



Twin Falls City Council Agenda

Tuesday, February 20, 2018, 5:00 PM

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

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: None
- 5) GENERAL PUBLIC INPUT
- 6) CONSENT CALENDAR
 - a) Request to approve the Accounts Payable for February 13-20 2018.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - b) Request to approve the February 12, 2018, City Council Minutes.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - c) Request to approve the Curb-Gutter-Street & Driveway Improvement Deferral Agreement – 212 Deere Street for Laterre Partners, LLC.
Purpose: Action By: Troy Vitek, Assistant City Engineer
- 7) ITEMS OF CONSIDERATION
 - a) Request to appoint Mary Shaw to the Twin Falls Authority as a commissioner to serve a five-year term.
Purpose: Action By: Leanne Trappen, Twin Falls Housing Authority, Mayor Shawn Barigar
 - b) Request to adopt a resolution authorizing the Mayor and City Clerk to execute a Cooperative Agreement with ITD for Americans with Disabilities Act (ADA) Curb Ramp Program; Key No. 20369.
Purpose: Action By: Erin Steel, Engineer 1
 - c) Request from Lincoln and Heather Tubbs to enter into an agreement regarding fencing along a portion of the Canyon Rim Trail adjacent to their home.
Purpose: Action By: David W. Gadd
 - d) Request to approve a Change Order for the 2017-07 Eastland Drive North & Poleline Rd. project.
Purpose: Action By: Jon Caton, Public Works Director

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

9) PUBLIC HEARINGS

- a) Request for **Annexation with a Zoning District Change & Zoning Map Amendment** from R-1 VAR CRO to R-4 CRO for Parcel 2, TBS Conveyance Plat, consisting of 13.43(+/-) acres, located 130 feet East of the Canyon Falls Drive & Harrison Street Intersection. c/o Rob Struthers on behalf of Katherine Breckenridge. (app. 2920)

Purpose: Action By: Jonathan Spendlove, Senior Planner

- b) Request for a **Zoning District Change & Zoning Map Amendment** from R-4 to M-2 for property, consisting of ten (10) +/- acres, located on the south side of the 400 block of Diamond Avenue West. c/o Gary Slette on behalf of Craig Casperson. (app. 2921)

Purpose: Action By: Jonathan Spendlove, Senior Planner

10) ADJOURNMENT

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.



Twin Falls City Council Minutes

Monday, February 12, 2018, 9:00 AM City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

****Special Meeting Notice****

Strategic Plan Update Workshop 9:00 a.m. to approximately 5:00 PM
Discussion led by Phil Kushlan, Kushlan Associates.

The regular City Council agenda will follow, but not prior to 5:00 p.m.

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Shawn Barigar, Vice Mayor Nikki Boyd, Councilmembers Chris Talkington, Greg Lanting, Suzanne Hawkins, Ruth Pierce, Christopher Reid
Absent: None
Staff Present: City Manager Travis Rothweiler, Deputy City Manager Brian Pike, Deputy City Manager Mitch Humble, City Attorney S, Deputy City Clerk Sharon Bry

Mayor Barigar called the meeting to order at 05:01: PM
A quorum was present.

2) PLEDGE OF ALLEGIANCE

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

3) STRATEGIC PLAN UPDATE WORKSHOP - 9:00 a.m. to approximately 5:00 p.m. - Discussion led by Phil Kushlan, Kushlan Associates.

Meeting convened at 9:13 AM and recessed to attend workshops. See City Council 20180212 Minutes – Strategic Plan

4) CONSIDERATION OF AMENDMENTS TO AGENDA

None

5) PROCLAMATIONS

None

6) GENERAL PUBLIC INPUT

None

7) CONSENT CALENDAR

MOTION:

Councilmember Reid moved to approve the Consent Calendar as presented. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- a) Request to approve the Accounts Payable for February 6 - 12, 2018.
- b) Request to approve the February 5, 2018, City Council Minutes.

8) ITEMS OF CONSIDERATION

- a) Request to confirm the City Manager's appointment of Les Kenworthy as the City of Twin Falls Fire Chief.

City Manager Rothweiler reviewed the Fire Chief hiring process and recommended the appointment of Les Kenworthy as the City of Twin Falls Fire Chief.

Discussion ensued on the following:

- Support of the appointment.
- Les Kenworthy's Top three challenge of his first year.
- Growth in Twin Falls
- Impact with EMS and staffing
- Utilize resources.

MOTION:

Councilmember Hawkins moved to approve the appointment of Les Kenworthy as the City of Twin Falls Fire Chief. Vice Mayor Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

Mayor Shawn Barigar swore Fire Chief Les Kenworthy into office.

Fire Chief Kenworthy thanked City Council and Staff.

Fire Chief Kenworthy introduced his wife Julie.

9) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

City Manager reminded City Council that Monday is a Holiday, City Council will meet on Tuesday, February 20, 2018 at 5:00 PM,

10) PUBLIC HEARINGS: None

11) ADJOURNMENT

The meeting adjourned at 05:19: PM



Sharon Bryan, Deputy City Clerk



Twin Falls City Council Minutes

Monday, February 12, 2018, 9:00 AM

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Shawn Barigar, Vice Mayor Nikki Boyd, Councilmembers Chris Talkington, Ruth Pierce, Suzanne Hawkins
Absent: Councilmembers Greg Lanting and Christopher Reid
Staff Present: City Manager Travis Rothweiler, Deputy City Clerk Sharon Bryan

Mayor Barigar called the meeting to order at 09:12 AM
A quorum was present.

2) GENERAL PUBLIC INPUT

3) ITEMS OF CONSIDERATION

a) Phil Kushlan - Strategic Planning Presentation

City Manager Rothweiler reviewed workshops.

Phil Kushlan gave a review on the Community Strategic Plan Update.

Discussion ensued on the following:

- Citizen comment
- Public Interest and Input.

Phil Kushlan responded that there was significant Citizen input.

City Manager Rothweiler gave out the workshop assignments to each group.

4) ADJOURNMENT

City Council will attend workshops.

Recess until 5:00 PM.

The meeting adjourned at 9:39 AM



Date: Tuesday, February 20, 2018
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Request to approve the Curb-Gutter-Street & Driveway Improvement Deferral Agreement – 212 Deere Street for Laterre Partners, LLC.

Time Estimate:

N/A

Background:

The property owner would like to build an addition to an existing building. A building permit requires frontage improvements, such as Curb-Gutter-Street & Driveway installation. The property owner is requesting a deferral on these improvement requirements..

Approval Process:

City Code 10-11-5 (B) states the City Engineer may defer construction if the improvement would create a traffic hazard or unusual drainage problem. There are no improvements on either adjoining properties to tie into. Staff believes it is acceptable to defer construction of these improvements at this location.

Budget Impact:

There is no significant budget impact associated with the Council's approval of this request.

Regulatory Impact:

Approval of this request will allow the owner to defer installation of these improvements until the City Engineer requires construction of said improvements.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council approve the request as presented.

Attachments:

1. Deferral Agreement - 212 Deere St
2. Warranty Deed - 212 Deere St
3. Aerial View - 212 Deer St

CURB-GUTTER-STREET & DRIVEWAY APPROACH IMPROVEMENT DEFERRAL AGREEMENT

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 Laterre Partners, LLC, hereinafter called "Developer", for the purpose of constructing certain improvements on property sought to be developed at 212 Deere Street, Twin Falls, ID.

WHEREAS, Developer certifies that he is the owner in fee simple or the authorized agent of the owner in fee simple of the real property described on the attached Exhibit "A"; and,

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 above described real property, marked Exhibit "A", showing ownership of said real property to be in Developer, 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 in the following manner: Addition to the building; and,

WHEREAS, the Developer is obligated to construct certain improvements, namely curb-gutter-street & driveway approach, pursuant to Title 10, Chapter 11 of the Twin Falls City Code; and,

WHEREAS, the City is authorized, pursuant to Twin Falls City Code Section 10-11-5(B)(2) to defer said improvements; and,

WHEREAS, the City Council on _____ agreed to defer construction of the aforementioned improvements,

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 defer construction of the required curb-gutter-street & driveway approach until _____, or until such time as the obligation of curb-gutter-street and driveway approach construction on adjacent property or properties allows the City Engineer to require construction under the conditions specified in City Code Section 10-11-5(B)(2).

II.

Developer agrees to: 1) complete construction of curb-gutter-street & driveway approach on the real property described above when required by the City Council.

III.

Developer further agrees that in the event the Developer fails to complete the aforementioned construction, the City may complete the construction at the City's expense and may file a lien against the aforementioned property for expenses incurred by the City in said construction.

IV.

Developer agrees to pay the total actual cost of all materials, labor and equipment necessary to completely construct all of the improvements required herein and to construct or contract for the construction of all such improvements.

V

Developer agrees to request in writing that the City Engineer and any other required department of the City make the following inspections and to not proceed with construction until the required inspection is complete and the work has been approved in writing by the City Engineer or his authorized inspector. All such inspections shall be scheduled fifteen (15) days prior to beginning work and the request for an inspection shall be made one working day before the required inspection. Developer agrees to apply all costs resulting from his failure to properly schedule and request a required inspection or from proceeding with work before receiving approval to proceed. Developer agrees to remove or correct any rejected, unapproved or defective work or materials all as required by the City Engineer.

Required inspections shall include: 1) approval of all materials before inspection; 2) approval of forms and gravel base before pouring any concrete curb-gutter-sidewalk & driveway approach; and 3) approval of finished curb-gutter-street & driveway approach.

VI.

The Developer agrees to: 1) allow the City full and complete access to the construction; 2) provide all materials necessary to conduct all tests; and 3) provide the equipment and perform or have performed any testing of manufactured materials required by the City Engineer.

VII.

Developer agrees to obtain any necessary permits from the Twin Falls Highway District or the City of Twin Falls prior to construction improvements on their respective rights-of-way if said permits are required by the aforementioned agencies. A certified copy of said permit or the original of said permit shall be submitted to the City prior to beginning construction thereon.

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

In the event of a breach of this 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 cost awarded by the Court.

CITY OF TWIN FALLS, IDAHO

BY _____
Mayor

DEVELOPER

STATE

OF

~~Louisiana~~
IDAHO

On this 5th day of February,
2018, before me a notary public in
and for said State, personally
appeared Robert Picciola

known to me to be the person who
name subscribed to the within
instrument, and acknowledged to me
that Robert Picciola
executed the same.

Theresa Perkins
Notary Public # 3670
Residing in Louisiana
Expires At death

STATE

OF

IDAHO

On this ____ day of _____,
20____, before me a notary public in
and for said State, personally
appeared _____

known to me to be the person who
name subscribed to the within
instrument, and acknowledged to me
that _____
executed the same.

Notary Public
Residing in _____
Expires _____

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
199 Country Lane
Jerome, ID 83338

TWIN FALLS COUNTY
RECORDED FOR:
FIRST AMERICAN TITLE - TWIN F/
02:54:52 PM 06-30-2017
2017010364
NO. PAGES 2 FEE: \$13.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: BH
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **638094-J (rt)**

Date: **June 09, 2017**

For Value Received, **Bill McDowell and Ann McDowell, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Laterre Partners, LLC, a Louisiana limited liability company**, hereinafter called the Grantee, whose current address is **1054 Canal Blvd., Ste. 3, Thibodaux, LA 70302**, the following described premises, situated in **Twin Falls County, Idaho**, to-wit:

THE EAST 182.84 FEET OF LOT 3 IN BLOCK 2 OF GEM INDUSTRIAL SUBDIVISION, TWIN FALLS COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED IN BOOK 11 OF PLATS, PAGE 3, RECORDS OF TWIN FALLS COUNTY, IDAHO.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 06/09/2017

Warranty Deed
- continued

File No.: 638094-J (rt)

Bill McDowell
Bill McDowell

Ann McDowell
Ann McDowell

STATE OF Washington)
SS.

