



Twin Falls City Council Agenda

Monday, December 17, 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) PROCLAMATIONS: None
- 4) GENERAL PUBLIC INPUT
- 5) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve the Accounts Payable for December 6 thru December 12, 2018.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the December 10, 2018, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve the 2019 City Council Schedule of Regular Meetings & Public Hearings.
By: Mitch Humble, Deputy City Manager
 - d) **ACTION ITEM:** Request for the approval of the **Final Plat** for Valencia Park Subdivision, a ZDA, approximately 9.006 (+/-) acres, to develop 84 lot residential lots located along Valencia Street, extended from Southwood Avenue to 3600 North Road. c/o Rex Harding TD&H Engineering, Inc (app. PZ18-0102)
By: Steve O'Connor, City Planner
 - e) **ACTION ITEM:** Request for a Right-of-Way encroachment by 1485 Pole Line Road East.
By: Erin Steel, Engineer 1
 - f) **ACTION ITEM:** Request to accept the Improvement Agreement for the purpose of developing Valencia Park Subdivision, a ZDA.
By: Troy Vitek, Assistant City Engineer
- 6) ITEMS OF CONSIDERATION

- a) **ACTION ITEM:** Request from Randy Steadham, Zions Bank, to appeal the decision of the Parks & Recreation Commission regarding a Tree Removal Permit for property located at 2188 Addison Avenue East.

By: Wendy Davis, Parks & Recreation Director, Randy Steadham, Zions Bank

- b) **ACTION ITEM:** Request to extend Twin Falls Golf Club Agreement through February 22, 2019.

By: Wendy Davis, Parks & Recreation Director

- c) **ACTION ITEM:** Presentation from the Fire Station Advisory Committee.

By: Debbie Dane, Committee Member, Les Kenworthy, Fire Chief, Brian Pike, Deputy City Manager

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS: None

9) ADJOURNMENT

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

Public Input Procedures

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

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning and Zoning shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.
 4. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 5. A City Staff Report shall summarize the application and history of the request.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 8. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council or Planning & Zoning Commission, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor or Chairman may again establish time limits.
 9. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning and Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



**Twin Falls City Council
Minutes**

Monday, December 10, 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, Council Members Suzanne Hawkins, Chris Talkingington, Christopher Reid
Absent: Council Members Greg Lanting & Ruth Pierce
Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Brian Pike, City Attorney Shayne Nope, Captain Anthony Barnhart, Fire Chief Les Kenworthy, Environmental Engineer Jason Brown, City Planner Steve O'Connor, Traffic Technician Robin Hite, Help Desk Technician Kim Hafer, Finance Administrative Assistant Amy Luna.

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

2) PLEDGE OF ALLEGIANCE

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

3) PROCLAMATIONS: None

4) GENERAL PUBLIC INPUT: None

5) CONSENT CALENDAR

MOTION: Council Member Reid moved to approve the consent calendar as presented. Council Member Talkingington seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- a) **ACTION ITEM:** Request to approve the December 03, 2018, City Council Minutes.
- b) **ACTION ITEM:** Request to approve the Accounts Payable for November 29 thru December 5, 2018.

6) ITEMS OF CONSIDERATION

- a) **ACTION ITEM:** Request to purchase a surface pro with contingency funds for the new attorney at the cost of \$2,462.15.
City Attorney Nope made a request to purchase a surface pro with contingency funds for the new attorney at the cost of \$2,462.15.

MOTION: Council Member Hawkins moved to approve the request to purchase a surface pro with contingency funds for the new attorney at the cost of \$2,462.15. Council Member Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- b) **ACTION ITEM:** Request to award the contract of the Sludge Truck Chassis purchase to Schow's Truck Center of Burley, ID in the amount of \$119,084.00
Environmental Engineer Brown made a request to award the contract of the Sludge Truck Chassis purchase to Schow's Truck Center of Burley, ID in the amount of \$119,084.00 with a request for a \$5,000.00 contingency amount for a total \$124,084.00.

Discussion ensued on the following:

Council Member Talkingington: The entire requested amount is now in the contingency funds?

MOTION: Council Member Talkingington moved to approve the request to award the contract of the

Sludge Truck Chassis purchase to Schow's Truck Center of Burley, ID in the amount of \$119,084.00 with a request for a \$5,000.00 contingency amount for a total \$124,084.00. Council Member Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- c) **PRESENTATION:** Blue Lakes and Bridgeview/Fillmore intersection study by ITD. Environmental Engineer Brown introduced Keller Associate Stephen Lewis who presented the Blue Lakes and Bridgeview/Fillmore intersection study done by ITD.

Discussion ensued on the following:

Council Member Talkington: Besides the delays what is the accident ratio? Matter is more for convenience than safety.

Vice Mayor Boyd: Accidents are mostly due to inattentive drivers. Will the change in lights cause this to be worse?

Council Member Reid: Asked when the roundabout was put in. Left hand turn lane is the most frustrating. Where are the most accidents seen?

Mayor Barigar: Spoke about the transportation planning committee's long term thoughts.

Council Member Talkington: Asked about taking the left turn option out of the mix coming south bound.

Council Member Hawkins: Talked about the traffic backup going across the bridge. It is important to be able to get emergency vehicles through this area.

Mayor Barigar thanked the presenter for the information.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Hawkins reported on the Youth Council meetings.

Council Member Talkington reported on the Annual Airport Community Meeting.

8) PUBLIC HEARINGS: None

9) ADJOURNMENT

The meeting adjourned at 05:44 PM.

City of Twin Falls, Idaho - City Council
Schedule of Regular Meetings & Public Hearings

2019

★★★★★

The meetings are generally held every Monday of every month starting at 5:00 P.M., unless otherwise posted. All meetings are held in the City Council Chambers located at 203 Main Avenue East and are televised on Cable One, Channel 17. All meetings are live streamed and archived, and can be found on the City's website at: www.tfid.org
Public Hearings begin after 6:00 pm.

January 2, Wednesday	July 1- No Public Hearings
January 7	July 8
January 14	July 15
January 22, Tuesday	July 22
January 28	July 29
February 4	August 5
February 11	August 12
February 19 Tuesday	August 19
February 25	August 26
March 4	September 3, Tuesday
March 11	September 9
March 18	September 16
March 25- No Public Hearings	September 23
	September 30
April 1	
April 8	October 7
April 15	October 14
April 22	October 21
April 29	October 28
May 6	November 4
May 13	November 12, Tuesday
May 20	November 18-
May 28, Tuesday	November 25 - No Public Hearings
June 3	December 2
June 10	December 9
June 17	December 16
June 24	December 23- No Public Hearing
	December 30



Date: Monday, December 17, 2018
To: Honorable Mayor and City Council
From: Steve O'Connor, City Planner

ACTION ITEM

Request:

ACTION ITEM: Request for the approval of the **Final Plat** for Valencia Park Subdivision, a ZDA, approximately 9.006 (+/-) acres, to develop 84 lot residential lots located along Valencia Street, extended from Southwood Avenue to 3600 North Road. c/o Rex Harding TD&H Engineering, Inc (app. PZ18-0102)

Time Estimate:

N/A

Background:

This is a request for **Final Plat** of The Valencia Park ZDA Subdivision, a 9 +/- acre parcel, which plans to develop eighty-four (84) residential town homes. Development will be completed in phases. The Preliminary Plat was approved by the P&Z Commission on October 10th, 2017 as presented and with staff's recommended conditions.

Approval Process:

Per Twin Falls City Code 10-12-2.4, The council shall consider the commission's findings and comments from concerned persons and agencies to decide on the Final Plat. The Council has the following options: approve, conditionally approve, disapprove or table the final plat for more information.

Budget Impact:

Regulatory Impact:

Approval of the Final Plat will enable the landowner to move towards recording and eventual development of the land in accordance with current zoning and development codes and standards.

History:

N/A

Analysis:

N/A

Conclusion:

The submitted final plat has been reviewed by Staff and has been found to be in conformance with the approved Preliminary Plat. Should the Council approve the Final Plat as presented, Staff recommends 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.

