



Twin Falls City Council Agenda

Monday, March 19, 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
 - a) Fair Housing Month Proclamation - Request made by Mitch Humble, City of Twin Falls
- 5) GENERAL PUBLIC INPUT
- 6) CONSENT CALENDAR
 - a) Request to approve the Accounts Payable for March 13-19, 2018.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - b) Request to approve the March 12, 2018, City Council Minutes.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - c) Request to approve an Alcohol License transfer of ownership - Hotel Management Services, LLC dba La Quinta Inn, 539 Pole Line Road, Twin Falls, Idaho on the condition they receive their State Alcohol License.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - d) Request to accept the Improvement Agreement for the purpose of developing **Sundance Subdivision Number 1, a PUD**.
Purpose: Action By: Troy Vitek, Assistant City Engineer
 - e) Request to approve a Trust Agreement for **Sundance Subdivision No. 1, a PUD**, placing all Lots and Tracts in trust.
Purpose: Action By: Troy Vitek, Assistant City Engineer
 - f) Request to approve a Curb-Gutter & Sidewalk Improvement Deferral Agreement – 659 Mae Dr. for Perry C. Dangerfield..
Purpose: Action By: Troy Vitek, Assistant City Engineer
 - g) Request to approve a **PUD Agreement** between the City of Twin Falls and Sundance Partners, LLC.
Purpose: Action By: Rene'e V Carraway-Johnson, Zoning & Development Manager

- h) Request to approve the **Final Plat** for Sundance Subdivision Phase 1, a PUD, 8.81 (+/-) acres, consisting of 38 single-family residential lots located on the south side of the 2900 block of 3600 North Road and 1,300 (+/-) feet west of Blue Lakes Boulevard South. c/o Tim Vawser/EHM Engineers, Inc.

Purpose: Action By: Rene'e V Carraway-Johnson, Zoning & Development Manager

- i) Approval of Findings of Fact & Conclusions of Law:

Bybee, Ryan-Vacation

John Lucas-ZDC

Bybee, Ryan-ZDC

Magic Valley Mall-ZDA

CSI-PUD Amendment

Breckenridge, Katie-Annex & ZDC

Casper, Craig-ZDC

Purpose: Action By: Rene'e V Carraway-Johnson, Zoning & Development Manager

7) ITEMS OF CONSIDERATION

- a) Presentation of a donation to the Archway Project by the Twin Falls Western Days Committee.

Purpose: Presentation By: Stan Crowley, Twin Falls Western Days Committee

- b) Presentation of **Certificates of Appreciation** to Tom Frank, Kevin Grey and Steve Woods for serving on the Planning & Zoning Commission.

Purpose: Presentation By: Rene'e V Carraway-Johnson, Zoning & Development Manager

- c) Presentation of POST Advanced Certificates to Officers Morgan Waite, Adam Dixon, Josh Hayes, Asmir Kararic, and Sergeant Justin Dimond, and the Supervisor Certificate to Sergeant Dusty Solomon.

Purpose: Presentation By: Craig Kingsbury, Chief of Police

- d) Request to appoint Mike Mason to the Twin Falls Authority to serve as a commissioner for a five-year term.

Purpose: Action By: Leanne Trappen, Twin Falls Housing Authority, Mayor Shawn Barigar

- e) Request to waive the Non-Conforming Building Expansion Permit Process for a residential home located at 469 Adams Street. (App. 2933)

Purpose: Action By: Jonathan Spendlove, Senior Planner

- f) Request to **adopt an ordinance** for Annexation with a Zoning District Change and Zoning Map Amendment from R-1 VAR CRO to R-4 CRO for Parcel 2, TBS Conveyance Plat, consisting of 13.43 (+/-) acres, located at the south east corner of Canyon Falls Drive and Harrison Street. c/o Rob Struthers on behalf of Katherine Breckenridge (app. 2920)

Purpose: Action By: Rene'e V Carraway-Johnson, Zoning & Development Manager

- g) Request to **adopt an ordinance** for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for a .22 (+/-) acre tract and a 15' easement located at the southeast corner of Canyon Falls Road and Harrison Street. c/o Ryan Bybee (app. 2908)

Purpose: Action By: Rene'e V Carraway-Johnson , Zoning & Development Manager

- h) Request to **adopt an ordinance** to Vacate a 15' x 264; 3,960 sq. ft. public utility easement located at the southeast corner of Canyon Falls Drive and Harrison Street. c/o Ryan Bybee (app. 2908)

Purpose: Action By: Rene'e V Carraway-Johnson , Zoning & Development Manager

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

9) PUBLIC HEARINGS: None

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.

FAIR HOUSING MONTH PROCLAMATION

WHEREAS, April 2018 marks the 50th anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and

WHEREAS, the Idaho Human Rights Commission Act has prohibited discrimination in housing since 1969; and

WHEREAS, equal opportunity for all-regardless of race, color, religion, sex, disability, familial status or national origin-is a fundamental goal of our nation, state and city; and

WHEREAS, equal access to housing is an important component of this goal-as fundamental as the right to equal education and employment; and

WHEREAS, housing is a critical component of family and community health and stability and

WHEREAS, housing choice impacts our children's access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies; and

WHEREAS, the laws of this nation and our state seek to ensure such equality of choice for all transactions involving housing; and

WHEREAS, ongoing education, outreach and monitoring are key to raising awareness of fair housing principles, practices, rights and responsibilities; and

WHEREAS, only through continued cooperation, commitment and support of all Idahoans can barriers to fair housing be removed;

NOW, THEREFORE, I, Shawn Barigar, Mayor of City of Twin Falls, do hereby proclaim April 2018 to be

FAIR HOUSING MONTH

In the City of Twin Falls, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand at the City of Twin Falls in City Hall, on this 19th day of March in the year of our Lord 2018.



Shawn A. Barigar
Shawn Barigar, Mayor

Leila A. Sanchez
Attest: Leila A. Sanchez, Deputy City Clerk



Twin Falls City Council Minutes

Monday, March 12, 2018, 5:00 PM

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

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 Mitch Humble, Deputy City Manager Brian Pike, City Attorney Fritz Wonderlich, Utility Services Director Bill Baxter, Senior Planner Jonathan Spendlove, Water Superintendent Rob Bohling, Deputy City Clerk Sharon Bryan

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

2) PLEDGE OF ALLEGIANCE

Mayor Barigar invited Girl Scout Service Unit 19 to lead us in the pledge of Allegiance to the flag.
Mayor Barigar asked all present, who wished, to recite the pledge of Allegiance to the Flag.

Mayor Barigar had the Girl Scouts to introduce themselves.

3) CONSIDERATION OF AMENDMENTS TO AGENDA

None

4) PROCLAMATIONS

- a) Girl Scout Week 2018 - Request made by Girl Scout Service Unit 19

Councilmember Reid read proclamation and Mayor Barigar presented it to Girl Scout Service Unit 19.

- b) Ground Water Awareness Week Proclamation - Request made by Rob Bohling, Water Superintendent for the City of Twin Falls.

Councilmember Talkington read proclamation and Mayor Barigar presented it to Water Superintendent Bohling.

Water Superintendent Bohling thanked City Council and invited them to the Groundwater Awareness Fair on Thursday, March 15, 2018 at Twin Falls County West from 3:00 PM to 6:30 PM

- c) March for Meals - Request made by Jeanette Roe, Twin Falls Senior Center

Mayor Barigar read proclamation and presented it to Jeanette Roe, Twin Falls Senior Citizen Director.

Jeannette Roe, Twin Falls Senior Citizen Director, gave information on meals being delivered to shut in's and thanked City Council for their support.

5) GENERAL PUBLIC INPUT

None

6) CONSENT CALENDAR

Vice Mayor Boyd asked that the minutes be voted on separately.

MOTION:

Councilmember Reid moved to approve Consent Calendar without the minutes. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

MOTION:

Councilmember Reid moved to approve the City Council Minutes for March 5, 2018. Councilmember Pierce seconded the motion. Roll call vote showed members present voted in favor of the motion. Approved 6 to 0. 1 Abstained

- a) Request to approve the Accounts Payable for March 6-12, 2018.
- b) Request to approve the March 6, 2018, City Council Minutes.
- c) Request to approve a right-of-way encroachment easement for Soranco Beans Products.

7) ITEMS OF CONSIDERATION

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

Utility Services Director Baxter reviewed the Utility Rate Resolution.

MOTION:

Councilmember Talkington moved to approve the use of Sanitation Reserve Funds in the amount of \$10,703.96 for the utility rate Resolution. Councilmember Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Discussion ensued on the following:

Councilmember Lanting reported on what Oregon is doing with recycling. City

Manager Rothweiler explained the \$100 a ton break point.

Discussion ensued on the following: Buy
time -Find Alternatives

Citizens want recycling and willing to pay for it.

Foresee any decrease.

Setting a new standard.

Funding charges for recycling and landfill charges.

City Manager Rothweiler explained that recycling fees collected will go into reserves during the time when we would be dumping recycle items in landfill.

Cost share

Delay increase Gauge
the market.

Suspend recycling completely

MOTION:

Councilmember Lanting moved to adopt the modified Utility Rate Resolution 2018-004 for the balance of Fiscal Year 2018. Councilmember Talkington seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

- b) Discussion and possible action to adopt the City of Twin Falls 2030 Strategic Plan update.

City Manager Rothweiler reviewed the 2030 Strategic Plan Update.

Discussion ensued on the following:

Outside of Twin Falls

Strong foundation.

Create culture where families would like to live.

How we link opportunities to them.

The City will host a multi-event sporting contest that demands stamina - not appropriate for city government.

Myers Breaks Indicator.

Objectives that are routine

MOTION:

Vice Mayor Boyd moved to adopt the City of Twin Falls 2030 Strategic Plan Update. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

Terry Edwards, Twin Falls, spoke on the workshops.

Councilmember Talkington gave an update on the Art and Soul Event and asked City Council to be a sponsor.

MOTION:

Councilmember Talkington moved that the City of Twin Falls be a sponsor for the Art and Soul Event. Councilmember Lanting seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

9) PUBLIC HEARINGS

- a) Request for a **Zoning District Change & Zoning Map Amendment** from C-1 PUD To R-6 & C-1 ZDA to allow a multi-family residential and commercial Planned Development for 12.46 (+/-) acres located at the Northeast corner of Addison Ave E and Carriage Lane North aka 2695 Addison Avenue East. c/o Scott Allen / JUB Engineers, Inc. on behalf of Thad Farnham (app. 2994)

Scott Allen, Jub Engineers reviewed the Zoning District Change & Zoning Map Amendment from C-2 PUD to R-6 & C-1 ZDA to allow a multi-family residential and commercial Planned Development for 12.46 (+/-) acres located at the Northeast corner of Addison Avenue E and Carriage Lane North aka 2695 Avenue East.

Senior Planner Spendlove gave staff report

Public Hearing Open:

Gary Nelson, Twin Falls Property Owner, spoke in favor of the development but had some concerns with the Storage Unit area.

Jane George, Twin Falls, spoke in favor of the development, oppose the location of storage units on Addison Avenue.

Gretchen Scott - Property Owner - concerns with increase traffic and speed limit.

Public Hearing Closed

Scott Allen, JUB Engineers said water shares have been secured and storage unit concerns have been addressed.

Discussion ensued on the following:

Storage unit would need a special use permit.

Can they still message area.

Storage area concerns.

No onsite manager.

Parking places per unit is two.

Cross use.

Traffic concerns.

MOTION:

Councilmember Lanting moved to remove item 10-2-B Storage rental units are a permitted use. Councilmember Hawkins seconded the motion. Roll call vote showed those voting AYE: Barigar, Hawkins, Lanting. Those voting NAY: Boyd, Pierce, Reid, Talkington Motion FAILED 3 to 4.

MOTION:

Vice Mayor Boyd moved to approve the request for a Zoning District Change & Zoning Map Amendment from C-1 PUD To R-6 & C-1 ZDA to allow a multi-family residential and commercial Planned Development for 12.46 (+/-) acres located at the Northeast corner of Addison Ave E and Carriage Lane North aka 2695 Addison Avenue East. Councilmember Talkington seconded the motion. Roll call vote showed all members present voted in favor of the motion 7 to 0

10) ADJOURNMENT

The meeting adjourned at 07:05: PM

Sharon Bryan, Deputy City Clerk



Date: Monday, March 19, 2018
To: Honorable Mayor and City Council
From: Sharon Bryan, Deputy City Clerk

Request:

Request to approve an Alcohol License transfer of ownership - Hotel Management Services, LLC dba La Quinta Inn, 539 Pole Line Road, Twin Falls, Idaho on the condition they receive their State Alcohol License.

Time Estimate:

5 min

Background:

Application of ownership transfer to sell off premise beer and wine.

Approval Process:

They meet City and State code requirements.

Budget Impact:

N/A

Regulatory Impact:

City and State Code Compliance

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends approval of the license on the condition they get their State License

Attachments:

1. LaQuinta Inn



City of Twin Falls
103 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303

Print Form

Alcohol License

Please attach a copy of your state license

Business Name: Hotel Management Services, LLC State License # _____
Doing Business As: La Quinta Inn - Twin Falls
Physical Address: 539 Pole Line Rd. City, State, Zip Twin Falls, ID 83301
Legal Description of Place of Business Lot _____ Block _____ Subdivision _____
Mailing Address: 918 W Idaho St. City, State, Zip: Boise, ID 83702
Contact Person: Brian Mills Phone # (208) 519-4049

Beer:	<i>Bottled for consumption off the premises only</i>	<i>(\$ 50.00)</i>	☐
	<i>Bottled for consumption on premises</i>	<i>(\$150.00)</i>	☐
	<i>Bottled for Draught for consumption on premises</i>	<i>(\$200.00)</i>	☐
Wine:	<i>Retailed Sales for consumption off premises only</i>	<i>(\$200.00)</i>	☐
	<i>Wine by the Drink for consumption on premises only</i>	<i>(\$200.00)</i>	☐
Liquor:	<i>Liquor license & fees cover wine license and fees</i>	<i>(\$562.50)</i>	☐

License expires June 30th

Total Fee \$ 10

Applicant is an: Individual ☐ Partnership ☐ Corporation ☐ Limited Liability Company
If a partnership, name all partners: (members of the LLC)

Name: Jason Kotter

Name: Ryan Van Alfen

Name: _____

If a corporation or association, name all officers:

Name: _____

Title: _____

Name: _____

Title: _____

Name: _____
Title: _____
Name: _____
Title: _____

Date of incorporation or organization: 4/7/2017 Place of incorporation or organization: Delaware
Principal place of business in Idaho: 918 W Idaho St. Boise, ID 83702
Owner of premises: Pole Line Twin Falls Hotel, LLC
Name of person who will manage business of selling beer at retail: Erik Bingham

(If a partnership, all partners must sign)

Signature of applicant _____

Name: Jason Kotter Birth date: 04/29/74

Signature of applicant _____

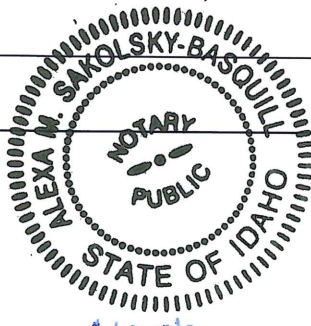
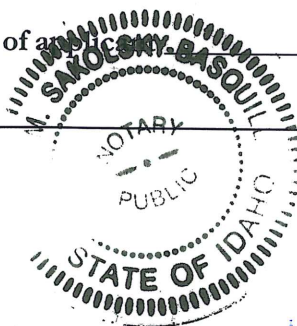
Name: Ryan Van Alfen Birth date: 12/10/72

Signature of applicant _____

Name: _____ Birth date: _____

Signature of applicant _____

Name: _____ Birth date: _____



Subscribed and sworn to before me this 14 day of March, 20 18

Notary Public for Idaho

Residing at: Ada County

Notary Expiration Date: 1/20/2022

For Questions call 208-735-7245 [Click here for the City Code \(Title 3 then Chapter 7,8, & 9\)](#)

Return completed form to: Deputy City Clerk, City of Twin Falls, 103 Main Ave. East, Twin Falls, ID 83301



Date: Monday, March 19, 2018
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Request to accept the Improvement Agreement for the purpose of developing **Sundance Subdivision Number 1, a PUD.**

Time Estimate:

N/A

Background:

Prior to development, an Improvement Agreement is required. The developer is meeting that requirement with this document.

Approval Process:

Accepting the Improvement Agreement allows the developer to develop the lots. After acceptance of utilities or a financial guarantee provided to the City, the lots can be sold.

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 applicant to proceed to develop the property.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council approve the request and authorize the Mayor to sign the Improvement Agreement.

Attachments:

1. Improvement Agreement - Sundance Partners, LLC

IMPROVEMENT AGREEMENT

for

DEVELOPMENTS

This Agreement made and entered into this 15th day of Feb., 2018, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and Sundance Partners, LLC hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development Sundance Subdivision Number 1, A P.U.D..

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

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

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

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

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

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

W I T N E S S E T H

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

I.

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

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

III.

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

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

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

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

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

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

XII.

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

PUBLIC WAYS

(a) Required Improvements

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

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

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

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

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

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

(1) None.

(c) Required Inspections and Testing

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

DRAINAGE SYSTEM

(a) Required Improvements

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

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

(b) City Costs

(1) None.

(c) Required Inspections and Testing

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

GRAVITY IRRIGATION SYSTEM

(a) Required Improvements

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

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

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

SPECIAL FEATURES

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

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

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

XV.

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

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

Notary Public for Idaho
Residing at Twin Falls, Idaho

PARTNERSHIP

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

On this 15th day of February, 2018, before me, the undersigned, a Notary Public for Idaho, personally appeared Gerald Martens, known or identified to me (or proved to me on the oath of _____) to be one of the partners in the partnership of Sundance Partners^{LLC}, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



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

Exhibit A

Required Improvements

Construction will be in conformance with the previously approved City of Twin Falls Standards and Specifications in effect prior to the adoption of the 2015 ISWPC and/or the P.U.D. Agreement or as shown on the approved construction plans.

Roadway sections will be constructed in accordance with the sections depicted on the construction plans. 3600 North Road will be constructed with 3" of 1/2" Superpave HMA over 23" of 3/4" Type 1 base aggregate. Interior collector streets as defined will be constructed with 3" of 1/2" Superpave HMA over 11" of 3/4" Type 1 base aggregate. Interior residential streets will be constructed with 2 1/2" of 1/2" Superpave HMA over 8" of 3/4" Type 1 base aggregate.

The pressure irrigation system within the subdivision will be temporarily connected to the developers existing pump and delivery system and a new variable speed pump will be installed on that system for controlled delivery. The developer will be responsible for the maintenance of the private system to insure delivery to the development. The temporary connection will be filtered at the connection point and will be relocated in future phases. The new irrigation pump station to be located within Tract F will be constructed within a maximum of 10 years or in a future phase to be determined.



Date: Monday, March 19, 2018
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Request to approve a Trust Agreement for **Sundance Subdivision No. 1, a PUD**, placing all Lots and Tracts in trust.

Time Estimate:

N/A

Background:

The **Sundance Subdivision No. 1, a PUD** is located southwest of the intersection of 3600 North Road and Harrison Street South. The developer is requesting to place the aforementioned lots in trust in lieu of constructing the improvements or providing a financial guarantee.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council accept the agreement and authorize the Mayor to sign.

Attachments:

1. Trust Agreement - Sundance Subd No 1
2. Final Plat - Sundance Subdivision No 1
3. Aerial Image - Sundance Subd. No. 1

TRUST AGREEMENT

This Trust Agreement (the "Agreement") is made and entered into this _____ day of _____, 2018, by and between **SUNDANCE PARTNERS, L.L.C., an Idaho Limited Liability Company** (hereinafter "Trustor"); **TITLEFACT, INC.**, (hereinafter "Trustee"); and the **CITY OF TWIN FALLS, IDAHO** (hereinafter "Beneficiary"), and is made with respect to the following facts and objectives:

WITNESSETH:

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

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

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

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

Lots 7, 8, 9, 10, Block 1;
Lots 7, 8, 9, 10, 11, 12, Block 3;
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Block 4;
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, Block 5;
Lots 1, 2, 3, 4, 5, Block 6

ALL IN SUNDANCE SUBDIVISION NUMBER 1, A P.U.D., Twin Falls County, Idaho, according to the official plat thereof recorded in Book _____ of Plats, page _____, records of Twin Falls County, Idaho.

2. The Trustor and the Trustee agree that the Trustee shall hold said title to the Property in trust, solely for the benefit of the Beneficiary under the terms hereof, and that title to the Property shall be and remain good and marketable and free from any defects, liens, conditions or encumbrances of any kind or nature, other than those appearing of record in the office of the Twin Falls County Recorder, and conditions of the Phase Control Development Notice for lots in **SUNDANCE SUBDIVISION NUMBER 1, A P.U.D.** Subdivision, a copy of which is attached hereto as Exhibit "A," or those which are placed on the Property with the prior written consent of the Trustee. The Trustee shall not convey, transfer or encumber all or any interest in the Property, save and except to the extent as directed by the Trustor by written instrument delivered to the Trustee.

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

Date: _____

2/15/18

TRUSTOR:
SUNDANCE PARTNERS, L.L.C.

BY: _____

Gerald Martens, Member

Date: _____

TRUSTEE:
TITLEFACT, INC.

BY: _____
Richard B. Stivers, Chairman of the Board

Date: _____

BENEFICIARY:
CITY OF TWIN FALLS, IDAHO

BY: _____
Shawn Barigar, Mayor

STATE OF IDAHO
County of Twin Falls

On this 15th day of February, 2018, before me, a Notary Public in and for said State, personally appeared **Gerald Martens**, known or identified to me to be Member of the limited liability company of **SUNDANCE PARTNERS, L.L.C., an Idaho Limited Liability Company** and the member who subscribed said limited liability company name to the foregoing instrument and acknowledged to me that he executed the same in said limited liability company name.

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

Martha Tolman
Notary Public for Idaho
Residing in: Twin Falls
Commission expires: 10/17/18



STATE OF IDAHO
County of Twin Falls

On this _____ day of _____, 2018, before me, the undersigned, Notary Public in and for said State, personally appeared **RICHARD B. STIVERS**, known or identified to me to be the Chairman of the Board of the said corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Notary Public for Idaho
Residing at:
My Commission expires:

STATE OF IDAHO
County of Twin Falls

On this _____ day of _____, 2018, before me, the undersigned, Notary Public in and for said State, personally appeared **Shawn Barigar**, known or identified to me to be the Mayor for the City of Twin Falls, Idaho, and known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of the City of Twin Falls, Idaho.

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

Notary Public for Idaho
Residing at:
My Commission expires:

"EXHIBIT A"

PHASE CONTROL DEVELOPMENT NOTICE

THIS NOTICE prohibits the conveyance of any undeveloped lot in **SUNDANCE SUBDIVISION NUMBER 1, A P.U.D.** until such time as an Improvement Agreement for Developments between the City of Twin Falls and the Developer is recorded designating the lots and blocks in each phase which are approved for conveyance.

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

The real property subject to this notice is Lots 7, 8, 9, 10, Block 1;

Lots 7, 8, 9, 10, 11, 12, Block 3;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Block 4;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, Block 5;

Lots 1, 2, 3, 4, 5, Block 6

ALL IN SUNDANCE SUBDIVISION NUMBER 1, A P.U.D., as platted in the records of Twin Falls County, Idaho.

Dated this 15th day of February, 2018.

SUNDANCE PARTNERS, L.L.C.

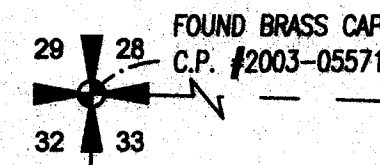
BY: 

Gerald Martens, Member

TITLEFACT, INC.