COUNTY OF SPOKANE)

On this 29 day of June, 2017, before me, a Notary Public in and for said State, personally appeared **Bill McDowell and Ann McDowell**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



J. B. AIL
Notary Public for the State of Washington
Residing at: SPOKANE, WA
My Commission Expires: 4/10/2021



TWIN FALLS HOUSING AUTHORITY
200 North Elm * PHONE (208)733-5765 * FAX (208)733-5878
TWIN FALLS, IDAHO 83301

February 5, 2018

Honorable Mayor and City Council:

In accordance with procedures, we are submitting the recommendation that Mary Shaw be appointed to serve a five-year term, serving as a commissioner for the Twin Falls Housing Authority.

Board Commissioners are volunteers and are not paid to serve. They gain and give a lot of knowledge, direction, and expertise to the Housing Authority. Commissioners work and vote on issues vital to furthering the Housing Authority mission. Commissioners serving on the Board come from all sectors of the community and lend diversity and strength to our effort.

Mary Shaw has served this community for many years as an Idaho Realtor. As a recently retired realtor, Mary has a good understanding of the real estate and housing market. Mary has served on the board for both The Salvation Army and Valley House. Mary has become aware of our community's homeless population, and the obstacles associated with homelessness, including the need for affordable housing. Mary's willingness to become involved has afforded her leadership positions with both the Twin Falls Rotary and the Board of Directors of Twin Falls Chamber of Commerce. Mary's commitment to serve our community will continue with her desire to stay informed, continuing to watch our community grow, producing higher wages, and becoming a destination as a great place to live, work and recreate.

The Housing Authority appreciate Mary's willingness to commit some of her energy to support the Twin Falls Housing Authority's mission to strengthen affordable housing opportunities and continue to provide decent, safe, affordable housing to low-income families, seniors and disabled.

Thank you for your consideration.

Sincerely,


Leanne Trappen,
Executive Director



Twin Falls Housing Authority is an equal opportunity provider and employer
(208)733-5875 TDD

CERTIFICATE OF APPOINTMENT OF
COMMISSIONER MARY SHAW
TERM EXPIRES FEBRUARY 12, 2023

WHEREAS, a vacancy has been created on the Board of Commissioners of the Twin Falls Housing Authority due to the resignation of Commissioner John Van Engelen, whose term will expire February 12th, 2018.

NOW THEREFORE, pursuant to the provisions of Section 5 of the Housing Authorities Law of the State of Idaho, and by virtue of my office as Mayor of the City of Twin Falls, Idaho I hereby appoint Mary Shaw to serve a five-year term, from the 13th day of February, 2018.

IN WITNESS WHEREOF, I have hereunto signed my name as Mayor of the City of Twin Falls, Idaho and caused the official seal of said City to be attached hereto.

Shawn Barigar, Mayor of the City of Twin Falls

Date: _____, 2018

ATTEST:

City Clerk

I, Shawn Barigar, Mayor of the City of Twin Falls, Idaho do hereby certify that the foregoing certificate was duly filed in the office of the Clerk of the City of Twin Falls, Idaho on the _____ day of _____, 2018.

Mayor of the City of Twin Falls, Idaho

Date _____, 2018

SEAL:

CERTIFICATE

I, _____, the duly appointed, qualified City Clerk of the City of Twin Falls, Idaho, do hereby certify that the attached copy of the Certificate of Appointment of Commissioner Mary Shaw is a true and correct copy of the Certificate of Appointment of Commissioner Mary Shaw on file and of record in the office of the City Clerk.

AND I DO FURTHER CERTIFY that the attached copy of the Oath of Commissioner Mary Shaw of the Twin Falls Housing Authority, Twin Falls, Idaho is a true and correct copy of the Oath of Commissioner Mary Shaw on file and of record in the office of the City Clerk.

AND I DO FURTHER CERTIFY THAT the recently appointed Commissioner Brent Evans by the Honorable Mayor Shawn Bariger, to the Twin Falls Housing Authority Board of Commissioners, is not now an officer or employee of the City of Twin Falls, Idaho.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of Twin Falls, Idaho this _____ day of _____, 2018.

City Clerk

SEAL:

OATH OF COMMISSIONER OF
TWIN FALLS HOUSING AUTHORITY
TWIN FALLS, IDAHO

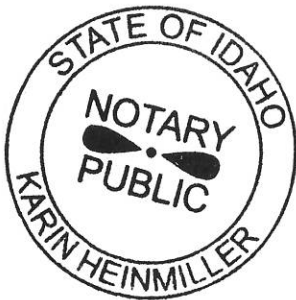
I, Mary Shaw, do solemnly swear that, I will support the Constitution of the United States, and the Constitution and Laws of this State; that I will faithfully discharge all of the duties of the Office of Commissioner of the Twin Falls Housing Authority of Twin Falls, Idaho according to the best of my ability, SO HELP ME GOD.

Mary M Shaw

STATE OF IDAHO

COUNTY OF TWIN FALLS, SS

I, Karin Heinmiller, Notary Public in and for the County of Twin Falls, State of Idaho, hereby certify that Mary Shaw, to me personally known and by me known to be one of the Commissioners of the Twin Falls Housing Authority of Twin Falls, Idaho, appeared before me on the 5th day of February, 2018. And made the above oath.



Karin Heinmiller

Notary Public
Residing in Twin Falls, Idaho

My Commission expires 9-26-2020



Date: Tuesday, February 20, 2018
To: Honorable Mayor and City Council
From: Erin Steel, Engineer 1

Request:

Request to adopt a resolution authorizing the Mayor and City Clerk to execute a Cooperative Agreement with ITD for Americans with Disabilities Act (ADA) Curb Ramp Program; Key No. 20369.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background:

The ADA Curb Ramp Program is a state-administered program that provides funding for projects to address pedestrian curb ramps on the state highway system. The goal of the program is to provide safe and easily accessible facilities for pedestrians with disabilities while allowing local jurisdictions flexibility in meeting the required standards.

City staff reviewed eligible curb ramps locations and chose locations based on curb ramp priorities already assigned by ITD, location to government offices and facilities and other places of public accommodation, and ability to considerably improve a local ADA accessible network.

The City of Twin Falls applied for funds in April of 2017 to construct 11 ramps on the state highway system.

The City was notified in January 2018 they had been awarded \$60,000, the maximum amount offered per jurisdiction, to construct the 11 ramps.

Funds are to only be used for construction purposes and will be available early 2018.

Approval Process:

ITD requires a cooperative agreement to delineate shared responsibilities on their projects. They also require a resolution to confirm the City's acceptance of the agreement.

The Council is asked to adopt the resolution authorizing the Mayor and City Clerk to execute the cooperative agreement on behalf of the City.

Budget Impact:

The construction of this project is anticipated to be paid for fully by ITD funds. However, should overages occur (above the allocated \$60,000), those will come out of the streets budget.

Regulatory Impact:

None

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council adopt the resolution authorizing the Mayor and City Clerk to execute the cooperative agreement.

Attachments:

1. 20369 COOP (ADARamps) City of Twin Falls
2. ITD Grant ADA Ramp Locations Vicinity Map
3. 9th & Fairfield
4. Blake and Addison
5. 2017- ADA Application - City of Twin Falls

**COOPERATIVE AGREEMENT
PROJECT NO. A020(369)
FY19 TWIN FALLS 11 ADA RAMPS
TWIN FALLS COUNTY
KEY NO. 20369**

PARTIES

This Agreement is made and entered into this _____ day of _____, _____, by and between the **IDAHO TRANSPORTATION BOARD** by and through the **IDAHO TRANSPORTATION DEPARTMENT**, hereafter called the State, and the **CITY OF TWIN FALLS**, hereafter called the City.

PURPOSE

The City of Twin Falls wishes to upgrade the following curb ramps within the City limits.

D4_03121	D4_03353	D4_03475
D4_03122	D4_03354	D4_03479
D4_03129	D4_03355	D4_03480
D4_03130	D4_03356	

The State has agreed to participate in the cost of this work. This Agreement will provide for the responsibilities of the parties in this project.

Authority for this Agreement is established by Section 40-317 of the Idaho Code.

It is mutually agreed and understood by the Parties that:

SECTION I That the State will:

1. Upon execution of this Agreement and receipt of a written request from the City, pay to the City the amount of Sixty Thousand Dollars (\$60,000) to be used for Americans with Disabilities Act (ADA) curb ramp improvements as identified above. The amount paid under this agreement is a lump sum payment. No additional funds will be paid for this work.
 - a. Payment will be divided into two parts. The State will pay 75% of the above-mentioned amount upon the initial written request. The remaining 25% will be paid upon the completion of the project provided that the work is completed to the State's satisfaction.
2. At its discretion, perform an inspection of the work upon notification from the City of completion of the work.

3. At its discretion, audit the project records to ensure the funds paid to the City were utilized as intended by this Agreement.

SECTION II That the City will:

1. Provide for design and construction of the improvements as identified above.
2. Design and construct the project to State Standards as defined in the current version of the Idaho Transportation Department's Design Manual, or as subsequently revised. The current Design Manual can be viewed at the following web site: <http://apps.itd.idaho.gov/apps/manuals/manualsonline.html>.
3. Provide all funding necessary for the work over and above the funds paid by the State under Section I, Paragraph 1 above.
4. Upon completion of the work:
 - a. Notify the State and provide the opportunity for inspection of the completed project by the State;
 - b. Request project acceptance by the State
 - c. Complete and submit an ITD-0288 (ADA Ramp Inspection) form for each ramp constructed. The form(s) can be either mailed to the Idaho Transportation Department, Contracting Services Section, PO Box 7129, Boise, ID 83707-1129, or sent to the following e-mail address: ITDAItContracting@itd.idaho.gov , and
 - d. Request final payment upon receipt of project acceptance by the State.
5. Maintain all project records, including source documentation for all expenditures, for a period of three (3) years from the date of final acceptance. If any litigation, claim, negotiation, or audit has been started before expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues that arise from it.
6. Comply with all other applicable State and Federal regulations.
7. Refund to the State the amount paid under this Agreement if the project is terminated prior to completion or if the project is not completed within two (2) years of the effective date of this Agreement.
8. At its own expense, correct any ramps constructed under this Agreement that do not meet ADA requirements.

9. To the extent permitted by Idaho law and as provided by the Idaho Tort Claims Act, indemnify, save harmless the State, regardless of outcome, from the expenses of and against suits, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the Sponsor or its consultant in the design, construction and maintenance of the work which is the subject of this Agreement, or Sponsor's failure to comply with any state or federal statute, law, regulation or rule. Nothing contained herein shall be deemed to constitute a waiver of the State's sovereign immunity, which immunity is hereby expressly reserved.

GENERAL:

1. This Agreement shall become effective on the date the parties entered into this Agreement, and shall remain in full force and effect until amended or replaced upon the mutual written consent of both parties.

EXECUTION

This Agreement is executed for the State by its Engineering Services Division Administrator, and executed for the City by the Mayor, attested to by the City Clerk, with the imprinted corporate seal of the City of Twin Falls.