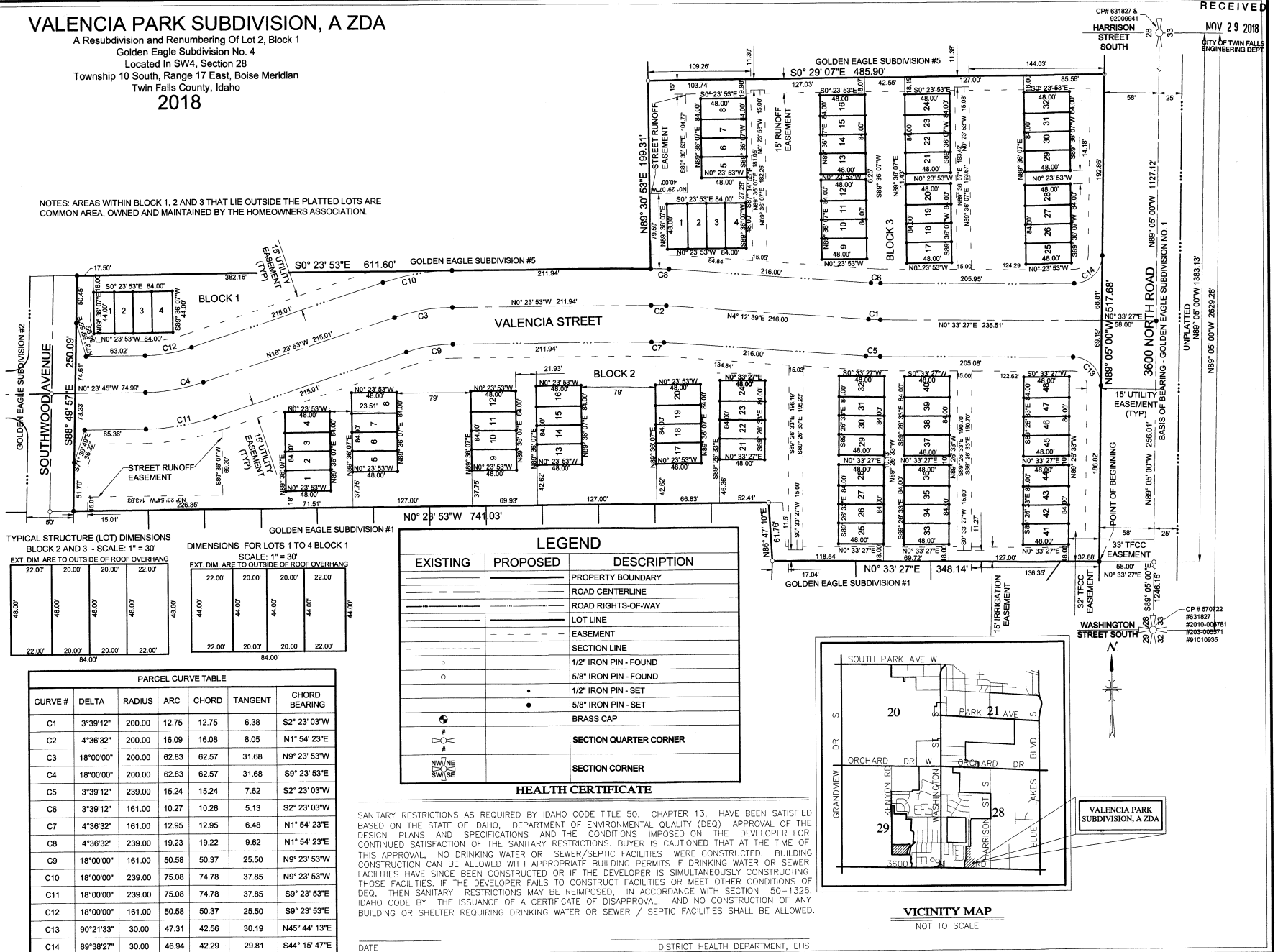
Attachments:

1. 1 - Final Plat
2. 2 - Zoning Vicinity
3. 3 - Photos
4. 4 - P&Z 10-10-17 Minutes

VALENCIA PARK SUBDIVISION, A ZDA

A Resubdivision and Renumbering Of Lot 2, Block 1
Golden Eagle Subdivision No. 4
Located In SW4, Section 28
Township 10 South, Range 17 East, Boise Meridian
Twin Falls County, Idaho
2018

NOTES: AREAS WITHIN BLOCK 1, 2 AND 3 THAT LIE OUTSIDE THE PLATTED LOTS ARE COMMON AREA, OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.



TYPICAL STRUCTURE (LOT) DIMENSIONS

BLOCK 2 AND 3 - SCALE: 1" = 30'

EXT. DIM. ARE TO OUTSIDE OF ROOF OVERHANG

22.00'	20.00'	20.00'	22.00'
48.00'	48.00'	48.00'	48.00'
22.00'	20.00'	20.00'	22.00'
84.00'	84.00'	84.00'	84.00'

DIMENSIONS FOR LOTS 1 TO 4 BLOCK 1

SCALE: 1" = 30'

EXT. DIM. ARE TO OUTSIDE OF ROOF OVERHANG

22.00'	20.00'	20.00'	22.00'
44.00'	44.00'	44.00'	44.00'
22.00'	20.00'	20.00'	22.00'
84.00'	84.00'	84.00'	84.00'

PARCEL CURVE TABLE

CURVE #	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
C1	3°39'12"	200.00	12.75	12.75	6.38	S2°23'03"W
C2	4°36'32"	200.00	16.09	16.08	8.05	N1°54'23"E
C3	18°00'00"	200.00	62.83	62.57	31.68	N9°23'53"W
C4	18°00'00"	200.00	62.83	62.57	31.68	S9°23'53"E
C5	3°39'12"	239.00	15.24	15.24	7.82	S2°23'03"W
C6	3°39'12"	161.00	10.27	10.26	5.13	S2°23'03"W
C7	4°36'32"	239.00	19.23	19.22	9.82	N1°54'23"E
C8	4°36'32"	161.00	12.95	12.95	6.48	N1°54'23"E
C9	18°00'00"	161.00	50.58	50.37	25.50	N9°23'53"W
C10	18°00'00"	239.00	75.08	74.78	37.85	N9°23'53"W
C11	18°00'00"	239.00	75.08	74.78	37.85	S9°23'53"E
C12	18°00'00"	161.00	50.58	50.37	25.50	S9°23'53"E
C13	90°21'33"	30.00	47.31	42.56	30.19	N45°44'13"E
C14	89°38'27"	30.00	46.94	42.29	29.81	S44°15'47"E

LEGEND

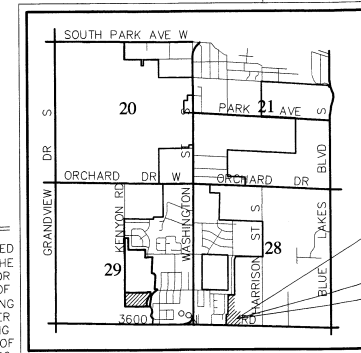
EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY BOUNDARY
---	---	ROAD CENTERLINE
---	---	ROAD RIGHTS-OF-WAY
---	---	LOT LINE
---	---	EASEMENT
---	---	SECTION LINE
o	o	1/2" IRON PIN - FOUND
o	o	5/8" IRON PIN - FOUND
o	o	1/2" IRON PIN - SET
o	o	5/8" IRON PIN - SET
o	o	BRASS CAP
o	o	SECTION QUARTER CORNER
o	o	SECTION CORNER

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 THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT 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 REIMPOSED, 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.

DATE

DISTRICT HEALTH DEPARTMENT, EHS



VICINITY MAP
NOT TO SCALE

RECEIVED

NOV 29 2018

CITY OF TWIN FALLS
ENGINEERING DEPT

CP# 631827 &
62008841
HARRISON
STREET
SOUTH

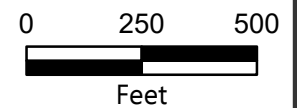
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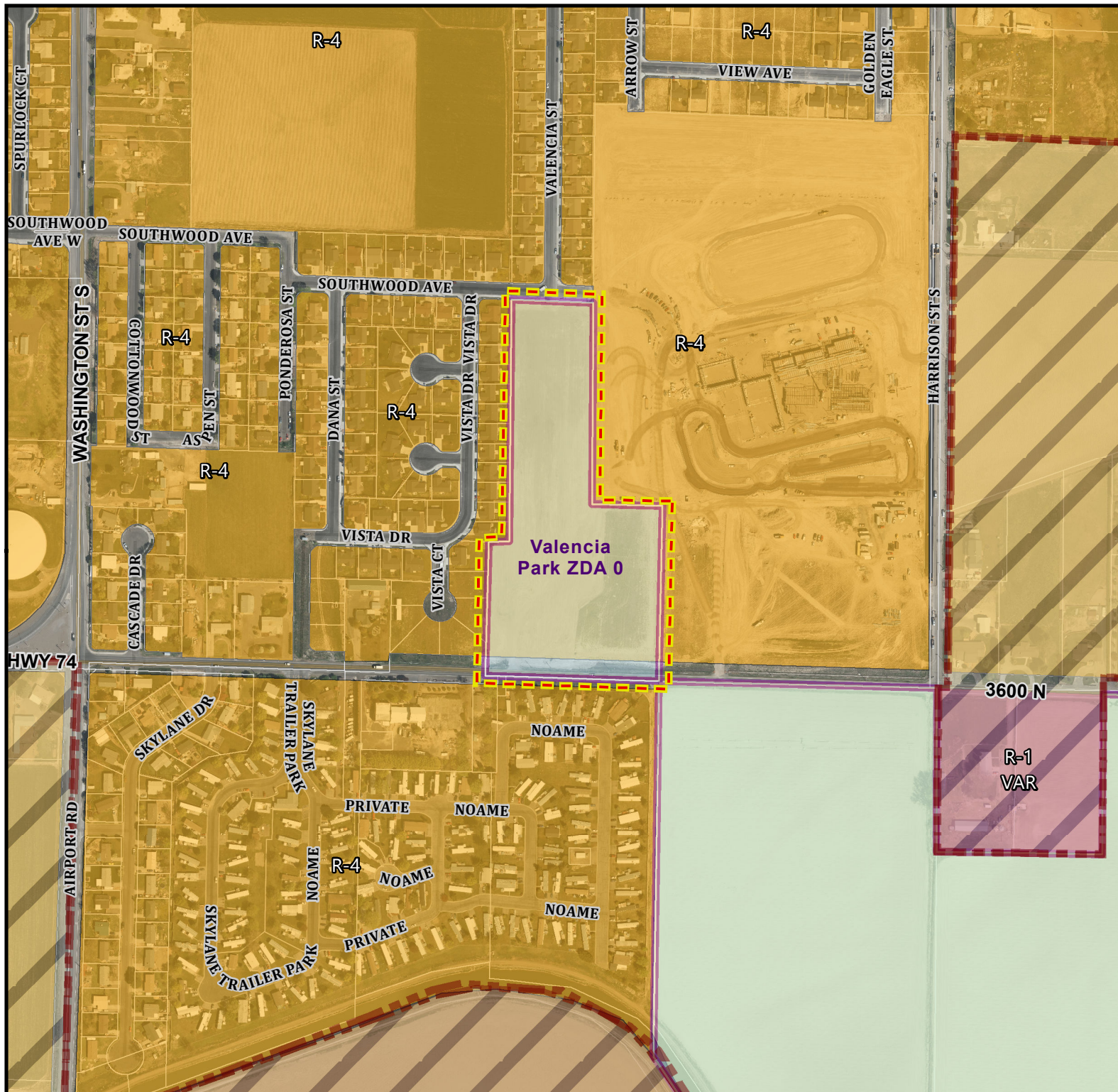
VALENCIA PARK
SUBDIVISION, A ZDA

