



Twin Falls City Council Agenda

Monday, February 4, 2019, 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 January 28, 2019, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the Accounts Payable for January 24 thru January 30, 2019.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve the Findings of Fact and Conclusions of Law for the following: Kaitlyn Court, LLC (PZ19-0004)
By: Jonathan Spendlove, Director of Planning & Zoning
- 6) ITEMS OF CONSIDERATION
 - a) **Presentation** of the Road to the 2020 Consensus.
By: Jayne Black, Partnership Specialist – Idaho, Los Angeles Regional Census Center U.S. Census Bureau
 - b) **ACTION ITEM:** Request to adopt the 2017 Idaho Standards for Public Works Construction Specifications and Standard Drawings (ISPWC) and the 2017 City of Twin Falls Revisions to the ISPWC.
By: Josh Baird, Staff Engineer
 - c) **ACTION:** Request to adopt the latest version of the Twin Falls Improvement Agreement for Developments.
By: Troy Vitek, Assistant City Engineer
- 7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request to Vacate an undeveloped portion of Washington Street South right-of-way located at the Southwest corner of Washington Street South and South Park Avenue West c/o the Engineering Department on behalf of the City of Twin Falls. (PZ18-0093)

By: Jonathan Spendlove, Director of Planning and Zoning

- b) **ACTION ITEM:** Requests a Zoning District Change and Zoning Map Amendment from R-4 and M-1 to M-2 for property located at 304, 312, 404 Washington Street South c/o Tom Mikesell on behalf of Gem State Dairy Product, LLC. (PZ18-0095)

By: Jonathan Spendlove, Director of Planning and Zoning

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, January 28, 2019, 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 Talkington and Ruth Pierce

Absent: Council Members Greg Lanting, Christopher Reid

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Brian Pike, City Attorney Shayne Nope, Police Chief Craig Kingsbury, Fire Chief Les Kenworthy, Environmental Engineer Jason Brown, Assistant Finance Director Brent Hyatt, Code Enforcement Director Sean Standley, Building Official Jarrod Bordi, City Planner Steve O'Connor, Staff Engineer Lee Glaesemann, Parks & Rec Director Wendy Davis, Public Information Officer Joshua Palmer, Human Resource Director Gretchen Scott, Desktop Support Analyst Jeremiah Parent, P&Z Administrative Assistant Kelli Ebersole & Finance Administrative Assistant Amy Luna.

Mayor Barigar called the meeting to order at 5:02 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

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

3) PROCLAMATIONS: None

4) GENERAL PUBLIC INPUT: None

5) CONSENT CALENDAR

Council Member Talkington stated that he would be abstaining from the vote as he was not present for the last meeting.

MOTION: Vice Mayor Boyd moved to approve the Consent Calendar as presented. Council Member Hawkins seconded the motion. Roll call vote showed all members present voted. Mayor Barigar, Vice Mayor Boyd and Council Members Hawkins and Pierce voted in favor of the motion while Council Member Talkington abstained.

- a) **ACTION ITEM:** Request to approve the January 14, 2019, City Council Minutes.
- b) **ACTION ITEM:** Request to approve the Accounts Payable for January 10 thru 23, 2019.
- c) **ACTION ITEM:** Request to approve an Alcohol License for Ballroom Brew LLC, Dba Milner's Gate.
- d) **ACTION ITEM:** Request to approve the Finding of Fact and Conclusions of Law for the following:
Valencia Park Subdivision (PZ18-0102)
River Ridge Estates #5 Subdivision (PZ18-0087)
Cedarpark Subdivision No. 11 (PZ18-0080)

Rio Vista Subdivision (PZ18-0061)
Workman Office Condominiums c/o Brady Workman (PZ18-0111) Kaitlyn
Court, LLC (PZ18-0059)
Special Use Permit for Kaitlyn Court, LLC (PZ18-0059)

- e) **ACTION ITEM:** Request to approve the Final Plat for the Kaitlyn Court Subdivision located at the 500 Block of Borah Avenue West. (App. PZ19-0004)

6) ITEMS OF CONSIDERATION

- a) **ACTION ITEM:** Request to confirm the appointments of Jay Reis, Scott Standley and Taylor Marecle to the Building Safety Department Advisory Committee.

Mayor Barigar made a request to confirm the appointments of Jay Reis, Scott Standley and Taylor Marecle to the Building Safety Department Advisory Committee.

MOTION: Council Member Pierce moved to approve the request to confirm the appointments of Jay Reis, Scott Standley and Taylor Marecle to the Building Safety Department Advisory Committee. Council Member Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the m. 5 to 0.

- b) **PRESENTATION:** Reimbursement of operational expenses at the Wastewater Treatment Facility.