IDAHO TRANSPORTATION DEPARTMENT

Approved by Engineering Services
Division Administrator

Recommended by District Engineer

ATTEST:

CITY OF TWIN FALLS

City Clerk

Mayor

By regular/special meeting held
on _____

hm:20369 COOP (ADARamps).docx

RESOLUTION

WHEREAS, the Idaho Transportation Department, hereafter called the **STATE**, has submitted an Agreement stating obligations of the **STATE** and the **CITY OF TWIN FALLS** hereafter called the **CITY**, for ADA improvements on US-93; and

WHEREAS, the **STATE** is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System; and

WHEREAS, the **CITY** and the **STATE** are providing funds for this project; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement to construct ADA improvements on US-93 within city limits is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY**.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a *regular, duly* called special (X-out non-applicable term) meeting of the City Council, City of Twin Falls, held on _____, _____.

(Seal)

City Clerk







ADA CURB RAMP APPLICATION – SFY2019

PROJECT APPLICATION

The Idaho Transportation Department is releasing this statewide call for applications to solicit new ADA curb ramp project proposals from eligible local agency sponsors.

Final applications must be submitted to the Department electronically via email. All applications including attachments are to be submitted to ITDAItContracting@itd.idaho.gov. Additionally, all questions are to be submitted to ITDAItContracting@itd.idaho.gov. For all email correspondence concerning this application, please indicate "2019 ADA Application" in the subject line along with the sponsor's name. For example (**Subject:** 2019 ADA Application - City of Moscow).

Application due date: April 6, 2017

SECTION 1 - APPLICANT INFORMATION

Project Sponsor	City of Twin Falls		
Contact Name	Mandi Thompson		
Title	Grant Manager		
Phone Number	208-735-7237	Email Address	mthompson@tfid.org
Address	P.O. Box 1907 Twin Falls, Idaho 83303		
Proposed Project Manager/Title	Erin Steel, Project Engineer		
Phone Number(s):	208-735-7310	Email Address:	esteel@tfid.org

Application Priority Designation: For this application cycle, only one project award is allowed per local project sponsor. An application can include multiple curb ramps. If sponsor is submitting multiple applications, please indicate the application priority.

Application Priority	n/a
----------------------	-----

SECTION 2 - CURB RAMP APPLICATION REQUIREMENTS

Eligible Activities: Funds can only be used for construction purposes.

Right-of-Way: Right-of-Way costs are not eligible expenses.

Please provide the following information for each curb ramp location included in your application in the table on the next page. Attach additional pages if needed.

- **Location:** Include the Ramp ID from the ITD Curb Ramp Inventory. Note that only curb ramp locations on the state highway system are eligible under this program. Off-system locations will not be considered. For ramps not listed in the ITD ADA Transition plan, these should be identified by state route and cross-street.
- **Priority:** List the priority shown in the ITD ADA Transition Plan or other if the ramp is not listed in the plan.
- **Cost:** Provide the amount of funding requested from ITD for each curb ramp.

SECTION 3 - CURB LOCATIONS AND ESTIMATE

(PROVIDE AN ALL-INCLUSIVE LUMP SUM COST ESTIMATE, INCLUDING SUCH ITEMS AS MOBILIZATION AND TRAFFIC CONTROL, FOR EACH PROPOSED RAMP ON THE TABLE PROVIDED BELOW ONLY. ANY OTHER ESTIMATING DOCUMENTATION WILL NOT BE CONSIDERED.)

Ramp Location (Include Ramp_ID from ITD Curb Ramp Inventory)	Priority (High, Medium, Low, or other)	Is right-of-way needed? - Yes or No - If yes, provide information how right-of way will be obtained.	Ramp Cost
D4_03475	High	No	\$6,475.00
D4_03479	High	No	\$4,575.00
D4_03480	High	No	\$5,000.00
D4_03355	High	No	\$5,625.00
D4_03356	High	No	\$5,625.00
D4_03353	High	No	\$7,500.00
D4_03354	High	No	\$7,500.00
D4_03121	High	No	\$4,375.00
D4_03122	High	No	\$4,375.00
D4_03129	High	No	\$4,475.00
D4_03130	High	No	\$4,475.00
Total Project Cost →			\$60,000.00

SECTION 4 – GENERAL INFORMATION

1. Has the applicant previously been awarded funding under this program?
☒ YES ☐ No

2. If yes to question 1, have the requirements of the previous project's cooperative agreement been satisfied?
☒ Yes ☐ No

3. How will the construction work be performed?
☐ Applicant's forces ☒ Contracted forces

4. Has the applicant's project manager attended a curb ramp instruction class provided by the Department?
☐ Yes ☒ No

PROGRAM OVERVIEW

The Idaho Americans with Disabilities Act (ADA) Curb Ramp Program is a state-administered program that provides funding for projects to address curb ramps on the state highway system. The goal of the program is to provide accessible facilities for pedestrians with disabilities while allowing local jurisdiction flexibility in meeting the required standards. The Idaho Transportation Department (ITD) is allocating \$500,000 of state funds annually for this program. Applicants can qualify for up to \$60,000 in state funding to construct new or alter existing curb ramps on the state highway system to meet the requirements of the ADA. Funds can only be used for construction purposes. This program provides local communities more control over the design of pedestrian facilities in their communities and makes better economical use of dollars through the use of state funds while addressing accessibility on the state highway system.

ELIGIBILITY REQUIREMENTS

Eligible applicants include local jurisdictions (cities, counties, highway districts) and tribal governments. Eligible projects are restricted to the construction of curb ramps. Project construction must be completed within 2 year from the execution of the Cooperative Agreement. If the criteria or other requirements of this application are not met, the application will be rejected. ITD staff will prepare a cooperative agreement for signature. This agreement outlines the responsibilities of both parties and must be approved by appropriate local official(s). Only eligible expenses performed after the execution of the Cooperative Agreement will be allowed.

If selected, the applicant's project manager is required to attend a curb ramp instruction class provided by the Department. Contact Jared Holyoak at ITDAltContracting@itd.idaho.gov to enquire on upcoming classes. All completed ramps are to be inspected by the sponsor and compliance shall be documented using the Department's ITD-0288 form. Photos of each constructed ramp are to be recorded and submitted to the Department with each ITD-0288. Any completed ramps that do not meet ADA requirements will require corrections at the sponsor's expense.

Department staff may perform a final site review and inspection for compliance with ADA.

Successful applicants agree to disperse Curb Ramp Program funds in compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990 (ADA), to ensure their actions and activities do not discriminate on the basis of race, color, national origin, sex, age, or disability.

SELECTION PROCESS

Project applications can include multiple curb ramp locations. Each curb ramp location will be individually evaluated by a review panel consisting of staff from the following agencies:

- Idaho Transportation Department
- Federal Highways Administration – Idaho Division
- LHTAC

Individual curb ramp improvement projects will be selected for award based on project need as described in the following sections.

Selected projects will be recommended to the Idaho Transportation Board to be including the current Idaho Transportation Improvement Program (ITIP) in the annual June or July Board meeting. Official approval of the recommended projects usually occurs between October and December of each year.

PROJECT NEED

The need to improve a curb ramp will be evaluated based on the following criteria.

1. ITD Transition Plan Priority

The ITD Transition Plan prioritizes each non-compliant curb ramps based on location relative to places of interest (demand) and the physical characteristics of the ramp related to compliance. Each curb ramp in the project application will receive a score based on the priority established in the ITD Transition Plan. High priority ramp locations will receive 20 points, medium priority ramp locations will receive 10 points, and low priority ramp locations will receive 5 points. Non-compliant curb ramps on the State Highway system, not listed on the ITD Transition Plan, may be included and will receive 5 points.

2. Previous Awardee History

Applicants that have not met the requirements of prior Cooperative Agreements will be ineligible for funding.

3. New Applicants

Applicants that have not previously been awarded funds will receive preferred status.

REFERENCE MATERIALS

The following reference materials are included to aid a potential applicant in identifying and prioritizing eligible projects.

- ITD Curb Ramp Inventory
- Sample Cooperative Agreement
- Curb Ramp Standard Drawings H-1 and H-2 Series
- Form ITD 0288 Curb and Ramp Inspection

These reference items can be found at <http://itd.idaho.gov/alt-programs/>



Date: Tuesday, February 20, 2018
To: Honorable Mayor and City Council
From: Mitch Humble, Deputy City Manager

Request:

Request from Lincoln and Heather Tubbs to enter into an agreement regarding fencing along a portion of the Canyon Rim Trail adjacent to their home.

Time Estimate:

The request will be made by David W. Gadd, who represents the Tubbs family. The presentation should take about 5 minutes.

Background:

Last summer, with the help of many community partners, the City completed The Preserve section of the Canyon Rim Trail. During that project, three different property owners were able to complete land purchases from Gary Storer that allowed the City to alter the alignment in a few places. These alignment changes straightened out some hard turns in the trail and reduced the total length of the trail. These changes also reduced the overall project cost. The Tubbs were one of these three property owners.

The Tubbs would now like to construct a fence along their property line adjacent to the new trail. The City has received a request from the Tubbs for the City to pay for that fence since their acquisition of property from Gary Storer allowed the City to reduce the amount of trail we were constructing. They are requesting that the City use the project savings to reimburse them for the cost of their fence. They would cause the fence to be constructed, it would be constructed on their property, and they would own and maintain the fence into the future. This would be a one-time payment in the amount of \$25,343 for the initial construction of the fence.

During the trail construction, staff discussed the topic of fencing along the trail with several adjacent property owners. The project included construction of a fence along the south side of the trail, but no fences on the north side of the trail. The south side fence was a requirement placed on the City from Gary Storer. We would not have been able to acquire the property for the trail without constructing the fence on the south side. It was also a safety measure put in place to separate Mr. Storer's cattle from the trail. Staff was consistent in our representation to property owners on the north side that we were not opposed to them putting in their own fences, but we were not going to participate in the cost of fencing on the north side of the trail. In conversations with the Tubbs, we maintained that same position. Not satisfied with the answer from staff, the Tubbs were told that they could put together a request and take it to the Council. This is that request.

Staff does not support approval of this request. We have turned down similar requests from others in the area. We should be consistent in our approach. If we approve the Tubbs request, there would be other property owners in very similar circumstances that could soon make similar requests. In addition, while the re-alignment of the trail did reduce our project cost, we had cost overruns in other areas. We ended up installing significantly more fill material than was anticipated to ensure trail accessibility requirements. Even with the alignment savings, the entire project budget has been spent.

Approval Process:

Approval of this request requires a majority vote of the Council.

Budget Impact:

The Tubbs are requesting that the City reimburse them \$25,343 for the cost of construction of a fence. This expense has not been budgeted for and the trail project budget does not have enough funds to cover the cost.

Regulatory Impact:

If the Council approves the request, the Mayor will be able to enter into the proposed agreement, allowing the City to reimburse the Tubbs for the cost of the proposed fence.

History:

N/A

Analysis:

N/A

Conclusion:

Staff does not support the approval of this request.

Attachments:

1. Tubbs Agreement

**WORST, FITZGERALD &
STOVER, P.L.L.C.**

Richard J. "Tug" Worst
John O. Fitzgerald, II
Timothy J. Stover
David W. Gadd
Kara M. Gleckler
Louis V. Spiker
Kirk A. Melton

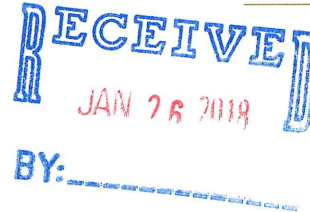
Attorneys At Law

WILSON & McCOLL
Jeffrey M. Wilson
Brian F. McColl

Of Counsel

January 22, 2018

City of Twin Falls
Attn: Mitch Humble
Deputy City Manager of
Community Development
203 Main Ave. East
Twin Falls, ID 83301



Re: Lincoln and Heather Tubbs

Dear Mr. Humble:

Pursuant to our discussions, I am enclosing on behalf of my clients, Lincoln and Heather Tubbs, a proposed Agreement with the City of Twin Falls. Please present the same to the city council for consideration at its next regular meeting. Please also provide me with notice of the date of the meeting at which the Agreement will be considered, as I wish to make comments in support of it.