Zoning Vicinity Map

-  City Limits
-  Area of Impact
-  PUD
-  AG
-  R-1 VAR
-  R-2
-  R-4



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**





SE Corner looking NW



Twin Falls Planning & Zoning Commission Minutes

Tuesday, October 10, 2017, 6:00 PM

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

Members -

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

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Members Present: Frank, Grey, Dawson, Musser, Woods

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

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

2) Consideration of Amendments to Agenda

3) General Public Input

None

4) Consent Calendar

a) Approval of Minutes from the Following Meeting: 09-26-17

Approval of Findings of Fact and Conclusions of Law for the Following Meeting: 09-26-17

- Joshua Hall_SUP
- Jeremy Petersen_SUP

Motion:

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

Commissioner Woods seconded the motion.

Unanimously Approved

5) Items of Consideration

a) Request for approval of the **Preliminary Plat** for Valencia Park Subdivision, a ZDA for approximately 9 (+/-) acres consisting of 84 residential lots located along Valencia Street, extended from Southwood Avenue to 3600 North Road c/o Reidesel Engineering, Inc. on behalf of Dennis Hournay

Applicant Presentation:

Rex Harding, Reidesel Engineering, Inc. stated this is a request to approve the preliminary plat for Valencia Park Subdivision. This is another step in the process that is required in order to move forward with development of the property.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated in June 2016, this commission forwarded a positive recommendation to city council to approve the Valencia Park Zoning Development Agreement with the following conditions;

1. Subject to site plan amendments as determined by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.
2. Subject to the entirety of Valencia Street being constructed in the first phase, subject to engineering review of the plat.
3. Subject to the perimeter fence being installed prior to issuance of a building permit, for each phase of the project.
4. Subject to a final plat being recorded prior to any development.
5. Subject to conformance to the Zoning Development Agreement and the Valencia Park Master Development Plan as approved.

On July 25, 2016, the City Council heard and approved the ZDA, as presented subject to the following conditions:

1. Subject to site plan amendments as determined by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and Standards.
2. Subject to the entirety of Valencia Street being constructed in the first phase; if construction begins on the North end Valencia shall connect to 3600 North (Valencia connector width to be determined by City Engineer); if construction starts on the south end, either full construction of Valencia is required, or they can bond for the future phases, with a completion deadline by the year 2022; both scenarios subject to engineering review of the plat.
3. Subject to the perimeter fence being installed prior to Issuance of a building permit, for each phase of the project.
4. Subject to a final plat being recorded prior to any development.
5. Subject to conformance to the Zoning Development Agreement and the Valencia Park Master Development Plan as approved.
6. Subject to an on-site or hired property manager.

The ordinance was approved and recorded in December 2016.

On July 25, 2017, this commission held a public hearing, and deliberated a request to amend the ZDA Master Development Plan by removing the medians/landscape islands within the roadway. This body recommended to Twin Falls City Council to keep the Islands and street width as originally presented during the ZDA public process.

On August 23, 2017, City Council approved the applicants request to amend the ZDA by removing the medians/landscape islands and maintaining the collector designated street width standard.

This is a request for preliminary plat of The Valencia Park ZDA Subdivision, a 9 +/- acre parcel, which plans to develop eighty-four (84) residential townhomes. Development will be completed in phases. As of today, the Parks-n-Lieu has not had approval by the City Council. A condition the final plat may not be scheduled until the City Council has approved the Parks-n-Lieu request by the Developer would be appropriate.

The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. 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 development will be on a pressure irrigation (P.I.) system.

The plat is consistent with the subdivision development site requirements found in City Code and the Valencia Park ZDA 2016-16 Amended. It also complies 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'Connor stated upon conclusion staff recommends the commission approve the preliminary plat of the Valencia Park ZDA, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to approval of the Parks-n-Lieu prior to scheduling the final plat before City Council.
3. Compliance with the Valencia Park ZDA 2016-16 Amended.

Public Hearing: Opened & Closed Without Concerns

Discussions Followed: Without Concerns

Motion:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. Commissioner Dawson seconded the motion. Commissioner Frank, Dawson, Musser and Woods voted in favor of the motion with Commissioner Grey voting against the motion.

Motion passed 4-1.

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 approval of the Parks-n-Lieu prior to scheduling the final plat before City Council.
 3. Compliance with the Valencia Park ZDA 2016-16 Amended.
- b) Request for a **Special Use Permit** to establish an automobile sales business and to include a designated asphalt vehicle display strip within the gateway arterial landscaping on property located at 1215 Addison Ave West within the Area of Impact. c/o Charles Legg dba A-1 Auto Sales. (app. 2891) **TABLED ON 09-12-17**

Staff Presentation:

Planner I O'Connor reviewed the request and stated this request is to consider the request from Mr. Charles Legg to establish an automobile dealership in the C-1 zoned portion of property located at 1215 Addison Ave W. This commission heard and tabled the item from the September 12, 2017 hearing, pending a site plan that met current city code; specifically the Gateway Arterial required landscaping. Please see the attachments for the original Staff report from the September 12, 2017 hearing. The applicant provided a revised site plan on October 3, 2017. Staff has reviewed the plan and feels it meets current city code.

Planner I O'Connor stated upon conclusion the Commission is tasked with acting on the request, approving, approving with conditions, or denying the request.

Discussions Followed:

- Commissioner Frank asked in comparison to other properties how many display pads have we allowed within the same amount of square footage.
- Planner I O'Conner explained that the code does not limit the number of display pad per site nor are there any calculations used to determine an amount that should be allowed within a certain square footage.
- Commissioner Frank asked if this is a higher number than usual.
- Planner I O'Conner stated yes.
- Commissioner Grey asked if the landscaping shown on the site plan meet the gateway arterial landscape requirement.
- Commissioner Frank asked about the 10' asphalt strip.
- Planner I O'Conner explained that the 10' asphalt strip has been removed.
- Commissioner Frank asked what will be in the 10' strip.
- Planner I O'Conner explained the pad site will be within this area and it will be a hard surfaced space with some type of landscaping.
- Commissioner Grey stated that if the landscaping has met the requirement he doesn't see an issue.
- Commissioner Frank explained he is not against the pad sites he is just concerned with the number as compared to other lots.
- Commissioner Musser explained without some guidelines it opens up the door for a

subjective decision.

- Commissioner Woods explained that comparing the Kimberly Road/Goode Motor request with this area of town is not the same. There are cars everywhere, with gravel and junk along the road along Addison Avenue West and anything would be an improvement.
- Commissioner Frank explained he doesn't think this meets the intent of the gateway arterial landscaping and the number of pad sites.
- Assistant City Engineer Vitek explained the code requirement is that there be a 30' landscape buffer, the applicant is asking to use some of the area to display cars.
- Commissioner Grey explained that if this was a parking lot there would be more cars parked close to this area. This may provide a better buffer for what is happening on the rest of the lot.
- Commissioner Musser explained he doesn't like having the pad sites encroaching into the required arterial landscaping, but the applicant is allowed to make this type of request. As for the number without some type of criteria to follow he doesn't have an issue.
- Commissioner Grey explained he doesn't like the display pads in the landscaping either, but it is the norm, which is why the applicant can make this request.
- Commissioner Dawson asked about clarification for the landscaping requirements.
- Planner I O'Connor explained the landscaping requirements for the commercial area and the arterial landscaping.
- Commissioner Dawson stated that once the landscaping is in it may turn out that there is not enough room for that many cars.