BY: _____

Richard B. Stivers, Chairman of the Board



GOLDEN EAGLE SUBD. NO 6
BASIS OF BEARING - SURVEY INST. #2006-017039
S88°26'32"E 2629.25'
420.90'

SUNDANCE SUBDIVISION NUMBER 1, A P.U.D.

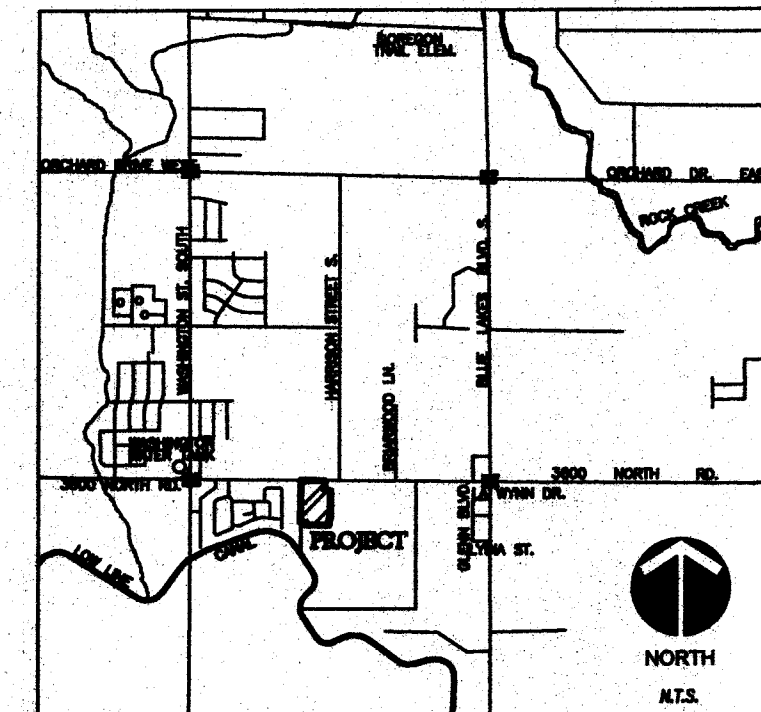
Located In
A Portion of
NE 4 NW 4, Section 33
Township 10 South, Range 17 East Boise Meridian
Twin Falls County, Idaho
2017



0 30 60 120
SCALE IN FEET

Legend

SURVEY BOUNDARY LINE	_____
SECTION LINE	_____
UTILITY EASEMENT LINE	_____
CENTERLINE OF STREET	_____
LOT LINE	_____
ADJACENT PROPERTY LINE	_____
FOUND BRASS CAP	●
FOUND 5/8" REBAR (AS NOTED)	○
FOUND 1/2" REBAR (AS NOTED)	◦
5/8" x 24" REBAR & CAP TO BE SET- LS 10110	⊙
1/2" x 24" REBAR & CAP TO BE SET - LS 10110	•
SET 5/8" x 24" REBAR & CAP - LS 10110	●



VICINITY MAP

Monument Certification

THE INTERIOR MONUMENTS ON THIS PLAT SHOWN AS "TO BE SET" WILL BE SET IN ACCORDANCE WITH SECTION 50-1333, IDAHO CODE, ON OR BEFORE 1 YEAR AFTER THE RECORDATION OF THE FINAL PLAT OR AS DETERMINED BY THE CITY OF TWIN FALLS.

Notes:

1. A 15 FOOT WIDE UTILITY EASEMENT EXISTS ADJACENT TO ALL FRONT LOT LINES AND ADJACENT TO STREET FRONTAGES.
2. THERE SHALL BE NO DIRECT ACCESS TO 3600 NORTH ROAD.
3. THE TWIN FALLS CANAL COMPANY (TFCC) HAS WATER CONVEYANCE FACILITIES IN THE AREA, INCLUDING THE LOW LINE CANAL. THE LOT OWNERS AGREE TO INDEMNIFY AND HOLD TFCC, ITS OFFICERS, DIRECTORS AND EMPLOYEES, AS WELL AS THE CITY OF TWIN FALLS, HARMLESS FROM ANY CLAIM, INCLUDING ANY CLAIMS OF ANY THIRD PARTY, CLAIMING INJURY OR DAMAGE BY REASON OF DIVERSION AND DELIVERY OF WATER THROUGH THE WATER CONVEYANCE FACILITIES, AND ANY OPERATION AND MAINTENANCE OF THE WATER CONVEYANCE FACILITIES, INCLUDING THE LOW LINE CANAL.
4. DIRECT ACCESS TO THE TWIN FALLS CANAL COMPANY LOW LINE CANAL FROM INDIVIDUAL LOTS WILL NOT BE ALLOWED.
5. ALL LOTS SHALL HAVE ACCESS FROM RESIDENTIAL STREETS ONLY. NO DIRECT ACCESS WILL BE ALLOWED TO 3600 NORTH ROAD.
6. LOTS WITHIN THIS DEVELOPMENT WILL BE SUBJECT TO COMMON AREA MAINTENANCE (CAM) FEES ASSESSED BY THE CITY OF TWIN FALLS FOR MAINTENANCE OF LANDSCAPING AREAS.

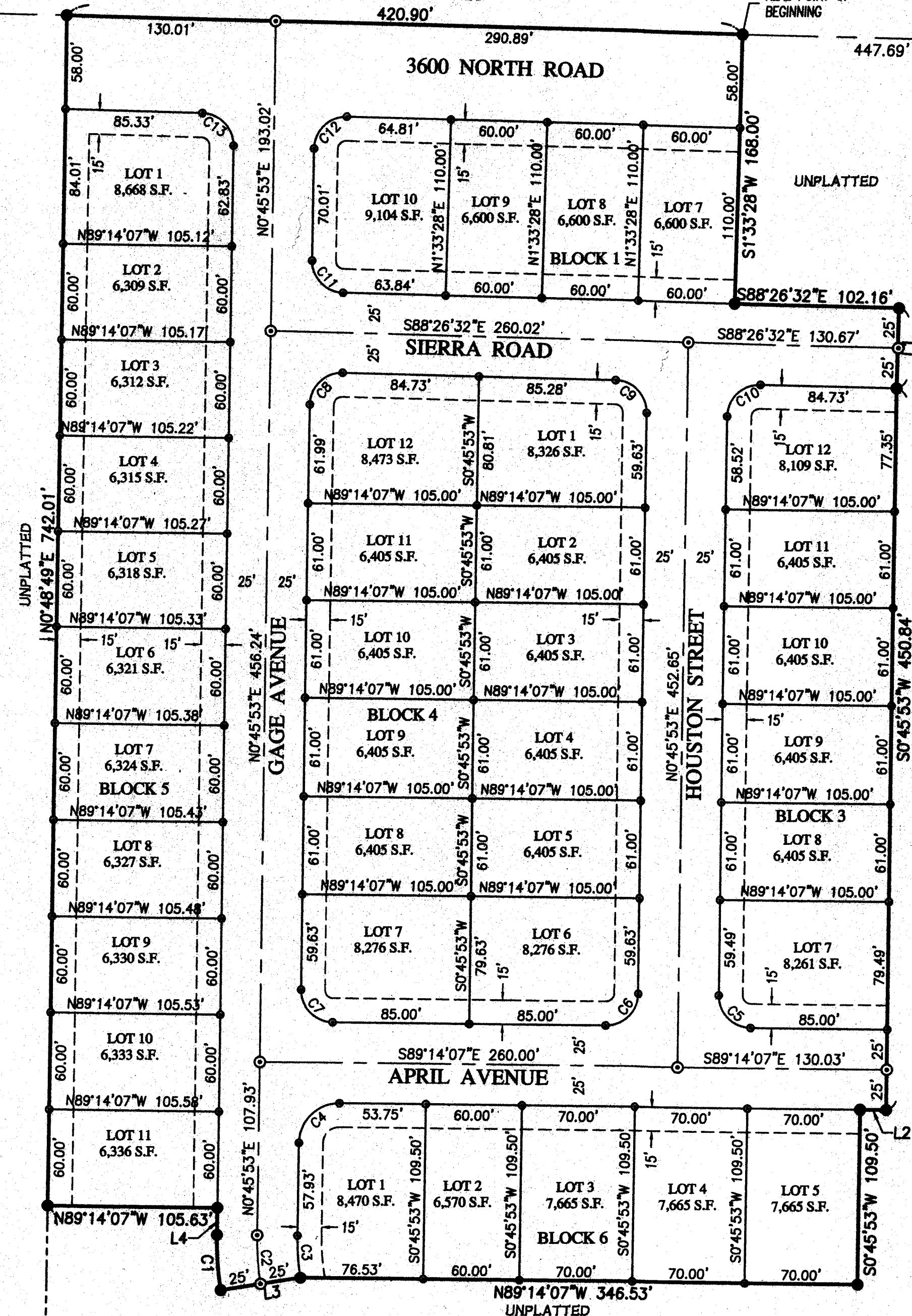
Health Certificate

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

Curve Table

CURVE #	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
C1	9°33'33"	210.00'	35.04'	35.00'	17.56'	N4°00'54"W
C2	9°33'33"	185.00'	30.87'	30.83'	15.47'	S4°00'54"E
C3	9°33'33"	160.00'	26.69'	26.66'	13.38'	N4°00'54"W
C4	90°00'00"	25.00'	39.27'	35.36'	25.00'	N45°45'53"E
C5	90°00'00"	20.00'	31.42'	28.28'	20.00'	N44°14'07"W
C6	90°00'00"	20.00'	31.42'	28.28'	20.00'	N45°45'53"E
C7	90°00'00"	20.00'	31.42'	28.28'	20.00'	S44°14'07"E
C8	90°47'35"	20.00'	31.69'	28.48'	20.28'	S46°09'40"W
C9	89°12'25"	20.00'	31.14'	28.09'	19.73'	N43°50'20"W
C10	90°47'35"	20.00'	31.69'	28.48'	20.28'	N46°09'40"E
C11	89°12'25"	20.00'	31.14'	28.09'	19.73'	N43°50'20"W
C12	90°47'35"	20.00'	31.69'	28.48'	20.28'	N46°09'40"E
C13	89°12'25"	20.00'	31.14'	28.09'	19.73'	N43°50'20"W

Survey References #2006-017039 Deed References #2015-008904



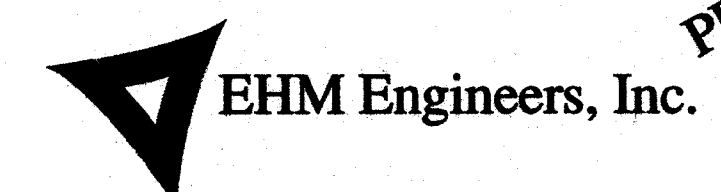
Line Table

LINE #	BEARING	DISTANCE
L1	S1°33'28"W	50.00'
L2	N89°14'07"W	16.25'
L3	S81°12'20"W	50.00'
L4	N0°45'53"E	16.98'

FOUND 91.25' WITNESS CORNER
PER SURVEY #2006-017039

DISTRICT HEALTH DEPARTMENT, EHS

DATE:



CERTIFICATE OF OWNERS

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OR REPRESENTATIVE OF THE OWNERS IN FEE SIMPLE OF THE FOLLOWING DESCRIBED PROPERTY, LOCATED IN A PORTION OF THE NE4 NW4, SECTION 33, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO; SAID PROPERTY BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 33, SAID POINT LIES SOUTH 88°26'32" EAST 2629.25 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 33;
THENCE, NORTH 88°26'32" WEST 447.69 FEET ALONG THE NORTH BOUNDARY OF THE NW4 OF SECTION 33 AND BEING THE REAL POINT OF BEGINNING;
THENCE, LEAVING SAID NORTH BOUNDARY, SOUTH 01°33'28" WEST 168.00 FEET;
THENCE, SOUTH 88°26'32" EAST 102.16 FEET;
THENCE, SOUTH 01°33'28" WEST 50.84 FEET;
THENCE, SOUTH 00°45'53" WEST 450.84 FEET;
THENCE, NORTH 89°14'07" WEST 16.25 FEET;
THENCE, SOUTH 00°45'53" WEST 109.50 FEET;
THENCE, NORTH 89°14'07" WEST 346.53 FEET;
THENCE, SOUTH 81°12'20" WEST 50.00 FEET;
THENCE, ALONG THE ARC OF A NON-TANGENT 210.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 09°33'33", AN ARC DISTANCE OF 35.04 FEET AND A CHORD DISTANCE OF 35.00 FEET THAT BEARS NORTH 04°00'54" WEST;
THENCE, NORTH 00°45'53" EAST 16.98 FEET;
THENCE, NORTH 89°14'07" WEST 105.63 FEET TO A POINT ON THE WEST BOUNDARY OF THAT CERTAIN RECORD OF SURVEY RECORDED JULY 13, 2006 AS INSTRUMENT NO. 2006-017039, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY;
THENCE, NORTH 00°48'49" EAST 742.01 FEET ALONG SAID WEST BOUNDARY TO THE NORTHWEST CORNER THEREOF;
THENCE, SOUTH 88°26'32" EAST 420.90 FEET ALONG SAID NORTH BOUNDARY OF THE NW4 OF SECTION 33 TO SAID REAL POINT OF BEGINNING.

THE GROSS AREA CONTAINED IN THIS PLATTED LAND AS DESCRIBED IS 8.81 ACRES.

IT IS THE INTENTION OF THE UNDERSIGNED TO, AND THEY DO HEREBY INCLUDE SAID LAND IN THIS PLAT. THAT THE UNDERSIGNED BY THESE PRESENTS DEDICATE TO THE PUBLIC FOR PUBLIC USE FOREVER THE ROAD RIGHTS OF WAY AS SHOWN ON THIS PLAT. THE EASEMENTS INDICATED ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHTS TO USE SAID EASEMENTS ARE HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES DESIGNATED ON THIS PLAT. NO STRUCTURE OTHER THAN FOR SUCH UTILITY AND OTHER DESIGNATED PUBLIC USES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS.

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

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

SUNDANCE PARTNERS, L.L.C., AN IDAHO LIMITED LIABILITY COMPANY

BY: GERALD MARTENS, MEMBER

ACKNOWLEDGMENT

STATE OF } ss
COUNTY OF }

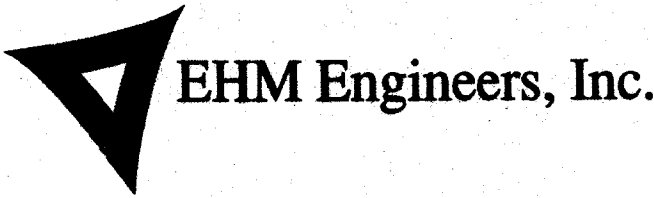
ON THIS _____ DAY OF _____, 2017, AT _____ M., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GERALD MARTENS, KNOWN OR IDENTIFIED TO ME TO BE A MEMBER OF SUNDANCE PARTNERS, L.L.C., AN IDAHO LIMITED LIABILITY COMPANY, TO BE THE MEMBER OF THE LIMITED LIABILITY COMPANY THAT EXECUTED THIS CERTIFICATE OR THE PERSON WHO EXECUTED THE CERTIFICATE ON BEHALF OF SAID LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC

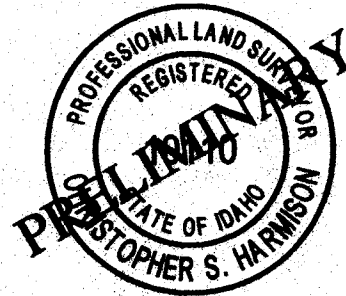
RESIDING AT

COMMISSION EXPIRES



CERTIFICATE OF SURVEYOR

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



APPROVAL OF CITY COUNCIL

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

MAYOR

CITY CLERK

APPROVAL OF CITY ENGINEER

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

CITY ENGINEER

ATTEST

COUNTY SURVEYOR'S CERTIFICATE

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

GEORGE A. YERION
COUNTY SURVEYOR

DATE

ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } ss

ON THIS _____ DAY OF _____, 2017, AT _____ M., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GEORGE A. YERION, PERSONALLY KNOWN OR IDENTIFIED TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC

RESIDING AT

COMMISSION EXPIRES

COUNTY TREASURER'S CERTIFICATE

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

COUNTY TREASURER

DATE

COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO. _____

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss

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

DEPUTY

EX-OFFICIO RECORDER





Date: Monday, March 19, 2018
To: Honorable Mayor and City Council
From: Troy Vitek, Assitant City Engineer

Request:

Request to approve a Curb-Gutter & Sidewalk Improvement Deferral Agreement – 659 Mae Dr. for Perry C. Dangerfield..

Time Estimate:

N/A

Background:

The property owner would like to build an addition to his home. A building permit requires frontage improvements, such as Curb-Gutter and Sidewalk installation. The property owner is requesting a deferral on this requirement.

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 is no curb-gutter or sidewalk on either adjoining properties to tie into. Staff believes it is acceptable to defer construction of curb-gutter and sidewalk 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 curb-gutter and sidewalk improvements until the City Engineer requires construction of said improvements.

History:

N/A

Analysis:

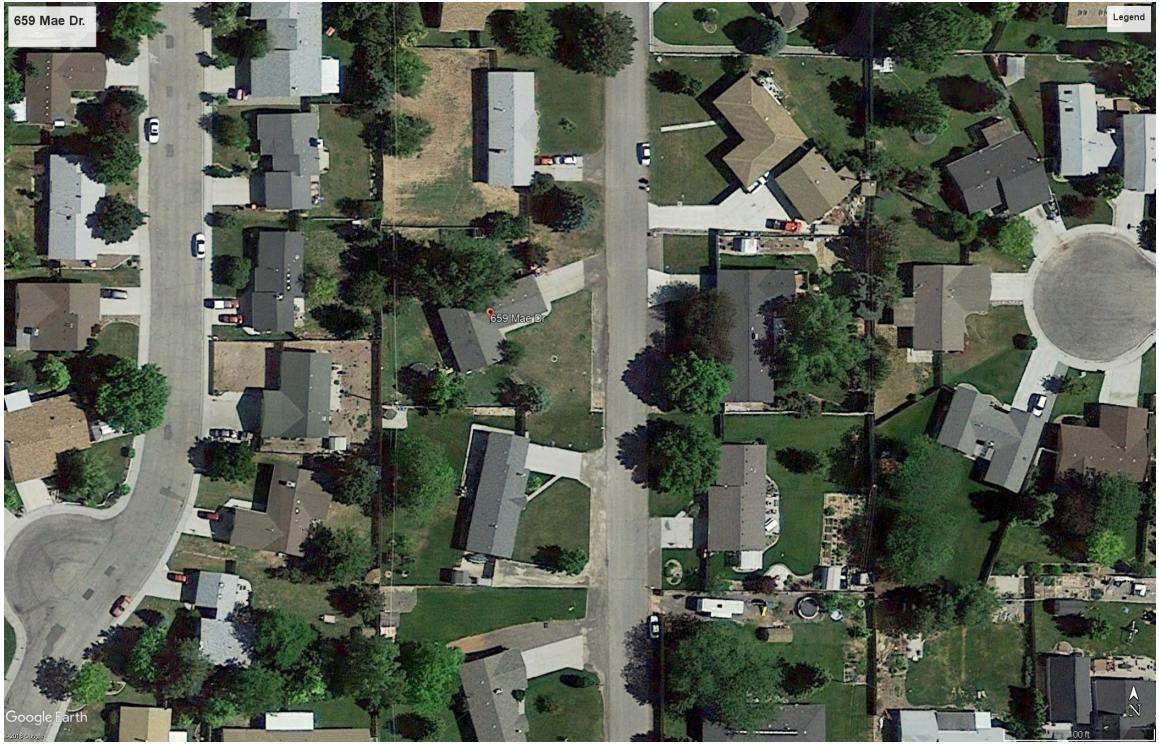
N/A

Conclusion:

Staff recommends that the Council approve the request as presented.

Attachments:

1. Aerial Image - 659 Mae Dr
2. Curb-Gutter & Sidewalk Deferral Agreement - 659 Mae Dr
3. Warranty Deed - 659 Mae Dr.



CURB-GUTTER AND SIDEWALK IMPROVEMENT DEFERRAL AGREEMENT

This Agreement made and entered into this 8 day of March, 2018, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City", and Perry C. Dargatzfield, hereinafter called "Developer", for the purpose of constructing certain improvements on property sought to be developed at 659 Mae Dr..

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 house; and,

WHEREAS, the Developer is obligated to construct certain improvements, namely curb-gutter and sidewalk, 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 and sidewalk until _____, or until such time as the obligation of curb-gutter and sidewalk 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 and sidewalk 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 on 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 and sidewalk; and 3) approval of finished curb-gutter and sidewalk.

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 State of Idaho Department of Highways 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.

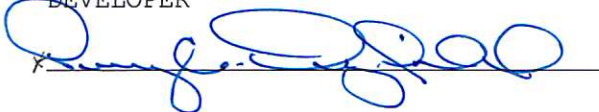
This Agreement shall be recorded and shall bind the parties hereto, their heirs, successors in interest, and lawful assigns.

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 IDAHO

On this 8 day of March,
2018, before me a notary public in
and for said State, personally
appeared Perry C Dangerfield

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


Notary Public
Residing in Idaho
Expires 8/25/18



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 _____

Case No. 70551sm

TitleFact, Inc.

163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

TWIN FALLS COUNTY
RECORDED FOR:
TITLEFACT, INC.
02:13:31 PM 10-27-2017
2017017538
NO. PAGES 1 FEE: \$15.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: SW
Electronically Recorded by Simplifile

**** SPACE ABOVE FOR RECORDER ****

WARRANTY DEED

FOR VALUE RECEIVED ZACHARY C. DANGERFIELD, an unmarried man, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto PERRY C. DANGERFIELD, a single man, as to an undivided one-half interest; AND D'ARCY E. DANGERFIELD, a single woman, as to an undivided one-half interest, hereinafter called Grantee, whose address

is: 659 Mae Drive, Twin Falls ID 83301,
the following described premises in Twin Falls County, Idaho; to-wit:

Lot 18, UTOPIA HEIGHTS SUBDIVISION, Twin Falls County, Idaho, according to the official plat thereof recorded in Book 9 of Plats, page 18, records of Twin Falls County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and 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 they are free from all encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 26, 2017

ZACHARY C. DANGERFIELD

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 27 day of October, 2017, before me, a Notary Public in and for said State, personally appeared ZACHARY C. DANGERFIELD, known or identified to me to be the person whose name subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

Susie Moore
Notary Public for Idaho
Residing at Twin Falls
Commission expires 11/28/2020



State of Idaho
County of Twin Falls

I hereby certify the foregoing to be a full, true
and correct copy of the original.

KRISTINA GLASCOCK
TWIN FALLS COUNTY CLERK

[Signature]
DEPUTY CLERK

3/8/18
DATE



Date: **MONDAY, MARCH 19, 2018**

To: **Honorable Mayor and City Council**

From: **Rene'e V. Carraway-Johnson, Zoning & Development Manager**

ITEM

Request: Consideration of the PUD Agreement between the City of Twin Falls and Sundance Partners, LLC.

Analysis and History:

Attached is the PUD Agreement between the City of Twin Falls and Sundance Partners, LLC.

In September 2008, the City Council approved annexation with R-2 for this 117 +/- acre site.

In October 2008, the Commission recommended approval for a request to rezone this property to R-2 PUD.

On November 24, 2008, The City Council held a public hearing on this request. Presentations were given by the applicant's representative and by staff. The public hearing was opened. Three (3) people spoke against the request. The developer, Gerald Martens, addressed the concerns of the neighbors and the public hearing was closed. Upon conclusion of the public hearing and council deliberations, Councilperson Lanting made a motion to approve the request, as presented subject to the following six (6) conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to the property being platted through the City of Twin Falls prior to development.
3. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
4. Subject to final approval of the PUD Agreement.
5. Building setbacks to comply with R-2 development standards, or greater.
6. Subject to the first five lots on the Southeast corner both north and west be a minimum of 10,000 square feet. *Added by an amended motion.*

Vice-Mayor Johnson seconded the motion and all members present voted in favor of the motion. The motion passed with a vote of 6 to 0.

