicant has requested approval of the final plat of the South Estates No.2 Subdivision, approximately 7.61 (+/-) acres consisting of 29 single family lots and 2 tracts located at the north east corner of Orchard Drive and Harrison Street South
2. The property in question is zoned R-4 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, Oregon Trail Elementary/Residential; to the south, Orchard Drive/Residential/Agricultural; to the east, Agricultural; to the west, Harrison Street South extended/Eternal Life Christian Church.
4. The City Engineering Office has reviewed the final plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The

developer will pay all costs of public improvements, including but not limited to streets, curb gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the City Council hereby makes the following

#### CONCLUSIONS OF LAW

1. The final plat of the South Estates No.2 Subdivision, approximately 7.61 (+/-) acres consisting of 29 single family lots and 2 tracts located at the north east corner of Orchard Drive and Harrison Street South is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.
2. The final plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H)(2)(a).
3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.
4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).
5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H)(2)(d).
6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the City Council's attention, per Twin Falls City Code §10-12- 2.3(H)(2)(e).

7. The final plat is in conformance with the Preliminary Plat. Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

The request for approval of the final plat of the South Estates No.2 Subdivision, approximately 7.61 (+/- ) acres consisting of 29 single family lots and 2 tracts located at the north east corner of Orchard Drive and Harrison Street South is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

---

MAYOR - TWIN FALLS CITY COUNCIL

---

DATE

"EXHIBIT NO. A"

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Make notes on Final Plat about the following issues:
  - a. All lots in Block 6 along the eastern portion of the property be constructed to front onto Gregory Way.
  - b. No lots will be permitted to have access onto Orchard Drive East. All ingress and egress from lots adjacent to Orchard Drive East will off the lots' other frontages.
  - c. Block 1 Lot 1 and Block 2 Lot 2 will be constructed to front Clinton Drive.
  - d. Block 2 Lot 1 and Block 4 Lot 1 will be constructed to front onto Houston Drive.
  - e. Block 4 Lot 16 and Block 5 Lot 1 will be constructed to front onto Bridget Lane.
  - f. Block 4 Lots 17 and 18 and Block 5 Lots 6 through 9 will be constructed with a turnaround adequate to allow vehicles to turn around on the property so that vehicles will not have to back out onto Harrison Street South.
4. Subject to a pedestrian pathway easement between Hailee Avenue and Clinton Drive.



Public Hearing: **MONDAY, OCTOBER 02, 2017**

To: Honorable Mayor and City Council

Presenter: Renee V. Carraway-Johnson, Zoning Administrator

## AGENDA ITEM

**Request:** Request to consider the **Final Plat** for Eastpark Professional Subdivision No. 3, a ZDA, approximately 7.74 (+/-) acres consisting of 11 lots on property located on the west side of Madrona Street North and the north side of Cheney Drive c/o EHM Engineers, Inc.

**Time Estimate:**

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

**Background:**

|                        |                                                                                                                      |                                                                                     |
|------------------------|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <b>Applicant:</b>      | <b>Status:</b> Owner                                                                                                 | <b>Size:</b> ~7.74+/- ac.                                                           |
|                        | <b>Current Zoning:</b> R-2 PRO ZDA                                                                                   | <b>Requested Zoning:</b><br>Approval of a Final Plat                                |
|                        | <b>Comprehensive Plan:</b><br>Town Neighborhoods                                                                     | <b>Lot Count:</b> 1 Block, 11 Lots                                                  |
|                        | <b>Existing Land Use:</b> Vacant                                                                                     | <b>Proposed Land Use:</b><br>Professional Office/Some Retail                        |
| <b>Representative:</b> | <b>Zoning Designations &amp; Surrounding Land Use(s)</b>                                                             |                                                                                     |
|                        | <b>North:</b> C-1 PUD, Bridgeview Blvd; Home Depot; R-4 PRO PUD, undeveloped                                         | <b>East:</b> R-1 VAR PUD, Madrona St, undeveloped                                   |
|                        | <b>South:</b> R-1 VAR PUD, Cheney Dr/Stoneybrook Neighborhood                                                        | <b>West:</b> R-2 PRO PUD; <b>Eastpark PUD #213-</b> developing professional complex |
|                        | <b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-4, 10-4-18, 10-4-6. 10-12-1 through 4; Eastpark Professional ZDA |                                                                                     |

**Approval Process:**

**As per Twin Falls City Code 10-12-2.3 Action on Preliminary Plat:**

The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

**Budget Impact:**

As the request is for a Preliminary Plat, approval of this request will have negligible impact on the City budget.