Motion:

Commissioner Woods made a motion to approve the request with the revised site plan as presented and with staff recommendations. Commissioner Dawson seconded the motion. Commissioners Grey, Dawson and Woods voted in favor of the motion, with Commissioners Frank and Musser voting against the motion.

Approved, As Presented, With the Revised Site Plan, and with the Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to completion of all required site improvements and issuance of the Certificate of Occupancy prior to activation of this Special Use Permit.

6) Public Hearings

- a) Request for the Commission's recommendation for a **PUD Amendment** to the Canyon Village PUD #270 to remove residential development requirements for property located at the NW corner of Eastland Drive North and Cheney Drive. c/o Kent Taylor on behalf of Northeast Investments, LLC (app. 2897)

Applicant Presentation:

Ann Taylor, the applicant representing NE Investments, LLC, stated the request is to remove some language out of the PUD Agreement regarding architectural restrictions for the

residences and the townhomes located in the development. All of the property owners directly affected have signed a document agreeing with the removal of these restrictions from the PUD Agreement. At the time this property was being discussed for development and the original PUD request came through the adjacent property owners were concerned with the how the property was going to be developed and an agreement was reached between the developers and the property owners. These restrictions were agreed upon and included in the PUD to try and relieve the neighboring property owners concerns. The restricts served as a place holder until CC&R's could be put into place once platted and until the developer could demonstrate that he would follow through with the promises made. They are asking that these restrictions be recommended for removal from the PUD Agreement.

Staff Presentation:

Planner I O'Connor reviewed the request and stated prior to current development, this area was used agriculturally. On August 12, 2014 the Planning & Zoning Commission heard the preliminary PUD presentation on this request. Due to public comments the public hearing was postponed until October 14, 2014. After the public hearing was closed at the October 14, 2014 P&Z meeting and at the applicant's request the request was tabled – to be rescheduled. On November 18, 2014, the applicant held a neighborhood meeting at EHM Engineer, Inc. offices. On November 25, 2014, the Commission held the public hearing whereby they unanimously recommended approval as presented subject to three conditions. City Council approved the PUD, as presented by the applicant, and subject to conditions, in December 2014. The Canyon Village PUD #270 was recorded in January 2015. The approved project is being developed into a mixed-use development with commercial, multi-family and single family residences.

On May 2, 2017 the applicant applied for a residential building permit to be located at 1525 Mountain View Drive. Following building department protocol, city staff reviewed the permit for compliance with Building Codes, and typical zoning codes (property line setbacks, height limitation, parking spaces, etc.). Typical residential permit reviews do not include review of CC&R's, or extensive reviews of PUD documents. After concluding the typical review, the permit was issued to the applicant and construction began.

On August 22, 2017, a phone call was made to the City inquiring about a new home being constructed which was shown to have siding being installed. After investigating the inquiry, Staff made contact with the developer notifying him of the PUD violation. During that phone conversation, the violations were listed: the Garage may not face south, and the exterior of the home shall be brick, stucco, or stone. Staff also informed the developer the house would not receive a Final Certificate of Occupancy until the conditions of the PUD were met.

A subsequent meeting was scheduled on August 24, 2017, with the Developer and Staff in order to determine options for the developer. During that meeting, the options were given to change the home to conform to the PUD or to apply to amend the PUD through the process allowed within City Code.

On August 28, 2017, Staff received an application for a PUD Amendment requesting removal of the residential development standards.

This Commission heard the preliminary presentation for the PUD Amendment request at the September 26, 2017 Planning & Zoning Hearing.

During the original application process for the Canyon Village PUD #270, there were several community outreach sessions which resulted in a unique agreement. PUD #270 has architectural elements as part of the development standards for the private residences within 280' of the southern boundary (Cheney Drive).

Listed below is the original PUD Verbiage for Section #5-F of the PUD development standards along with the staff analysis and impacts as written in the original P&Z Staff report from November 25, 2014.

All buildings within 280 feet of the Southerly boundary (Area C and Area F) shall be of residential architectural character.

Residential units within 280 feet of the South boundary shall have the following additional requirements:

- a. Minimum living unit size of residences shall be 1600 square feet exclusive of garage.
- b. Each residence shall have a 2 car or larger garage.
- c. Lot area shall average not less than 10,000 square feet
- d. Exterior material shall be brick, stucco or stone, or a combination thereof.
- e. No garage doors shall face Cheney Drive.
- f. Roof pitches shall be not less than 6 in 12.
- g. Building height shall not exceed 28 feet.
- h. Any fencing parallel to and adjacent to Cheney shall be uniform and approved by the architectural control committee

These regulations restrict the development standards for buildings within 280 feet of the South boundary (Area C and Area F). These criteria place minimum standards for any residential development that occurs in these areas. These criteria will be reviewed and enforced by City Staff at the time of Building Permit submittal. These restrictions are not found in Twin Falls City Code. These restrictions are typically found within Codes, Covenants, and Restrictions (CC&R's). The greatest impacts these restrictions will have are on future landowners for this property, as well as an increased review time for future Building Permits.

During the original application process and Public Hearings, the staff analysis stated these standards are typically found in CC&R's. However, these restrictions are legal to be within the PUD and as the applicant placed the restriction upon himself, they remained within the document. As generally indicated in the original report, staff showed minimal support for

these standards being in the PUD and would rather them to be in a CC&R agreement.

In the past, the sentiment of public officials and City Staff has been to remain silent on architectural elements for residential properties in order to avoid conflicts with dictating the types of materials private property owners choose to construct their homes with.

Staff supports the amendment to the PUD as it removes City Staff from responsibility of enforcing architectural design standards on private residential homes, which is a position the City and Staff has been reluctant to take up many times in the past.

The Planning and Zoning Commission is tasked with forwarding a recommendation to the City Council. The Commission may recommend: approving the request as presented, approving the request with conditions, or denying the request.

Public Hearing: Opened

- Nathan Welch, 1345 Mountain View Dr, he represents a portion of the adjacent neighborhood that helped to create this PUD Agreement. He has spoken to all of the neighbors and expressed that they are very happy with the development so far. The neighbors are supportive of this request with regard to the residential area because it has been platted and CC&R's in being put into place. The neighbors however are concerned with removing the restrictions from the section related to the residential townhomes. The townhome area currently does not have any CC&R's in place for protection and the area has not been platted. There is a good buffer in place however, if the economy takes a downturn and ownership changes hands before it is developed without the restrictions in the PUD Agreement in place there is no protection for the neighbors. They ask that the Commission consider leaving the restrictions in place for the townhome area until plating and CC&R's for that area can be put into place.

Public Hearing: Closed

Closing Statement:

- Ms. Taylor thanked them for the neighbors praise on the development. Regarding the townhomes, she thinks that with the City review, ordinances, and protections in place the townhomes will not be an issue, they are just asking to be treated like everyone else. There are not any other PUD Agreements that include these types of restrictions and it is appropriate to remove them. In the event that someone wants to do something a little different than what is in the PUD or someone purchases the property with something different in mind will have to go through this process again to make any changes, if these requirement are not removed at this time.

Discussion Followed:

- Commissioner Frank asked for clarification on the process for the townhomes should the requested change be approved, as presented.

- Senior Planner Spendlove, stated the property would need to be platted and the building permit applications would be submitted.
- Commissioner Frank asked if there would be any set along the way that would ask for public input for the development.
- Senior Planner Spendlove explained the PUD Agreement calls out the zoning requirements for this portion of the development and the lots have to be platted and developed as R-1 VAR or Townhomes.
- Commissioner Frank asked once platted with there be CC&R's for the rest of the development.
- Senior Planner Spendlove explained the CC&R's come into place when the property is platted but they are not required.
- Commissioner Grey asked if leaving this verbiage in for the townhome portion would not prevent the residential development to move forward.
- Senior Planner Spendlove explained that is correct.
- Commissioner Grey explained that the City has moved away from PUD Agreements to a ZDA Agreement process that does outline design criteria and restrictions so that the information is presented everyone knows what to expect. He understands the request, but in the future these types of things are going to be in a ZDA Agreement.
- Commissioner Woods asked if the restrictions could be left in for the townhomes and removed for the residential portion.
- Senior Planner Spendlove state yes the Commission can make a recommendation to council that the restrictions related to the townhomes could be left in the agreement.
- Commissioner Grey stated he is considering all of the negotiations that took place for this development to move forward and everyone was happy. He understands, but the economy is very volatile and removing these conditions could leave the area with something less desirable. He doesn't see any reason to remove Section 4 at this time.
- Commission Musser explained this was a very unique situation and he would like to see this type of stuff addressed in CC&R's but he understands how this happened.
- Commissioner Dawson stated that her understanding is that this was an agreement that was made with the neighbors by the developer so that things could move forward. She feels like the neighbors are being very understanding with what has happened so far, but it is the developers and builders responsibility to understand the document and make sure that they adhere to the agreement. For the time being the townhome section should be left alone, because the neighbors are not comfortable with that part of the request. It may not be appropriate to remove those conditions until the property is ready for development.
- Commissioner Grey explained the restrictions are not so restrictive that they are not going to be built. He is fairly certain that when it comes time to build the townhomes this oversight will not be forgotten. He does understand it seems counterproductive to go through a public hearing process again to make a change to the PUD Agreement.
- Commissioner Dawson explained that the applicant had the responsibility to check for compliance and understand the agreements that were made and in this instance they were told they could bring things into compliance or make a formal request to amend the

agreement.