Budget Impact:

Approval of this request will not affect the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to complete the platting process and ultimately proceed with the development as approved.

Conclusion:

Staff feels that the attached PUD Agreement correctly reflects the City Council approval and recommends Council adopt the agreement, as presented.

Attachments:

1. Final Draft of the SUNDANCE PUD Agreement
2. Portion of the Minutes from the November 24, 2008 CC meeting

May 24, 2017

DRAFT

**SUNDANCE SUBDIVISION
R2 PLANNED UNIT DEVELOPMENT AGREEMENT**

THIS AGREEMENT made and entered into this _____ day of _____ 20__ by and between the **CITY OF TWIN FALLS**, a municipal corporation, State of Idaho P.O. Box 1907 Twin Falls, ID 83303-1907 (hereinafter called "City"), and **SUNDANCE PARTNERS, LLC**, (hereinafter called "Developer"), whose address is 621 North College Rd., Ste. 100, Twin Falls, ID 83301.

RECITALS:

WHEREAS, the Developer is the owner of the certain tract of land (the "Property"), in the City of Twin Falls, County of Twin Falls, State of Idaho, more particularly shown in Exhibit A, which contains the "Vicinity and Zoning Map" attached hereto which Property is south of 3600 North Road and east of Washington Street South, and is to be known as **SUNDANCE SUBDIVISION PUD**; and

WHEREAS, the City Council has required the Property to be developed as a Planned Unit Development (PUD) as a condition of annexation, and

WHEREAS, the Developer has made request of the City to develop a residential subdivision (the "Project") on the Property and has submitted to the City the Master Development Plan (Exhibit B) thereof which has been approved for development as an "R-2 Residential PUD" by the Planning and Zoning Commission and the City Council of the City; and

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

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

1. **NATURE OF THE AGREEMENT.** This agreement shall become part of the "R2, PUD" zone with respect to the Project upon its full execution and recording. The Developer and its assigns or successors in interest, as well as the City and its assigns or successors (if any), shall be bound by the terms and conditions contained therein.
2. **NATURE OF THE DEVELOPMENT.** It is agreed by the parties hereto that certain language and requirements pertaining to the "Project" shall be interpreted as follows:
 - A. **General Uses and Features.** The Project is a residential development based on an R-2 zoning designation with a Planned Unit Development (PUD) overlay. City owned and maintained storm water neighborhood

park, Homeowners Association owned and maintained sewage lift station and pressurized sewer main from lift station to discharge manhole, a lot dedicated to the City of Twin Falls for access to a regional pressure irrigation facility, piped Twin Falls Canal Company gravity irrigation lateral, utilities, and City owned improvements. Utilities include natural gas service, telephone, electrical, power, and television cable. City owned improvements include gravity sanitary sewers, City water, City pressurized irrigation, and City streets with curb, gutter, and sidewalks (see attached map of the Project, Exhibit B). Specific features and locations are as follows:

1. Tract A will be dedicated to the City as a "neighborhood park". Exhibit D
2. Upon execution of an acceptable agreement by the parties, Lot 17 Block 5 will be used by the City for access to a Regional Pressure Irrigation Facility.
3. Tracts B, C, D, E, and F will be dedicated to the Sundance Homeowners Association. Additional Tracts may be dedicated to the Sundance Homeowners Association upon identified need within future platting.
4. All Streets within development will have 20 feet front yard setbacks from street right of way.

B. Specific Uses – Permitted Uses

The Project shall be allowed all the Permitted Use detailed in City Code 10-4-4.2-(A), with the following inclusions:

Permitted Use – City of Twin Falls Regional Pressure Irrigation Facility restricted to Lot 17 Block 5.
The total number of lots shall not exceed 469 lots. (117.42 gross acres, 4.0 lots per gross area)

And with the following exclusion:

Prohibited Use – Duplex Dwellings

C. Special Uses

The Project shall be allowed to have applications sought for all the Special Uses detailed in City Code 10-4.4.2-(B).

The Project shall meet the Property Development Standards detailed in City Code 10-4-4.3, as of April 16, 2007, with the following modifications:

Modification – 10-4-4.3-(E)-2 a.
The Building line shall not be closer than five (5) feet to the property line.

Modification – 10-4-4.3-(E)-2 c.

Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half (2 ½) feet to the property line.

D. General Subdivision Provisions

The Project shall meet the General Subdivision Provisions detailed in City Code 10-12, as of April 16, 2007, with the following modifications:

Modification – 10-12-3-13 Right of Way Requirements

Harrison Street south of 3600 North shall be a collector roadway to the intersection with the proposed Gage Loop, and residential street south of the above described intersection. The Proposed Gage Loop shall be a residential roadway West of the Harrison Street, Gage Loop Intersection and a collector roadway East of the Harrison Street, Gage Loop Intersection.

Modification – 10-12-5-3 Planned Unit Developments and Condominium Subdivisions, (D) Storage Areas.

The Project will not provide separate storage areas. The Project CCR's will allow for recreational vehicle parking on the individual lot.

Modification 10-12-5-3 Planned Unit Developments and Condominium Subdivisions, (F) Maintenance Building the Project will not provide a maintenance building. The Project CCRs will allow for individual storage sheds on the individual lot.

F. Phasing of Development. Developer shall be permitted to develop the Property in phases, so long as those phases are in compliance with the Master Plan (Exhibits B), this PUD Agreement, and an approved preliminary plat. Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes there from shall not provide basis for disapproval of any final plat. There shall be no minimum and three (3) year maximum time limit between phases.

3. **STREET, SEWER, WATER, AND DRAINAGE IMPROVEMENTS.** Developer shall be responsible for the design and construction of street, sewer, water, pressurized irrigation, and drainage systems on the Property (hereinafter "Improvements") as described herein in accordance with City Standards.
 - A. **Improvement Plans.** Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for that development phase, showing all Improvements contemplated within that phase of the development (hereinafter "Improvement Plans"). The Improvement Plans and all Improvements thereon shall meet the approval of the City, which approval shall be given if such plans conform

to established City policies and ordinances, the Master Plan and this PUD Agreement.

- B. Improvement, Design and Construction. The Developer, at his expense, shall cause all Improvements shown on the Improvement Plans to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided therein. Notwithstanding the foregoing, nothing in this Agreement shall prohibit City participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.
- C. Phased Construction The Developer may install the Improvements at one time, or in phases, as the Developer shall determine at his sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make such modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.
- D. Construction Supervision. The Developer shall use a registered professional engineer to supervise the construction; inspection and testing of the work as necessary, to ensure that all such Improvements are constructed in accordance with the approved Improvement Plans.
- E. Non-Compliance. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty (30) days of its receipt of notice or, in the case of non-compliance that will take in excess of thirty (30) days to cure, Developer shall commence to cure within (30) days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with; provided, however, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy would be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.
- F. Fees. The Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer

connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.

- G. Maintenance of Improvements. The City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.

4. PLATS. Developer agrees to file with City a preliminary plat, or plats in phases, prepared by a registered professional engineer/land surveyor, of the Property which is the subject of this Agreement. Preliminary and final plats for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements, open space, and mini park dedications, and those right-of-way the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the city if the final plat is in conformity with the approved preliminary plat.

5. INDIVIDUAL PARCEL DEVELOPMENT CRITERIA. The Property of any portion thereof shall be developed in accordance with criteria set forth in this Section.

A. Approval and Construction. All Improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.

B. Pump Irrigation Station Lot. Will be dedicated to the City of Twin Falls for use as access to a regional pump irrigation station. The City of Twin Falls will be responsible for all improvements to Lot 17, Block 5 and the Pump Station. Pump system appearance will meet conditions of this agreement.

The Developer intends to make a charitable contribution to the City of Twin Falls for the appraised value of Lot 17, Block 5. Such contribution shall occur upon transfer of ownership of Lot 17, Block 5. Developer agrees to convey title to Lot 17, Block 5 prior to recordation of phase one final plat.

C. Sanitary Sewer Pump Station. The Developer will construct a temporary sanitary sewer lift station on Tract A to pump to existing or proposed sewer pipeline west or north of the project. The design of the lift station will allow the disconnection and abandonment of the station and connection to a gravity sewer line on 3600 North, when available. The Developer will construct a force main from the lift station to the gravity sewer line. The lift station and force main from the lift station to the point of discharge, will be owned, operated, and maintained by the Sundance Homeowner's Association. The Association will contract with OMI or the City's current operating authority for the City's lift stations for the operation and maintenance of the station. When gravity sewer is available to the project, the City agrees to abandon the lift station and connect the project to the gravity sewer line.

D. Landscaping. Project landscaping includes landscaping and pressurized irrigation along 3600 North Road, hydro seeding and irrigation for the storm water detention pond "neighborhood park" dedication (Exhibit D), and standard park strip on the collector portions of Harrison Street South and the collector portions of Sundance Loop. Each property owner adjacent to Harrison Street and Sundance Loop shall install and maintain the landscaping and vegetation on his property and in the public rights-of-way adjacent thereto. Each property owner shall be required to utilize the Project's pressurized irrigation system or future systems as required by the City for their landscaped area.

E. Building Standards. Buildings and Improvements shall comply with the following standards:

1. Design Standards. Residences shall conform to applicable city codes and the requirements of the Sundance Home Owner's Association Conditions, Covenants, and Restrictions (CC&Rs).
2. Trash containers, outdoor storage and such facilities on the City dedicated parcels shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or vision barrier fencing. The Developer and City Planning and Zoning Department or its assigns shall approve screening.
3. Utilities. All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located on the north and east boundary of the property.

F. Codes. All construction on the Property shall be to the standards established by applicable codes.

6. TIME LIMITATION. The "R-2 PUD" zone designation on the Property described in Exhibit E is expressly conditioned upon submission to the City Council and a final development plan of the first phase of development within two (2) years from the date hereof. The Developer may apply for two or more two-year extensions provided application is made in advance of the two-year expiration date. Approval shall not unreasonably be withheld.

7. STANDARD DEVELOPER'S AGREEMENT. It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.

City and Developer recognize that in exchange for giving up substantial acreage for the pressurized irrigation facility, and the large impact it has on the residential area of the project, city is allowing R-2 PUD as proposed.

8. GENERAL PROVISIONS.

A. Cooperation. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications, and working drawings required by the City.

B. Entire Agreement. This Agreement constitutes the entire agreement between the parties concerning the Property and Improvements described herein, and no amendment or modification to this Agreement shall be valid or effective unless reduced to writing and signed by the parties.

C. Applicable Law. This Agreement shall be construed in accordance with the laws of the State of Idaho.

D. Notices. If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested." On the date of this Agreement, the addresses of the parties are as follows:

Developer: Sundance Partners, L.L.C.
c/o Gerald Martens
621 N. College Rd., Ste. 100
Twin Falls, ID 83301

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

E. Successors and Assigns. This Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this Agreement with respect to said transferred property.

F. Severability. In the event any portion of this Agreement is declared by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining portions shall not be affected thereby.

G. Signatories. Each of the persons executing this Agreement hereby represents and warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this Agreement is binding on, and enforceable against, such entity.

H. Effective Date. This Agreement shall become valid and binding only upon its approval by City, through its City Council, and upon its execution by the Mayor and the Developer.

I. Attorney Fees. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails in such litigation, shall be entitled to a reasonable attorney's fee.

J. Construction. Should any provision of this Agreement require judicial interpretation, the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

K. Attachments. All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.

L. Captions. The captions, section and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this Agreement.

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

ATTEST:

"CITY"
CITY OF TWIN FALLS

By: _____
City Clerk

By: _____
Mayor

"DEVELOPER"
SUNDANCE PARTNERS, L.L.C.

By: _____
Member

DRAFT

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 200____, before me, a Notary Public for said County and State, personally appeared _____, known or identified to me, to be the Member of SUNDANCE PARTNERS, L.L.C. that executed the said instrument.

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

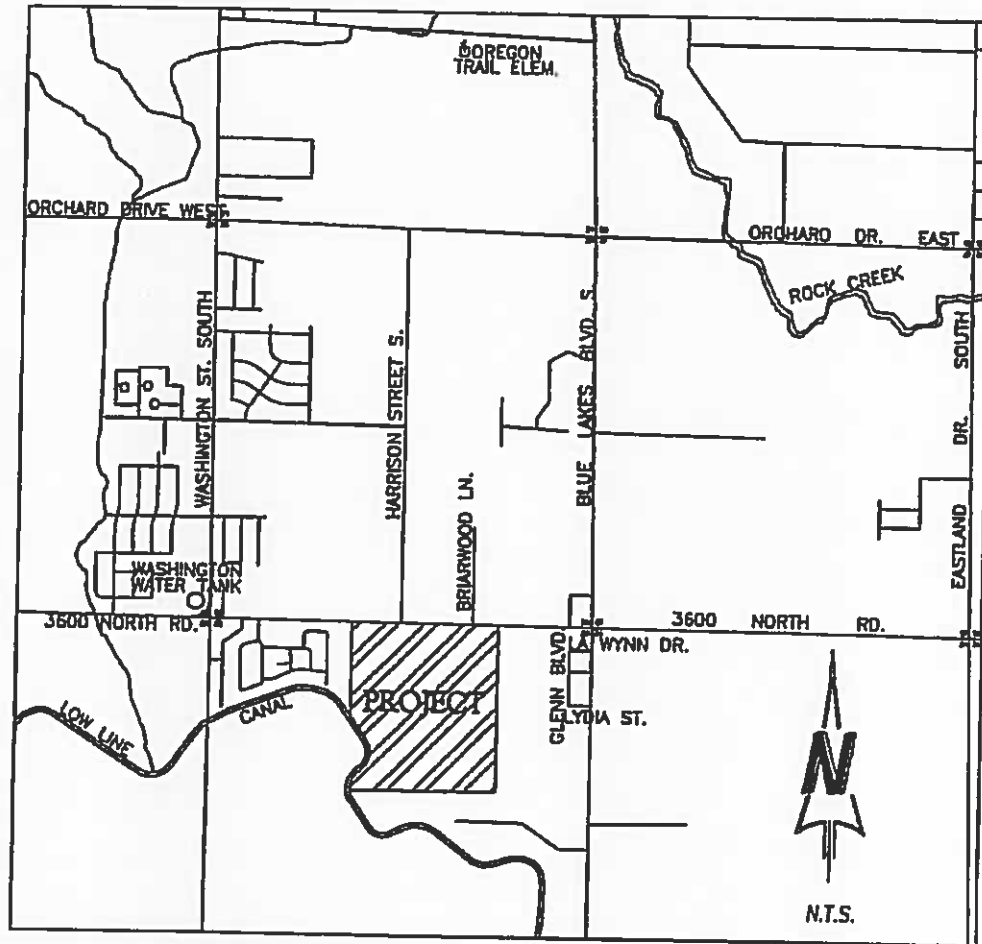
NOTARY PUBLIC FOR IDAHO
Residing at _____
My commission expires _____

LEGAL DESCRIPTION FOR
Proposed R-2 PUD Parcel

See Attached Exhibit E.

EXHIBIT A

VICINITY MAP & SURROUNDING ZONING MAP



TWIN FALLS, IDAHO

SUNDANCE SUBDIVISION
SECTION 33 T. 10S, R. 17E BM

VICINITY SKETCH

SCALE: N.T.S.

DATE: May 8, 2008

DWG PATH: 378-07riMASTER

JOB #: 378-07

BMM Engineers Inc.
REGISTERED PROFESSIONAL ENGINEERS
631 N. GALLERIE DR. SUITE 100
TWIN FALLS, IDAHO 83401
TEL: 208-738-7100 FAX: 208-738-7101

SUNDANCE SUBDIVISION, A PUD

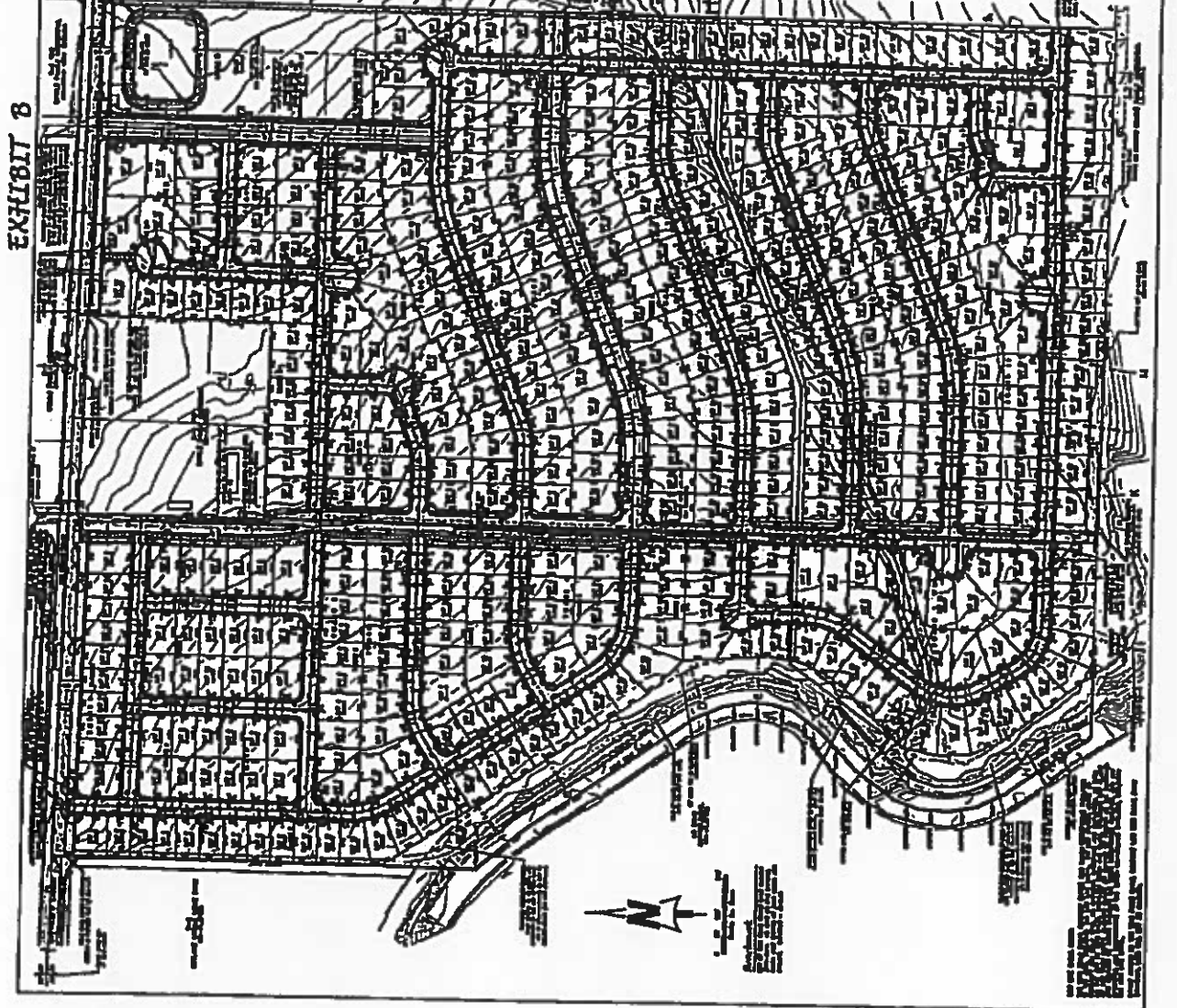
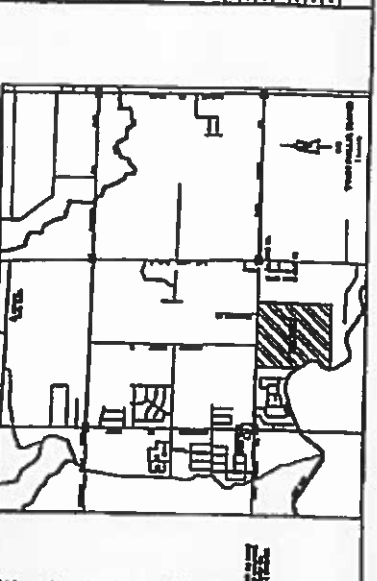
Master Development Plan for
SUNDANCE PUD SUBDIVISION

Residential Calculations

General Notes

Typical Residential Section

Typical Commercial Section



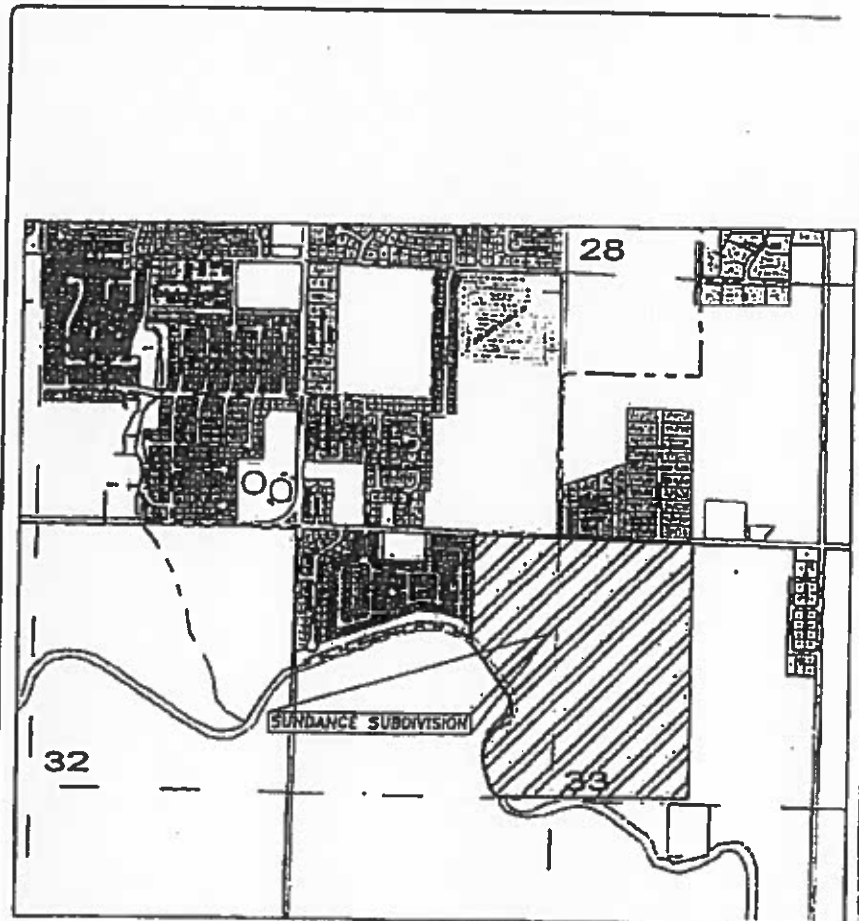
Engineers Inc.