Environmental Engineer Jason Brown and Jack Bennion from Jacobs Engineering Group made a presentation of the operational expenses at the Wastewater Treatment Facility.

Mr. Bennion announced that there would be a rebate issued to the City of Twin Falls in the amount of \$207,001.00 for the 2018 Fiscal Year.

Council Member Talkington asked what, if any, the refunded amount was for Fiscal Year 2017.

Mr. Bennion replied that the refund for 2017 was \$76,201.00

Mayor Barigar thanked Mr. Bennion for the service that they provide to the City.

- c) **ACTION ITEM:** Request the use of City property for the construction of additional sediment removal ponds.

Environmental Engineer Jason Brown made a request for use of City property for the construction of additional sediment removal ponds.

Discussion ensued on the following:

Mayor Barigar: Explained that the article in the paper was incorrect in stating that the City was using its treated waste water from the waste water treatment plant as part of this proposal. The water that will go through these sediment ponds is return irrigation water from the canal company.

Council Member Talkington: Spoke in favor of this motion.

Council Member Hawkins: Asked about the financial costs to the City.

Vice Mayor Boyd: What is the ongoing cleanliness of these ponds?

MOTION: Council Member Talkington moved to approve the request for the use of the City property for the construction of additional sediment removal ponds. Council Member Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- d) **PRESENTATION:** Presentation of the City of Twin Falls Quarterly Financials.
Assistant Finance Director Brent Hyatt made a presentation of the City of Twin Falls Quarterly Financials.

Discussion ensued on the following:

Council Member Talkington: Asked if there are any trends that they need to be aware of.

City Manager Rothweiler: Gave further details regarding the Quarterly Financials.

Mayor Barigar thanked Mr. Hyatt for his report.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

City Manager Rothweiler reported on the Smoke Free Initiative.

Next Smoke Free Listening Session will be held on February 7, 2019 at 4:00 pm at the Twin Falls Library.

8) PUBLIC HEARINGS: None

9) ADJOURNMENT

The meeting adjourned at 05:37 PM



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Final Plat Application,</u>	)	FINDINGS OF FACT,
	)	
<u>Kaitlyn Court Subdivision</u>	)	CONCLUSIONS OF LAW,
<u>c/o EHM Engineers, Inc.</u>	)	
	)	AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on January 28, 2019 for consideration of the final plat of the Kaitlyn Court Subdivision, approximately 2.01 (+/-) acres, to develop 8 lots located south of the intersection of Borah Avenue West and Rose Street North, and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

FINDINGS OF FACT

Applicant has requested approval of the preliminary plat of Kaitlyn Court Subdivision, approximately 2.01 (+/-) acres, to develop 8 lots located south of the intersection of Borah Avenue West and Rose Street North. 2. The property in question is zoned R-4 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Neighborhood Commercial in the duly adopted Comprehensive Plan of the City of Twin Falls.

3. The existing neighboring land uses in the immediate area of this property are: to the north, residential/Borah Ave West; to the south, Residential; to the east, Residential; to the west, Residential.

4. The City Engineering Office has reviewed the final plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

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

CONCLUSIONS OF LAW

1. The final plat of the Kaitlyn Court Subdivision, approximately 2.01 (+/-) acres to develop 8 lots located south of the intersection of Borah Avenue West and Rose Street North is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The final plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H)(2)(a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H)(2)(d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the City Council's attention, per Twin Falls City Code §10-12- 2.3(H)(2)(e).

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

DECISION

The request for approval of the final plat of the Kaitlyn Court Subdivision, approximately 2.01 (+/-) acres to develop 8 lots located south of the intersection of Borah Avenue West and Rose Street North is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

DATE

“EXHIBIT NO. A”

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.



Date: Monday, February 4, 2019
To: Honorable Mayor and City Council
From: Josh Baird, Staff Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to adopt the 2017 Idaho Standards for Public Works Construction Specifications and Standard Drawings (ISPWC) and the 2017 City of Twin Falls Revisions to the ISPWC.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background:

The City Engineer has the responsibility to establish City standard specifications and drawings for the City of Twin Falls. Standard specifications and drawings provide guidance to contractors/developers/engineers on how to construct infrastructure such as the the water system, sewer system, and roads.

For decades, the City had their own standard drawings and specifications. In the fall of 2016, the City adopted the 2015 Idaho Standards for Public Works Construction (ISPWC) along with a supplementary document revising parts of ISPWC to tailor it to the City of Twin Falls. ISPWC has an Executive Committee which meets regularly to review the specification and issue updates every several years.

While most of the 2015 ISPWC was reviewed by City staff prior to implementation in 2016, several divisions or sections were not, most notably, the Pressure Irrigation Division. This 2017 adoption now includes a large revision to the state standard aligning the specification with current construction practices. Other major City revisions from the 2015 edition to the 2017 edition include the Traffic Division, the Miscellaneous Division, and the Plant Mix Pavement Section.