- Commissioner Woods stated he agrees protection needs to be provided for the townhome area and protect the agreement that has been made between the developer and the neighbors. We don't want to compromise the relationship by leaving this area left to chance.
- Commissioner Frank clarified there are no CC&R's associated with this portion of the property so until those are in place he agrees with the other members.

Motion:

Commissioner Grey recommended approval of the request to the City Council, as presented, and with the following condition, that the Residential Townhome Restrictions remain in the PUD Agreement. Commissioner Woods seconded. All members present voted in favor of the motion.

Recommended for Approval, to the City Council, As Amended

- b) Request for a **Special Use Permit** to operate a gym – Cross Fit Magic Valley – as an indoor recreation facility on property located at 248 Idaho Street South. c/o Brett Witherspoon (app. 2898)

Applicant Presentation:

Brett Witherspoon, the applicant, stated she is requesting a Special Use Permit to operate a gym. She has scheduled small classes, people come in work out and leave. The business is not open all day so there will be minimal traffic to the area and minimal impacts.

Staff Presentation:

This parcel is lots 28-32 of block 119 of the Original Town site plat recorded in 1904. The zoning was likely set with Ordinance 2012 in which was adopted in 1981. Since that time, this building has housed a number of uses and currently houses Cavalli Corp, an establishment that specializes in artistic application of plaster to homes and businesses.

This request is to establish a fitness gym, classified as Indoor Recreation, at 248 3rd Ave S. The property is zoned Old Town within the Warehouse Historic Overlay with a P-3 parking overlay (OT WHO P-3). The WHO requires any exterior modifications to be granted a Certificate of Appropriateness from the Historic Preservation Commission prior to any change. In the OT zone, a Special Use Permit is required for Indoor Recreation.

The applicant owns CrossFit Magic Valley and is currently leasing space on Kimberly Rd. The owner of the property granted permission for the applicant to request an SUP before signing a lease (see packet provided by staff). The applicant runs most of the sessions herself but has coaches to fill in when needed. The narrative also states in order to keep the sessions manageable and small there will be no more than 15 individuals coached at any one time. There will be limited noise as the sound levels for music needs to be low enough so coaching can be heard over the music. All activity will take place inside the gym.

The parking requirement for a gym is 1 space per 250 sq ft of exercise/floor area. The location of the gym falls under the 10-10-12 (C) P-3 Parking District 3. Under the P-3 overlay the code states, " Due to the desire of the city to retain the character of the P3 district special consideration may be given on a case by case basis to the parking requirements, if the standard requirements cannot be applied. Examples of special consideration may be a variance, leased parking, and remote parking." In this case, 12-15 spaces are required per city code, depending on the ultimate area used in this business. URA Director, Nathan Murray, granted permission to utilize the URA/Public parking lot located across the street from 248 3rd Ave. South (see attachments). The Zoning Administrator concurs.

Per City Code 10-4-13- OT District:

An SUP is required to establish any Indoor Recreation Facility.

Per City Code 10-4-22- WHO District:

A Certificate of Appropriateness granted by the Historic Preservation Commission is required prior to any exterior modification, including signage.

Per City Code 10-11-1 thru 8- Required Site Improvements:

Required improvements include landscaping, parking and maneuvering, screening, trash enclosure, access, drainage and storm water, utilities, etc.... These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal. In this case, all improvements are existing, and no building permit is anticipated to increase the size of the building, staff does not foresee any improvements being required.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Downtown." Downtown supports a very broad and diverse range of land uses, while encouraging infill and adaptive reuse. Recreational Facilities are specifically called out in the comprehensive plan as land uses that should be supported. Staff has determined this request complies with the 2016 comprehensive plan.

The applicant nor staff anticipates any negative impacts to surrounding properties from this land use.

Planner I O'Connor stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to class sizes being limited to no more than 15 individuals at any one time.
3. Subject to ADA Parking space being located as close as possible to the Alleyway entrance to 248 3rd Ave.
4. Subject to a Certificate of Appropriateness, be granted by HPC prior to any exterior

changes, including signage.

PZ/Questions & Comments:

- Commissioner Grey asked if she understood the condition stating no more than 15 individuals at any one time.
- She explained that she did understand that condition and that it was acceptable. If there becomes a need for more she will just add another class to her schedule. She likes small classes and having more than 15 in a class is difficult.

Public Hearing: Opened & Closed Without Concerns

Discussions Followed: Without Concerns

7) Upcoming Meeting(s)

- a) October 24, 2017 Public Hearing
November 1, 2017 Work Session

PZ Staff or Commission Questions/Comments:

Zoning & Development Manager Carraway-Johnson explained currently staff has been preparing for the move into the new City Hall which is planned for November 6, 2017. She stated she does not want to plan a work session that may not be productive. Staff has not prepared an item for discussion for the November work session and so staff is asking if the Commission has anything they would like to focus on for the next meeting, if not the meeting will be cancelled.

Commissioner Frank explained that he understands the short term events coming up quickly within the next month or two but asked if staff had a long term plan for work sessions.

Zoning & Development Manager Carraway-Johnson explained that the monthly meetings were originally to provide a preview to the public hearing agenda, which was deemed inappropriate, therefore the work session meetings were cancelled. The work sessions were rescheduled to discuss code amendments and educate the Commission on City Code. Senior Planner Spendlove has been tasked with working on these amendments.

Senior Planner Spendlove explained that after doing the definitions approximately 60% of the definitions chapter has been amended. If the definitions chapter is any indication what it is going to take to amend Title 10, he suspects that the other chapters will require as much if not more amendments. The process for amending sections of the code requires a public hearing in front of the Planning & Zoning Commission and the City Council. When the amendment is made staff has to track what the current code is, what has been deleted and identify and amendments. The bookkeeping process for each individual item to be changed over time is very time consuming and if 60% of the definitions have been amended the remainder of Title 10 will not be any easier. He has been working with Deputy City Manager Humble to create a staff report to present to Council to propose that instead of changing the code piece by piece, staff would recommend Title 10 be completely repealed and replaced. This does two things it allows staff to overhaul not only the definitions, the uses but also the entire layout of the code

section without having to track every single change, which in turn saves time. For example in the definitions indoor recreation facility is no longer identified, staff has recognized through experience that different have been categories as indoor recreation facility they have all had different impacts that may or may not have justified acquiring a Special Use Permit. If the city adopts the new definitions and that use is no longer identified, but is still listed in the zoning section it will create a conflict in the code, but waiting to review each definition and update each zoning section piece by piece would take forever. Staff deals with this issue already because our code does not always correlate with the Comprehensive Plan and staff has to navigate through keeping in mind the code as well as the intent of the Comprehensive Plan. If the entire section is replaced it gets done all at one time, which is what we are going to propose to City Council. The conversation about what uses should be allowed or allowed with a special use permit could not take place with defining each use. After working on the definitions for uses it was recognized that if 60% of that had to be overhauled, and Comprehensive Plan identifies zones we don't have it may be better to just overhaul the entire thing and replace Title 10.

Commissioner Grey asked about a timeline for this to be presented to City Council.

Zoning & Development Manager Carraway-Johnson explained realistically it will be presented to City Council in the new year. If the Council approves staff request, that will mean that Senior Planner Spendlove will be tasked with completing a draft of the proposed Title 10 revision and be what he is assigned to focus on for possibly the next year.

Commissioner Frank suggested that staff cancel the work session for now and improvise.

Senior Planner Spendlove explained the discussions can continue and items could be scheduled for public hearings but if they are just going to be revised or relocated in the new Title 10 Code section it just creates double the work.

Commissioner Grey recommended that if he Commission wants to discuss something it could be presented for discussion at the end of the evening meetings.

Assistant City Engineer Vitek explained that the current City Council building will be used throughout the rest of this year.

Commissioner Frank explained it is next to impossible to deal with the parking now that the police department has fenced off the parking area across the street. He also reminded the Commission that Commissioner Hall has stepped down so attendance is essential for a quorum. There will be an advertisement for his vacant position as well as three other positions that will be vacant at the end of February.

8) Adjournment

Chairman Frank adjourned the meeting at 7:23 pm.



Date: Monday, December 17, 2018
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request for a Right-of-Way encroachment by 1485 Pole Line Road East.