**Regulatory Impact:**

Upon approval of a preliminary plat a final plat that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

## History:

This property is part of the Eastpark PUD #213, which went through the Public Hearing process in 1994-5. This PUD assigned the Zoning Districts and placed limitations on the uses allowed on the property. In 2005, a single lot subdivision was approved and recorded at the NE corner of Locust and Cheney, Eastpark Professional Subdivision No 1, a PUD. A Sup was granted to develop a professional office. The office did not get built. In 2007 the Interstate Amusement Subdivision-A Conveyance Plat, consisting of the remainder of the property between Locust-Bridgeview-Madrona and Cheney. The plat was recorded with 2 lots. The intent of a conveyance plat is to allow for property to be sold – it does not allow for development. The code further states whichever lot is developed first all street and utilities are required to be developed for both lots at that time.

In October 2015, the new property owner, Mr. Welch and his Associates, wanted to develop the property in phases so they requested the City Council waive the required improvements for portions of the Interstate Amusement Conveyance Plat. This waiver was granted. The result was development of the property was allowed to move forward through the platting and development process without triggering the development of the remaining portions of land contained in the original Conveyance Plat. Platting and development has occurred on Eastpark Professional Sub #2, a PUD. The property owner wished to market the property to include some uses not permitted under the current PUD. In February 2017, the Commission forwarded a positive recommendation to City Council for a proposal to a rezone the remainder of the subject property to R-2 PRO ZDA to include a variety of retail opportunities. City Council approved the rezone in May 2017, and both the ordinance and the Zoning Development Agreement have been recorded.

## Analysis:

This is a request for approval of the final plat of the Eastpark Professional Subdivision #3, a ZDA. The subdivision consists of 1 block with 11 lots to be sold and developed in compliance with the ZDA.

This is the second step of the plat approval process. A preliminary plat is first presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system. No building permits shall be issued until the PI Station is built and operational.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan, which designates this area as a transition zone between Town Neighborhood and Mixed Use.

**Conclusion:**

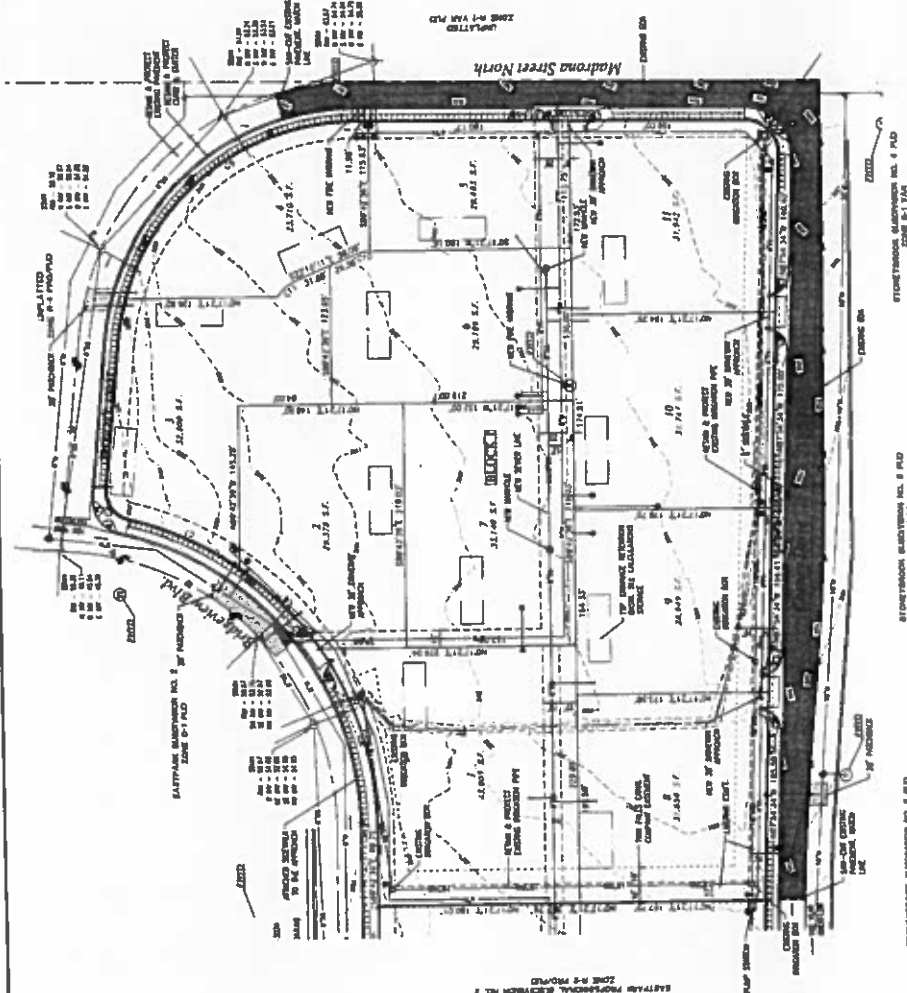
Staff recommends approval of the Final Plat of the Eastpark Professional Subdivision No. 3, a ZDA, as presented, and subject to the following conditions:

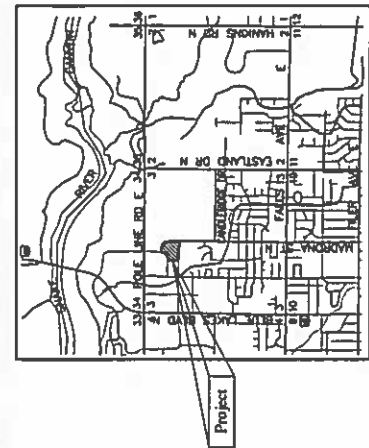
1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards and the ZDA.

**Attachments:**

1. Approved Preliminary Plat
2. Final Plat
3. Zoning Vicinity Map
4. Aerial Photo Map
5. July 25, 2017 P&Z Minutes

219





POLE LINE ROAD EAST  
BASIS OF BEARING - INTERSTATE  
AMUSEMENT SUBDIVISION INST. #2007-020231  
N89°43'48"W 2641.50'  
T 9 S.  
T 10 S.  
FOUND BRASS CAP  
C.P. #2004-010550  
FOUND 5/8" REBAR, L.S. 1000  
C.P. #2008-000860

# EASTPARK PROFESSIONAL SUBDIVISION NO. 3, a ZDA A Re-Subdivision and Re-Numbering of Lot 1 INTERSTATE AMUSEMENT SUBDIVISION