Master Development Plan for
SUNDANCE PUD SUBDIVISION

DATE	DESCRIPTION
1/1/81	PRELIMINARY
2/1/81	FINAL

EXHIBIT C

SURROUNDING SUBDIVISIONS MAP SECTION 33, TOWNSHIP 10 SOUTH RANGE 17 EAST



TWIN FALLS, IDAHO

SUNDANCE SUBDIVISION
SECTION 33 T. 10S, R. 17E BN

SURROUNDING SUBDIVISIONS EXHIBIT C

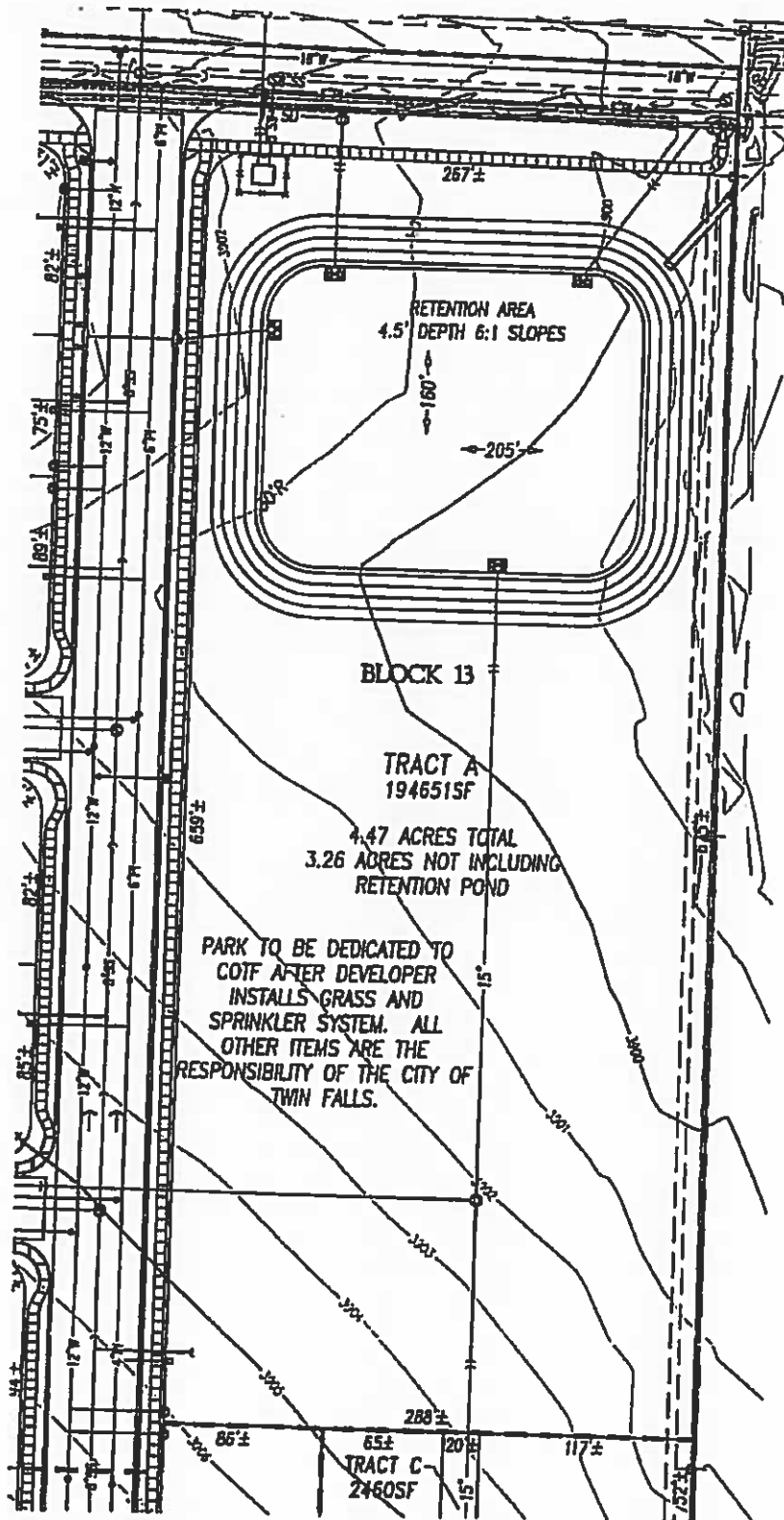
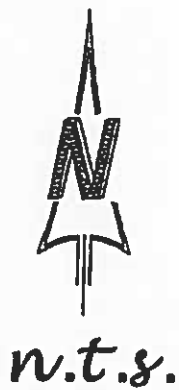
SCALE: N.T.S.

DATE: May 8, 2008

DRG PATH: 378-07-MASTER

JOB #: 378-07

SLM Engineers Inc.
1000 W. 10th St., Suite 100
Twin Falls, ID 83401
208.333.1111
www.slmengineers.com



Neighborhood Park
EXHIBIT D

EXHIBIT E

Sundance Subdivision

Beginning at the North quarter corner of Section 33, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County Idaho, said point lies South 88°26'32" East 2629.25 feet from the North West Corner of Section 33 also being the REAL POINT OF BEGINNING,

Thence South 00°45'52" West 506.04 feet,
Thence South 89°00'22" East 501.05 feet,
Thence North 01°33'38" East 501.04 feet, to a point on the north line of Section 33
Thence along the Section line South 88°26'22" East 806.36 feet,
Thence South 00°42'22" West 2645.43 feet,
Thence North 88°56'19" West 1316.99 feet to center of Section 33,
Thence North 88°56'19" West 486.40 feet to the centerline of the Low Line Canal,
Thence along the centerline of the Low Line the following course:
North 33°43'59" West 268.64 feet,
Thence North 25°51'48" West 76.53 feet,
Thence North 09°57'56" West 73.31 feet,
Thence North 02°55'06" East 73.60 feet,
Thence North 19°06'03" East 69.23 feet,
Thence North 36°03'58" East 127.81 feet,
Thence North 46°44'18" East 131.00 feet,
Thence North 35°23'49" East 89.24 feet,
Thence North 16°05'45" East 60.73 feet,
Thence North 03°37'01" East 57.04 feet,
Thence North 10°35'48" West 68.09 feet,
Thence North 23°17'22" West 80.60 feet,
Thence North 33°43'29" West 517.02 feet,
Thence North 39°34'34" West 149.97 feet,
Thence North 49°31'14" West 11.78 feet,
Thence departing the Centerline of the Low Line Canal North 00°48'49" East 1092.61 feet to a point on the North line of Section 33
Thence along said section line South 88°26'32" East 868.59 feet to the REAL POINT OF BEGINNING.

The gross area contained as described above is 117.42 Acres.

IV. PUBLIC HEARINGS: 6:00 P.M. –

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD for 117.4 (+/-) acres to develop a residential subdivision located south of Harrison Street South and 3600 North Road and north of the Low Line Canal, c/o EHM Engineers, Inc./Gerald Martens on behalf of Sundance Holdings, LLC. (App. #2271)

Gerald Martens, EHM Engineers, representing the applicant explained the request.

The property consists of 117.4 acres, 469 lots. One of other conditions of the approval is that the density not be more than four lots per acre. The submittal and master plan presented shows the changes. The proposed residential subdivision is in conformance with the comprehensive plan and is compatible with residential uses in the project area.

On October 28, 2008, the Planning and Zoning Commission unanimously recommended approval of this request to the Council with the following five (5) conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure Compliance with all applicable City Code requirements and Standards.
2. Subject to the property being platted through the City of Twin Falls prior to development.
3. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
4. Subject to final approval of the PUD Agreement.
5. Building setbacks to comply with R-2 development standards, or greater.

The applicant accepts the first four conditions but asked the Council to reconsider condition 5. Building setbacks to comply with R-2 development standards, or greater. The applicant requests the setback to be reduced from 7' to 5' to allow more flexibility in homes to have three car garages.

Gary Wolverton, applicant, gave a PowerPoint presentation explaining the request. He asked the Council to reconsider reducing the setback from 7' to 5'. A park is proposed in the northeast corner of the property, or a percentage of the lots have a 5' setback.

Community Development Director Humble reviewed the request.

On June 10, 2008, the Parks & Recreation Commission recommended that a full park be dedicated outside any retention requirements. A retention area is shown at the northeast corner of the park.

The Planning & Zoning Commission did not recommend approval of the 7' setback. The applicant suggested a percentage of the lots have a 5' setback; however, staff does not concur with the applicant. Staff gave an option to the Council that when the applicant submits a building plan with a three car garage, then the garage could encroach that 7' setback 2'.

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If the Council approves this request for an R-2 PUD zoning designation, as presented, staff recommends approval be subject to the Commission's recommendations of October 28, 2008.

Discussion followed:
Councilperson Heider asked about Harrison Street plans.

Community Development Director Humble stated that the plan shows the applicant's half of Harrison being dedicated. A chunk is owned by somebody else, and the alignment of Harrison to the north of 3600 is such that to align up center line comes up from the other half of the property. Their development requirement would be for their half of Harrison and so to get far enough south towards where they have both halves they will develop both halves. The intersection will not be developed properly at this time until the City gets the rest of the right of way intersection. Also, Harrison to the north is currently not up to City Standards, which has something to do with immediate development of the intersection as well. Harrison to the north will also get fixed on the northwest corner by the Golden Eagle Subdivision; however, on the north side of 3700, the same issues exists, in that the west side of the road is being planned for development, the east side of the road is not.

-Explanation of the LID process.

Councilperson Lanting asked if it could be required as part of the PUD that the developer build the other half.

Community Development Director Humble stated that it could be required, but the concern would be that the owner refuses to dedicate the right of way.

City Engineer Fields explained the future plans for Harrison Street and 3600 width sizes.

The public hearing was opened:

A letter was submitted from Donald and Joan Vester and Glenn and Sandy Fisher.

The public hearing comment portion of the hearing was opened:

Glenn Fischer, 2987 Anderson Lane, spoke against the request.

Donald Vester, 2989 Anderson Lane, spoke against the request.

Jamon Wills, 1572 Briarwood Lane, spoke against the request.

The public comment portion of the hearing was closed.

Gerald Martens stated that the development is consistent with the comprehensive plan low density.

Discussion followed:
Glenn Fisher clarified that his home is 300' from the southeast corner of Anderson Lane.

Clarification was made that the majority of the lots are two acres.

Community Development Director Humble explained the rules of the R-1 variable.

Councilperson Heider asked the applicant if he had a conversation with the owner of the lot adjacent to 3600 and Harrison relative to Harrison Street being a widened road built by the applicant.

Gary Wolverton stated that the owners were not interested in working with anything to do with the subdivision.

Gerald Martens stated that a plat will be presented to the City Council at a future time showing details. He stated that the applicant would meet with adjacent property owners.

City Attorney Wonderlich stated that the final plat will have to conform to the PUD agreement and lot sizes would be discussed at this time.

The public hearing was closed:

MOTION:

Councilperson Lanting made the motion to approve a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD for 117.4 (+/-) acres to develop a residential subdivision located south of Harrison Street South and 3600 North Road and north of the Low Line Canal, c/o EHM Engineers, Inc./Gerald Martens on behalf of Sundance Holdings, LLC. (App. #2271) as presented with the following conditions:

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 4. Subject to final approval of the PUD Agreement.
 5. Building setbacks to comply with R-2 development standards, or greater.
6. Subject to the first five lots on the Southeast corner both north and west be a minimum of 10,000 square feet. *Added as per the amended motion.*

The motion was seconded by Vice Mayor Johnson.

AMENDED MOTION:

Vice Mayor Johnson made a motion that a lot that is to have a three car garage may encroach upon a 2' of the setback. The motion was seconded by Councilperson Heider. Roll call vote showed Councilperson Heider and Vice Mayor Johnson voted in favor of the motion. Mayor Clow, Councilpersons Hall, Kezele and Lanting voted against the motion. The motion was defeated by a vote of 2 to 4.

AMENDED MOTION:

Vice Mayor Johnson made the motion that if a three car garage is built that allowance will be given with a 2' encroachment on the neighboring lot limited to a one car garage development between every other lot. The motion was seconded by Councilperson Heider. Roll call vote showed Councilperson Heider and Vice Mayor Johnson voted in favor of the motion. Mayor Clow, Councilpersons Hall, Kezele and Lanting voted against the motion. The motion was defeated by a vote of 2 to 4.

AMENDED MOTION:

Councilperson Lanting made the motion that the PUD Agreement includes a restriction that the first five lots on the southeast corner both north and west be a minimum of 10,000 square feet. The motion was seconded by Vice Mayor Johnson and roll call vote showed all members present voted in favor of the motion. **The motion passed with a vote of 6 to 0.**

ROLL CALL VOTE ON THE MAIN MOTION AS AMENDED:

Roll call vote showed all members voted in favor of the motion. The motion passed by a vote of 6 to 0.



Public Hearing: **MONDAY, MARCH 19, 2018**

To: Honorable Mayor and City Council

Presenter: Renee V. Carraway-Johnson, Zoning Administrator

ITEM

Request: Request to consider the Final Plat for Sundance Subdivision Phase I, a PUD, 8.81 (+/-) acres, consisting of 38 single-family residential lots located on the south side of the 2900 block of 3600 North Road and 1,300 (+/-) feet west of Blue Lakes Boulevard South. c/o Tim Vawser/EHM Engineers, Inc.

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: 8.81 +/- Acres
Sundance Partners, LLC c/o Gerald Martens 621 College Rd., Ste. 100 Twin Falls, ID 83301 gmartens@EHM.com 208.734.4888	Current Zoning: R-2 PUD (DRAFT Sundance PUD)	Requested Zoning: Final Plat for Phase I of a the Sundance Subdivision, a PUD
	Comprehensive Plan: Town Neighborhood	Lot Count: 38 Single-Family Residential Lots
	Existing Land Use: Agricultural	Proposed Land Use: Residential
Representative:	Zoning Designations & Surrounding Land Use(s)	
Tim Vawser EHM Engineers, Inc 621 College Rd., Ste. 100 Twin Falls, ID 83301 tvawser@ehm-inc.com 208.734.4888	North: R-4, R-4 Aol and R-1 VAR Aol; 3600 North Road- residential intersects with Harrison St S	East: R-1 VAR Aol, Agricultural
	South: R-1 VAR Aol , Residential; Highline Canal; AG Aol , Agricultural	West: High Line Canal; AG Aol , R-4, Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-4-R-2 Zone, 10-4-6; PUD/ZDA, 10-12-1 through 4- Subdivision Regulations; draft Sundance PUD Agreement	

Approval Process:

As per Twin Falls City Code 10-12-2.4 Final Plat:

(A) Application: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed, and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the administrator three (3) copies of the final plat. (Ord. 2012, 7-6-1981)

Budget Impact:

Approval of a final plat will allow the plat to be recorded and developed as approved. Additional development will bring additional tax base to the City budget.

Regulatory Impact:

Upon approval of a final plat and construction plans the plat may be recorded and lots sold for development.

History:

This property has been Agricultural in use since before 1950. It was zoned residential in 1981 with the adoption of Ordinance 2012 but has continued to be used for agricultural uses. In September 2006, the commission heard and forwarded to the City Council a positive recommendation for a zoning designation of R-2 if the site was annexed.

City Council held a public hearing in September 2008 and approved the annexation with a zoning designation of R-2. In October 2008, Ordinance #2950 was signed and published for adoption, and the property annexed and rezoned at that time.

Also in October 2008 The Commission forwarded on a positive recommendation to rezone the subject property from R-2 to R-2 PUD. City Council approved the rezone on November 24, 2008, and Ordinance #2955 was published in December 2008.

The Sundance PUD Agreement is on tonight's City Council Agenda for consideration of approval.

Analysis:

The Sundance Subdivision, a PUD, is 117.4 +/- acres and consists of 446 single-family residential lots, 8 tracts, and 1 City Lot for PI. The property is zoned R-2 PUD. This is a request for approval of the final plat of the **Sundance Subdivision-PHASE I, a PUD**. The Final plat is 8.81 acres and consists of 38 acres. The phase is located on the western side of the subdivision, as shown on exhibits 3 & 4. The draft PUD Agreement is included in the staff report packet and will be presented to the City Council for approval on tonight's City Council Agenda.

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

Approval of a preliminary plat does not constitute a commitment by the City to provide water or wastewater services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan, which designates this area as "Town Neighborhood." Low to medium density residential use is appropriate for this future land use designation.

On June 27, 2017 the Planning & Zoning Commission approved the preliminary plat for the Sundance Subdivision, a PUD consisting of 446 single-family residential lots, 8 tracts and 1 City Lot for PI on 117.4 +/- acres , as presented and subject to the following conditions:

1. **Subject To Final Technical Review And Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With The Sundance PUD Agreement and All Applicable City Code Requirements And Standards.**
2. **Subject To Submitting A Traffic Impact Study Addressing Pedestrian Access With Phase 3. If Any Measures Are Recommended, Said Measures Are To Be Installed Prior To 3/4 Of The Development Being Released For Development.**

Conclusion:

Staff recommends the City Council approve the Final Plat for Sundance Subdivision Phase I, a PUD, consisting of 38 single-family residential lots on 8.81 (+/-) acres, as presented, and subject to the following staff conditions:

1. **Subject To Final Technical Review And Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With The Sundance PUD Agreement and All Applicable City Code Requirements And Standards.**
2. **Subject To Submitting A Traffic Impact Study Addressing Pedestrian Access With Phase 3. If Any Measures Are Recommended, Said Measures Are To Be Installed Prior To 3/4 Of The Development Being Released For Development.**

Attachments:

1. Preliminary Plat, as approved 06-27-2017
2. Final Plat – Phase I
3. Zoning Vicinity Map
4. Aerial Photo Map
5. DRAFT SUNDANCE PUD AGREEMENT + Portion of Nov 24, 2008 CC minutes
6. Portion of 06-27-2017 P&Z Minutes

www

STATE OF
COUNTY OF

IN THE _____ DAY OF _____, 2017, AT _____, MISSOURI, I, _____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE A MEMBER OF SAID COMPANY, _____, WHOM I KNOW TO BE THE MEMBER OF SAID COMPANY, AND I HAVE READ TO HIM THE CONTENTS OF THIS CERTIFICATE OF THE PERSON WHO EXECUTED THE CERTIFICATE ON BEHALF OF SAID LIMITED LIABILITY COMPANY, AND HE HAS ACKNOWLEDGED TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN

NOTARY PUBLIC

Processing AI

QUESTION INDEX

INSURANCE PARTNERS, L.L.C., AN ENVO LIMITED LIABILITY COMPANY

DR. CERALD MARTENS, MEMBER

EHM Engineers, Inc.



CERTIFICATE OF SURVEYOR

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



APPROVAL OF CITY COUNCIL

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

WATSON _____ CITY CLERK

APPROVAL OF CITY ENGINEER

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

CITY ENGINEER _____ ATTEST _____

COUNTY SURVEYORS CERTIFICATE

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

GEORGE A. YERON _____ DATE _____
COUNTY SURVEYOR

ACKNOWLEDGMENT

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

NOTARY PUBLIC _____
RESIDING AT _____
COMMISSION EXPIRES _____

COUNTY TREASURERS CERTIFICATE

COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO, FOR THE REQUIREMENTS OF IDAHO CODE, SECTION 50-1-10, DO HEREBY CERTIFY THAT THE AMOUNTS OF THE PROPERTY TAXES INCLUDED IN THIS PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY DAYS ONLY.

COUNTY TREASURER _____ DATE _____

COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO. _____
STATE OF IDAHO }
COUNTY OF TWIN FALLS }
ON THIS _____ DAY OF _____, 2017, AT _____, IDAHO, THE FOREGOING PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF TWIN FALLS COUNTY, IDAHO AND DAILY RECORDED IN PLAT BOOK _____, ON PAGE _____.

DEPUTY _____ EX-OFFICIO RECORDER _____

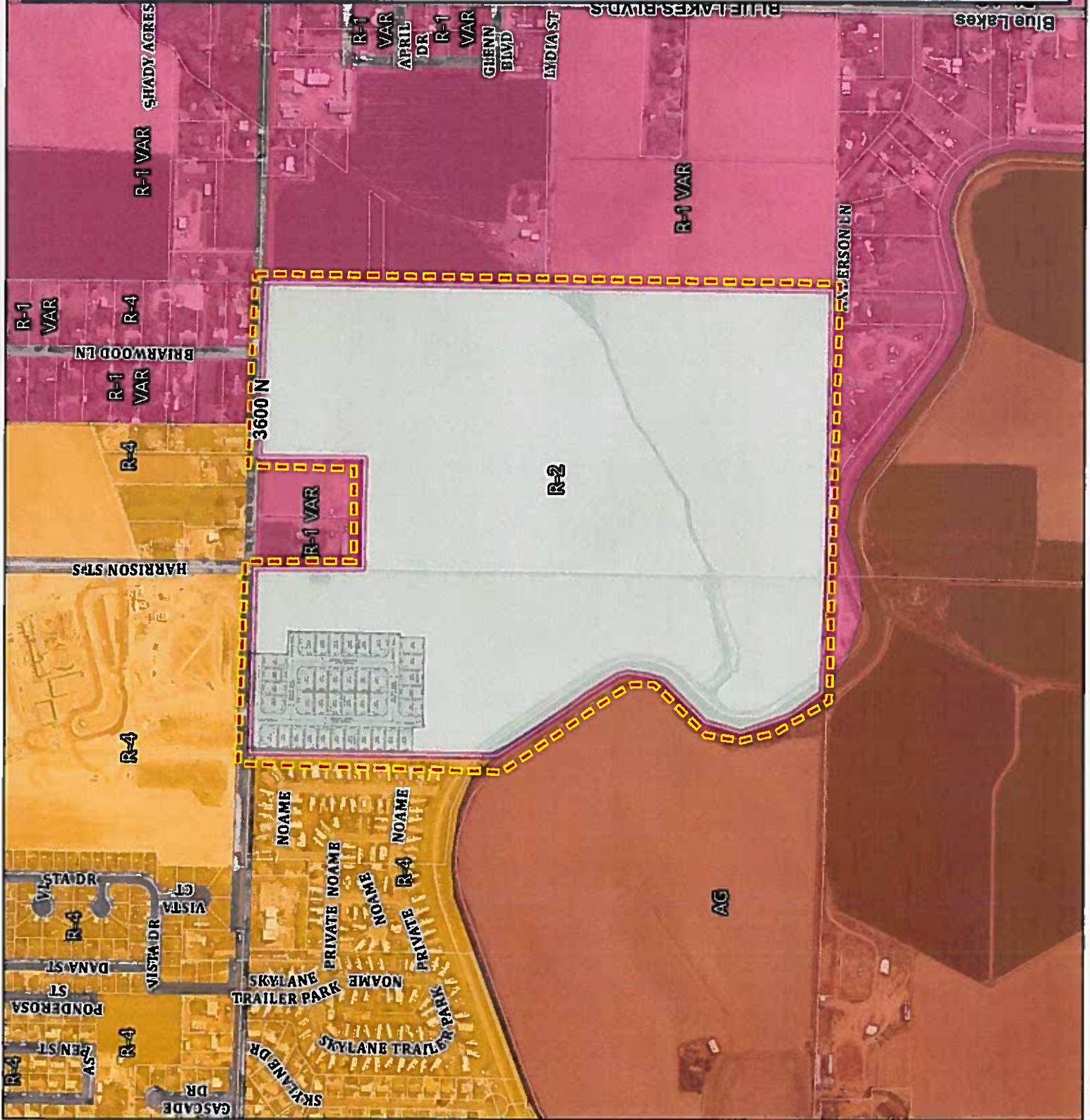


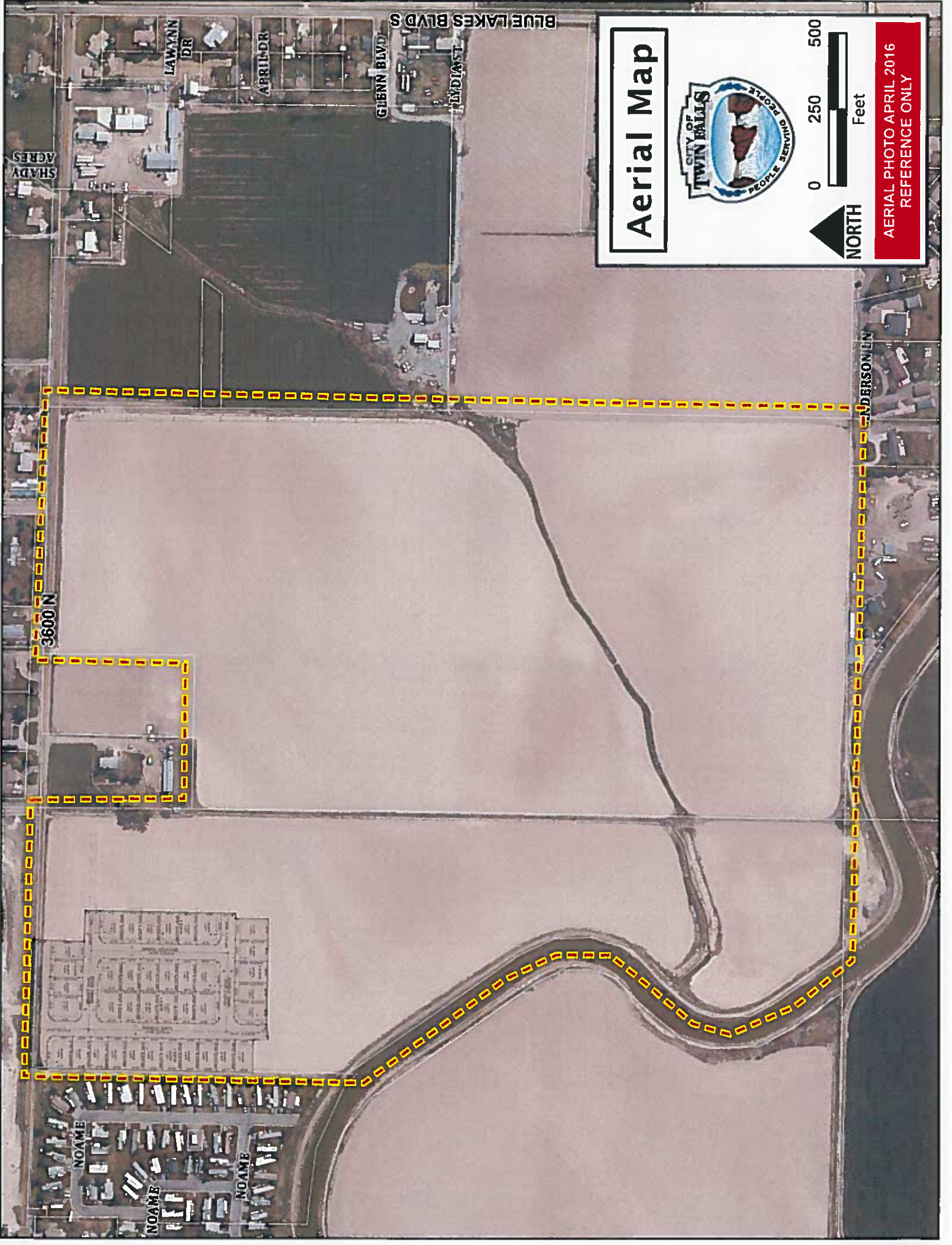
EHM Engineers, Inc.