Time Estimate:

Consent Item

Background:

The Magic Valley Mall II LLC, located at 1485 Pole Line Road East, Twin Falls, Idaho 83301 is constructing a new building requiring a 5' retaining wall at the edge of the Right-of-Way (ROW). To provide safety for pedestrians, the Magic Valley Mall II LLC desires to place a fence to protect pedestrians from the risk of falling from the wall down into the new building site. Because the retaining wall was built at the edge of the ROW the fence will need to be constructed within the City of Twin Falls ROW. The encroachment does not impact the street in any way, only the potential expansion of a future right turn bay into the Magic Valley Mall. This agreement will allow The Magic Valley Mall to construct the fence within a portion of City ROW. If at anytime the City desires to utilize the ROW, this agreement will allow the City to require the Magic Valley Mall to vacate the area and remove the fence at no cost to the City.

Approval Process:

A majority vote of the Council is required to approve this request.

Budget Impact:

None

Regulatory Impact:

City Code requires that Right-of-Way encroachments be approved by City Council.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends the Council approve the request as presented.

Attachments:

1. Right of Way Encroachment Agreement
2. Exhibit

WHEN RECORDED RETURN TO:
The City of Twin Falls, Idaho
Attn: Erin Steel, Engineer 1
P.O. Box 1907,
Twin Falls, Idaho 83303

RIGHT-OF-WAY ENCROACHMENT AGREEMENT

THIS RIGHT-OF-WAY ENCROACHMENT PERMIT (this "**Permit**") is executed by and behalf of THE CITY OF TWIN FALLS, IDAHO, an Idaho municipal corporation ("**Grantor**") and MAGIC VALLEY MALL II LLC, a Utah limited liability company ("**Grantee**").

Recitals

- A. Grantee owns certain real property at 1485 Pole Line Road E, Twin Falls Idaho and adjoining that public right-of-way; and,
- B. Grantee has Leased to Olive Garden at said location; and,
- C. Grantee wishes to install a 42" railing within the right of way paralleling a recently constructed retaining wall running along the property line abutting the right of way of Pole Line Road, generally the proposed railing will be installed approximately 6 ft away from said property line within the Right of Way, the encroachment is more particularly described in Exhibit A, attached hereto and incorporated herein; and,
- D. The City Engineer has reviewed the Grantee's request for an encroachment permit, and has determined that the proposed encroachment will interfere with the widening/improvement of Pole Line Road for the foreseeable future; and
- E. The Grantor and Grantee have agreed that the encroachment shall be removed by the Grantee at such time Pole Line Road widening has commenced construction or at any such time the right-of-way is needed for the development of public infrastructure within the public right-of-way.

Agreement

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby convey unto Grantee, an encroachment permit to be located on the public right-of-way, in the County of Twin Falls, Idaho.

- 1. This Permit may be revoked and terminated at the sole discretion of the Grantor, upon the determination that the right-of-way subject to this encroachment is needed for the further development of the Grantor's public infrastructure. Upon termination of this Permit, Grantee shall remove the guard railing to permit construction of public infrastructure.
- 2. Grantee shall install no less than (6) six metal placards approximately 2" x 3" in size securely fastened to the guardrail spaced periodically along the guardrails entire length this placard shall specifically reference this documents county record number to assist in ensuring this work is



performed by the grantee at such time Grantor deems necessary. (example of language on Placard: "PRIOR TO REMOVAL REFER TO COUNTY RECORDED DOCUMENT # _____. LOCATED IN TWIN FALLS COUNTY RECORDERS OFFICE").

3. At such time the guardrail is removed an additional retaining wall will be installed by the Grantor and at that time a new guardrail will be installed in accordance with Exhibit B for a future conditions detail, attached hereto and incorporated herein.

4. This Permit covers all the agreements by the parties hereto and the parties agree further that there are no written or verbal agreements otherwise which change or add to the terms hereof. This grant of Permit is perpetual, and shall bind the parties, their heirs, personal representatives, lawful assigns and successors in interest until such time this Permit is revoked by Grantor and the guard rail is removed, at such time the Grantee has no further obligation and this Permit is nullified.

Executed this ____ day of November, 2018.

GRANTOR:

Shawn Barigar, Mayor
City of Twin Falls

GRANTEE:

**MAGIC VALLEY MALL II LLC,
a Utah limited liability company**

**By: WOODBURY CORPORATION,
a Utah corporation, Its Co-Manager**

By:

O. Randall Woodbury, President

By:

W. Richards Woodbury, Chairman

**By: THORNTON DEVELOPMENT & INVESTMENT, LLC,
a Utah limited liability company, Its Co-Manager**

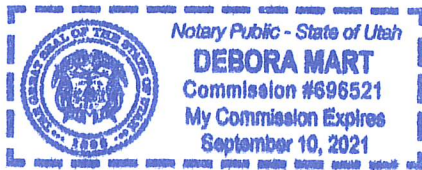
By:

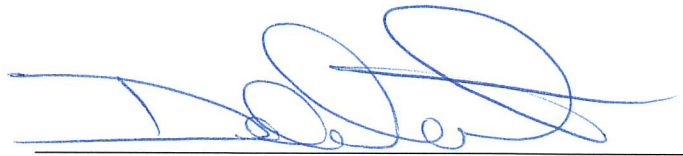
Scott W. Thornton, Manager

ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

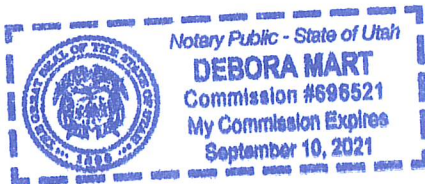
On the 28th day of November 2018, before me personally appeared O. Randall Woodbury, to me personally known, who being by me duly sworn did say that he is the President of WOODBURY CORPORATION, the Co-Manager of MAGIC VALLEY MALL II LLC, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of said company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.

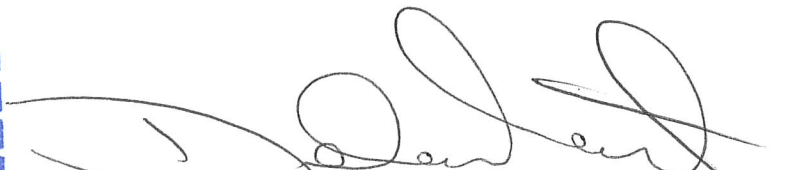



Notary Public

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 28th day of November 2018, before me personally appeared W. Richards Woodbury, to me personally known, who being by me duly sworn did say that he is the Chairman of WOODBURY CORPORATION, the Co-Manager of MAGIC VALLEY MALL II LLC, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of said company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.

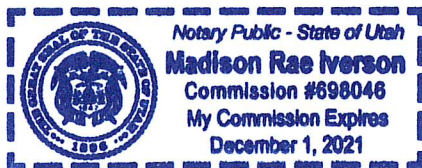



Notary Public



STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 29 day of November, 2018, before me personally appeared SCOTT W. THORNTON, to me personally known, who being by me duly sworn did say that he is the Manager of THORNTON DEVELOPMENT & INVESTMENT, LLC, the Co-Manager of MAGIC VALLEY MALL II LLC, the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of said company therein named, and acknowledged to me that such company executed the within instrument pursuant to its Operating Agreement.



Madison Iverson
Notary Public

STATE OF IDAHO

) ss.

County of Twin Falls

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

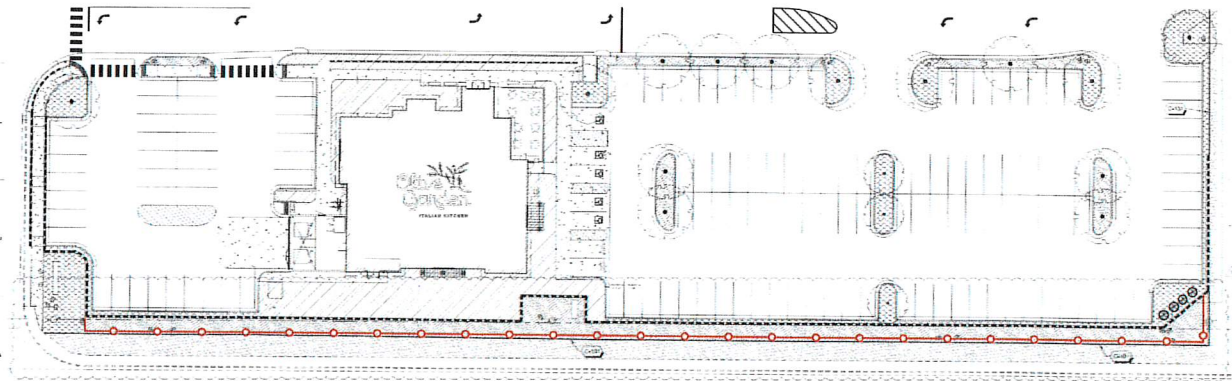
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public
Residing at: _____
Commission expires: _____

Shawn Barigar
Mayor

EXHIBIT A

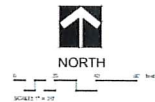
42" GUARD RAIL FENCE LOCATED APPROXIMATELY SIX (6) FEET FROM THE EXISTING RETAINING WALL PARALLELLING THE PROPERTY LINE OF LOT 3, ON THE THIRD AMENDED MAGIC VALLEY MALL SUBDIVISION.