If you have any questions, please feel free to contact me. Thank you.

Sincerely,

DAVID W. GADD

DWG:ajh
Enclosure
cc: Clients

Please direct all correspondence to our Twin Falls office at the address noted below

Twin Falls Office:
905 Shoshone Street North, Twin Falls, ID 83301
P.O. Box 1428, Twin Falls, ID 83303-1428
Phone: (208) 736-9900 / Facsimile: (208) 736-9929
www.magicvalleylaw.com

Boise Office:
3858 North Garden Center Way, Suite 200, Boise, ID 83703
P.O. Box 1544, Boise, ID 83701
Phone: (208) 345-9100 / Facsimile: (208) 384-0442

AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2018, by and between the City of Twin Falls, an Idaho municipal corporation (hereinafter referred to as "City"); and LINCOLN TUBBS and HEATHER TUBBS, husband and wife (hereinafter referred to collectively as "Tubbs").

WITNESSETH:

WHEREAS, the City has planned for the construction of a trail that runs along the south rim of the Snake River Canyon, more or less, from approximately Washington Avenue in Twin Falls, Idaho, to Dierkes Lake (hereinafter referred to as the "Trail"); and

WHEREAS, Tubbs owns a certain parcel of real property that lies adjacent to the location of the Trail (hereinafter referred to as the "Tubbs Property"); and

WHEREAS, the Trail, as originally planned, bordered three sides of the Tubbs Property, as depicted in the document attached hereto as Exhibit "A," and was situated near to the Tubbs residence; and

WHEREAS, Tubbs purchased that certain parcel of real property situated immediately to the east of the Tubbs Property, which parcel is identified as "Parcel 2" on the document attached hereto as Exhibit "A"; and

WHEREAS, Tubbs's purchase of Parcel 2 has enhanced the quality of the Trail by reducing the number of sharp angles in the Trail and, as a result of reducing the length of the Trail by approximately 300 feet, has reduced the construction cost of the Trail by approximately \$30,000; and

WHEREAS, Tubbs purchased Parcel 2 expressly for the purpose of enhancing the quality of the Trail and reducing the construction cost of the City; and

WHEREAS, Tubbs desires to construct a fence along a portion of the boundary of the Tubbs Property and Parcel 2 to provide Tubbs with some privacy relative to the patrons using the Trail, the cost of which is approximately \$25,343 (hereinafter, the "Fence"), such estimates are attached hereto as Exhibit "B"; and

WHEREAS, the City, recognizing the benefit conferred upon it by Tubbs's purchase of Parcel 2, is willing to reimburse Tubbs for the cost of the installation of the Fence.

NOW, THEREFORE, in consideration of their mutual promises recited hereinbelow, and other good and valuable consideration, the parties hereto agree, for themselves, their successors, and assigns, as follows:

1. Tubbs shall proceed to construct the Fence and shall be solely responsible for said construction and removal, including, without limitation, all costs and expenses associated therewith.

2. Upon completion of the construction of the Fence, Tubbs shall submit proof of said construction and removal to the City Manager in the form of invoices from any third-party contractors that Tubbs may engage to perform such work. Upon the City's receipt of such invoices, the City shall reimburse Tubbs for said expenses up to the sum of \$25,343.00.

3. Tubbs shall be the owner of the Fence at all times and shall be responsible for all costs associated with the maintenance and repair of the Fence. Nothing in this Agreement shall be deemed or construed as creating an ownership interest, or any other interest, in the City with regard to the Fence. Further, Tubbs shall indemnify the City from any claim, action, or damage for personal injury or property loss asserted by a third party where such claim, action, or damage is alleged to have resulted from the construction, installation, or maintenance of the Fence.

4. This Agreement constitutes the entire agreement and understanding concerning the subject matter between the parties and supersedes and replaces all prior discussions and negotiations. The parties acknowledge that no party, nor any agent or attorney of any party, has made any promise, representation or warranty whatsoever, express or implied, not contained herein, concerning or relating to the subject matter hereof, to induce any party to execute this Agreement, and acknowledges that no party shall execute this instrument in reliance on any such promise, representation or warranty not contained herein. This instrument may be amended only by an agreement in writing signed by the parties to be charged therewith, and no provision of this Agreement may be waived or modified, except by an instrument in writing signed by all parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and effective on the day and year first above written.

"TUBBS"

"CITY"

Lincoln Tubbs

By: _____
Shawn Barigar
Its: Mayor

Heather Tubbs

Exhibit “A”

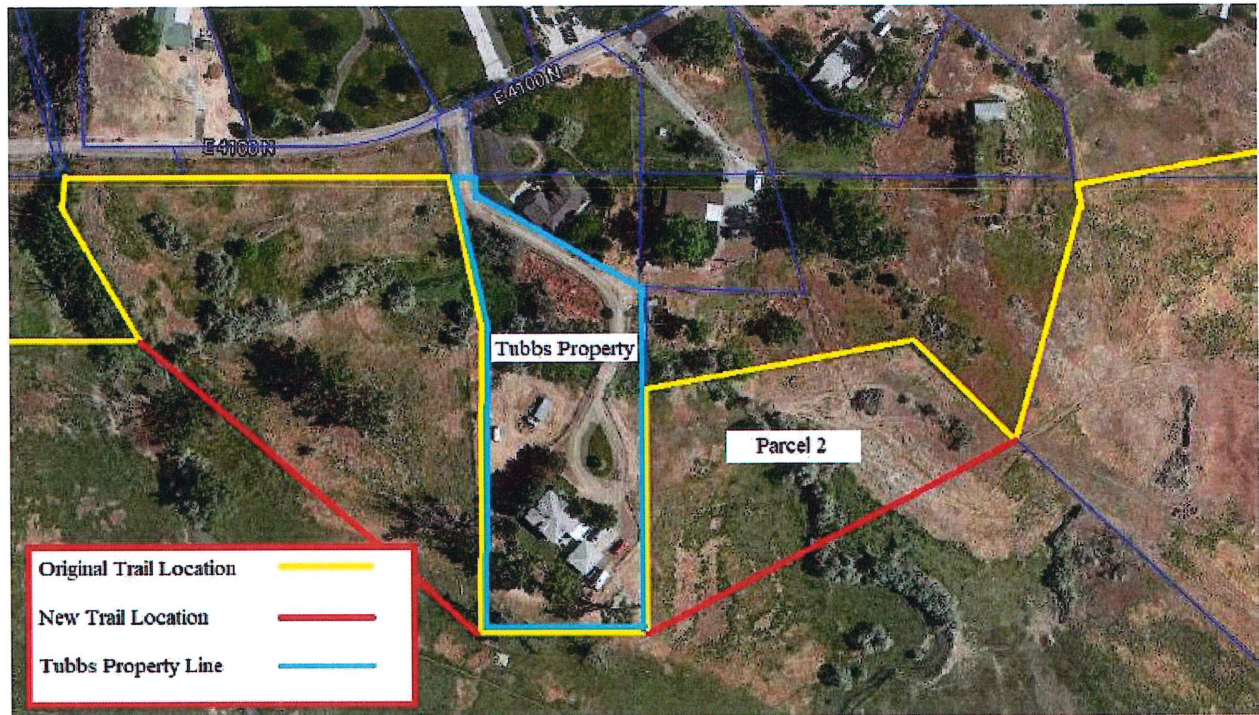


Exhibit “B”

Bill's Fencing

2346 Garey Lane
Filer, Idaho 83328
731-3162

Estimate

Date	Estimate #
11/21/2017	12979

Name / Address
HEATHER TUBBS 2552 POLELINE RD E

P.O. No.	Project

Description	Total
INSTALL 540' OF 6' DOG EARED CEDAR FENCE WITH METAL POST	12,960.00T
INSTALL 200' OF POST AND POLL OR INSTALL 200' OF 6' CEDAR FENCE IN STEAD OF POST AND POLL 4800.00	2,850.00T
	0.00
Serving Idaho since 1973. Thank you for your Business.	Subtotal \$15,810.00
	Total \$15,810.00



IDAHO MATERIALS & CONSTRUCTION

Boise Area- 924 N. Sugar St *P.O. Box 1310 *Nampa, ID 83653-1310 * Phone (208) 466-5001 * Fax (208) 466-5166 Twin Falls Area- 1310
Addison Ave West * Twin Falls, ID 83301 * Phone (208) 733-5933 * Fax (208) 734-6936 * ISPW#11916-U-1-2 Oregon # 42640 Nevada #0054829

ASPHALT PAVING ROAD & UTILITY CONSTRUCTION EARTHWORK CONCRETE SAND & ROCK

To:	Heather Tubbs	Contact:	Heather Tubbs
Address:	2552 Pole Line Road Twin Falls, ID	Phone:	208-420-9759
		Fax:	
Project Name:	Tubbs Estate	Bid Number:	
Project Location:	2552 Pole Line Road East, Twin Falls, ID	Bid Date:	7/26/2017

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
10	Furnish, Haul, Place, Fine Grade, Water, Roll And Compact Fill Along Shoulder Of New City Trail (4' Flat Then Sloped At A 2:1)	174.00	TON	\$24.500	\$4,263.00
20	Mobilization	1.00	EACH	\$730.000	\$730.00

Total Bid Price: \$4,993.00

Notes:

- Price shown DOES NOT include Performance and Payment bond. Add 2% if bond is required.
- Quote pricing is contingent upon having access to fill area with a Single Dump Truck (55,000-58,000 Lbs with a Tag Axle) and owner removing fence to allow us access with labor & equipment. ISG will not be liable to any damage caused to private bridges by accessing with any of the previously mentioned equipment.
- Final payment based on quantity of fill delivered and placed on job.
- Quote DOES NOT include any erosion control or erosion control permits, general permits, traffic control, surveying, testing/inspection fees, saw cutting, concrete collars for manholes & water valves.
- Mobilization is based on (1); additional mobilizations will be charged at the rate of \$760.00 per each
- Idaho Sand & Gravel Idaho contractor registration number is ICRL # RCE-1456
- IF THIS BID IS ACCEPTED PLEASE SIGN AND RETURN ONE COPY.
- Additional Terms and Conditions of this proposal/contract.
- 1. APPROVAL OF CREDIT: Notwithstanding purchasers acceptance of this proposal, sellers obligation to perform is conditional upon seller's approval of the financial responsibility of the purchaser; and purchaser will furnish to seller promptly, at sellers request, such information as may be necessary for seller to determine purchasers financial responsibility and credit. If disapproved, purchaser will be notified, and this agreement will be deemed terminated, without liability to either party.
- If not accepted within (10) days from date of proposal, this offer shall automatically expire.
- In addition, if for reasons beyond sellers control the work is not performed during sellers current construction season or over a longer period if agreed to in writing at the date of this proposal, the contract price may be increased by the seller to reflect its cost increase incurred at the time the work is performed. Our normal construction season is April through November, depending on weather conditions.
- 4. ACCEPTANCE OF PROPOSAL: The purchaser represents that they (it, he, or she) are the owner of the premises on which the work is to be done, or are authorized representative of the owner, and have permission and authority to grant the seller the right to perform such work on premises. Should seller be required to provide survey stakes and/or to perform engineering services of any nature, purchaser hereby covenants and agrees to save and hold harmless seller from and against any and all damages, claims, costs or expenses which ever arising from or growing out of performance of the contract, including, but not limited to, drainage of water as to direction or amount during performance of the contract as well as thereafter.
- PERFORMANCE: The seller shall not be liable for failure of performance or failure of delay in delivery by reason of contingency beyond sellers control, including but not limited to, strikes, labor disputes, fire, flood, weather, embargo, war, government, or shortage or failure of raw materials, fuel, or transportation. If seller is delayed for more than sixty days (60) in the performance of this contract set forth herein, purchaser shall have the right upon seven (7) days written notice to seller to terminate this contract in which event the seller shall be paid for the work performed by it to date of such termination and all parties hereto shall be released of any further obligations herein.