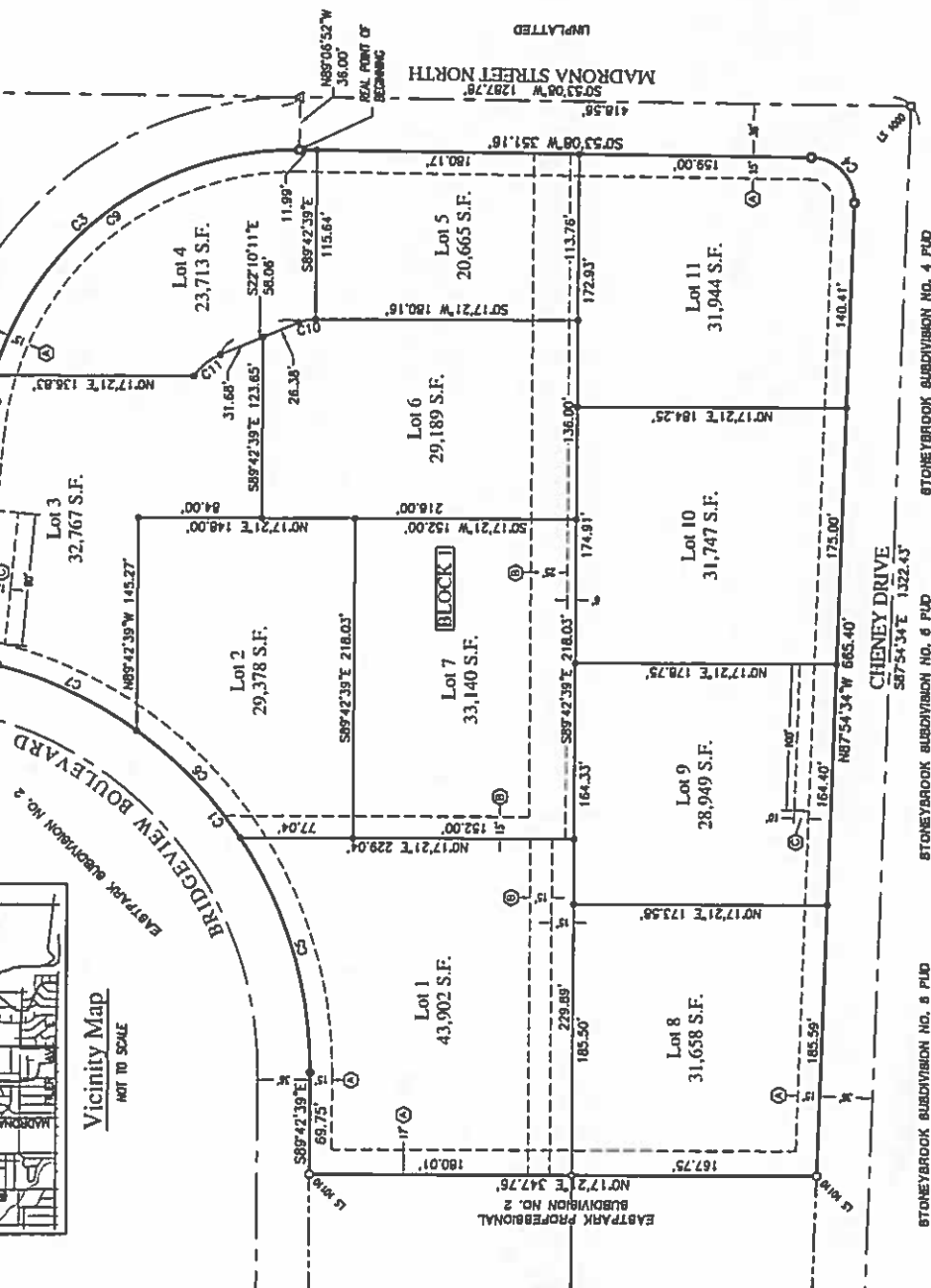


Located In  
Gov't Lot 3, Section 3  
Township 10 South, Range 17 East  
Boise Meridian  
Twin Falls County, Idaho  
2017



## Legend

- SURVEY BOUNDARY LINE
- SECTION LINE
- QUARTER SECTION LINE
- EASEMENT LINE
- CENTERLINE OF STREET
- PLATTED LOT LINE
- ADJACENT PROPERTY LINE
- CALCULATED POINT (NOT SET)
- FOUND BRASS CAP
- FOUND 5/8" REBAR (AS NOTED)
- FOUND 1/2" REBAR (AS NOTED)
- SET 1/2" x 24" REBAR & CAP - L.S. 10110
- SET 5/8" x 24" REBAR & CAP - L.S. 10110
- FOUND 1/2" REBAR - REPLACED WITH 5/8" x 24" REBAR & CAP - L.S. 10110



## Curve Table

| CURVE # | DELTA     | RADIUS  | ARC     | CHORD   | TANGENT | CHORD BRG   |
|---------|-----------|---------|---------|---------|---------|-------------|
| C1      | 75°59'01" | 286.00' | 376.28' | 332.08' | 223.38' | N52°17'51"E |
| C2      | 81°21'10" | 30.00'  | 42.60'  | 39.11'  | 25.78'  | N54°58'55"E |
| C3      | 85°13'42" | 214.00' | 316.33' | 289.78' | 196.88' | S41°43'39"E |
| C4      | 91°12'18" | 30.00'  | 47.75'  | 42.87'  | 30.64'  | S46°29'17"W |
| C5      | 34°03'00" | 286.00' | 169.97' | 167.48' | 87.58'  | N73°15'51"E |
| C6      | 20°28'05" | 286.00' | 102.17' | 101.63' | 51.63'  | N46°00'18"E |
| C7      | 21°27'56" | 286.00' | 107.15' | 106.52' | 54.21'  | N25°02'16"E |
| C8      | 10°38'45" | 214.00' | 39.76'  | 39.70'  | 19.94'  | S79°01'08"E |
| C9      | 74°34'57" | 214.00' | 278.57' | 259.31' | 182.97' | S36°24'17"E |
| C10     | 22°27'32" | 30.00'  | 11.76'  | 11.68'  | 5.96'   | N10°56'25"W |
| C11     | 33°46'14" | 40.00'  | 23.58'  | 23.24'  | 12.14'  | N39°03'18"W |

## Health Certificate

"SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13, HAVE BEEN SATISFIED BASED ON THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF SANITARY RESTRICTIONS. BUYER IS CAUTIONED AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET OTHER CONDITIONS OF DEED, THEN SANITARY RESTRICTIONS MAY BE RE-IMPOSED, IN ACCORDANCE WITH SECTION 50-1126, IDAHO CODE. BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED."