Zoning Vicinity Map



AERIAL PHOTO APRIL 2016
 REFERENCE ONLY





Aerial Map



AERIAL PHOTO APRIL 2016
REFERENCE ONLY

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The motion was seconded by Vice Mayor Johnson.

AMENDED MOTION:

Vice Mayor Johnson made a motion that a lot that is to have a three car garage may encroach upon a 2' of the setback. The motion was seconded by Councilperson Heider. Roll call vote showed Councilperson Heider and Vice Mayor Johnson voted in favor of the motion. Mayor Clow, Councilpersons Hall, Kezele and Lanting voted against the motion. The motion was defeated by a vote of 2 to 4.

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AMENDED MOTION:

Councilperson Lanting made the motion that the PUD Agreement includes a restriction that the first five lots on the southeast corner both north and west be a minimum of 10,000 square feet. The motion was seconded by Vice Mayor Johnson and roll call vote showed all members present voted in favor of the motion. **The motion passed with a vote of 6 to 0.**

ROLL CALL VOTE ON THE MAIN MOTION AS AMENDED:

Roll call vote showed all members voted in favor of the motion. The motion passed by a vote of 6 to 0.

May 24, 2017

DRAFT

**SUNDANCE SUBDIVISION
R2 PLANNED UNIT DEVELOPMENT AGREEMENT**

THIS AGREEMENT made and entered into this _____ day of _____ 20__ by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho P.O. Box 1907 Twin Falls, ID 83303-1907 (hereinafter called "City"), and SUNDANCE PARTNERS, LLC, (hereinafter called "Developer"), whose address is 621 North College Rd., Ste. 100, Twin Falls, ID 83301.

RECITALS:

WHEREAS, the Developer is the owner of the certain tract of land (the "Property"), in the City of Twin Falls, County of Twin Falls, State of Idaho, more particularly shown in Exhibit A, which contains the "Vicinity and Zoning Map" attached hereto which Property is south of 3600 North Road and east of Washington Street South, and is to be known as SUNDANCE SUBDIVISION PUD; and

WHEREAS, the City Council has required the Property to be developed as a Planned Unit Development (PUD) as a condition of annexation, and

WHEREAS, the Developer has made request of the City to develop a residential subdivision (the "Project") on the Property and has submitted to the City the Master Development Plan (Exhibit B) thereof which has been approved for development as an "R-2 Residential PUD" by the Planning and Zoning Commission and the City Council of the City; and

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

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

1. **NATURE OF THE AGREEMENT.** This agreement shall become part of the "R2, PUD" zone with respect to the Project upon its full execution and recording. The Developer and its assigns or successors in interest, as well as the City and its assigns or successors (if any), shall be bound by the terms and conditions contained therein.
2. **NATURE OF THE DEVELOPMENT.** It is agreed by the parties hereto that certain language and requirements pertaining to the "Project" shall be interpreted as follows:
 - A. **General Uses and Features.** The Project is a residential development based on an R-2 zoning designation with a Planned Unit Development (PUD) overlay. City owned and maintained storm water neighborhood

park, Homeowners Association owned and maintained sewage lift station and pressurized sewer main from lift station to discharge manhole, a lot dedicated to the City of Twin Falls for access to a regional pressure irrigation facility, piped Twin Falls Canal Company gravity irrigation lateral, utilities, and City owned improvements. Utilities include natural gas service, telephone, electrical, power, and television cable. City owned improvements include gravity sanitary sewers, City water, City pressurized irrigation, and City streets with curb, gutter, and sidewalks (see attached map of the Project, Exhibit B). Specific features and locations are as follows:

1. Tract A will be dedicated to the City as a "neighborhood park". Exhibit D
2. Upon execution of an acceptable agreement by the parties, Lot 17 Block 5 will be used by the City for access to a Regional Pressure Irrigation Facility.
3. Tracts B, C, D, E, and F will be dedicated to the Sundance Homeowners Association. Additional Tracts may be dedicated to the Sundance Homeowners Association upon identified need within future platting.
4. All Streets within development will have 20 feet front yard setbacks from street right of way.

B. Specific Uses – Permitted Uses

The Project shall be allowed all the Permitted Use detailed in City Code 10-4-4.2-(A), with the following inclusions:

Permitted Use – City of Twin Falls Regional Pressure Irrigation Facility restricted to Lot 17 Block 5.
The total number of lots shall not exceed 469 lots. (117.42 gross acres, 4.0 lots per gross area)

And with the following exclusion:

Prohibited Use – Duplex Dwellings

C. Special Uses

The Project shall be allowed to have applications sought for all the Special Uses detailed in City Code 10-4.4.2-(B).

The Project shall meet the Property Development Standards detailed in City Code 10-4-4.3, as of April 16, 2007, with the following modifications:

Modification – 10-4-4.3-(E)-2 a.
The Building line shall not be closer than five (5) feet to the property line.

Modification – 10-4-4.3-(E)-2 c.

Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half (2 ½) feet to the property line.

D. General Subdivision Provisions

The Project shall meet the General Subdivision Provisions detailed in City Code 10-12, as of April 16, 2007, with the following modifications:

Modification – 10-12-3-13 Right of Way Requirements

Harrison Street south of 3600 North shall be a collector roadway to the intersection with the proposed Gage Loop, and residential street south of the above described intersection. The Proposed Gage Loop shall be a residential roadway West of the Harrison Street, Gage Loop Intersection and a collector roadway East of the Harrison Street, Gage Loop Intersection.

Modification – 10-12-5-3 Planned Unit Developments and Condominium Subdivisions, (D) Storage Areas.

The Project will not provide separate storage areas. The Project CCR's will allow for recreational vehicle parking on the individual lot.

Modification 10-12-5-3 Planned Unit Developments and Condominium Subdivisions, (F) Maintenance Building the Project will not provide a maintenance building. The Project CCRs will allow for individual storage sheds on the individual lot.

F. Phasing of Development. Developer shall be permitted to develop the Property in phases, so long as those phases are in compliance with the Master Plan (Exhibits B), this PUD Agreement, and an approved preliminary plat. Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes there from shall not provide basis for disapproval of any final plat. There shall be no minimum and three (3) year maximum time limit between phases.

3. **STREET, SEWER, WATER, AND DRAINAGE IMPROVEMENTS.** Developer shall be responsible for the design and construction of street, sewer, water, pressurized irrigation, and drainage systems on the Property (hereinafter "Improvements") as described herein in accordance with City Standards.

A. Improvement Plans. Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for that development phase, showing all Improvements contemplated within that phase of the development (hereinafter "Improvement Plans"). The Improvement Plans and all Improvements thereon shall meet the approval of the City, which approval shall be given if such plans conform

to established City policies and ordinances, the Master Plan and this PUD Agreement.

- B. Improvement, Design and Construction. The Developer, at his expense, shall cause all Improvements shown on the Improvement Plans to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided therein. Notwithstanding the foregoing, nothing in this Agreement shall prohibit City participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.
- C. Phased Construction The Developer may install the Improvements at one time, or in phases, as the Developer shall determine at his sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make such modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.
- D. Construction Supervision. The Developer shall use a registered professional engineer to supervise the construction; inspection and testing of the work as necessary, to ensure that all such Improvements are constructed in accordance with the approved Improvement Plans.
- E. Non-Compliance. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty (30) days of its receipt of notice or, in the case of non-compliance that will take in excess of thirty (30) days to cure, Developer shall commence to cure within (30) days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with; provided, however, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy would be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.
- F. Fees. The Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer

connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.

- G. Maintenance of Improvements. The City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.

4. PLATS. Developer agrees to file with City a preliminary plat, or plats in phases, prepared by a registered professional engineer/land surveyor, of the Property which is the subject of this Agreement. Preliminary and final plats for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements, open space, and mini park dedications, and those right-of-way the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the city if the final plat is in conformity with the approved preliminary plat.

5. INDIVIDUAL PARCEL DEVELOPMENT CRITERIA. The Property of any portion thereof shall be developed in accordance with criteria set forth in this Section.

A. Approval and Construction. All Improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.

B. Pump Irrigation Station Lot. Will be dedicated to the City of Twin Falls for use as access to a regional pump irrigation station. The City of Twin Falls will be responsible for all improvements to Lot 17, Block 5 and the Pump Station. Pump system appearance will meet conditions of this agreement.

The Developer intends to make a charitable contribution to the City of Twin Falls for the appraised value of Lot 17, Block 5. Such contribution shall occur upon transfer of ownership of Lot 17, Block 5. Developer agrees to convey title to Lot 17, Block 5 prior to recordation of phase one final plat.

C. Sanitary Sewer Pump Station. The Developer will construct a temporary sanitary sewer lift station on Tract A to pump to existing or proposed sewer pipeline west or north of the project. The design of the lift station will allow the disconnection and abandonment of the station and connection to a gravity sewer line on 3600 North, when available. The Developer will construct a force main from the lift station to the gravity sewer line. The lift station and force main from the lift station to the point of discharge, will be owned, operated, and maintained by the Sundance Homeowner's Association. The Association will contract with OMI or the City's current operating authority for the City's lift stations for the operation and maintenance of the station. When gravity sewer is available to the project, the City agrees to abandon the lift station and connect the project to the gravity sewer line.

D. Landscaping. Project landscaping includes landscaping and pressurized irrigation along 3600 North Road, hydro seeding and irrigation for the storm water detention pond "neighborhood park" dedication (Exhibit D), and standard park strip on the collector portions of Harrison Street South and the collector portions of Sundance Loop. Each property owner adjacent to Harrison Street and Sundance Loop shall install and maintain the landscaping and vegetation on his property and in the public rights-of-way adjacent thereto. Each property owner shall be required to utilize the Project's pressurized irrigation system or future systems as required by the City for their landscaped area.

E. Building Standards. Buildings and Improvements shall comply with the following standards:

1. Design Standards. Residences shall conform to applicable city codes and the requirements of the Sundance Home Owner's Association Conditions, Covenants, and Restrictions (CC&Rs).
2. Trash containers, outdoor storage and such facilities on the City dedicated parcels shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or vision barrier fencing. The Developer and City Planning and Zoning Department or its assigns shall approve screening.
3. Utilities. All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located on the north and east boundary of the property.

F. Codes. All construction on the Property shall be to the standards established by applicable codes.

6. TIME LIMITATION. The "R-2 PUD" zone designation on the Property described in Exhibit E is expressly conditioned upon submission to the City Council and a final development plan of the first phase of development within two (2) years from the date hereof. The Developer may apply for two or more two-year extensions provided application is made in advance of the two-year expiration date. Approval shall not unreasonably be withheld.

7. STANDARD DEVELOPER'S AGREEMENT. It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.

City and Developer recognize that in exchange for giving up substantial acreage for the pressurized irrigation facility, and the large impact it has on the residential area of the project, city is allowing R-2 PUD as proposed.

8. GENERAL PROVISIONS.

A. Cooperation. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications, and working drawings required by the City.

B. Entire Agreement. This Agreement constitutes the entire agreement between the parties concerning the Property and Improvements described herein, and no amendment or modification to this Agreement shall be valid or effective unless reduced to writing and signed by the parties.

C. Applicable Law. This Agreement shall be construed in accordance with the laws of the State of Idaho.

D. Notices. If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested." On the date of this Agreement, the addresses of the parties are as follows:

Developer: Sundance Partners, L.L.C.
c/o Gerald Martens
621 N. College Rd., Ste. 100
Twin Falls, ID 83301

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

E. Successors and Assigns. This Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this Agreement with respect to said transferred property.

F. Severability. In the event any portion of this Agreement is declared by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining portions shall not be affected thereby.

G. Signatories. Each of the persons executing this Agreement hereby represents and warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this Agreement is binding on, and enforceable against, such entity.

H. Effective Date. This Agreement shall become valid and binding only upon its approval by City, through its City Council, and upon its execution by the Mayor and the Developer.

I. Attorney Fees. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails in such litigation, shall be entitled to a reasonable attorney's fee.

J. Construction. Should any provision of this Agreement require judicial interpretation, the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

K. Attachments. All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.

L. Captions. The captions, section and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this Agreement.

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

ATTEST:

"CITY"
CITY OF TWIN FALLS

By: _____
City Clerk

By: _____
Mayor

"DEVELOPER"
SUNDANCE PARTNERS, L.L.C.

By: _____
Member

DRAFT

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 200____, before me, a Notary Public for said County and State, personally appeared _____, known or identified to me, to be the Member of SUNDANCE PARTNERS, L.L.C. that executed the said instrument.

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

NOTARY PUBLIC FOR IDAHO
Residing at _____
My commission expires _____

**LEGAL DESCRIPTION FOR
Proposed R-2 PUD Parcel**

See Attached Exhibit E.

SUNDANCE SUBDIVISION, A PUD

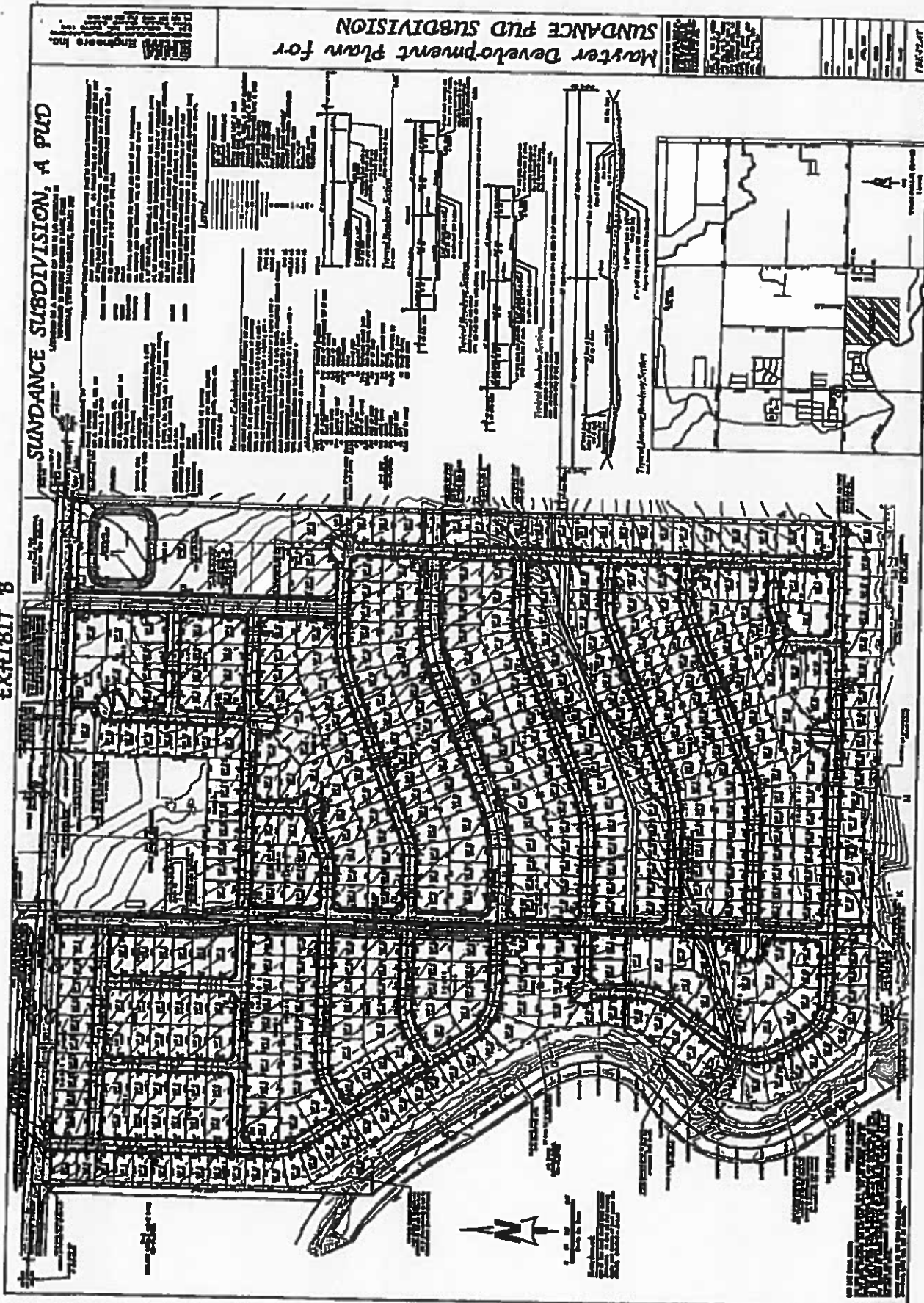
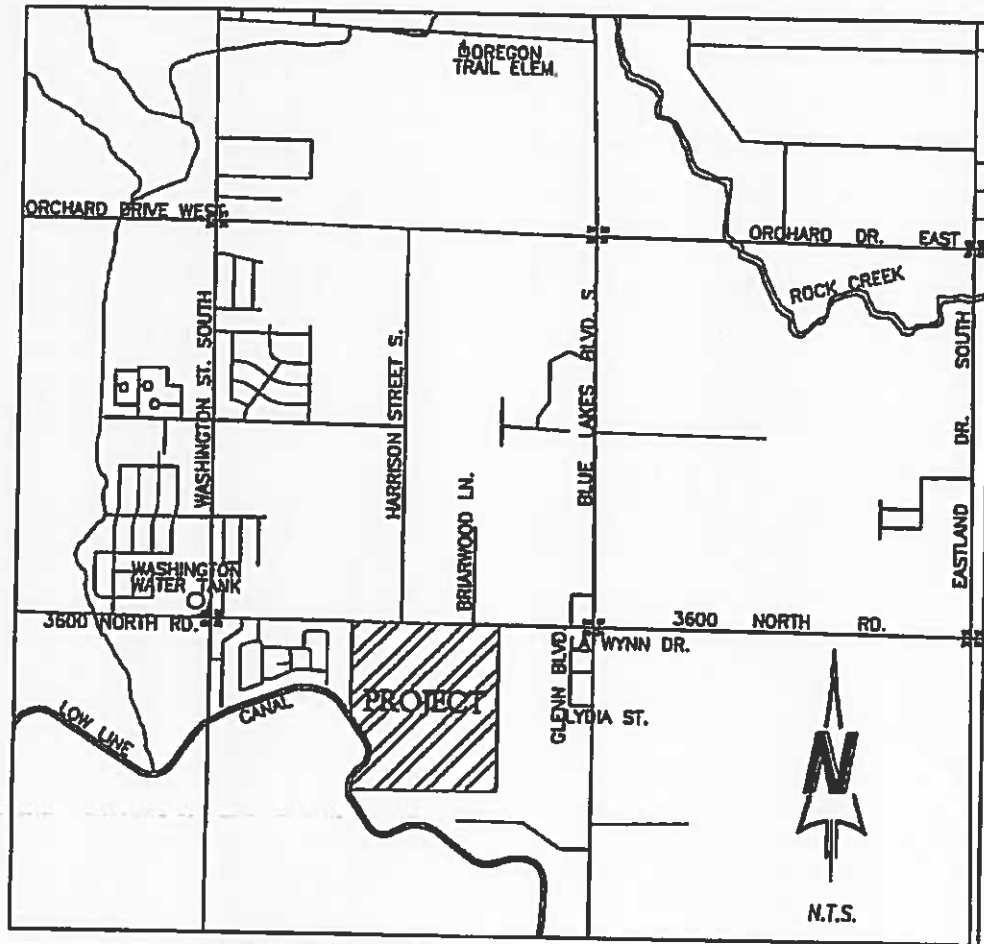


EXHIBIT A

VICINITY MAP & SURROUNDING ZONING MAP



TWIN FALLS, IDAHO

SUNDANCE SUBDIVISION
SECTION 33 T. 10S, R. 17E BM

VICINITY SKETCH

SCALE: N.T.S.