Payment Terms:

Payment terms: Net due by the 10th of the month following date of invoice unless otherwise stated. Interest at the rate of 2% per month charged on all past due accounts. This is an annual percentage rate of 24%. Purchaser agrees to pay reasonable legal

ACCEPTED:

The above prices, specifications and conditions are satisfactory and are hereby accepted.

Buyer: _____

Signature: _____

Date of Acceptance: _____

CONFIRMED:

Idaho Materials & Construction

Authorized Signature: _____

Estimator: Levi Lemmon
208-484-2990 levi.lemmon@idahomaterials.com

BK Custom Painting & Fine Finish, LLC
PO BOX 5948
Hailey, ID 83333
(208) 481-1005
john.bkcustom@gmail.com
<http://www.bkcustompainting.com>



ESTIMATE

ADDRESS

Lincoln Tubbs
2552 Pole Line Rd. E.
Twin Falls, Idaho 83301 USA

ESTIMATE # 1166

DATE 12/07/2017

ACTIVITY	QTY	RATE	AMOUNT
Staining LABOR: Brush or Spray application of stain. 6' CEDAR FENCE 540 FT X2 (BOTH SIDES) 6480 sq	0.50	6,480.00	3,240.00
Staining LABOR: Brush or Spray application of stain. POST AND RAILS 200 FT	1	200.00	200.00
Paint and Stain Paint and stain used to complete a job	20	40.00	800.00
Job Material Expendible items used to complete the painting or staining on a job	1	300.00	300.00

30% DEPOSIT REQUIRED

TOTAL

\$4,540.00

FENCING ALONG BIKE PATH

Accepted By

Accepted Date



Date: Tuesday, February 20, 2018
To: Honorable Mayor and City Council
From: Jon Caton, Public Works Director

Request:

Request to approve a Change Order for the 2017-07 Eastland Drive North & Poleline Rd. project.

Time Estimate:

Approximately 5-10 minutes plus time for Council Q & A.

Background:

On January 8th, City Council awarded the 2017-07 Eastland Drive North & Poleline Rd. project to Kloepper Inc. for approximately \$1.98M. As a part of the project, Staff intended to extend pressurized irrigation lines outside the Eastland roadway for future PI improvements in the vicinity of Eastridge Subdivision. During the project, it was discovered that the city did not have enough right-of-way to construct said improvements outside of the roadway. Therefore, if the improvements were to be made, they would have to happen within the roadway project, i.e., Eastland from Cheny to Julie Ln.

The improvements are critical for improving the pressurized irrigation delivery on the Ensign Point PI Station service area and it makes sense to construct the improvements now, while the road is under construction.

Approval Process:

Requires Council approval.

Budget Impact:

The estimated cost for these improvements is anticipated to be less than \$200,000. Therefore, Staff is requesting authorization to approve this change order up to \$200,000 from the Water fund.

Regulatory Impact:

NA

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends approval of the change order.

Attachments:

None



Public Hearing: **February 20, 2018**

To: Honorable Mayor and City Council

Presenter: Jonathan Spendlove, Senior Planner

Editor: Renee V Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM

Request: Consideration of a request for **Annexation with a Zoning District Change & Zoning Map Amendment** from R-1 VAR CRO to R-4 CRO for Parcel 2, TBS Conveyance Plat, consisting of 13.43(+/-) acres, located 130' (+/-) north and east of the Canyon Falls Drive & Harrison Street Intersection. c/o Rob Struthers on behalf of Katherine Breckenridge. (app. 2920)

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: 13.43 (+/-) acres
Katie Breckenridge Po Box 685 Picabo, ID 83348	Current Zoning: R-1 VAR CRO within the Area of Impact	Requested Zoning: Annexation with rezone to R-4 CRO
	Comprehensive Plan: Mixed Use	Lot Count: 1
	Existing Land Use: Agriculture	Proposed Land Use: No proposed development at this time
Representative:	Zoning Designations & Surrounding Land Use(s)	
Robert Struthers 762 Robert St. Picabo Rt. Bellevue, ID 83313 208.788.4673 email@robstruthers.com	North: OS in the Area of Impact; Snake River Canyon	East: R-4 CRO PUD; Residential & R-4 PRO & CRO PUD; Residential and Parking Lot
	South: R-4 CRO & R-6; Agricultural	West: C-1 PUD; Nursing Homes
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-5, 10-15-1&2,	

Approval Process:

§10-15-2: Annexation

The Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The P&Z public hearing shall not consider comments on annexation and shall be limited to a proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

Budget Impact:

Approval of this request will have minimal impact on the City budget.

Regulatory Impact:

A recommendation on the zoning of this site will allow the application to be scheduled for the City Council. Approval of this request will allow the applicant to annex the subject property into the City Limits.

History:

Documented aerial imagery shows this land to be agricultural since at least the 1950's and from previous testimony by the applicant; this land has been farmed since the early 1900's. This property is in the Area of Impact. The current zoning designation of R-1 VAR CRO was amended from R-1 43,000 CRO with the action taken on the most recent Area of Impact Agreement between the City of Twin Falls and Twin Falls County, which occurred in 2004. In February 2009, City Council approved the TBS Conveyance Plat, which created two parcels from the 23+/- acres.

In June 2017, a request to annex Parcel 1, 10+/- acres, of the TBS Conveyance Plat and rezone from R-1 VAR to R-6 was scheduled for public hearing before the Planning & Zoning Commission. This commission recommended an R-4 zone as appropriate if parcel 1 was annexed. In July 2017, the City Council approved the annexation and rezoned Parcel 1 as follows: the portion of the property within the Canyon Rim Overlay as R-4 CRO, with the remainder of the Property zoned R-6.

Analysis:

This request is to annex Parcel 2, TBS Conveyance Plat, consisting of 13.43(+/-) acres, with a zoning designation of R-4 CRO. Currently the 13.43 (+/-) acre parcel is zoned R-1 VAR CRO and is being used for agricultural purposes. The R-4 Zone is a medium density residential designation that outright permits single-family and duplex residential dwellings and may allow tri-plex or 4-plex residential dwellings by special use permit. Minimum lot size for a single-family dwelling is a 4,000 sq. ft. lot. This property is platted as a Conveyance Plat. A Conveyance Plat may be used to convey the property or interests therein; however, a Conveyance Plat does not constitute approval for development of the property and is not intended for immediate development. A Conveyance Plat is an interim step in the subdivision and development of land. A recorded Subdivision Plat shall be required Prior to development of the property.

The property is located within the Canyon Rim Overlay District. The Canyon Rim Overlay states *"All development, except existing residential lots, in the canyon rims overlay district shall be part of an approved Zoning Development Agreement."* A ZDA is a rezone of property, which requires development disclosure including a Master Development Plan. The ZDA process takes multiple public hearings, including notifications to local media and neighboring property owners, which provides the avenue for public comments regarding the proposed development. As part of the ZDA process, discussions on the long desired public trail connection along the canyon rim may take place. Traffic congestion and connectivity may also be a topic of any proposed development.

Comprehensive Plan Compliance:

Approval of a ZDA shall comply with the 2016 Comprehensive Plan; "Grow With Us".

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Mixed Use" development. Characteristics of "Mixed Uses" are intended to be pedestrian friendly and include a mixture of commercial uses: retail, office, civic, entertainment and high density residential uses of 10-20 DU per acre. The Future Land Use Map identifies a "Mixed Use" designation over a major portion of properties along Pole Line Road from Eastland Drive North to Washington Street North and south on Blue Lakes Boulevard North to Addison Ave. Staff determined this request is not in complete compliance with the 2016 comp plan as the requested R-4 zoning district is on the lower end of the residential units per acre,

and it precludes any retail or commercial uses within this specific property at this time. However, a recent recommendation from the Commission, and decision by the Council, for the area immediately to the south could lead one toward this R-4 CRO District being appropriate for this specific area, subject to a ZDA process, which may require a minimum residential density of 10-20 DU per acre as recommended in the 2016 Comprehensive Plan; “Grow With Us”.

Twin Falls City Code sections 10-15-1 and 10-15-2 requires a request for annexation to hold a public hearing with a recommendation from the Commission on the zoning designation for areas proposed to be annexed. At another public hearing, the City Council is tasked with making a decision on whether to annex the property and if so what the zoning designation shall be.

If the request is approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published, it is sent to the State and the official zoning map is officially amended.

On January 9, 2018, the Planning and Zoning Commission forwarded a positive recommendation for this area to be zoned R-4 CRO by a vote of 7-0.

Conclusion:

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

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Site Photo
6. TBS Conveyance Plat
7. Minutes from PZ Public Hearing 1-23-2018



762 Robert Street • Bellevue, Idaho 83313 • 208-788-4613 • Fax 208-788-2375

11.20.2017

CITY OF TWIN FALLS
ATTN. RENÉE CARRAWAY JOHNSON
ZONING & DEVELOPMENT MGR.
P.O. BOX 1907
TWIN FALLS, ID. 83303

DEAR RENÉE,

ENCLOSED PLEASE FIND THE ANNEXATION WITH A
ZONING DISTRICT CHANGE APPLICATION FOR PARCEL
TWO OF THE TBS SUBDIVISION. PLEASE REVIEW
THE APPLICATION AND LET US KNOW IF IT IS
COMPLETE. THANK YOU.