LEGEND

—○—○—○— 42" GUARD RAIL FENCE LOCATED APPROXIMATELY SIX (6) FEET FROM THE EXISTING RETAINING WALL PARALLELLING THE PROPERTY LINE OF LOT 3, ON THE THIRD AMENDED MAGIC VALLEY MALL SUBDIVISION.

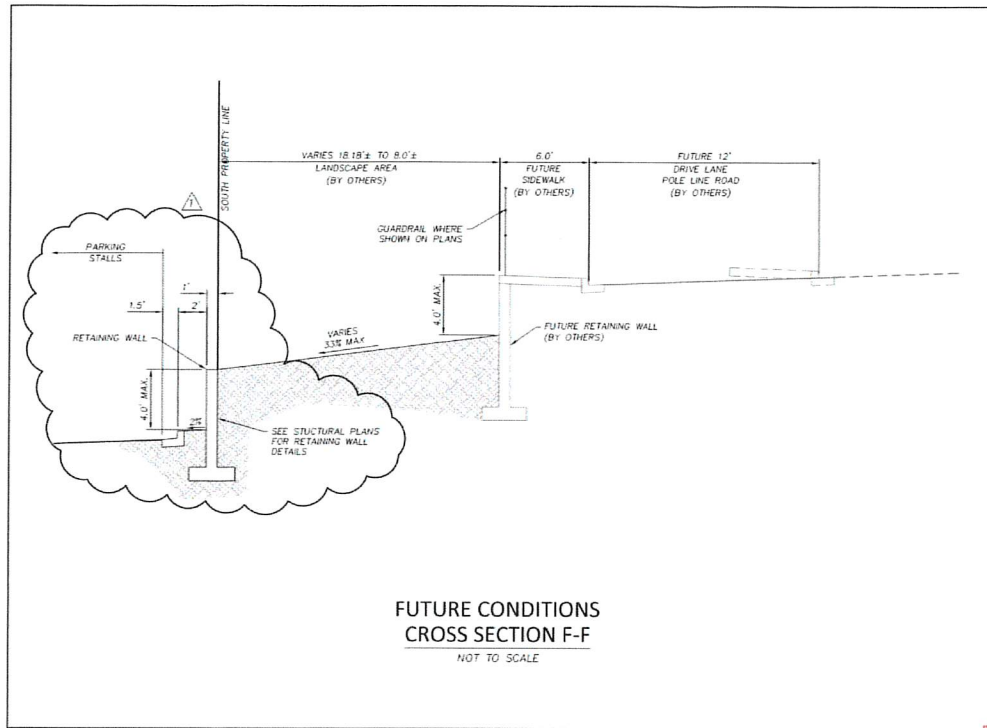
REFERENCE NOTES SCHEDULE	
SYMBOL	DESCRIPTION
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1-3	NEW
1-4	NEW
1-5	NEW
1-6	NEW
1-7	NEW
1-8	NEW
1-9	NEW
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1-100	NEW



Handwritten signature and initials in blue ink.

EXHIBIT B

FUTURE CROSS SECTION OF POLE LINE ROAD EAST



REVISION DES
ADD #1 - UPDATE
COMMENTS

Engineering

DETAIL SHEET
OLIVE GARDEN - MAGIC VALLEY MALL
1485 POLE LINE ROAD
TWIN FALLS, IDAHO

DETAIL SHEET

PROJECT #: 1775-3000

DATE: 02/02/18

DESIGNED BY: J.W.

CHECKED BY: J.W.

Plans must be approved by the City of Twin Falls for all improvements.

Site for all improvements.

C702

J. Say



Date: Monday, December 17, 2018
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to accept the Improvement Agreement for the purpose of developing Valencia Park Subdivision, a ZDA.

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 - Valencia Park

IMPROVEMENT AGREEMENT

for

DEVELOPMENTS

This Agreement made and entered into this _____ day of _____, 20____, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and New Earth Development, Inc. _____ hereinafter called "Developer" for

the purpose of constructing certain improvements on property sought to be developed for the following Development Valencia Park Subdivision, a ZDA.

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:
84 Townhouse Units.

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

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

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

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

WITNESSETH

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

I.

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

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

II.

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

a. Surety Bond

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

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

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

III.

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

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

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

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

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

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

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

IV.

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

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

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

X.

The City shall provide no compensation for the cost of an oversize water or sewer line. In the case of water or sewer lines extended adjacent to or outside the limits of development, the Developer shall be eligible for payback from adjacent property owners pursuant to Resolution No. 1182. The Developer shall also be eligible for compensation when a private developer extends or connects to any water or sewer system previously installed by private developer, pursuant to Resolution 1651, Resolution 1816 and Resolution 2017-13.

XI

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

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

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

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

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

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

XII.

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

PUBLIC WAYS

(a) Required Improvements

- (1) Curb, gutter and sidewalk on all public street rights-of-way.
- (2) A standard residential street thirty six feet (36') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course on all public street rights-of-way serving residential use property.
- (3) Minor residential and private streets as specified in the City of Twin Falls Standard Drawings.
- (4) A standard commercial or collector street forty eight feet (48') wide with an ~~eleven~~ twenty-three and one-half inch (~~44~~ 23.5") gravel course and ~~three~~ two and one half inch (~~3~~ 2.5") 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~~ six feet (~~5~~ 6') wide minimum on all public pedestrian rights-of-way. Four foot (4') sidewalks by special permission of the City Council are allowed by City of Twin Falls Standard Drawings for minor residential streets under certain conditions.

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

WATER SYSTEM

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

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

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

During construction of the curb the letter W shall be stamped into the top or face of the curb directly in front of the water meter box. The impression shall be not less than one and one half inches (1½") high. Meters shall be grouped at adjacent side lot lines when possible or at another location if requested by the Developer and approved by the City Engineer and Water Superintendent. Water meter boxes will not be allowed in driveway approaches. Any cost associated in relocating meters from driveway approaches will be the responsibility of the Developer or Lot Owner. Temporary address or lot number signs shall be staked at the location where the water meter box is to be installed. The City may install multiple water meters in a single water meter box.

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

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

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

(b) City Costs

- (1) None.

(c) Required Inspections

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

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

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

(b) City Costs

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

DRAINAGE SYSTEM

- (a) Required Improvements
 - (1) Any valley-gutters, ditching, grading or other surface drainage facilities necessary to convey any storm run-off originating from or traversing across the proposed development over the land surface to a point of retention, detention or discharge approved by the City Engineer.
 - (2) Any catch basin, storm sewer and other sub-surface drainage facilities necessary to convey any storm run-off, originating from or traversing across the proposed development, to a point of retention, detention or discharge approved by the City Engineer, that cannot, in the City Engineer's opinion, be conveyed over the land surface without causing damage to public or private property or without being an unreasonable inconvenience or hazard to a private individual, a group of individuals or the general public.
- (b) City Costs
 - (1) None.
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

GRAVITY IRRIGATION SYSTEM

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

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

PRESSURE IRRIGATION SYSTEM

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

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

- a) Required Improvements
 See Attached ZDA Development Commitment
-
-
-

- b) City Costs
 (1) None.

XIII.

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

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

XIV.

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

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

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

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

XV.

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

XVI.

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

Attest:

CITY OF TWIN FALLS, IDAHO

City Clerk_____
MayorDeveloper 

STATE OF _____)
)ss.
County of _____)

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

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

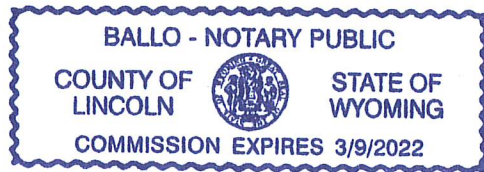
Notary Public for Idaho
Residing at Twin Falls, Idaho

CORPORATION

STATE OF WYOMING)
)ss.
County of LINCOLN)

On this 29th day of OCTOBER, 2018, before me, the undersigned, a Notary Public for WYOMING, personally appeared Dennis Hourany, known or identified to me to be the president of New Earth Development, Inc., and the shareholder who subscribed said Corporation Name to the foregoing instrument and acknowledged to me that he executed the same in said Corporation name.