DATE: May 8, 2008

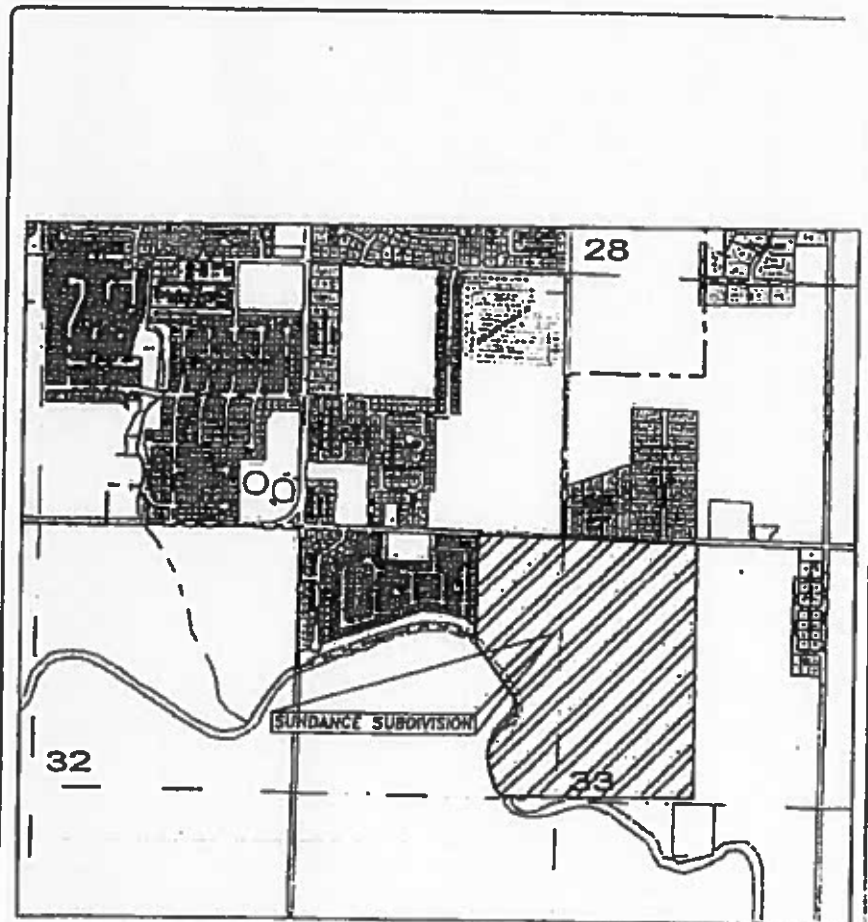
DWG PATH: 378-07rimaster

JOB #: 378-07

BHM Engineers Inc.
231 N. GALELLO RD. SUITE 100
TWIN FALLS, IDAHO 83403
TEL: 208 738 7200 FAX: 208 738 7201
WWW.BHMEI.COM

EXHIBIT C

SURROUNDING SUBDIVISIONS MAP SECTION 33, TOWNSHIP 10 SOUTH RANGE 17 EAST



TWIN FALLS, IDAHO

SUNDANCE SUBDIVISION
SECTION 33 T. 10S, R. 17E BM

SURROUNDING SUBDIVISIONS EXHIBIT C

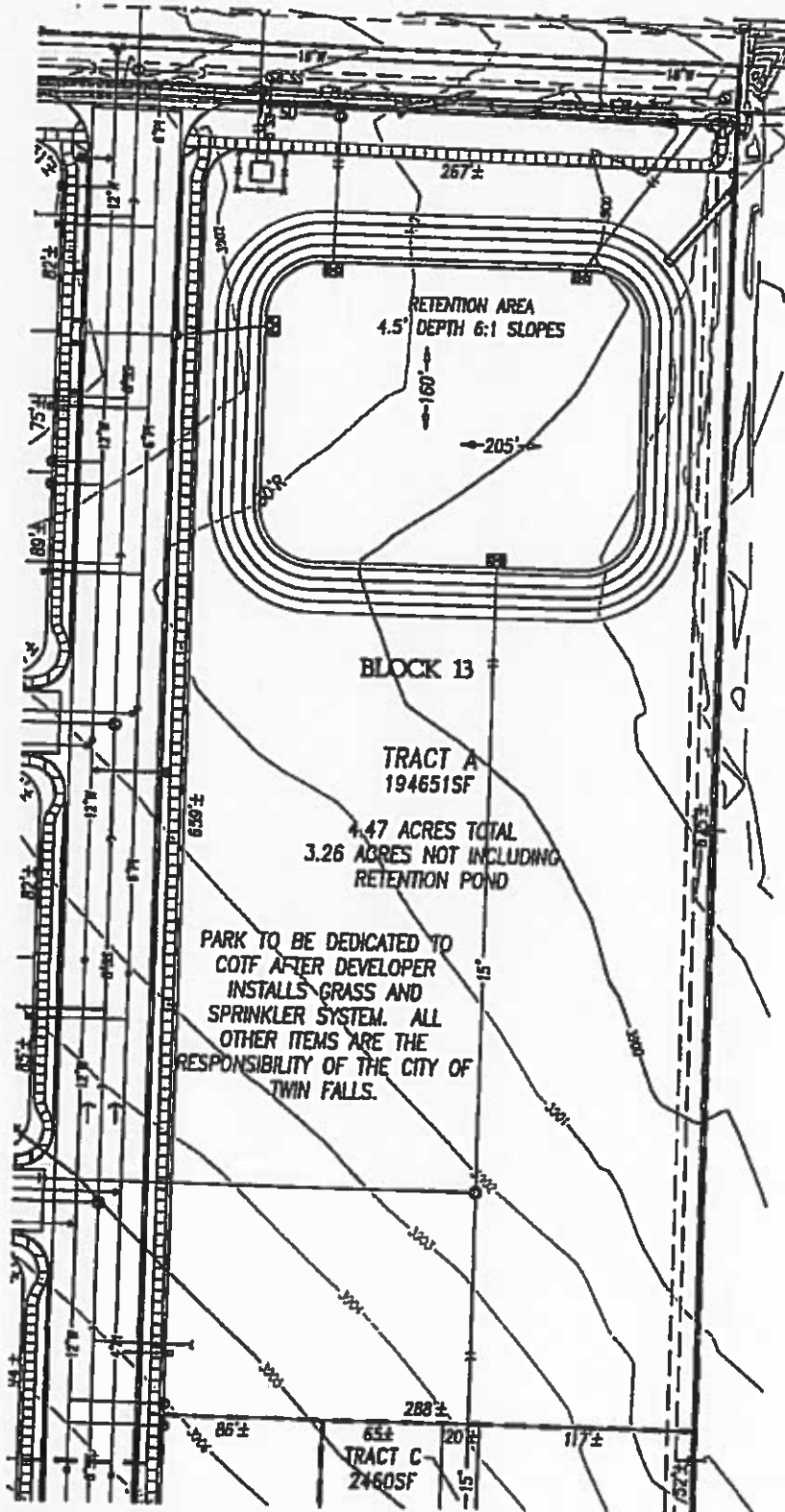
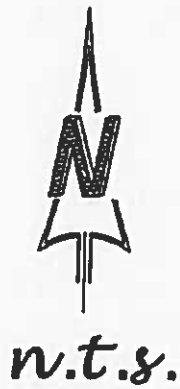
SCALE: N.T.S.

DATE: May 8, 2009

DWG. FILE: 378-07-MASTER

JOB #: 378-07

BEHA Engineers Inc.
1000 W. 10th St., Suite 100
Twin Falls, ID 83401
208.333.1111
www.beha-engineers.com



Neighborhood Park
EXHIBIT D

EXHIBIT E

Sundance Subdivision

Beginning at the North quarter corner of Section 33, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County Idaho, said point lies South 88°26'32" East 2629.25 feet from the North West Corner of Section 33 also being the REAL POINT OF BEGINNING,

Thence South 00°45'52" West 506.04 feet,
Thence South 89°00'22" East 501.05 feet,
Thence North 01°33'38" East 501.04 feet, to a point on the north line of Section 33
Thence along the Section line South 88°26'22" East 806.36 feet,
Thence South 00°42'22" West 2645.43 feet,
Thence North 88°56'19" West 1316.99 feet to center of Section 33,
Thence North 88°56'19" West 486.40 feet to the centerline of the Low Line Canal,
Thence along the centerline of the Low Line the following course:
North 33°43'59" West 268.64 feet,
Thence North 25°51'48" West 76.53 feet,
Thence North 09°57'56" West 73.31 feet,
Thence North 02°55'06" East 73.60 feet,
Thence North 19°06'03" East 69.23 feet,
Thence North 36°03'58" East 127.81 feet,
Thence North 46°44'18" East 131.00 feet,
Thence North 35°23'49" East 89.24 feet,
Thence North 16°05'45" East 60.73 feet,
Thence North 03°37'01" East 57.04 feet,
Thence North 10°35'48" West 68.09 feet,
Thence North 23°17'22" West 80.60 feet,
Thence North 33°43'29" West 517.02 feet,
Thence North 39°34'34" West 149.97 feet,
Thence North 49°31'14" West 11.78 feet,
Thence departing the Centerline of the Low Line Canal North 00°48'49" East 1092.61 feet to a point on the North line of Section 33
Thence along said section line South 88°26'32" East 868.59 feet to the REAL POINT OF BEGINNING.

The gross area contained as described above is 117.42 Acres.

SUNDANCE SUBDIVISION, A PUD

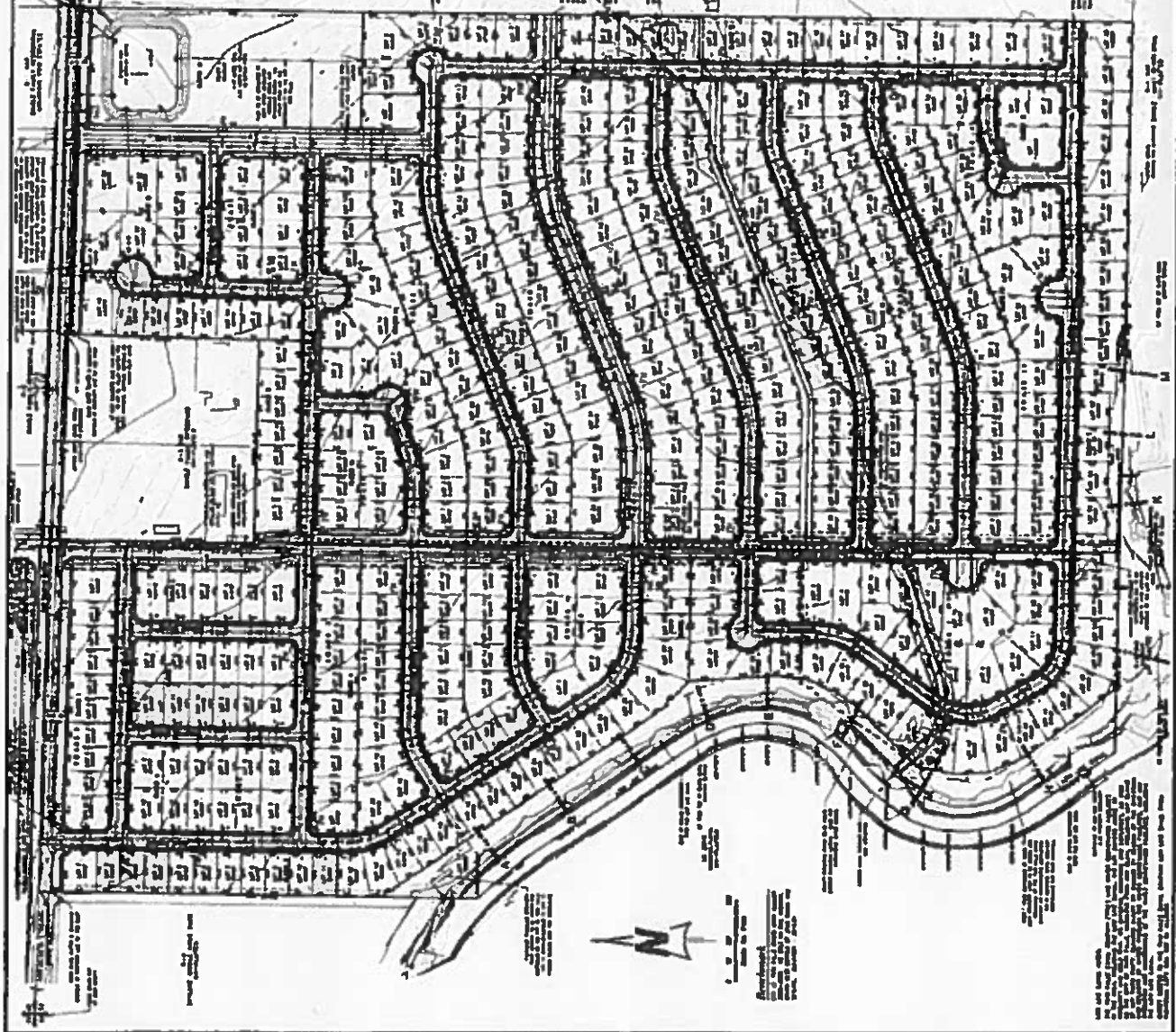
LOCATED IN A PORTION OF THE N 1/4 SECTION 8
RANGE 9 SOUTH RANGE 2 EAST TOWNSHIP 20N
RANGE 10E TOWNSHIP 20N RANGE 10E

44882

English: the

preliminary plat for
SUNDANCE SUBDIVISION, A PUD

PRE PLAY





Twin Falls Planning & Zoning Commission Minutes

Tuesday, June 27, 2017, 6:00 PM

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

1. Members - Portion of Nov 24, 2008 CC minutes

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Darren Hall, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser
Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Present Members: Grey, Dawson, Hawkins, Munoz, Musser, Higley Woods
Present Staff: Carraway-Johnson, Nope, O'Connor, Spendlove, Strickland, Vitek

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

2) Consent Calendar

- a) Approval of Minutes from the following meeting(s): **June 13, 2017 PH**
- b) Approval of Findings of Fact and Conclusions of Law for the following meeting(s): **June 13, 2017**
Ricki Lezamiz Commercial Subd (Pre-plat) Zernickow, Jon (SUP) Willie, Dan (SUP)

Motion:

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

Commissioner Hawkins seconded the motion.

Unanimously Approved

3) Items of Consideration

- a) Request to consider the **Preliminary Plat** for TF Caswell Subdivision, approximately .97 (+/-) acres consisting of 2 lots located at 687 Blue Lakes Boulevard North c/o Harper-Leavitt Engineer, Inc.

Applicant Presentation:

Chris Street, Harper Levitt, LLC, stated this is a request to approve a preliminary plat to separate the existing lot into two parcels. There is a 15' easement along the coolie and there is storm water retention along the Caswell Street property line. There is currently a building on one of the proposed lots that will be Chipotle Restaurant, the other lot will have a building constructed but they currently do not know whom the tenants for that building will be.

- Commissioner Woods ask staff to identify lots 1 and lots 2 on the overhead
- Commissioner Munoz asked about parking requirements for the new buildings.
- Planner I O'Connor explained the parking requirements for the second building will depend on the use of the building and will be reviewed at the time of the building permit.
- Commissioner Grey asked if there is a cross use agreement with the other shopping center.
- Planner I O'Conner stated not that staff is aware of at this time.

Public Hearing: Opened & Closed Without Input

Discussion Followed:

- Commissioner Grey stated he is fairly sure that the applicant would not go through this process without some idea of what would fit in the area.
- Commissioner Munoz stated that as long as parking is worked out for the property he doesn't see any issues.

Motion:

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

**The Preliminary Plat TF Caswell Subdivision was
Approved, As Presented, With the Following Conditions**

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
- b) Request to consider the preliminary plat for Sundance Subdivision, a PUD, consisting of 447 lots 5 tracts and 117.42 (+/-) acres located on the south side of 3600 North Road and west side of Blue Lakes Boulevard South. c/o EHM Engineers, Inc.

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc., representing the applicant stated this property is along Harrison Street and south of 3600 North. The developer of this subdivision as well as several other developers have entered into an agreement with the City to install a water line to assist in serving the future development of the area. The development is approximately 446 lots with several tracts for canal company and park areas. The property is designed under the guidelines of a PUD. This large number of lots does not get built all at once. Usually a development this size is done in Phases with approximately 30 to 40 lots. It will begin on the west side of Harrison Street and will take approximately 5 years before development will begin on the east side of Harrison Street.

Staff Presentation:

Planner I O'Conner reviewed the request on the overhead and stated this property has been Agricultural in use since before 1950. It was likely zoned R-1 VAR in 1981 with the adoption of Ordinance 2012 but has remained agriculturally based. In September 2006, the commission heard and forwarded to the City Council a positive recommendation for a zoning designation of R-2 if the site was annexed. City Council held a public hearing in September 2008 and approved the annexation with a zoning designation of R-2. In October 2008 Ordinance 2950 was signed and published for adoption, and the property annexed and rezoned at that time. Also in October 2008 The Commission forwarded on a positive recommendation to rezone the subject property from R-2 to R-2 PUD. City Council approved the rezone in November 2008, and Ordinance 2955 was signed and published for adoption in December 2008.

The PUD agreement has not been adopted by the City Council at the time of this report.

The property is zoned R-2 PUD. This is a request for approval of the preliminary plat of Sundance Subdivision, a PUD. The proposed subdivision is 117.4 +/- acre site and consists of 446 residential lots. The number of lots has fluctuated from the beginning of the review process until now. This is common as staff works with the developer to review access, minimum lot sizes, utilities, and other various factors. The Preliminary plat included with the packet contains the 446 Residential lots, 8 tracts, and 1 City Lot for PI. The draft PUD Agreement is included in the staff report packet. The document will be presented to the City Council for approval at the time of final plat.

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

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan, which designates this area as "Town Neighborhood." Low to medium density residential use is appropriate for this future land use designation.

Planner I O'Conner stated upon conclusion staff recommends the commission approve the preliminary plat of the Sundance Subdivision, a PUD, as presented, and subject to the following staff condition, and any others the Commission deems appropriate:

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

PZ/Questions & Comments:

- Commissioner Musser asked about the phasing of a subdivision.
- Assistant City Engineer Vitek stated they try to approximate how they will phase the construction of the subdivision but it can change.
- Commissioner Woods asked if this information has been shared with the School District
- Planner I O'Connor explained yes.
- Commissioner Woods asked if there is a plan to deal with the irrigation in this area.
- Assistant City Engineer Vitek explained there was an extensive conversation with the developer and the Twin Falls Canal Company and the City about the canal. There is a note on the plat that explains flooding may be possible if there is a breach in the canal. Before the development is allowed to go through the sw corner of the property has had more dirt brought in to reinforce the canal bank.
- Commissioner Woods asked if there are any transportation plan for improving traffic flow from the intersection into Blue Lakes Blvd.
- Assistant City Engineer Vitek explained the developer is required to build half plus 12' along Harrison Street but they are not required to build any off-site improvements. As the school property develops the roads will somewhat align. The City also will be collecting impact fees on all of the new homes that are built in this development. That money can be used to address roadway impacts created by growth in the area.
- Commission Munoz clarified that the PUD is finalized with the final plat. The PUD provides a means to address issues that occur with a phase of development. He is concerned that it is burdensome on the City.
- Zoning & Development Manager Carraway-Johnson explained that the agreement has been designed and reviewed by the City Attorney. The Council will have the final decision and if there is a concern staff can forward those concerns to Council.
- Commissioner Grey asked why this is still a PUD and not a ZDA.
- Zoning & Development Manager Carraway-Johnson explained that this property was rezoned with under a PUD and the Ordinance was approved at the time of the rezone. The process at the time was to bring the PUD Agreement forward for approval with the final plat approval. If the developer wanted to start the property over it could be rezoned as a ZDA.
- Commissioner Grey asked about a parks in lieu or a park requirement.
- Zoning & Development Manager Carraway-Johnson explained it is still under discussion and the final decision will be made by Council.

Public Hearing: Opened

- Dan Kohring, 2955 E 3600 N, stated he live adjacent to the proposed development and own the property that is not included in the plat at the north end. His concerns are

traffic impacts, safety for children that will be attending the new middle school, the intersection alignment at Harrison Street and 3600 N as well as the irrigation water access. The last concern is a pumping station for sewer until gravity fed sewer line can be installed.

- Larry Amen, 2990 Anderson Lane, he explained that this development has been in a long process and they have worked through the PUD process with the developer and he doesn't want the hard work that has occurred up to this time to be lost. They boarder the area of impact so there is not a lot they can do about this but he asks that thoughtfulness occur when it comes to traffic and the school.
- Troy Ward, 3581 N 3000 E, explained he has concerns about a fence that is supposed to be installed along the development and the smaller lots shown on the east side of the property they were supposed to be larger.
- Van Schmechel, 1204 Kenyon Road, asked where is all the domestic water going to come from because that last time there were ponds installed out in this area before and it dried up his and several of his other neighbor's wells. He had to lower his well 30' to reach the water table. He doesn't think there is enough water to handle the 446 homes. Has there been a study done regarding the addition traffic this development is going to have on the area.
- Elaine Leavitt, 1590 Briarwood Lane, she is concerned about the traffic in the area currently. This development is going to add more traffic to the area and children traveling to the school. She would suggest a crosswalk for the kids and a place for the kids to walk along the side of the road.
- Merilee Waters, 1643 Harrison St S, her driveway is just south of the only entrance of the school and they are not going to be able to get out of their driveway and adding these homes will just make it worse. The other concern is that 3600 North is a truck route which is a concern with so many children that are going to be in the area. It is dangerous.
- Pete Johnston, 312 Washington St S, stated this concerns him with the traffic and water availability.
- Jessica Gough, 2968 E 3600 N, stated her concern is also the traffic and the children's safety. She is not convinced flashing lights or stop signs will help but she hopes there is some consideration for traffic impacts.

Public Hearing: Closed

Discussion Followed:

- Assistant City Engineer Vitek explained this development plan has been in the works since approximately 2006. Since then the City had to go through an arsenic compliance program and water has been piped to the area from Blue Lakes that takes water to the well towers. The developer has put in a 24" waterline along 3600 North and so that it can supply the development. The City is subject to Department of Water Resources standards.
- Commissioner Grey asked if the City is satisfied that water can be supplied to this area.

- Assistant City Engineer Vitek confirmed that the City is satisfied.
- Mr. Vawser, stated that reinforcement has been done to the canal bank, but there was a note still added to the plat because of the one-time historic break in the canal. The other irrigation that crosses will be piped as development moves forward to that point of the project. Access to irrigation water will remain, it will just be underground. Safety is a big concern with 446 lots. There is going to be an impact which is what impact fees can be used for to implement calming measures as needed. The property has gone through a rezone and is compliant with the PUD Draft, however he will check into the lot sizes and fence comments made earlier from citizens.
- Commissioner Higley asked about relocation of the park shown on the plan.
- Mr. Vawser explained this has been the design from the beginning.
- Assistant City Engineer Vitek explained that the canal company doesn't like children near the canal.
- Commissioner Higley asked if any of the road design will be the larger 4 lane roads.
- Assistant City Engineer Vitek explained Harrison is a collector width of 48' down to Gage Avenue. The parcel that is not developed is only 36'. Impact fees can be used to improve the roads if it due to growth and if there is right of way, otherwise it will have to wait until the property develops.
- Commissioner Higley asked about the Highway District and the truck route.
- Assistant City Engineer Vitek explained that the city has farm to market roads and there is not a truly designated truck route. This is a commonly used route because it loops around town.
- Commissioner Higley asked if there was any extra option for access to the neighborhood north to south.
- Assistant City Engineer Vitek explained the City tries to make sure streets are aligned correctly. There is also a 10' detached sidewalk along Harrison Street.
- Commissioner Grey stated his concern is pedestrian safety and asked about an elevated crosswalk
- Assistant City Engineer Vitek explained that unless the path it is completely fence off people will not use.
- Commissioner Grey asked if we know that this is going to be an issue why are we not putting in the safety measures now.
- Assistant City Engineer Vitek explained it is monetarily based and there will be approximately 40 homes in the first phase and impact fees will be collected.
- Commissioner Grey asked if a condition can be placed on the plat that states at phase 3 there needs to be another traffic impact study to determine if a traffic light is warranted.
- Mr. Vawser stated he doesn't think anyone would be opposed to taking a look at the data again at phase 3.
- Commissioner Munoz asked about a school zone on 3600 North.
- Assistant City Engineer Vitek explained there are not any plans for a school zone.
- Commissioner Dawson asked about other requirements for the school related to crosswalk or other entrances for the school.
- Commissioner Grey asked the applicant representative to look into the concerns brought

up prior to the final plat.