## Deed References

#2015-020485

## Survey References

- (1) EASTPARK PROFESSIONAL SUBD. NO. 2 #2016-000749
- (2) INTERSTATE AMUSEMENT SUBD. #2007-020231
- (3) #2005-019824

## Easement Key

- (A) UTILITY, IRRIGATION, DRAINAGE AND STORAGE EASEMENT
- (B) ACCESS AND UTILITY EASEMENT
- (C) DRAINAGE EASEMENT



EHM Engineers, Inc.

DISTRICT HEALTH DEPARTMENT, EHS

DATE:



CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, CHRISTOPHER S. JARVISON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, MADE THE SURVEY OF THIS LAND, AND IN THE PRESENCE OF THE CITY ENGINEER AND CITY CLERK, AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF SAID SURVEY AS MADE AND STAKED UNDER MY SUPERVISOR AND CONTROL, AND THAT THE PLAT REPRESENTS THE POINTS PLANTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.



APPROVAL OF CITY COUNCIL

THIS PLAT WAS ACCEPTED AND APPROVED BY THE CITY COUNCIL OF TWIN FALLS, IDAHO AT THEIR MEETING ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

MAYOR \_\_\_\_\_ CITY CLERK \_\_\_\_\_

APPROVAL OF CITY ENGINEER

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

CITY ENGINEER \_\_\_\_\_ ATTEST \_\_\_\_\_

COUNTY SURVEYOR'S CERTIFICATE

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

GEORGE A. YERSON \_\_\_\_\_ DATE \_\_\_\_\_  
COUNTY SURVEYOR

ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ ) ss  
COUNTY OF \_\_\_\_\_ )  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, AT \_\_\_\_\_, IDAHO, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GEORGE A. YERSON, PERSONALLY KNOWN OR IDENTIFIED TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.  
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC \_\_\_\_\_

RESIDING AT \_\_\_\_\_

COMMISSION EXPIRES \_\_\_\_\_

COUNTY TREASURER'S CERTIFICATE

I, \_\_\_\_\_, COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO PER THE REQUIREMENTS OF IDAHO CODE 50-1306, DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE FOR THE PROPERTY INCLUDED IN THIS PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY DAYS ONLY.

COUNTY TREASURER \_\_\_\_\_ DATE \_\_\_\_\_

COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO. \_\_\_\_\_  
STATE OF IDAHO } ss  
COUNTY OF TWIN FALLS }

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, AT \_\_\_\_\_, IDAHO, THE FOREGOING PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF TWIN FALLS COUNTY, IDAHO AND DULY RECORDED IN PLAT BOOK \_\_\_\_\_, ON PAGE \_\_\_\_\_.

DEPUTY \_\_\_\_\_ EX-OFFICIO RECORDER \_\_\_\_\_

EHM Engineers, Inc.