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



Ballo
 Notary Public for Idaho Residing
 at WYOMING
135 SPUR LOOP, ETNA, WY

PARTNERSHIP

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

On this ____ day of _____, 20__, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known or identified to me (or proved to me on the oath of _____) to be one of the partners in the partnership of _____, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

 Notary Public for Idaho
 Residing at Twin Falls, Idaho

NOTICE OF DEVELOPER'S AGREEMENT

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

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

CITY OF TWIN FALLS, IDAHO

City Clerk

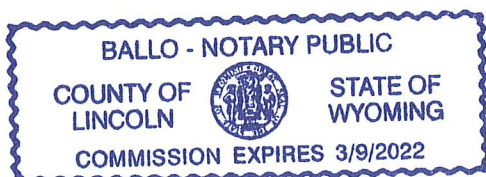
Mayor

Developer

STATE OF ~~IDAHO~~ ^{WYOMING})
~~LINCOLN~~ ^{LINCOLN})ss.
 County of ~~Twin Falls~~)

On this 29th day of OCTOBER, 2018 before me, the undersigned, a Notary Public for ~~Idaho~~ ^{WYOMING}, personally appeared DENNIS HOURANY, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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



Ballo
 Notary Public for ~~Idaho~~ ^{WYOMING}
 Residing at ~~Twin Falls, Idaho~~
135 SPUR LOOP - ETNA, WY

From: Randy Steadham <steadham11@gmail.com>

Sent: Thursday, December 13, 2018 1:39 PM

To: Wendy Davis <wdavis@tfid.org>

Subject: Tree denial permit addison and eastland

This letter is in reference to the denial of tree permit on addison and eastland.

The will be a Zions bank office complex, the plan is to remodel the building, landscape with new sprinkler system, all new trees, and shrubs.

The two cedars trees in question are in poor health. They have been starved of water for nearly 2 years. They have bores and are not visual appealing trees, due to being trimmed away from the powerlines and almost no growth on west side from being planted too close together. To run the new sprinkler system the roots of the trees are in the way and will have the roots damaged to get in the new system.

They also block the view when leaving the parking look and close to high tension power lines. When new planting is done those trees will not match of fit new landscaping plan



Date: Monday, December 17, 2018
To: Honorable Mayor and City Council
From: Wendy Davis, Parks & Recreation Director

ACTION ITEM

Request:

ACTION ITEM: Request to extend Twin Falls Golf Club Agreement through February 22, 2019.

Time Estimate:

Presentation will take approximately 5 minutes, then allow some time for questions and answers.

Background:

The Concession Agreement with Steva LLC for the operation and management of the Twin Falls Golf Club expires on December 31, 2018. We are in the process of reviewing and updating the agreement for renewal. It is our intention to renew the agreement with Steva LLC for seven years. We are requesting to extend the existing agreement terms through February 22, 2019 to accommodate City Employee, Dario Marques, until his intended retirement date of February 22, 2019.

The current agreement provides for the retention of Dario Marques as a City employee by Steva LLC, and the reimbursement by Steva LLC to the City for his salary and benefits. With Dario's pending retirement, the new agreement language simply requires Steva LLC to retain a Head Greenskeeper, but no longer requires that to be a City employee.

This request to extend the existing agreement will cover the current arrangement through Dario's retirement, and allow for the execution of the new agreement with the new terms upon Dario's retirement.

Approval Process:

A simple majority will approve this request.

Budget Impact:

There is no budget impact associated with this request.

Regulatory Impact:

Approval of this request will allow Steva LLC and the City of Twin Falls to honor the existing Concession Agreement through February 22, 2019.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends council approve this request.

Attachments:

None



Date: Monday, December 17, 2018
To: Honorable Mayor and City Council
From: Brian Pike, Deputy City Manager

ACTION ITEM

Request:

ACTION ITEM: Presentation from the Fire Station Advisory Committee.

Time Estimate:

20 Minutes

Background:

As outlined by the Fire Station Committee Charter, the Fire Station Committee will provide a recommendation to the City Council regarding the programming solutions as provided by the Fire Station Programming Team.

The Fire Station Committee has closely reviewed information provided by city staff, consultants and other individuals related to the project.

Debbie Dane will present the recommendation along with support from the committee and city staff as needed.

Approval Process:

The Fire Station Advisory Committee will be making a recommendation to Council. If Council agrees with the recommendation, they can take formal action and accept the recommendation from the committee.

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Attachments:

1. FSC

FIRE STATION COMMITTEE CHARTER

Purpose

The primary goal of the Fire Station Committee (FSC) will be to provide a recommendation to the City Council regarding the programming solutions as recommended by the Fire Station Programming Team and to help identify possible funding solutions for the project.

The FSC will closely review information provided by city staff, consultants, and other individuals related to the project over the course of six meetings in August through October 2018.

Ground Rules

1. **Equal Voices.** Each member is an equal participant in the process and has equal opportunity to voice opinions and contribute ideas. FSC members recognize the legitimacy of the interest, concerns and goals of others, whether or not they agree with them.
2. **Commitment to Learning.** FSC members are committed to making a special effort to listen carefully, ask pertinent questions, and educate themselves about the interests and needs of City residents. They are responsible for keeping in mind the interests of the all City of Twin Falls residents, even as they bring their own opinions to the table or represent specific interest of positions.
3. **Speak Up.** Members are encouraged to share their thinking out loud, to get all the group's best thoughts out in the open to enrich the discussion; silence is agreement.
4. **Keep an Open Mind.** FSC members are open to learning new information and considering perspectives different from their own.
5. **Ask Questions.** Questions of clarification are encouraged. Members should speak up if they feel there is any area of confusion or more information is needed.
6. **Speak for Oneself.** FSC members may bring input from others, but it is understood that each member speaks for her/himself.

7. **Civility, Courtesy and Respect.** FSC members commit to treating each other with civility, courtesy and respect so that meetings are comfortable for all.

8. **Stay on Track.** In light of the limited time available to complete its work, FSC members commit to making the concerted effort to focus on the topics under discussion and work towards consensus.

9. **Strive for Consensus.** In striving for consensus, FSC members commit to actively looking for ways to find agreement.

- Consider something that you may disagree with and consider “if” something changed how you might be able to move to consensus.
- Put another way, if a FSC member cannot live with the direction, she/he must offer an alternative.

10. **Share Information with the Broader Community.** FSC members are encouraged to discuss the Fire Station Project with City of Twin Falls residents outside of the FSC meetings, in order to share their knowledge and bring others’ opinions and perspectives back to the group.

11. **Civility in Community Conversations.** Each member who discusses the FSC’s work with the broader community commits to fostering conversations that share the same courteous, civil, and constructive tone as FSC meetings.

12. **No Surprises.** Out of respect for other FSC members, any member who plans to share information with the broader community that is unexpected should first inform her/his colleagues on the FSC.

13. **Attend Every Meeting.** Each member commits to attend all meetings. Alternatives are not being designated in this process. If a member must miss part or all of a meeting, she/he is responsible for asking another committee member to represent her/his interest or position at the meeting. The member may also submit written comments that will be shared with the group.

14. **Feedback Encouraged.** Members are welcome and encouraged to submit feedback to the facilitator or the City regarding the meetings, either after meetings or between them, via email or phone.

15. **Accountability.** Members of the FSC commit to helping hold each other accountable for following the Ground Rules.

Role of the Facilitator

The facilitator's role is to keep the meeting running smoothly and on time, keep the discussion focused and the format interactive, and ensure the meetings following the Ground Rules outlined above.

The facilitator is a neutral party in FSC discussions. She/he strives to help FSC members participate in the discussion and reach consensus if possible, without advocating for a specific outcome.

The facilitator will write drafts of the FSC recommendations and provide a final version that is approved by the FSC to the City Manager.

Role of City Staff

Through the course of the FSC's meetings, members will hear from City staff about the City's budget, current fire stations condition, programing needs of the fire department, site proposals, architectural design and other details related to the project. City staff will play an informational role but are not considered members of the FSC. They will:

- Kick-off the first meeting with welcome and introductions
- Make presentations to the group, providing subject matter expertise, analysis and insight
- Answer questions submitted by FSC members during and in between meetings
- Encourage discussion of new ideas and suggestions by providing information and/or perspectives on City government
- Help with flip-charting and note-taking at FSC meetings

Role of City Council

The City Council will appointed one of their members to serve on the FSC. Oher members may elect to attend FSC meetings but will do so as observers rather than taking an active role.

Role of Observers

All Twin Falls city residents are welcome to attend and observe the FSC meetings. Their role is limited to observation; there will not be a public comment period. Observers are encouraged to provide comments to the members during breaks or outside of meetings.

We will also offer observers opportunities to put comments in writing. If hearing from them during a meeting would benefit the FSC, the facilitator will call upon them to speak

after receiving permission from the FSC members. Observers need to abide by the committee's Ground Rules.

Consensus and Recommendations

The FSC is expected to represent a wide range of citizen's interests, perspectives, and opinions. Decisions on recommendations will be made by the consensus of the group.

If some FSC members find they cannot support an emerging recommendation of the entire group, they are obligated to make their concerns known, and the rest of the group is obligated to listen with an interest in resolving them. Everyone is expected to work together to address the concerns, including asking the concerned party to clarify the underlying interests or discuss other dynamics that could be interfering with an agreement. All parties are obligated to try to find an alternative that meets the interest of the concerned party as well as their own.

If it is not possible to reach consensus on particular recommendations, the potential options for resolving the issue will be documented and included in the FSC's report as a minority opinion.

FSC Work Plan

Date and Time	Topics