- Assistant City Engineer Vitek stated there will be a full review to ensure it is in compliance with the PUD.
- Senior Planner Spendlove explained a study for pedestrian measures to be reviewed at a certain phase in the development.
- Commissioner Musser asked if there is an example of a subdivision similar to this development already in place.
- Senior Planner Spendlove explained developments toward the northwest end of town are similar to this development.
- Commissioner Dawson has concerns for the traffic and the kids as well there is a lot going on in the area. She is really surprised that when the school was brought forward that other safety measures weren't required then.
- Commissioner Higley stated he has concerns with access into and out of the development with so many lots. He thinks the density is too much.
- Commissioner Munoz explained he does understand what the concern is but he is still concerned about pedestrian safety.
- Commissioner Musser clarified this is just a request for approval of the platting of the lots and the roadways.
- Commissioner Woods explained the Commission can address the impacts of this development. He is concerned about the traffic on Washington St S and it seems to him the plan is to let's start and see what happens.
- Commissioner Higley read the that the Commission should consider conformance with the comprehensive plan, the public service available to serve the development, the continuity of the proposed development with the CIP, the public financial capability to support this development, and other health safety or environmental problems brought forward to the Commission. He thinks there are concerns with the health and safety and the improvements are not there to service the development.
- Commissioner Munoz explained that the traffic study that was done is old and done prior to some of the businesses like Chobani were built. He would like a more current traffic study to be done.
- Commissioner Grey asked about speed limit changes on 3600 North with this development.
- Assistant City Engineer Vitek explained that the speed limit will change to 35 across the frontage of the development where the City owns the road.
- Senior Planner Spendlove explained an additional condition that can be added to the plat. "Subject to a traffic impact study being addressing pedestrian measures with phase 3 and if any measures are recommended said measures are to be installed prior to ¼ of the development being released for development or construction." This does not require the one development to implement the improvements, there may be impact fee money used, the school may need to participate and other developers as well. As for Washington St S that road does not belong to the City, that is owned by the State and we have no jurisdiction over when or how it gets improved or widened.
- Commissioner Grey asked if discussions have taken place with the State and if not when

can that occur.

- Senior Planner Spendlove explained that the Transportation Master Plan is an avenue for talking about these issues.
- Commissioner Musser asked about traffic in the entire area and tying that to the study.
- Senior Planner Spendlove explained we would have to prove that it is only this development impacting the area to do that and that would be difficult.
- Commissioner Higley asked if a condition could address using impact fees for this area.
- Senior Planner Spendlove explained that would come from the Impact Fee Advisory Committee. This intersection is on the list.
- Commissioner Grey explained the speed limit on 3600 N will be reduce for that section and once the, beginning of phase 3 starts, a traffic study will be done.
- Commissioner Higley didn't think 100 homes would change the study results.
- Commissioner Munoz explained that the traffic study takes into account the current phase and future phases of development and the surrounding area.
- Commissioner Grey explained this is going to go through as a final plat.
- Commissioner Munoz explained this condition could also be removed by Council at the final plat stage.

Motion:

Commissioner Musser made a motion to approve the preliminary plat, as presented, with staff recommendations. Commissioner Munoz seconded the motion. Members Dawson, Hawkins, Musser and Grey voted for the motion. Members Higley, Munoz and Woods voted against the motion.

The Sundance Subdivision, a PUD Preliminary Plat was Approved, As Presented, With the Following Conditions

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to submitting a traffic impact study addressing pedestrian access with phase 3. If any measures are recommended, said measures to be installed prior to 3/4 of the development being released for development.

4) Public Hearings

- a) Request for a Special Use Permit to construct a 3600 sq. ft. detached accessory building for personal residential use on property located at 1983 Brook Stone Drive in the City's Area of Impact. c/o Gary & Andrea Stahlecker (app. 2872)

Applicant Presentation:

Linda Stahlecker, explained the applicant is her son and he wants to build the detached



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:

Vacation Application,

Ryan Bybee

Applicant(s)

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)
)
)
)

FINDINGS OF FACT,

CONCLUSIONS OF LAW,

AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on January 8, 2018 for public hearing pursuant to public notice as required by law for Vacation of a 15' x 264', 3,960 sq ft, public utility easement to allow commercial development of property located at the southeast corner of Canyon Falls Drive and Harrison Street and the City Council of the City of Twin Falls having heard testimony from interested parties and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for Vacation of a 15' x 264', 3,960 sq ft, public utility easement to allow commercial development of property located at the southeast corner of Canyon Falls Drive and Harrison Street
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: November 23, 2017, November 30, 2017 December 21, 2017 December 28, 2017
3. The property in question is zoned C-1 PUD pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Mixed Use in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. The existing neighboring land uses in the immediate area of this property are: to the north, Canyon Falls, Drive/Assisted Living/Agricultural; to the south, Pole Line Road; to the east, La Quinta Hotel to the west, Harrison Street/Hilton/Black Bear Diner

Based on the foregoing Findings of Fact, the City Council of the City of Twin Falls hereby makes the following

CONCLUSIONS OF LAW

1. The application for Vacation of a 15' x 264', 3,960 sq ft, public utility easement to allow commercial development of property located at the southeast corner of Canyon Falls Drive and Harrison Street is consistent with the purpose of the C-1 PUD Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-16-1, Twin Falls City Code.

3. The proposed use is proper use in the C-1 PUD Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. The application for Vacation of a 15' x 264', 3,960 sq ft, public utility easement to allow commercial development of property located at the southeast corner of Canyon Falls Drive and Harrison Street should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls.

Based on the foregoing Conclusions of Law, the City Council of the City of Twin Falls hereby enters the following

DECISION

1. The application Vacation of a 15' x 264', 3,960 sq ft, public utility easement to allow commercial development of property located at the southeast corner of Canyon Falls Drive and Harrison Street is hereby granted.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

Exhibit No. A

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

APPLICATION #: 2909



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Zoning District Change & Zoning Map Amendment,</u>	)	FINDINGS OF FACT,
<u>Application,</u>	)	
	)	CONCLUSIONS OF LAW,
	)	
<u>Ryan Bybee</u>	)	AND DECISION

Applicant(s)

This matter having come before the City Council of the City of Twin Falls, Idaho on January 8, 2018 for public hearing pursuant to public notice as required by law for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for .22 acres (+/-) tract for property located at the south east corner of Canyon Falls Road and Harrison Street and the City Council having heard testimony from interested parties, and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for .22 acres (+/-) tract for property located at the south east corner of Canyon Falls Road and Harrison Street
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: November 23, 2018 & December 21, 2018
3. The property in question is zoned C-1 PUD pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Mixed Use in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. The existing neighboring land uses in the immediate area of this property are: to the north, Canyon Falls, Drive/Assisted Living/Agricultural; to the south, Pole Line Road; to the east, La Quinta Hotel to the west, Harrison Street/Hilton/Black Bear Diner.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for .22 acres (+/-) tract for property located at the south east corner of Canyon Falls Road and Harrison Street is consistent with the purpose of the C-1 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-4-8, 10-6, 10-14, Northbridge PUD #2185 of the Twin Falls City Code.

3. The proposed use is proper use in the C-1 Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity. A rezone of this property is not a guarantee city utilities are available. A will-serve letter will be issued upon review and approval for a final plat and/or a phase of a final plat.

5. The application for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for .22 acres (+/-) tract for property located at the south east corner of Canyon Falls Road and Harrison Street should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for a for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for .22 acres (+/-) tract for property located at the south east corner of Canyon Falls Road and Harrison Street is hereby granted

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and the incorporated by reference as though fully set forth herein.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

APPLICATION #: 2908



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>PUD Amendment, Application,</u>	)	FINDINGS OF FACT,
	)	
	)	CONCLUSIONS OF LAW,
<u>College of Southern Idaho</u>	)	
<u>c/o Jeffery Harmon</u>	)	AND DECISION
Applicant(s)	)	

This matter having come before the City Council of the City of Twin Falls, Idaho on January 8, 2018 for public hearing pursuant to public notice as required by law for a PUD Amendment for the purpose of amending CSI PUD #262-Section 2 to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' on property located at 315 Falls Avenue and the City Council having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a PUD Amendment to allow amending CSI PUD #262-Section 2 to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' on property located at 315 Falls Avenue.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: November 23, 2017 and December 21, 2017
3. The property in question is zoned CSI PUD pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as CSI in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Cheney Drive & North College Road/ CSI Heritage Farm/Lazy J Ranch; to the south, Falls Avenue/Tom Courtney

Park/Professional Office/Medical Clinic; to the east, Fillmore Street/Frontier Road/Renaissance Center/Frontier Park/Fire Station/National Guard Depot; to the west, Washington Street North/Canyon Ridge High School/Professional Uses/Residential

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for a PUD Amendment to allow amending CSI PUD #262-Section 2 to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' on property located at 315 Falls Avenue is consistent with the purpose of the CSI PUD Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-6-1 thru 4 of the Twin Falls City Code and the PUD Agreement.

3. The proposed use is proper use in the CSI PUD Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. The application for a PUD Amendment to allow amending CSI PUD #262-Section 2 to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' on property located at 315 Falls Avenue should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for a PUD Amendment to allow amending CSI PUD #262-Section 2 to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50'

on property located at 315 Falls Avenue, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though full set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and incorporated by reference as though fully set forth herein.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

APPLICATION #2906



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Zoning District Change & Zoning Map Amendment,</u>	)	FINDINGS OF FACT,
<u>Application,</u>	)	
	)	CONCLUSIONS OF LAW,
<u>John Lucas</u>	)	
<u>Applicant(s)</u>	)	AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on February 5, 2018 for public hearing pursuant to public notice as required by law for a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for property located at 1211 Addison Avenue West and the City Council having heard testimony from interested parties, and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for property located at 1211 Addison Avenue West
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: December 14, 2017 & January 18, 2018
3. The property in question is zoned C-1 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Industrial/Flex/Employment in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Addison Avenue West/Auto Collision Repair; to the south, Residential/Vacant; to the east, Auto Impound/Construction Supply Yard; to the west, Auto Impound/Construction Supply Yard.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for property located at 1211 Addison Avenue West is consistent with the purpose of the M-2 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-4-8, 10-4-10, 10-11-1 thru 8, 10-13, 10-14 of the Twin Falls City Code.

3. The proposed use is proper use in the M-2 Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity. A rezone of this property is not a guarantee city utilities are available. A will-serve letter will be issued upon review and approval for a final plat and/or a phase of a final plat.

5. The application for a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for property located at 1211 Addison Avenue West should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for a for a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for property located at 1211 Addison Avenue West is hereby granted.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls incorporated by reference as though fully set forth herein.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

APPLICATION #: 2915



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Zoning District Change & Zoning Map Amendment,</u>	)	FINDINGS OF FACT,
<u>Application,</u>	)	
	)	CONCLUSIONS OF LAW,
<u>Magic Valley Mall</u>	)	
<u>c/o Brent White</u>	)	AND DECISION

Applicant(s)

This matter having come before the City Council of the City of Twin Falls, Idaho on February 5, 2018 for public hearing pursuant to public notice as required by law for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDZ for Magic Valley Mall approximately 58 (+/-) acres for property located at 1485 Pole Line Road East and the City Council having heard testimony from interested parties, and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDZ for Magic Valley Mall approximately 58 (+/-) acres for property located at 1485 Pole Line Road East
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: December 14, 2017 & January 18, 2017
3. The property in question is zoned C-1 PUD pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Mixed Use in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Blue Lakes Boulevard North/Bridgeview Boulevard/Commercial Retail; to the south, Pole Line Road

East/Commercial Retail; to the east, Bridgeview Boulevard/Assisted Living Facility; to the west, Blue Lakes Boulevard North/Commercial Retail.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDZ for Magic Valley Mall approximately 58 (+/-) acres for property located at 1485 Pole Line Road East is consistent with the purpose of the C-1 ZDA Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-4-8, 10-6-1, 10-9-1 thru 16, 10-10-1 thru 12, 10-11-1 thru 8, 10-13-2, 10-14-1 thru 7, PUD #'s: C-1243, C-1873, 215, 215 Amended, 242, and 242 Amended of the Twin Falls City Code.

3. The proposed use is proper use in the C-1 ZDA Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity. A rezone of this property is not a guarantee city utilities are available. A will-serve letter will be issued upon review and approval for a final plat and/or a phase of a final plat.

5. The application for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDZ for Magic Valley Mall approximately 58 (+/-) acres for property located at 1485 Pole Line Road East should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for a for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDZ for Magic Valley Mall approximately 58 (+/-) acres for property located at 1485 Pole Line Road East is hereby granted.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and incorporated by reference as though fully set forth herein.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

APPLICATION #: 2919



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Zoning District Change & Zoning Map Amendment,</u>	)	FINDINGS OF FACT,
<u>Application,</u>	)	
	)	CONCLUSIONS OF LAW,
<u>Craig Casperson</u>	)	
<u>c/o Gary Slette</u>	)	AND DECISION

Applicant(s)

This matter having come before the City Council of the City of Twin Falls, Idaho on February 20, 2018 for public hearing pursuant to public notice as required by law for a Zoning District Change and Zoning Map Amendment from R-4 to M-2 for 10 (+/-) acres for property located on the south side of the 400 block of undeveloped Diamond Avenue West and the City Council having heard testimony from interested parties, and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Zoning District Change and Zoning Map Amendment from R-4 to M-2 for 10 (+/-) acres for property located on the south side of the 400 block of undeveloped Diamond Avenue West
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: December 29, 2018 & February 1, 2018
3. The property in question is zoned R-4 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Industrial in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Undeveloped/Diamond Avenue West; to the south, Agricultural; to the east, Undeveloped; to the west, Agricultural.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for a Zoning District Change and Zoning Map Amendment from R-4 to M-2 for 10 (+/-) acres for property located on the south side of the 400 block of undeveloped Diamond Avenue West is consistent with the purpose of the M-2 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-4-4, 10-4-10, 10-14 of the Twin Falls City Code.

3. The proposed use is proper use in the M-2 Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity. A rezone of this property is not a guarantee city utilities are available. A will-serve letter will be issued upon review and approval for a final plat and/or a phase of a final plat.

5. The application for a Zoning District Change and Zoning Map Amendment from R-4 to M-2 for 10 (+/-) acres for property located on the south side of the 400 block of undeveloped Diamond Avenue West should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for a for a Zoning District Change and Zoning Map Amendment from R-4 to M-2 for 10 (+/-) acres for property located on the south side of the 400 block of undeveloped Diamond Avenue West is hereby granted.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and to the conditions which are attached as incorporated by reference as though fully set forth herein.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

APPLICATION #: 2921



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:

Annexation & Zoning District Change, Application

Katherine Breckinridge
c/o Robert Struthers
Applicant(s)

)
) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
)
) AND DECISION
)

This matter having come before the City Council of the City of Twin Falls, Idaho on February 20, 2018 for public hearing pursuant to public notice as required by law for Annexation with a Zoning District Change and Zoning Map Amendment from R-1 VAR to R-4 consisting of 13.34 (+/-) acres located approximately 130' at the northeast of the Canyon Falls Drive & Harrison Street intersection and the City Council having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for Annexation with a Zoning District Change and Zoning Map Amendment from R-1 VAR to R-4 consisting of 13.34 (+/-) acres located approximately 130' at the northeast of the Canyon Falls Drive & Harrison Street intersection
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: December 29, 2018 & February 1, 2018
3. The property in question is zoned R-1 VAR pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Mixed Use in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Snake River Canyon ; to the south, Agricultural; to the east, Residential/Parking Lot; to the west, Nursing Home.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for Annexation with a Zoning District Change and Zoning Map Amendment from R-1 VAR to R-4 consisting of 13.34 (+/-) acres located approximately 130' at the northeast of the Canyon Falls Drive & Harrison Street intersection is consistent with the purpose of the R-4 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed annexation is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-15-1(A) & (B) of the Twin Falls City Code.

3. The proposed use is proper use in the R-4 Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity. Annexation of this property is not a guarantee city utilities are available. A will-serve letter will be issued upon review and approval for a final plat and/or a phase of a final plat.

5. The application for Annexation with a Zoning District Change and Zoning Map Amendment from R-1 VAR to R-4 consisting of 13.34 (+/-) acres located approximately 130' at the northeast of the Canyon Falls Drive & Harrison Street intersection should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for Annexation with a Zoning District Change and Zoning Map Amendment from R-1 VAR to R-4 consisting of 13.34 (+/-) acres located approximately 130' at the northeast of the Canyon Falls Drive & Harrison Street intersection is hereby granted, as presented.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and to the conditions which are attached as incorporated by reference as though fully set forth herein.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

APPLICATION # 2920



Date: MONDAY, MARCH 19, 2018
To: Honorable Mayor and City Council
From: Rene'e V. Carraway-Johnson, Zoning & Development

Request:

Presentation of Certificates of Appreciation to Tom Frank, Kevin Grey and Steve Woods for serving on the Planning & Zoning Commission.

Time Estimate:

The staff presentation may take five (5) +/- minutes.

Background:

Steve Woods served on the Planning & Zoning Commission representing the Area of Impact for 6 years. He was appointed in March 2012 to serve a 3-yr term and was re-appointed to serve a second 3-yr term in March 2015. Steve's last official Planning & Zoning meeting was Tuesday, February 27, 2018.

Kevin Grey served on the Planning & Zoning Commission for 6 years. He was appointed in March 2012 to serve a 3-yr term and was re-appointed to serve a second 3-yr term in March 2015. During his tenure he served as Vice-Chair for 4 of those 6 years served. Kevin's last official Planning & Zoning meeting was Tuesday, February 27, 2018.

Tom Frank served on the Planning & Zoning Commission for 6 years. He was appointed in March 2012 to serve a 3-yr term and was re-appointed to serve a second 3-yr term in March 2015. During his tenure he served as Chairperson for 5 of those 6 years served. Tom's last official Planning & Zoning meeting was Tuesday, February 27, 2018. This is Tom's 2nd time around -- he served 2 concurrent 3-yr terms on the Planning & Zoning Commission from 2001 thru 2006. Tom served as Vice-Chair for 1 year and Chairperson for 3 of those 6 years.

All three (3) of these gentlemen have served the community well and they will be greatly missed.

Budget Impact:

The cost of the frames & certificates.

Regulatory Impact:

None

Conclusion:

Staff asks the City Council to recognize Steve Woods, Kevin Grey and Tom Frank and "Thank Them" for their years of service to the Planning & Zoning Commission and to the City of Twin Falls.

Attachments:

None



Date: Monday, March 19, 2018
To: Honorable Mayor and City Council
From: Craig Kingsbury, Chief of Police

Request:

Presentation of POST Advanced Certificates to Officers Morgan Waite, Adam Dixon, Josh Hayes, Asmir Kararic, and Sergeant Justin Dimond, and the Supervisor Certificate to Sergeant Dusty Solomon.

Time Estimate:

Approximately 30 minutes.

Background:

The following Officers have been awarded their Advanced Certification by the Idaho Peace Officer Standards and Training Council: Officers Morgan Waite, Adam Dixon, Josh Hayes, Asmir Kararic, and Sergeant Justin Dimond. To receive this certification, these Officers have been awarded their POST Intermediate Certificate, have served over six years as a Police Officer in the State of Idaho, and have met the training requirements combined with obtaining college credits.

on January 3, 2018, Sergeant Dusty Solomon was awarded her Supervisor Certification by the Idaho Peace Officer Standards and Training Council. To receive this certification, Sergeant Solomon was required to hold a higher level POST certification, complete 100 hours of POST-approved supervisory training within a specified time frame, and be a first-line supervisor for a minimum of one year.

The personal commitment of these Officers to better themselves through training has helped the Twin Falls Police Department in achieving its goal of being the best Police Department in the State of Idaho.

Approval Process:

N/A

Budget Impact:

This will not impact the City budget.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Chief Kingsbury would like to present these POST certifications before the City Council on Monday, March 19, 2018.

Attachments:

1. POST Certificates for 03-19-18 Presentation

State of Idaho

*The Peace Officer Standards
& Training Council*

hereby awards the

Advanced Certificate

to

Morgan J. Waite

Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 10th day of February, 2017.*

Jeff L. Lurvey
Chairman

V R McLean
Division Administrator

State of Idaho

*The Peace Officer Standards
& Training Council*

hereby awards the

Advanced Certificate

to

Adam W. Dixon

Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 18th day of May, 2017.*

Jeff A. Loney
Chairman

J R McLean
Division Administrator

State of Idaho

*The Peace Officer Standards
& Training Council*

hereby awards the

Advanced Certificate

to

Joshua M. Hayes
Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 6th day of November, 2017.*

Jeff W. Lurvey
Chairman

V R McLean
Division Administrator

State of Idaho

*The Peace Officer Standards
& Training Council*

hereby awards the

Advanced Certificate

to

Asmir Kararic

Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 15th day of December, 2017.*

Jeff W. Lurvey
Chairman

V R McLean
Division Administrator

State of Idaho

*The Peace Officer Standards
& Training Council*

hereby awards the

Advanced Certificate

to

Justin L. Dimond

Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 19th day of December, 2017.*

Jeff A. Loney
Chairman

V R McLean
Division Administrator

State of Idaho

*The Peace Officer Standards
& Training Council*

hereby awards the

Supervisor Certificate

to

Dusty D. Solomon

Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 3rd day of January, 2018.*

Jeff A. Lurvey
Chairman

V R McLean
Division Administrator

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

March 14, 2018

Honorable Mayor and Councilmembers:

In accordance with procedures, the Twin Falls Housing Authority is submitting the recommendation that Mike Mason be appointed to serve a five-year term, serving as a commissioner for the Twin Falls Housing Authority.

The Housing Authority Board of Commissioners are volunteers and are not paid to serve. They provide a lot of knowledge, direction, and expertise to the Housing Authority and learn more about our community in the process. Commissioners work and vote on issues vital to furthering the Housing Authority mission, which is: 'To strengthen affordable housing opportunities while providing safe, decent affordable housing to low income families, seniors and disabled individuals'. Commissioners serving on the Board come from all sectors of the community and lend diversity and strength to our effort.

Mike Mason has served and continues to serve his community, both professionally and as a volunteer. Mike recently retired as the Vice President of Administration with the College of Southern Idaho, after having been the Chief Financial Officer with the college for many years. Mike has volunteered his knowledge and expertise as the Secretary Treasurer for the College of Southern Idaho Board of Trustees for 24 years. Mike also served as the Secretary Treasurer of the Dormitory Housing Commission for the College of Southern Idaho for 24 years. Mike served on the Kimberly School District Board and on the Kimberly School Foundation as the past President. Mike is the Treasurer of the Kimberly School Foundation and has served as such for the past eight (8) years. Mike served on the Kimberly School Building Committee and is also a Member of the Kimberly Lion's Club. Mike's experience with various funding sources, projects and developments will definitely be beneficial.

The Housing Authority appreciates Mike's willingness to lend his experience 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 in our community.

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 J. MICHAEL MASON
TERM EXPIRES FEBRUARY 15, 2021

WHEREAS, a vacancy has been created on the Board of Commissioners of the Twin Falls Housing Authority due to the resignation of Commissioner Paulette Ellis, whose term will expire February 12th, 2021.

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 Mike Mason to serve the remainder of said term, effective from the ____ day of March, 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 Mike Mason is a true and correct copy of the Certificate of Appointment of Commissioner Mike Mason 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 Mike Mason 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 Mike Mason 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:

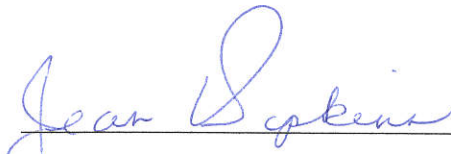
OATH OF COMMISSIONER OF
TWIN FALLS HOUSING AUTHORITY
TWIN FALLS, IDAHO

I, John M. Mason, 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.

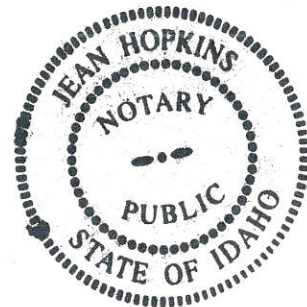


STATE OF IDAHO
COUNTY OF TWIN FALLS, SS

I, Jean Hopkins, Notary Public in and for the County of Twin Falls, State of Idaho, hereby certify that John M. Mason, 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 9th day of March, 2018. And made the above oath.


Notary Public
Residing in Twin Falls, Idaho

My Commission expires 4-18-19





Date: Monday, March 19, 2018
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Senior Planner

Request:

Request to waive the Non-Conforming Building Expansion Permit Process for a residential home located at 469 Adams Street. (App. 2933)

Time Estimate:

Staff presentation may take five (5) minutes. Applicant or representative will be available to answer any questions.