YOURS TRULY,

ROB STULTZERS

CC. KATIE BRECKENRIDGE

Zoning Vicinity Map

- Area Of Impact
- CRO
- PRO
- PUD
- C-1
- OS
- R-1 VAR
- R-4
- R-6
- SUI

Outside City
Limits (Aol)

CANYON SPRINGS RD

NORTHBRIDGE BLVD

Northbridge
No 2
2291

HARRISON ST

Northbridge
2185

Northbridge
2185

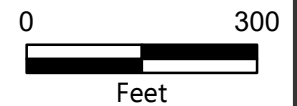
Northbridge
2185

CANYON PARK Ave

Blue Lake
Concept 9

PPO

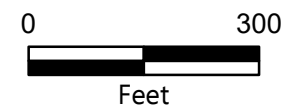
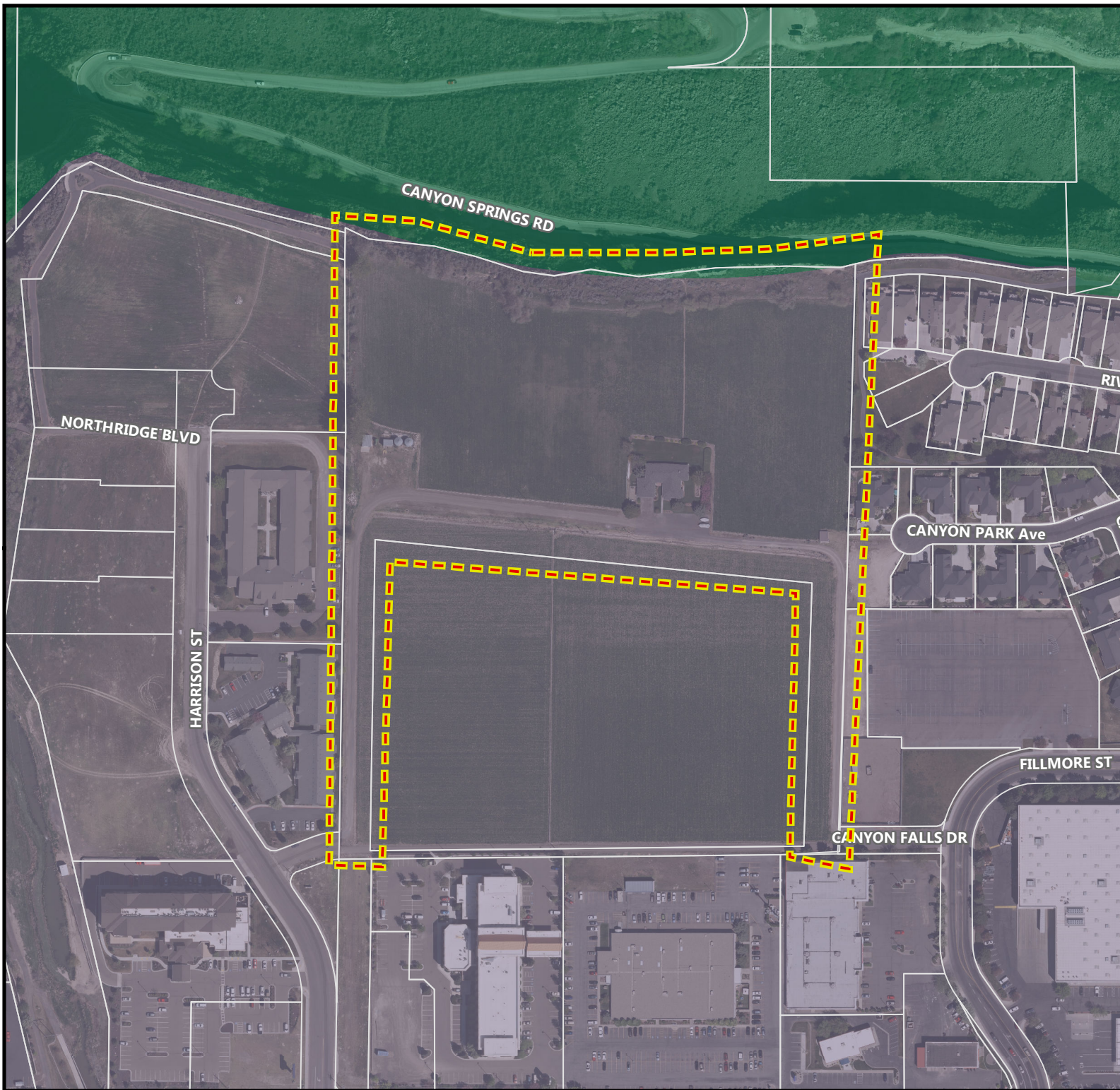
CANYON FALLS DR



AERIAL PHOTO APRIL 2016
REFERENCE ONLY

Future Land Use Map

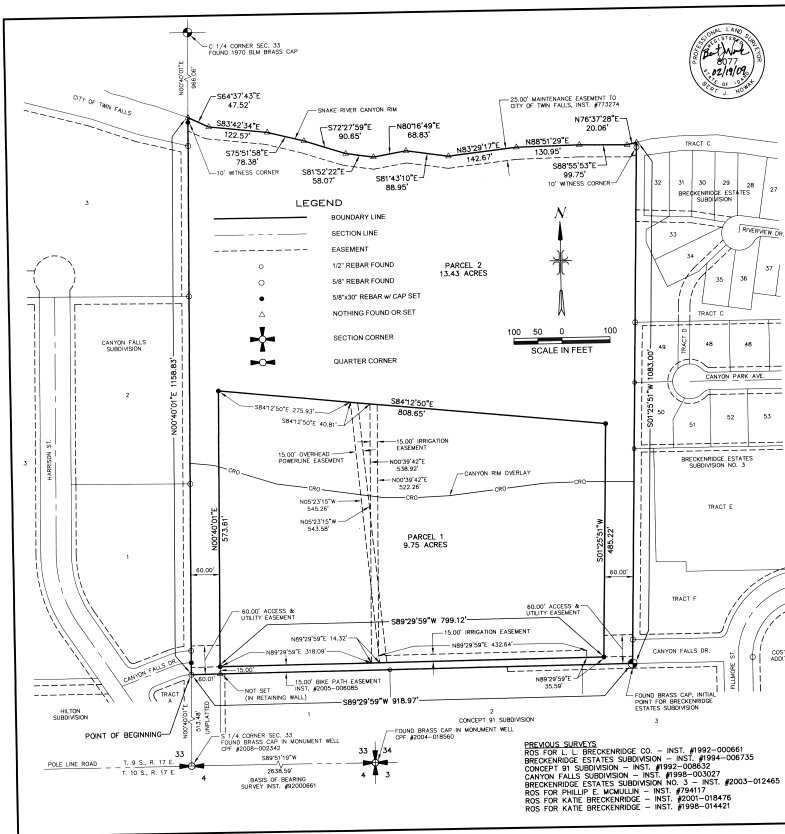
- Mixed Use
- Natural Areas



AERIAL PHOTO APRIL 2016
REFERENCE ONLY



Southern Boundary of Property - Looking towards Canyon Rim
Photo Taken June 2017



TBS SUBDIVISION CONVEYANCE PLAT

LOCATED IN PART OF
GOVERNMENT LOT 5 AND SW 1/4 SEC. 4,
SECTION 33, TOWNSHIP 9 SOUTH, RANGE 17 EAST
BOISE MERIDIAN
TWIN FALLS COUNTY, IDAHO
2009

PROPERTY SITE

VICINITY MAP
N.T.S.

HEALTH CERTIFICATE
"SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 ARE IN FORCE. NO OWNER SHALL CONSTRUCT ANY BUILDING, DWELLING, OR SHED WHICH NECESSITATES THE SUPPLYING OF WATER OR SEWAGE FACILITIES FOR PERSONS USING SUCH PREMISES UNTIL SANITARY RESTRICTIONS REQUIREMENTS ARE SATISFIED."

DATE: 7/26/15, 2009
DISTRICT HEALTH DEPARTMENT, REMS

CONVEYANCE PLAT NOTE
"A CONVEYANCE PLAT IS A RECORD OF PROPERTY APPROVED BY THE CITY OF TWIN FALLS, IDAHO, FOR THE PURPOSE OF SALE OR CONVEYANCE IN ITS ENTIRETY OR INTERESTS THEREON DEFINED. NO BUILDING PERMIT SHALL BE ISSUED UNTIL A FINAL PLAT IS APPROVED, FILED OF RECORD AND PUBLIC IMPROVEMENTS ACCEPTED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 10 OF THE CITY OF TWIN FALLS CITY CODE. SELLING A PORTION OF THIS PROPERTY BY METES AND BOUNDS, EXCEPT AS SHOWN ON AN APPROVED, FILED AND ACCEPTED CONVEYANCE PLAT IS A VIOLATION OF CITY CODE."

J-U-B ENGINEERS, INC.
Engineers-Surveyors Planners
Twin Falls, Idaho

SHEET 1 OF 2



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 23, 2018, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

AMENDED

Members -

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

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Chairman Frank called the meeting to order confirmed a quorum reviewed the public hearing procedure and introduced staff.

Members Present: Frank, Grey, Hawkins, Munoz, Musser, Higley, Woods

Staff Present: Carraway-Johnson, Nope, Spendlove, Strickland, Vitek, Williamson, Wonderlich

2) Consideration of Amendments to Agenda

None

3) General Public Input

None

4) Consent Calendar

a) Approval of minutes for the following meeting: 01-09-18

b) Approval of Findings of Fact & Conclusions of Law:

Allred (SUP 01-09-18) Lezamiz (SUP 01-09-18) Bybee (SUP 01-09-18) Fenderson (SUP 01-09-18)

Motion:

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

Unanimously Approved

5) Items of Consideration

- a) **Update of Special Use Permit #1334** granted on October 14, 2014 to Adam & Mandy Hanby to construct a drive-through coffee shop business with extended hours of operation on property located at 572 Pole Line Road c/o City of Twin Falls (app. 2677)

Staff Presentation:

Senior Planner Spedlove stated the site is zoned C-1 PUD & Special Use Permit #1334 was granted on October 14th, 2014 to Adam & Mandy Hanby to construct a drive-through coffee shop business with extended hours of operation on property located at 572 Pole Line Road. The permit was granted subject to compliance with the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to hours of operation being no earlier than 5:00 a.m. and no later than 11:00 p.m.
3. Subject to the parking area with six (6) parking spaces on the west side of the proposed building being constructed prior to issuance of the Certificate of Occupancy.

A building permit was issued in October 2014 and a Certificate of Occupancy was issued on January 29, 2015. Immediately staff began received complaints regarding the encroachment of Dutch Bros customers/vehicular traffic onto adjacent businesses.

City Staff was tasked by the City Council to help resolve a complaint from DaVita Dialysis, the adjacent property owner to the south, who appeared at a City Council meeting in January 2017. City Staff has met on multiple occasions throughout 2017 with Dutch Bros. and DaVita to help find a solution. In September 2017 Dutch Bros. submitted a new layout design for City Staff comments. After reviewing the plan, Staff determined the proposed new layout would require a public hearing. Staff offered comments back to the owner/developer to help the proposed expansion/change to move forward.

On January 17, 2018 City Staff received an incomplete preliminary request for an amendment to Special Use Permit #1334. This included a proposed change to the Drive-Thru movement on the property. Staff will work diligently with the applicant to get all the paperwork in order, and have the request moving toward being placed on a future public hearing agenda.

At this point, no action is required. If the application process is stalled by the applicant which causes this issue to continue to be unresolved, City Staff will bring forward a request seeking a motion for revocation in the future.

Senior Planner Spendlove stated upon conclusion no action is needed at this time and cautioned further discussion on this specific issue as we now have an active application for amending the SUP on this property.

6) Public Hearings

- a) Consideration of a request for Annexation with a Zoning District Change & Zoning Map Amendment from R-1 VAR CRO to R-4 CRO for Parcel 2, TBS Conveyance Plat, consisting of 13.43(+/-) acres, located 130 feet East of the Canyon Falls Drive & Harrison Street Intersection. c/o Rob Struthers on behalf of Katherine Breckenridge. (app. 2920) **AMENDED REPORT 01-22-2018**

Applicant Presentation:

Katie Breckenridge, the applicant, stated she is here to request annexation and rezone for the last piece of the Breckenridge Farm. This property is not for sale, the photos that were provided showed

photos of what was annexed at the last public hearing. The reason they are doing this is to get it annexed into the city limits so that they can move into the twentieth century. She reviewed the history of the property and stated she appreciates the Commission's time and patience.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated documented aerial imagery shows this land to be agricultural since at least the 1950's and from previous testimony by the applicant; this land has been farmed since the early 1900's. This property is in the Area of Impact. The current zoning designation of R-1 VAR CRO was amended from R-1 43,000 CRO with the action taken on the most recent Area of Impact Agreement between the City of Twin Falls and Twin Falls County, which occurred in 2004. In February 2009, City Council approved a conveyance plat to create two lots from the 23+/- acres.

In June 2017, this commission forwarded a positive recommendation for annexation and rezone to R-4 for the 10.07+/- acres for parcel 1 of the TBS Conveyance Plat. In July 2017, the City Council approved the annexation and rezoned the portion of the property in the Canyon Rim Overlay R-4 CRO, with the remainder of the Property R-6.