Magic Valley Mall  
Magic Valley  
Mall 215

R-6  
Vista/Notch  
Butte 0

Rex  
TV 212

Eastpark 213

G-1

R-4 PRO

Eastpark 213

Eastpark  
#3 ZDA 0

R-2  
PRO

Eastpark 213

R-4

R-4

R-2

R-2

R-6

Ziegler  
Tamara  
206

Stoneybrook  
2303

Stoneybrook 2303

R-1  
VAR

R-1  
VAR

R-1  
VAR

R-1  
VAR

R-1  
VAR

R-2

R-2

R-2

R-2

# Zoning Vicinity Map

Area of Impact

PUD

C-1

R-1 VAR

R-2

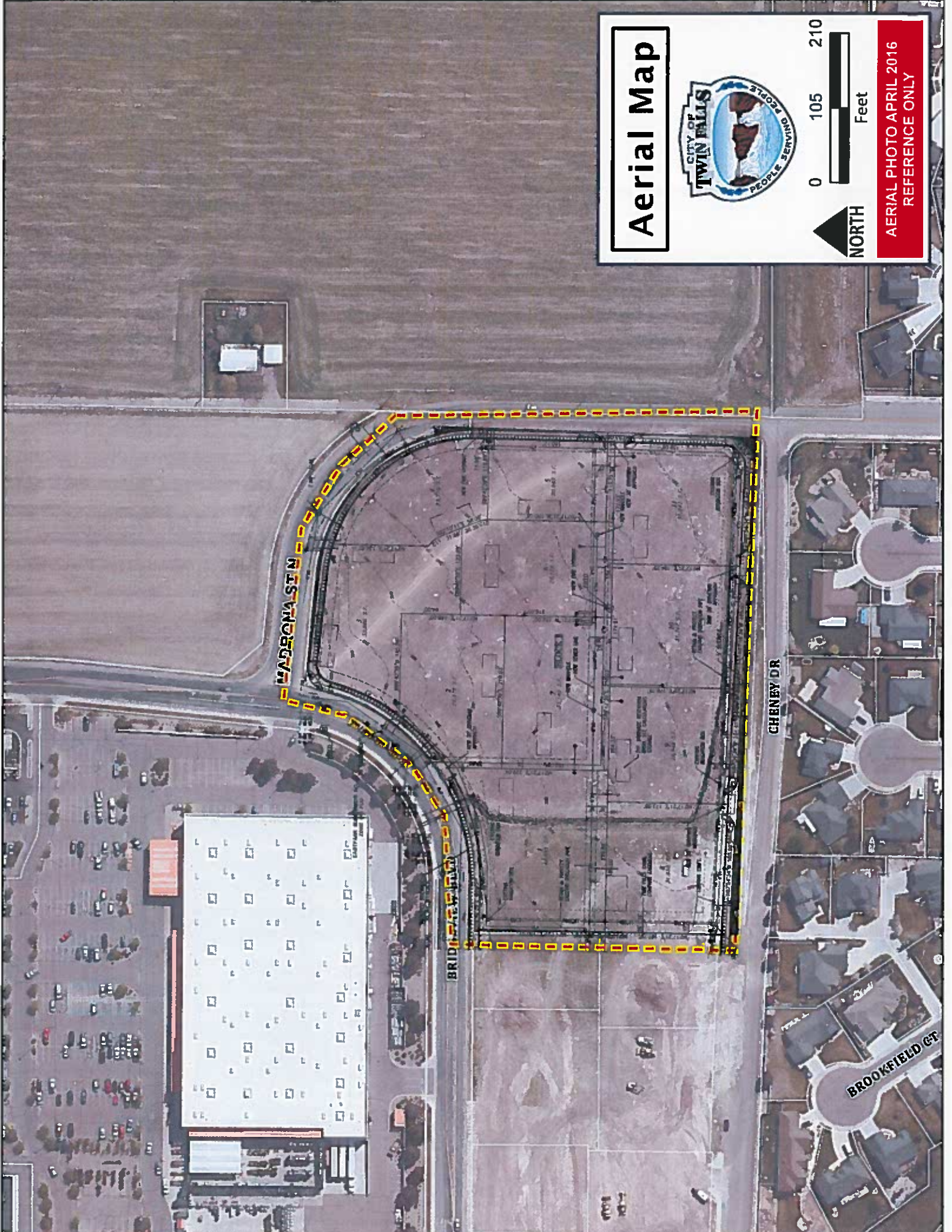
R-4

R-6

SUI



AERIAL PHOTO APRIL 2016  
REFERENCE ONLY



# Aerial Map



AERIAL PHOTO APRIL 2016  
REFERENCE ONLY



## Twin Falls Planning & Zoning Commission Minutes

Tuesday, July 25, 2017, 6:00 PM

City Council Chambers 305 3rd Ave E Twin Falls, ID 83301

### Members -

**City Limits:** Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Darren Hall, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

**Area of Impact:** Ryan Higley, Steve Woods

### 1) Confirmation of Quorum/Call Meeting to Order

**Present Members:** Frank, Grey, Dawson, Hall, Hawkins

**Present Staff:** Carraway-Johnson, Nope, O'Connor, Strickland, Vitek

Chairman Frank called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

### 2) Consent Calendar

- a) Approval of Minutes from the following Meeting: July 11, 2017
- b) Approval of Findings of Fact and Conclusions of Law for: July 11, 2017  
Real Deals (SUP) Superior Woodworking (SUP)

#### **Motion:**

Commissioner Grey made a motion to approve the consent calendar, as presented.  
Commissioner Hawkins seconded the motion.