Background:

On March 5, 2018 city staff accepted an application for Waiver of Nonconforming Building Expansion by Edwin Egbert. The proposed plans associated with the application show a ~600 sq. ft. addition to the south of the existing residence.

The home is located in the R-4 Zoning District. The minimum Rear Yard Setback for this zone is 20'. The existing home, built around 1930 according to County Assessor records, sits 5' from the rear property line. Staff determined the current residence is legal nonconforming as the home was lawfully built prior to the current code requirement of 20' from the rear property line.

The addition will encroach into the 20' rear yard setback by ~3-5' as shown on the plan. Staff feels the applicant has made efforts to attempt a design which would conform to the current code of 20'. However, The layout and location of the existing home makes a reasonable connection between the addition and the existing home difficult to meet current setback code.

If the Council wishes, it may waive the public hearing requirement as per Section 10-3-4. This would allow the applicant to proceed immediately with the building permit process.

If the Council feels the applicant should go through the non-conforming building expansion permit process, an application would be required and a public hearing shall be held before the Planning and Zoning Commission. The full process takes about 30-45 days from the date of application. If their decision is appealed to the Council, it could extend the time-frame another 30-45 days.

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

The City Council is tasked with acting on this request.

Attachments:

1. 1 - Applicant Narrative
2. 2 - Applicant Site Plan
3. 3 - Aerial Map

February 16, 2018

City of Twin Falls

Community Development Services

PO Box 1907

324 Hansen Street E

Twin Falls, ID 83301

To Whom it may concern,

Due to advancing age and our health we can no longer access the basement via the stairs.

The reason for our expansion is to create living space on the main floor. The laundry facilities, work shop, storage, and bedroom are all located in the basement.

In order to replace lost living area we propose to widen our existing home. Adding to the width of the home will maintain the roofline. However, we'll only have 10 feet of space between our expansion and the adjoining property to the South, and approximately 17 feet from the alley way; which is the reason for this Waiver of a Non-Conforming Building Expansion Permit request. I'd like to note that the distance between our home and our neighbors to the North is presently 10 feet.

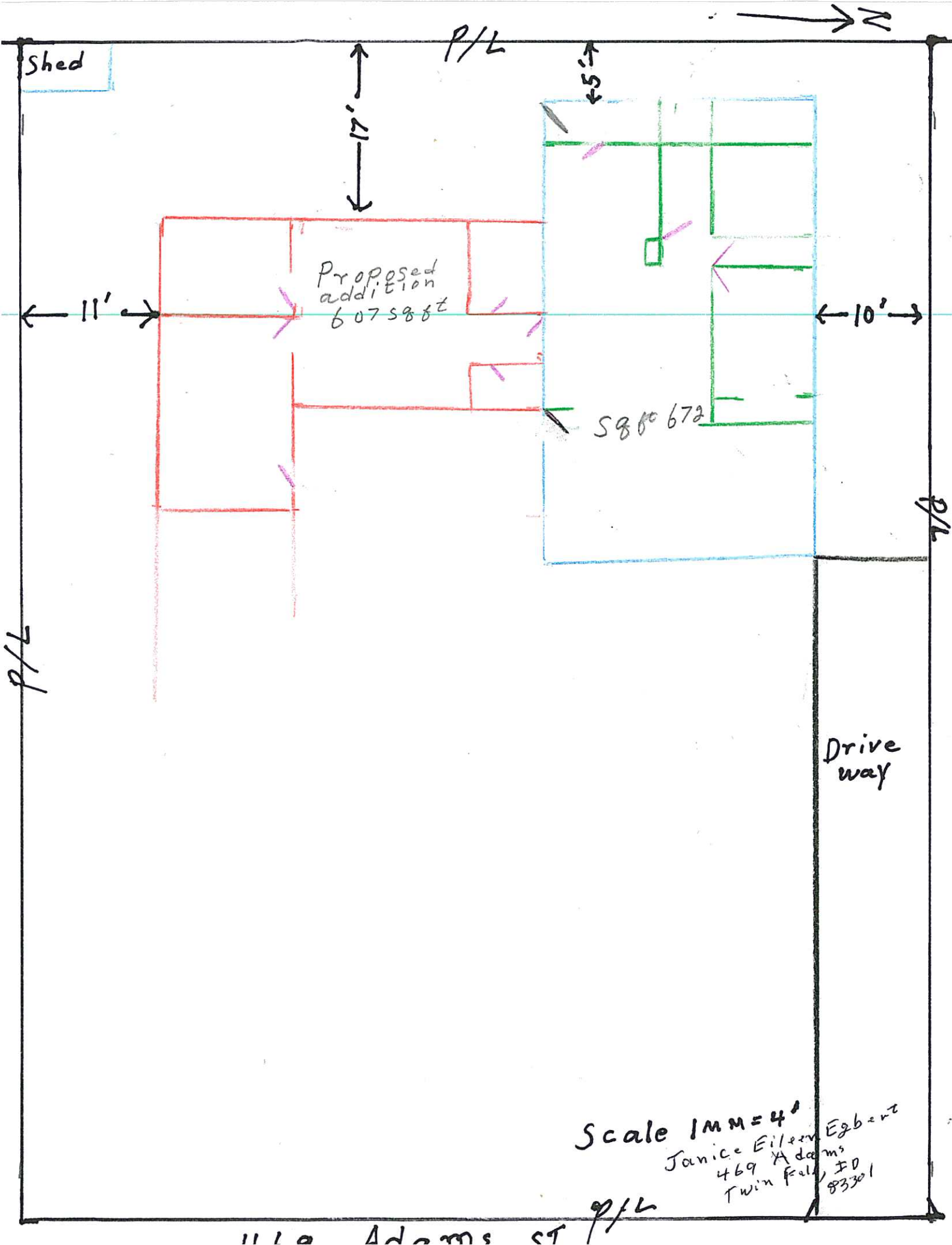
We feel that the expansion will not affect adjoining property at all. The space to the South is grass and well beyond that a garage.

We will use the expansion as a residence. Adjacent properties are also residential.

Thank you for your consideration.

Sincerely,

Edwin and Eileen Egbert



Scale 1mm = 4'
Janice Eileen Egbert
469 Adams
Twin Falls, ID 83301

1110 Adams St

469 Adams Street - NCBE Waiver

Reference Only



492 WASHIN

479 ADAMS

Existing Home

20'-0"

5'-0"



15'-0"

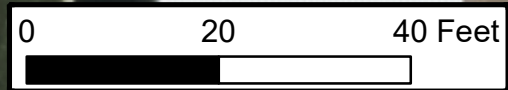
469 ADAMS

Proposed Addition



20' Rear Setback

20'-0"



448 WASHIN

ADAMS ST



Public Meeting: **MONDAY MARCH 19, 2018**

To: Honorable Mayor and City Council

From: Rene'e V. Carraway-Johnson, Zoning & Development Manager

ITEM

Request: for the City Council's consideration to adopt an ordinance for **Annexation with a Zoning District Change and Zoning Map Amendment** from R-1 VAR CRO to R-4 CRO for Parcel 2, TBS Conveyance Plat, consisting of 13.43(+/-) acres, located at the south east corner of Canyon Falls Drive & Harrison Street. c/o Rob Struthers on behalf of Katherine Breckenridge. (app. 2920)

Time Estimate: Staff presentation may be five (5 +/-) minutes. This is not a public hearing item but there may be an additional five (5) minutes for questions by the City Council.

History:

On January 23, 2018 the Planning & Zoning Commission held a public hearing on this request. There was no public comment and upon conclusion of the public hearing and commission discussion Commissioner Grey made a motion to recommend approval of the request to City Council, as presented. Commissioner Muñoz seconded the motion. All members present voted in favor of the motion.

On February 20, 2018 the City Council held a public hearing on this request. There was one person who spoke in support of the request. Upon conclusion of the public hearing and council discussion Councilmember Lanting made a motion to approve the request as presented. Vice-Mayor Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

Conclusion:

As directed by the Council, staff has prepared an ordinance for your consideration. Staff recommends the City Council adopt the ordinance by a 3rd and final motion so it can be published and codified.

Attachments:

1. Ordinance
2. Exhibit A
3. Site Map(s)

ORDINANCE NO. _____

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

WHEREAS, Katherine B. Breckenridge has made application for annexation of property located at the northeast corner of the Canyon Falls Drive & Harrison Street Intersection aka parcel 2, TBS Conveyance Plat; and,

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 23rd day of January, 2018, to consider the Zoning Designation and necessary Area of Impact and Zoning District Maps amendment upon annexation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 20 day of February, 2018, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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

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

"Exhibit A"

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

SECTION 2. The real property described in Section 1 hereof be and the same is hereby zoned R-4 CRO.

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

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

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

PASSED BY THE CITY COUNCIL _____, 20____

SIGNED BY THE MAYOR _____, 20____

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, _____, 20____

Exhibit "A"
ANNEXATION DESCRIPTION
for
City of Twin Falls

A part of Parcel Two of TBS Subdivision Conveyance Plat located in part of Government Lot 5 and the Southwest Quarter of the Southeast Quarter of Section 33, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, and more particularly described as follows:

Commencing at the South Quarter corner of said Section 33, from which the Southeast corner of said Section 33 bears North 89° 51' 19" East, 2638.59 feet;

THENCE North 00°40'01" East along the westerly boundary of the SW4 SE4 for a distance of 528.48 feet to a point on the northerly boundary of a bike path easement recorded as instrument # 2005 – 006085 Twin Falls County records and being the POINT OF BEGINNING;

THENCE North 00°40'01" East along the westerly boundary of the SW4 SE4 and Government Lot 5 for a distance of 1,133.83 feet to a set 5/8 inch rebar with cap and being a 10.00 feet in distance witness corner to the southerly rim rock of the Snake River Canyon;

THENCE North 00°40'01" East along said line for a distance of 10.00 feet to a point on the southerly rim rock of the Snake River Canyon;

THENCE along the southerly rim rock of the Snake River Canyon for the following bearings and distances:

South 64°37'43" East for a distance of 47.52 feet;

South 83°42'34" East for a distance of 122.57 feet;

South 75°51'58" East for a distance of 78.38 feet;

South 72°27'59" East for a distance of 90.65 feet;

South 81°52'22" East for a distance of 58.07 feet;

North 80°16'49" East for a distance of 68.83 feet;

South 81°43'10" East for a distance of 88.95 feet;

North 83°29'17" East for a distance of 142.67 feet;

North 88°51'29" East for a distance of 130.95 feet;

South 88°55'53" East for a distance of 99.75 feet;

North 76°37'28" East for a distance of 20.06 feet;

THENCE leaving said rim rock South 01°25'51" West for a distance of 10.00 feet to a found 5/8 inch rebar with cap and being a 10.00 feet in distance witness corner to the southerly rim rock of the Snake River Canyon;

THENCE South 01°25'51" West for a distance of 1,057.99 feet to a point on the northerly boundary of said bike path easement;

THENCE South 89°29'59" West along said northerly boundary for a distance of 60.03 feet to the southeast corner of Parcel One of TBS Subdivision Conveyance Plat;

THENCE North 01°25'51" East along the easterly boundary of said Parcel One for a distance of 485.22 feet;

THENCE North 84°12'50" West along the northerly boundary of said Parcel One for a distance of 808.65 feet;

THENCE South 00°40'01" West along the westerly boundary of said Parcel One for a distance of 573.61 feet to a point on the northerly boundary of said bike path easement and the southwest corner of said Parcel One;

THENCE South 89°29'59" West along said northerly boundary for a distance of 60.01 feet to the POINT OF BEGINNING.

Said part of Parcel Two contains 13.11 acres, more or less and is subject to easements, covenants and restrictions of record.

Zoning Vicinity Map

Area Of Impact



AERIAL PHOTO APRIL 2016
REFERENCE ONLY

CANYON SPRINGS RD

Outside City
Limits (Aol)

RIVER V

CANYON PARK Ave

Blue Lake
Concept 9

PRO

CANYON FALLS DR

NORTHBRIDGE BLVD

Northbridge
No 2
2291

HARRISON ST

Northbridge
2185

Northbridge
2185

Northbridge
2185



Public Meeting: **MONDAY MARCH 19, 2018**

To: Honorable Mayor and City Council

From: Rene'e V. Carraway-Johnson, Zoning & Development Manager

ITEM

Request: for the City Council's consideration to adopt an ordinance for a **Zoning District Change and Zoning Map Amendment** from C-1 PUD to C-1 for a 0.22 (+/-) acre tract and a 15' easement located at the southeast corner of Canyon Falls Road and Harrison Street. c/o Ryan Bybee (app 2908)

Time Estimate: Staff presentation may be five (5 +/-) minutes. This is not a public hearing item but there may be an additional five (5) minutes for questions by the City Council.

History:

On **December 12, 2017** the Planning & Zoning Commission held a public hearing on this request. There was no public comment and upon conclusion of the public hearing and commission discussion Commissioner Grey made a motion to recommend approval of the request to City Council, as presented. Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

On **January 08, 2018** the City Council held a public hearing on this request. There was no public comment and upon conclusion of the public hearing and council discussion Councilmember Lanting made a motion to approve the request as presented. Vice-Mayor Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

Conclusion:

As directed by the Council, staff has prepared an ordinance for your consideration. Staff recommends the City Council adopt the ordinance by a 3rd and final motion so it can be published and codified.

Attachments:

1. Ordinance
2. Exhibit A
3. Site Map(s)

ORDINANCE NO. _____

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

WHEREAS, Ryan Bybee has made application for rezoning of property located at the southeast corner of Canyon Falls Road and Harrison Street; City of Twin Falls, and an amendment of the revised Area of Impact and Comprehensive Plan Land Use Map; and

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 12th day of December, 2018 to consider the Zoning Designation and necessary Zoning & Planning Map amendment upon a rezone of the real property below described, and an amendment to the revised area of Impact and Comprehensive Plan Land Use Map; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 8th day of January, 2018.

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

SECTION 1. The following described real property located at the south east corner of Canyon Falls Road and Harrison Street is the subject of a Zoning District Change and Zoning Map amendment from C-1 PUD to C-1.

"Exhibit A"

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

"Exhibit A"
Parcel Description

for

Ryan Bybee

A parcel of land located in the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 33, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, and more particularly described as follows:

Commencing at the South Quarter corner of said Section 33, from which the Southwest corner of said Section 33 bears South 89°34'43" West, 2640.83 feet;

THENCE North 00°27'35" East along the West boundary of the SE4 of said Section 33 for a distance of 94.93 feet to a point on the northerly right-of-way of Project # DHP-NH-F-2390(104) and the easterly right-of-way of Harrison Street and being the POINT OF BEGINNING;

THENCE North 00°27'35" East along the easterly right-of-way of Harrison Street for a distance of 154.57 feet;

THENCE northwesterly along said right-of-way for a distance of 170.70 feet along a curve to the left having a radius of 282.00 feet and a central angle of 34°40'57", and a long chord which bears North 16°52'53" West - 168.11 feet;

THENCE North 34°13'22" West along said right-of-way for a distance of 60.87 feet;

THENCE northeasterly for a distance of 36.15 feet along a curve to the right having a radius of 20.00 feet and a central angle of 103°32'57", and a long chord which bears North 17°33'07" East - 31.42 feet to a point on the southerly right-of-way of Canyon Falls Drive;

THENCE North 69°19'35" East along said right-of-way for a distance of 50.85 feet;

THENCE northeasterly along said right-of-way for a distance of 26.14 feet along a curve to the right having a radius of 75.00 feet and a central angle of 19°57'58", and a long chord which bears North 79°18'34" East - 26.00 feet;

THENCE North 89°17'33" East for a distance of 62.57 feet;

THENCE South 00°27'35" West for a distance of 442.96 feet to a point on the northerly right-of-way of Project # DHP-NH-F-2390(104);

THENCE South 89°38'53" West along said right-of-way for a distance of 41.82 feet;

THENCE North 36°55'57" West along said right-of-way for a distance of 29.95 feet to the POINT OF BEGINNING.

Containing 0.825 acres, more or less, and is subject to easements, covenants and restrictions of record.

Zoning Vicinity Map



AERIAL PHOTO APRIL 2016
REFERENCE ONLY





Public Meeting: **MONDAY MARCH 19, 2018**

To: Honorable Mayor and City Council

From: Rene'e V. Carraway-Johnson, Zoning & Development Manager

ITEM

Request: for the City Council's consideration to adopt an ordinance to **Vacate** of a 15' x 264', 3,960 sq. ft. public utility easement located at the southeast corner of Canyon Falls Drive and Harrison Street, c/o Ryan Bybee (app. 2909)

Time Estimate: Staff presentation may be five (5 +/-) minutes. This is not a public hearing item but there may be an additional five (5) minutes for questions by the City Council.

History:

On **December 12, 2017** the Planning & Zoning Commission held a public hearing on this request. There was no public comment and upon conclusion of the public hearing and commission discussion Commissioner Grey made a motion to recommend approval of the request to City Council, as presented, with staff recommendations. Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

On **January 08, 2018** the City Council held a public hearing on this request. There was no public comment and upon conclusion of the public hearing and council discussion Council Member Reid made a motion to approve the request as presented with the staff recommendation;

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.

Council Member Vice-Mayor Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

Conclusion:

As directed by the Council, staff has prepared an ordinance for your consideration. Staff recommends the City Council adopt the ordinance by a 3rd and final motion so it can be published and codified.

Attachments:

1. Ordinance
2. Exhibit "A"
3. Site Map(s)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF
THE CITY OF TWIN FALLS IDAHO, **VACATING THE EASEMENT**
DESCRIBED BELOW.

WHEREAS, Ryan Bybee has made application for vacation of a 15' x 264',
3,960 sq ft, public utility easement located at the southeast corner of
Canyon Falls Drive and Harrison Street in the City of Twin Falls; and

WHEREAS, the City Planning & Zoning Commission for the City of Twin
Falls, Idaho, held a Public Hearing as required by law on the 12th day of
December, 2017, to consider the vacation of the easement below described;
and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a
Public Hearing as required by law on the 08th day of January, 2018.

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

SECTION 1. The following described easement is hereby VACATED:

"Exhibit A"

SECTION 2. That the City Clerk immediately upon the passage and
publication of this Ordinance as required by law certify a copy of the same
and deliver said certified copy to the County Recorder's Office for indexing
and recording, in the same manner as other instruments affecting the title
to real property, as required by Idaho Code 50-1324(2).

PASSED BY THE CITY COUNCIL _____, 20____

SIGNED BY THE MAYOR _____, 20____

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, _____, 20____

Ordinance No.

Page 1 of 2

Zoning Application No.2909

"Exhibit A"
Easement Vacation Description
for
Ryan Bybee

A strip of land located in Tract "A" of Canyon Falls Subdivision in the Southeast Quarter of the Southwest Quarter of Section 33, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, and more particularly described as follows:

Commencing at the South Quarter corner of said Section 33, from which the Southwest corner of said Section 33 bears South 89° 34' 43" West, 2640.83 feet;

THENCE North 00°27'35" East along the East boundary of the SW4 of said Section 33 for a distance of 249.50 feet to the southerly corner of said Tract "A";

THENCE North 00°27'35" East along the easterly boundary of said Tract "A" for a distance of 75.76 feet to a point on the easterly boundary of the 10 feet in width utility easement and the POINT OF BEGINNING;

THENCE northwesterly along said utility easement for a distance of 45.07 feet along a curve to the left having a radius of 292.00 feet and a central angle of 8°50'37", and a long chord which bears North 19°00'01" West - 45.03 feet to a point on the westerly boundary of the 15 feet in width utility easement;

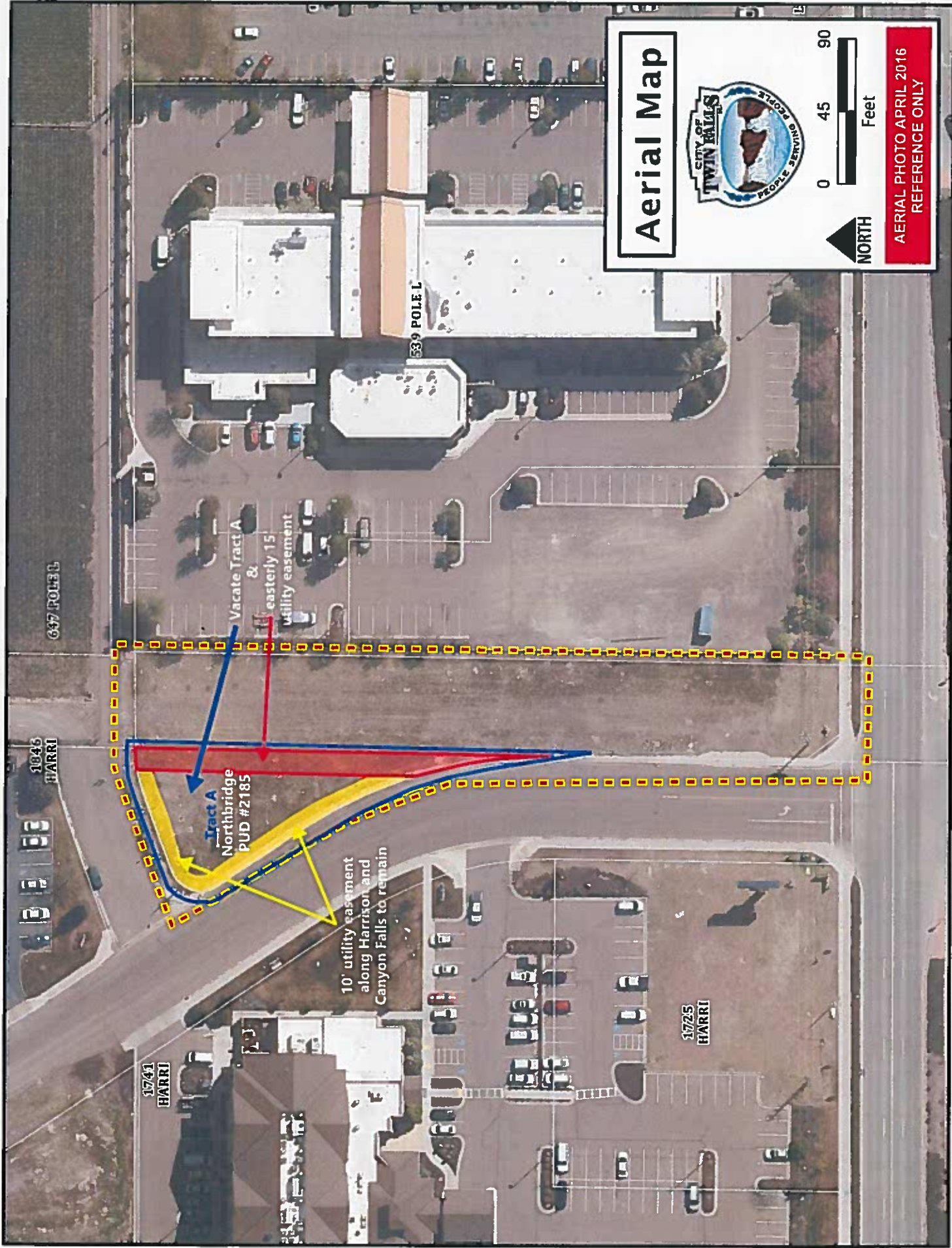
THENCE North 00°27'35" East along said utility easement for a distance of 134.20 feet to a point on the southerly boundary of the 10 feet in width utility easement;

THENCE northeasterly along said easement for a distance of 12.75 feet along a non tangent curve to the right having a radius of 65.00 feet and a central angle of 11°14'22", and a long chord which bears North 83°40'21" East - 12.73 feet;

THENCE North 89°17'32" East for a distance of 2.36 feet to a point on the easterly boundary of said Tract "A";

THENCE South 00°27'35" West along said easterly boundary for a distance of 178.20 feet to the POINT OF BEGINNING.

Easement vacation containing 0.053 acres, more or less.



Aerial Map



AERIAL PHOTO APRIL 2016
REFERENCE ONLY