This request is to annex Parcel 2, TBS Conveyance Plat, consisting of 13.43(+/-) acres, with a zoning designation of R-4 CRO. Currently the 13.43 (+/-) acre parcel is zoned R-1 VAR CRO and is being used for agricultural purposes. Twin Falls City Code sections 10-15-1 and 10-15-2 require a public hearing and a recommendation from the Commission for areas proposed to be annexed prior to a decision by the City Council.

Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and shall be limited to the proposed development plan and zoning changes." The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published, it is sent to the State and the official zoning map is officially amended.

Prior to any development taking place on this property, including Platting/subdividing, or a building permit being issued, City Code 10-4-19 requires all Commercial or Residential Properties to go through the ZDA process. A complete Master Development Plan will be part of the public hearing process. As part of that process, discussions on the long desired public trail connection along the canyon rim may take place. The ZDA process takes multiple public hearings, and multiple notifications to neighboring property owners, which provides the avenue for comments from those most affected by any project, which may take place on this property.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Mixed Use." Staff determined this request is not in complete compliance with the 2016 comp plan due to the zoning district being proposed is on the lower end of the units per acre, and it precludes any retail or commercial uses within the area at this time. However, a recent recommendation from the Commission, and decision by the Council, for the area immediately to the south would lead one toward this R-4 District being appropriate for this specific area.

Senior Planner Spendlove stated upon conclusion the Commission is tasked to make a recommendation to the City Council on the zoning designation being requested by the applicant. The Commission's recommendation may be to deny the request, approve the request as presented, request a different zoning designation or request additional information be provided.

PZ Questions/Comments:

- Commissioner Grey asked why the R-4 zoning density is being request.
- Commissioner Higley explained the property adjacent is zoned R-4 however is constructed to R-2 with minimum 6000 sq. ft. lots and asked if the R-2 zoning had been considered
- Ms. Breckenridge explained the R-4 gives a potential developer another option and doesn't put pressure on them to develop it as commercial.
- Commissioner Munoz asked about SUP and ZDA processes for this property.
- Senior Planner Spendlove explained SUP would not be required for a duplex in R-4 and a ZDA would be required for the property in the Canyon Rim Overlay.

Public Hearing: Opened & Closed

Closing Statement:

Ms. Breckenridge stated this is very difficult and that she wanted to thank the Commission.

Discussion Followed:

- Commissioner Munoz explained he is comfortable with the zoning designation.
- Commissioner Higley stated he is in support of the request.
- Commissioner Woods explained knowing that a ZDA would be required eased his concerns.

Motion:

Commissioner Grey made a motion to recommend an R-4 CRO zoning designation, if the property is annexed, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Recommended R-4 CRO Zoning Designation, as presented, to City Council

Scheduled Public Hearing February 20, 2018

- b) Request for a **Zoning District Change & Zoning Map Amendment** from R-4 to M-2 for property, consisting of ten (10) +/- acres, located on the south side of the 400 block of Diamond Avenue West. c/o Gary Slette on behalf of Craig Casperson. (app. 2921)

Applicant Presentation:

Gary Slette, representing the applicant explained he is here to request a rezone for property located along Diamond Avenue West and would like to have it changed from R-4 to M-2.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated It appears from historical aerial imagery this property has been utilized as agricultural in nature since at least 1950 which are the earliest aerial images on hand. There are no building or zoning permits on file for this property.

This is a request for a Zoning District Change and Zoning Map Amendment to rezone property at the SW corner of undeveloped Right of Way, future Diamond Ave W and Steele St. In reviewing a request for a Zoning District Change and Zoning Map Amendment, the Commission has two (2) main tasks: 1- to determine whether the request is in conformance with the Comprehensive Plan and 2- evaluate the request to determine the extent and nature of the amendment requested.

The Comprehensive Plan indicates this corridor as appropriate for Industrial. There is no development plan to evaluate, as this request is only to rezone the property. Any changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the M-2 Zoning District prior to development.

To make a positive recommendation, the Commission must determine that 1- the request is in conformance with the Comprehensive Plan and 2- the extent and nature of changing the zoning of this property to the M-2 Heavy Manufacturing District would allow land development that would be compatible with and not detract from the surrounding area.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Industrial Uses." Staff determined this request is in compliance with the 2016 comp plan, as is a request to rezone to an industrial use-zoning district.

Senior Planner Spendlove stated upon conclusion should the Commission is tasked to make a recommendation to the City Council on this request. The Commission's recommendation may be to deny the request, approve the request as presented, recommend a different zoning designation or request additional information be provided.

Public Hearing: Opened & Closed**Discussion Followed: Without Concerns****Motion:**

Commissioner Higley made a motion to recommend approval of the request, as presented. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

Recommended for approval, as presented, to City Council
Scheduled Public Hearing February 20, 2018

- c) Request for a **Special Use Permit** to allow storage unit rentals & warehousing for existing structures on property located at 1205 Addison Avenue West. c/o Kevin Faria on behalf of Manuel & Mary Faria (app. 2922)

Applicant Presentation:

Kevin Faria, the applicant explained he is here to request a Special Use Permit for the shops located currently on the property for use as storage unit rentals. He explained there will not be an increase in traffic and impacts to the neighboring properties. The only thing that will be added is designated parking.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated the historical aerial imagery dating back to 1950 shows what appears to be a residence with residential accessory buildings. Over the years, it was developed further, and building department records show a Sign Permit issued in 1999. SUP #0917 was granted to Mr. Bob Hyde in 2005 to construct fifty (50) residential storage unit rentals, however the use was never established and the special use permit was voided.

This is a request to establish storage unit rentals and warehousing at property located at 1205 Addison Ave. W. The C-1 zone requires a Special Use Permit to legally establish storage unit rentals. Gateway arterial landscaping is required for Addison Ave West. Also four (4) parking spaces plus 1 space per 250 sq. ft. of office will be required per city code.

Per City Code 10-4-8:

Requires an SUP to establish storage unit rentals in the C-1 zone.

Per City Code 10-11-1 thru 8:

Required improvements including access, drainage, landscaping, paving, storm water and any others that apply will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Industrial." Industrial is an intense land use category which leans towards manufacturing or and use which are not compatible with residential uses. Staff has determined this request complies with the 2016 comprehensive plan.

Staff nor the applicant anticipate any increase in negative impacts to the surrounding properties from this request.

Senior Planner Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to all lighting being downward facing and not to encroach onto surrounding properties.

3. Subject to no “temporary” or off-site rental units (commonly referred to as PODS) being stored outside any building on this property.
4. Subject to no outside storage.
5. Subject to full compliance prior to special use permit being issued.

Public Hearing: Opened & Closed

Discussion Followed: Without concerns

Motion:

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

Approved, As Presented, With the Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to all lighting being downward facing and not to encroach onto surrounding properties.
3. Subject to no “temporary” or off-site rental units (commonly referred to as PODS) being stored outside any building on this property.
4. Subject to no outside storage.
5. Subject to full compliance prior to special use permit being issued.

7) Upcoming Meeting(s)

a) February 7, 2018 Work Session

b) February 13, 2018 Public Hearing

Zoning & Development Manager Carraway-Johnson explained that there are only a few items on the next public hearing scheduled for February 13, 2018.

8) Adjournment

Lisa A. Strickland, Administrative Assistant



Public Hearing: **February 20, 2018**

To: Honorable Mayor and City Council

Presenter: Jonathan Spendlove, Senior Planner

Editor: Renee V. Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM 9b

Request: Request for the Commission's recommendation on a **Zoning District Change & Zoning Map Amendment** from R-4 to M-2 for property, consisting of ten (10) +/- acres, located on the south side of the 400 block of undeveloped Diamond Avenue West RoW. c/o Gary Slette on behalf of Craig Casperson. (app.2921)

Time Estimate:

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

Background:

Applicant Craig Casperson 3281 E 3500 N Kimberly, ID 83341 208.423.4303 Representative Gary Slette 134 3rd Ave. E. Twin Falls, ID 83301 208.933.0700 gslette@rsidaholaw.com	Status: Owner	Size: 10 +/- acres
	Current Zoning: R-4 Residential Medium Density District	Requested Zoning: Rezone from R-4 to M-2
	Comprehensive Plan: Industrial	Lot Count: 1 Lot
	Existing Land Use: Undeveloped	Proposed Land Use: Storage Units
	Zoning Designations & Surrounding Land Use(s)	
	North: M-2; undeveloped Diamond Ave W RoW; Storage Units	East: R-4 Aol; Undeveloped
	South: R-4; Agricultural	West: R-4; Agricultural
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-4, 10-4-10, 10-14	

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event, the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

Budget Impact:

Development of this property to a commercial use will have a positive impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the process of rezoning property at the SW corner of undeveloped Right of Way, future Diamond Ave W and Steele St.

History:

It appears from historical aerial imagery this property has been utilized as agricultural in nature since at least 1950 which are the earliest aerial images on hand. There are no building or zoning permits on file for this property.

Analysis:

This is a request for a **Zoning District Change and Zoning Map Amendment** to rezone property at the SW corner of undeveloped Right of Way, future Diamond Ave W and Steele St. In reviewing a request for a Zoning District Change and Zoning Map Amendment, the Commission has two (2) main tasks: **1-** to determine whether the request is in conformance with the Comprehensive Plan and **2-** evaluate the request to determine the extent and nature of the amendment requested.

The Comprehensive Plan indicates this corridor as appropriate for Industrial. There is no development plan to evaluate, as this request is only to rezone the property. Any changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the M-2 Zoning District prior to development.

To make a positive recommendation, the Commission must determine that **1-** the request is in conformance with the Comprehensive Plan and **2-** the extent and nature of changing the zoning of this property to the M-2 Heavy Manufacturing District would allow land development that would be compatible with and not detract from the surrounding area.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Industrial Uses." Staff determined this request is in compliance with the 2016 comp plan, as is a request to rezone to an industrial use-zoning district.

On January 23, 2018 the Planning and Zoning Commission forwarded a positive recommendation to zone this property M-2 as requested, by a vote of 7-0.

Conclusion:

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

Attachments:

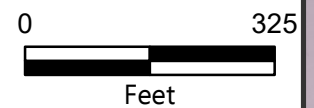
1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Site Photos
6. Minutes from PZ Public Hearing 1-23-2018

Casperson Rezone Application

- C.
1. Copy of Warranty Deed is attached.
 2. Property owner list within 1000 feet of subject property is attached.
 3. Vicinity map is attached.
 4. The rezone to M2 is consistent with the Comprehensive Plan map. Much of the area around the subject property is already industrial in character. The property lying to the north of the subject property is currently being used for storage unit rentals. The applicant intends to construct additional storage unit rentals on the subject property.

Zoning Vicinity Map

-  Area Of Impact
-  M-1
-  M-2
-  R-4



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

STEELE ST

471
SOUTH

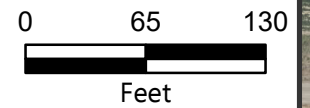
322
DIAMON

DIAMOND AVE

635
SOUTH

304
WASHINGTON

Aerial Map



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

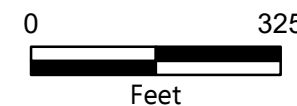
Future Land Use Map

Industrial

STEELE ST

BUTLER ST

DIAMOND AVE



AERIAL PHOTO APRIL 2016
REFERENCE ONLY



NW Corner Looking SE



NE Corner Looking SW



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 23, 2018, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

AMENDED

Members -

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

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Chairman Frank called the meeting to order confirmed a quorum reviewed the public hearing procedure and introduced staff.