**Unanimously Approved**

### 3) Items of Consideration

- a) Request to consider the **Preliminary Plat** for Valencia Park Subdivision, a ZDA approximately 9.0 (+/-) acres consisting of 84 lots located along Valencia Street from Southwood Avenue to the 3600 North Road. c/o Rex Harding, Riedesel Engineering on behalf of Dennis Hourany **WITHDRAWN TO BE SCHEDULED AT A LATER DATE**
- b) **Request to consider the Preliminary Plat for Eastpark Professional Subdivision No. 3, a ZDA approximately 7.74 (+/-) acres consisting of 11 lots on property located on the west side of Madrona Street North and the north side of Cheney Drive c/o EHM Engineers, Inc. Purpose: Action By: Steve O'Connor**

#### **Applicant Presentation:**

Dave Thibault, EHM Engineers, Inc. representing the applicant, stated the this is a request for approval of a preliminary plat for Eastland Park Professional Subdivision No.3, a ZDA this property came through earlier this spring for a ZDA Agreement. The property is located behind

Home Depot and is bound on the west side by Locust Street, on the east side by Madrona Street, on the north side by Bridgeview Blvd, and on the south side by Cheney Drive, it is approximately 7.34 (+/-) acres. They have prepared a plat that is in conformance with the ZDA Agreement and will consist of 11 lots. They will be doing improvements on Madrona Street and Cheney Drive with curb, gutter, sidewalk and they will be extending water through the subdivision.

**Staff Presentation:**

Planner I O'Connor reviewed the request on the overhead and stated this property is part of the Eastpark PUD #213, which went through the Public Hearing process in 1994-5. This PUD assigned the Zoning Districts and placed limitations on the uses allowed on the property. In 2005, a single lot subdivision was approved and recorded at the NE corner of Locust and Cheney, Eastpark Professional Subdivision No 1, a PUD. A Sup was granted to develop a professional office. The office did not get built. In 2007 the Interstate Amusement Subdivision-A Conveyance Plat, consisting of the remainder of the property between Locust-Bridgeview-Madrona and Cheney. The plat was recorded with 2 lots. The intent of a conveyance plat is to allow for property to be sold – it does not allow for development. The code further states whichever lot is developed first all street and utilities are required to be developed for both lots at that time.

In October 2015, the new property owner, Mr. Welch and his Associates, wanted to develop the property in phases so they requested the City Council waive the required improvements for portions of the Interstate Amusement Conveyance Plat. This waiver was granted. The result was development of the property was allowed to move forward through the platting and development process without triggering the development of the remaining portions of land contained in the original Conveyance Plat. Platting and development has occurred on Eastpark Professional Sub #2, a PUD. The property owner wished to market the property to include some uses not permitted under the current PUD. In February 2017, the Commission forwarded a positive recommendation to City Council for a proposal to a rezone the remainder of the subject property to R-2 PRO ZDA to include a variety of retail opportunities. City Council approved the rezone in May 2017, and both the ordinance and the Zoning Development Agreement have been recorded. This is a request for approval of the preliminary plat of the Eastpark Professional Subdivision #3, a ZDA. The subdivision consists of 1 block with 11 lots to be sold and developed in compliance with the ZDA.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls

water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system. No building permits shall be issued until the PI Station is built and operational. The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan, which designates this area as a transition zone between Town Neighborhood and Mixed Use.

Planner I O'Connor stated upon conclusion staff recommends the commission approve the preliminary plat of the Eastpark Professional Subdivision No. 3, a ZDA, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards and the ZDA.

**PZ/Questions & Comments:**

- Commissioner Grey asked about the remaining road improvements, curb, gutter and sidewalk.
- Mr. Thibault showed on the overhead the location for the planned improvements and explained that Madrona Street will be widened as well as Cheney Drive along the frontage of this plat. Sidewalks will also be installed.
- Commissioner Frank asked about the city's philosophy for lighting along the streets.
- Assistant City Engineer explained that lights are put in at intersections any additional lighting is at the developers discretion.

**Public Hearing: Opened & Closed Without Comments**

**Discussion Followed: Without Concerns**

**Motion:**

Commissioner Hawkins made a motion to approve the request, as presented, with staff recommendations. Commissioner Dawson seconded the motion. All members present voted in favor of the motion.



**Date:** Monday, October 2, 2017  
**To:** Honorable Mayor and City Council  
**From:** Jackie Fields, City Engineer, Shawn Moffitt, CH2M

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**Request:**

Request to approve Contract Amendment No. 4 from CH2M HILL for the operation and maintenance of the Waste Treatment Plant, industrial pre-treatment program and associated sewer lift stations.

**Time Estimate:**

The staff presentation will take approximately 5 minutes. CH2M HILL will have a short presentation that will take approximately 5-10 minutes. Following the presentations, staff anticipates some time for questions and answers.

**Background:**

The City originally contracted with CH2M HILL in 1985. The contract was entered into in an effort to reverse a history of discharge violations and ongoing operating deficiencies. In the intervening 30 years, CH2M HILL has an excellent record of operating the facility within discharge standards. The most recent agreement with CH2M HILL was executed in 2014 for a period of 10 years (Oct. 2014 – Sept 2024) with a 120 day cancellation provision.

This year, CH2M HILL is presenting Amendment No.4 to the new agreement. Mr. Shawn Moffitt, CH2M HILL's project manager, will be present during this year's amendment presentation to council. The proposed contract is a 2.02 % increase from FY 2016-2017.

**The Fee:**

The proposed base fee for the year is \$3,071,404.00. The Base Fee represents the total cost of service.

The base fee shown in section 1 (4.1) is the total compensation paid to CH2M HILL for services rendered. Total Direct Cost is the projected cost of operating the city's treatment plants, maintaining lift stations and administering the industrial pretreatment program. Total Direct Costs is divided into maintenance & operating expenses and repairs. M&O costs, including repair costs, are projected to be \$2,559,504.00. At the end of the year our contract requires CH2M HILL to rebate to the City 100% of the M&O costs that have not been spent (and the associated margin with those costs). The difference between the Base Fee and Total Direct Costs is overhead and profit.

**Approval Process:**

This amendment requires council approval and the Mayor's signature

**Budget Impact:**

These costs have been budgeted for FY18.

**Regulatory Impact:**

N/A

**History:**

N/A

**Analysis:**

N/A

**Conclusion:**

Staff recommends that Council approve the amendment as presented.

**Attachments:**

1. Amendment #4



**AMENDMENT NO. 4**  
**to the**  
**AGREEMENT FOR OPERATIONS**  
**MAINTENANCE AND MANAGEMENT SERVICES**  
**for the**  
**CITY OF TWIN FALLS, IDAHO**

This Amendment No. 4 (the "Amendment") is made and entered into this \_\_ day of \_\_\_\_\_, 2017 (the "Effective Date") between the City of Twin Falls, Idaho (hereinafter "Twin Falls") and Operations Management International, Inc. (hereinafter "CH2M HILL"), who may be referenced herein individually as a "Party" and collectively, as the "Parties."

WHEREAS, the Parties entered into the Agreement for Operations, Maintenance and Management Services for the City of Twin Falls, Idaho Wastewater Treatment Facility, Pump Stations and UASB, on June 11, 2014 with an effective date of October 1, 2014 (the "Agreement").

WHEREAS, the Parties now wish to further modify the Agreement as more fully set forth herein.

NOW THEREFORE, Twin Falls and CH2M HILL agree to amend the Agreement as follows:

1. Article 4.1 shall be deleted in its entirety and replaced with the following:
  - 4.1 Twin Falls shall pay CH2M HILL as compensation for services performed under this Agreement a Base Fee, which shall be equal to the Direct Costs plus the Management Fee for the period of October 1st through September 30th of each year of this Agreement. CH2M HILL shall propose a Base Fee by July 1st of each year of this Agreement and the Parties shall mutually agree on any proposed Base Fee prior to such fee taking effect. For period of October 1, 2017 to September 30, 2018, the estimated Base Fee shall be Three Million Seventy One Thousand Four Hundred Four Dollars (\$3,071,404). Subsequent years' Base Fees shall be determined as specified in Article 4.4.

2. Article 4.2 shall be deleted in its entirety and replaced with the following:

4.2 The estimated Direct Cost for providing services during the time period of October 1, 2017 through September 30, 2018 shall be Two Million Five Hundred Fifty Nine Thousand Five Hundred Four Dollars (\$2,559,504). If the actual Direct Cost is less than the estimated Direct Cost for the contract year currently in effect then CH2M HILL will rebate Twin Falls One Hundred Percent (100%) of the difference between the actual and estimated Direct Costs plus the management fee associated with those costs.

This Amendment constitutes the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

The Parties, intending to be legally bound, indicate their approval of the Amendment by their signatures below.

Authorized Signature:

**OPERATIONS MANAGEMENT  
INTERNATIONAL, INC.**

Authorized Signature:

**CITY OF TWIN FALLS, IDAHO**

\_\_\_\_\_  
Name: Gary Young

Title: Designated Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
Name: Shawn Barigar

Title: Mayor

Date: \_\_\_\_\_