Members Present: Frank, Grey, Hawkins, Munoz, Musser, Higley, Woods

Staff Present: Carraway-Johnson, Nope, Spendlove, Strickland, Vitek, Williamson, Wonderlich

2) Consideration of Amendments to Agenda

None

3) General Public Input

None

4) Consent Calendar

a) Approval of minutes for the following meeting: 01-09-18

b) Approval of Findings of Fact & Conclusions of Law:

Allred (SUP 01-09-18) Lezamiz (SUP 01-09-18) Bybee (SUP 01-09-18) Fenderson (SUP 01-09-18)

Motion:

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

Unanimously Approved

5) Items of Consideration

- a) **Update of Special Use Permit #1334** granted on October 14, 2014 to Adam & Mandy Hanby to construct a drive-through coffee shop business with extended hours of operation on property located at 572 Pole Line Road c/o City of Twin Falls (app. 2677)

Staff Presentation:

Senior Planner Spedlove stated the site is zoned C-1 PUD & Special Use Permit #1334 was granted on October 14th, 2014 to Adam & Mandy Hanby to construct a drive-through coffee shop business with extended hours of operation on property located at 572 Pole Line Road. The permit was granted subject to compliance with the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to hours of operation being no earlier than 5:00 a.m. and no later than 11:00 p.m.
3. Subject to the parking area with six (6) parking spaces on the west side of the proposed building being constructed prior to issuance of the Certificate of Occupancy.

A building permit was issued in October 2014 and a Certificate of Occupancy was issued on January 29, 2015. Immediately staff began received complaints regarding the encroachment of Dutch Bros customers/vehicular traffic onto adjacent businesses.

City Staff was tasked by the City Council to help resolve a complaint from DaVita Dialysis, the adjacent property owner to the south, who appeared at a City Council meeting in January 2017. City Staff has met on multiple occasions throughout 2017 with Dutch Bros. and DaVita to help find a solution. In September 2017 Dutch Bros. submitted a new layout design for City Staff comments. After reviewing the plan, Staff determined the proposed new layout would require a public hearing. Staff offered comments back to the owner/developer to help the proposed expansion/change to move forward.

On January 17, 2018 City Staff received an incomplete preliminary request for an amendment to Special Use Permit #1334. This included a proposed change to the Drive-Thru movement on the property. Staff will work diligently with the applicant to get all the paperwork in order, and have the request moving toward being placed on a future public hearing agenda.

At this point, no action is required. If the application process is stalled by the applicant which causes this issue to continue to be unresolved, City Staff will bring forward a request seeking a motion for revocation in the future.

Senior Planner Spendlove stated upon conclusion no action is needed at this time and cautioned further discussion on this specific issue as we now have an active application for amending the SUP on this property.

6) Public Hearings

- a) Consideration of a request for Annexation with a Zoning District Change & Zoning Map Amendment from R-1 VAR CRO to R-4 CRO for Parcel 2, TBS Conveyance Plat, consisting of 13.43(+/-) acres, located 130 feet East of the Canyon Falls Drive & Harrison Street Intersection. c/o Rob Struthers on behalf of Katherine Breckenridge. (app. 2920) **AMENDED REPORT 01-22-2018**

Applicant Presentation:

Katie Breckenridge, the applicant, stated she is here to request annexation and rezone for the last piece of the Breckenridge Farm. This property is not for sale, the photos that were provided showed

photos of what was annexed at the last public hearing. The reason they are doing this is to get it annexed into the city limits so that they can move into the twentieth century. She reviewed the history of the property and stated she appreciates the Commission's time and patience.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated documented aerial imagery shows this land to be agricultural since at least the 1950's and from previous testimony by the applicant; this land has been farmed since the early 1900's. This property is in the Area of Impact. The current zoning designation of R-1 VAR CRO was amended from R-1 43,000 CRO with the action taken on the most recent Area of Impact Agreement between the City of Twin Falls and Twin Falls County, which occurred in 2004. In February 2009, City Council approved a conveyance plat to create two lots from the 23+/- acres.

In June 2017, this commission forwarded a positive recommendation for annexation and rezone to R-4 for the 10.07+/- acres for parcel 1 of the TBS Conveyance Plat. In July 2017, the City Council approved the annexation and rezoned the portion of the property in the Canyon Rim Overlay R-4 CRO, with the remainder of the Property R-6.

This request is to annex Parcel 2, TBS Conveyance Plat, consisting of 13.43(+/-) acres, with a zoning designation of R-4 CRO. Currently the 13.43 (+/-) acre parcel is zoned R-1 VAR CRO and is being used for agricultural purposes. Twin Falls City Code sections 10-15-1 and 10-15-2 require a public hearing and a recommendation from the Commission for areas proposed to be annexed prior to a decision by the City Council.

Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and shall be limited to the proposed development plan and zoning changes." The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published, it is sent to the State and the official zoning map is officially amended.

Prior to any development taking place on this property, including Platting/subdividing, or a building permit being issued, City Code 10-4-19 requires all Commercial or Residential Properties to go through the ZDA process. A complete Master Development Plan will be part of the public hearing process. As part of that process, discussions on the long desired public trail connection along the canyon rim may take place. The ZDA process takes multiple public hearings, and multiple notifications to neighboring property owners, which provides the avenue for comments from those most affected by any project, which may take place on this property.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Mixed Use." Staff determined this request is not in complete compliance with the 2016 comp plan due to the zoning district being proposed is on the lower end of the units per acre, and it precludes any retail or commercial uses within the area at this time. However, a recent recommendation from the Commission, and decision by the Council, for the area immediately to the south would lead one toward this R-4 District being appropriate for this specific area.

Senior Planner Spendlove stated upon conclusion the Commission is tasked to make a recommendation to the City Council on the zoning designation being requested by the applicant. The Commission's recommendation may be to deny the request, approve the request as presented, request a different zoning designation or request additional information be provided.

PZ Questions/Comments:

- Commissioner Grey asked why the R-4 zoning density is being request.
- Commissioner Higley explained the property adjacent is zoned R-4 however is constructed to R-2 with minimum 6000 sq. ft. lots and asked if the R-2 zoning had been considered
- Ms. Breckenridge explained the R-4 gives a potential developer another option and doesn't put pressure on them to develop it as commercial.
- Commissioner Munoz asked about SUP and ZDA processes for this property.
- Senior Planner Spendlove explained SUP would not be required for a duplex in R-4 and a ZDA would be required for the property in the Canyon Rim Overlay.

Public Hearing: Opened & Closed

Closing Statement:

Ms. Breckenridge stated this is very difficult and that she wanted to thank the Commission.

Discussion Followed:

- Commissioner Munoz explained he is comfortable with the zoning designation.
- Commissioner Higley stated he is in support of the request.
- Commissioner Woods explained knowing that a ZDA would be required eased his concerns.

Motion:

Commissioner Grey made a motion to recommend an R-4 CRO zoning designation, if the property is annexed, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Recommended R-4 CRO Zoning Designation, as presented, to City Council

Scheduled Public Hearing February 20, 2018

- b) Request for a **Zoning District Change & Zoning Map Amendment** from R-4 to M-2 for property, consisting of ten (10) +/- acres, located on the south side of the 400 block of Diamond Avenue West. c/o Gary Slette on behalf of Craig Casperson. (app. 2921)

Applicant Presentation:

Gary Slette, representing the applicant explained he is here to request a rezone for property located along Diamond Avenue West and would like to have it changed from R-4 to M-2.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated It appears from historical aerial imagery this property has been utilized as agricultural in nature since at least 1950 which are the earliest aerial images on hand. There are no building or zoning permits on file for this property.

This is a request for a Zoning District Change and Zoning Map Amendment to rezone property at the SW corner of undeveloped Right of Way, future Diamond Ave W and Steele St. In reviewing a request for a Zoning District Change and Zoning Map Amendment, the Commission has two (2) main tasks: 1- to determine whether the request is in conformance with the Comprehensive Plan and 2- evaluate the request to determine the extent and nature of the amendment requested.

The Comprehensive Plan indicates this corridor as appropriate for Industrial. There is no development plan to evaluate, as this request is only to rezone the property. Any changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the M-2 Zoning District prior to development.

To make a positive recommendation, the Commission must determine that 1- the request is in conformance with the Comprehensive Plan and 2- the extent and nature of changing the zoning of this property to the M-2 Heavy Manufacturing District would allow land development that would be compatible with and not detract from the surrounding area.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Industrial Uses." Staff determined this request is in compliance with the 2016 comp plan, as is a request to rezone to an industrial use-zoning district.

Senior Planner Spendlove stated upon conclusion should the Commission is tasked to make a recommendation to the City Council on this request. The Commission's recommendation may be to deny the request, approve the request as presented, recommend a different zoning designation or request additional information be provided.

Public Hearing: Opened & Closed**Discussion Followed: Without Concerns****Motion:**

Commissioner Higley made a motion to recommend approval of the request, as presented. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

Recommended for approval, as presented, to City Council
Scheduled Public Hearing February 20, 2018

- c) Request for a **Special Use Permit** to allow storage unit rentals & warehousing for existing structures on property located at 1205 Addison Avenue West. c/o Kevin Faria on behalf of Manuel & Mary Faria (app. 2922)

Applicant Presentation:

Kevin Faria, the applicant explained he is here to request a Special Use Permit for the shops located currently on the property for use as storage unit rentals. He explained there will not be an increase in traffic and impacts to the neighboring properties. The only thing that will be added is designated parking.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated the historical aerial imagery dating back to 1950 shows what appears to be a residence with residential accessory buildings. Over the years, it was developed further, and building department records show a Sign Permit issued in 1999. SUP #0917 was granted to Mr. Bob Hyde in 2005 to construct fifty (50) residential storage unit rentals, however the use was never established and the special use permit was voided.

This is a request to establish storage unit rentals and warehousing at property located at 1205 Addison Ave. W. The C-1 zone requires a Special Use Permit to legally establish storage unit rentals. Gateway arterial landscaping is required for Addison Ave West. Also four (4) parking spaces plus 1 space per 250 sq. ft. of office will be required per city code.

Per City Code 10-4-8:

Requires an SUP to establish storage unit rentals in the C-1 zone.

Per City Code 10-11-1 thru 8:

Required improvements including access, drainage, landscaping, paving, storm water and any others that apply will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Industrial." Industrial is an intense land use category which leans towards manufacturing or and use which are not compatible with residential uses. Staff has determined this request complies with the 2016 comprehensive plan.

Staff nor the applicant anticipate any increase in negative impacts to the surrounding properties from this request.

Senior Planner Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to all lighting being downward facing and not to encroach onto surrounding properties.

3. Subject to no “temporary” or off-site rental units (commonly referred to as PODS) being stored outside any building on this property.
4. Subject to no outside storage.
5. Subject to full compliance prior to special use permit being issued.

Public Hearing: Opened & Closed

Discussion Followed: Without concerns

Motion:

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

Approved, As Presented, With the Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to all lighting being downward facing and not to encroach onto surrounding properties.
3. Subject to no “temporary” or off-site rental units (commonly referred to as PODS) being stored outside any building on this property.
4. Subject to no outside storage.
5. Subject to full compliance prior to special use permit being issued.

7) Upcoming Meeting(s)

a) February 7, 2018 Work Session

b) February 13, 2018 Public Hearing

Zoning & Development Manager Carraway-Johnson explained that there are only a few items on the next public hearing scheduled for February 13, 2018.

8) Adjournment

Lisa A. Strickland, Administrative Assistant