As was the case while the City was looking to adopt ISPWC for the first time back in 2016, the local contractor/development/engineering community was invited to review the revisions and provide feedback. An itemized list was generated from that community and provided to City staff. After multiple meetings and some negotiations, general consensus was reached with the City accepting the majority of the comments that were made. The proposed City Revisions to the 2017 Idaho Standards for Public Works Construction can be found on the City's FTP website.

Approval Process:

A majority vote of the Council to adopt the 2017 Idaho Standards for Public Works Construction and the City of Twin Falls Revisions to the 2017 Idaho Standards for Public Works Construction.

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

City staff recommends that the City Council adopt the 2017 Idaho Standards for Public Works Construction and the City of Twin Falls Revisions to the 2017 Idaho Standards for Public Works Construction for use in the construction of public works construction.

Attachments:

None



Date: Monday, February 4, 2019
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION: Request to adopt the latest version of the Twin Falls Improvement Agreement for Developments.

Time Estimate:

Staff Estimates 5 minutes to discuss the request

Background:

As subdivision projects begin, the developer delivers to the city an executed improvement agreement that comes before the City council, usually on the consent calendar, that describes the project along with developer's and City's responsibilities. The agreement is required prior to the City approving the construction plans. The last time this agreement was updated was in 2008. Staff has reviewed the previous 2008 agreement and made changes to it to reflect current policies and standards that have been modified since 2008. Staff shared the revised agreement with the development community and later met with them to discuss a few details. The details were negotiated and there was a general consensus that the attached agreement meets the values and goals of the city while being attainable by the development community.

Approval Process:

A majority vote of the council is necessary to enact the new Improvement Agreement

Budget Impact:

No additional fiscal impact by approval of the agreement

Regulatory Impact:

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends approval of the attached development agreement that will be required on future subdivision developments.

Attachments:

1. 2019 - Improvement Agreement 1-30-19 (draft)

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 _____ hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development _____.

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:

_____.

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

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

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

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

W I T N E S S E T H

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

I.

City agrees: (1) to operate and maintain all approved streets, alleys, service 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, pressure irrigation lines, storm drainage lines, sewer lines constructed under the terms of this Agreement in any public rights-of-way or easements and to provide water, sewer, and pressure irrigation service to the Developer's real property, subject to all ordinances, rules and regulations governing sewer, water service, and pressure irrigation. (3) To maintain non-pressure irrigation lines only where they cross City streets. (4) Storm water facilities will be maintained in an easement, if there exists a safety hazard the City has an entitlement to maintain. 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 minimum term length shall be two (2) years or until the bond is released by the City, whichever is later.
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 City Council.

5. The escrow agreement shall be drawn and furnished by the subdivider to the satisfaction of the City Council.
- b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.
1. Treasurer, Escrow Agent or Trust Company - A cash deposit or certified check shall be deposited into the City's development escrow account. After the improvements have been accepted, the funds will be returned. A negotiable bond or an irrevocable bank letter of credit, shall be held by the City until the improvements are accepted.
 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.
- c. Trust Agreements.
1. Per the terms of the trust agreement.
 2. Trust agreement must be approved by City Council.

III.

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

- a. Prepare a master utility plan showing the location of all existing and proposed utility lines to include but not be limited to sewer, water, gas, electricity, telephone, irrigation, pressure irrigation, and storm sewer.
- b. Prepare detailed plans and specifications for construction of all improvements required by this Agreement and shall include but not be limited to a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards and specifications. If improvements are not completed within two (2) years, the Developer shall provide an updated, current version of the updated plans and specifications to current city standards. The Developer may request an extension of the approvals previously given for another two (2) years.
- c. Engineer of record shall notify the City in writing of schedule before construction begins.
- d. Perform construction surveying, staking, testing, inspection and administer the construction of all facilities required by this contract.
- e. 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.
- f. 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.
- g. 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 Mylar sheets and an electronic media copy of the plans in current ACAD using City standard format shall be provided within thirty (30) days after completion of the project.
- h. 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 confirmation testing for conformance with City standards, but it shall be the responsibility of Developer's Engineer or other certified individuals to provide all necessary quality control and required testing during construction. All tests shall be taken at a frequency based upon Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings.

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 identifying lots and blocks associated with construction phase 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 Idaho Transportation Department (ITD) 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 Transportation Master 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 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 within two (2) years, the Developer shall provide an updated, current version of the developer's agreement and financial guarantee for City Council

consideration along with updated plans and specifications to current city standards. The Developer may request an extension of the approvals previously given for another two (2) years.

VII.

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.

VIII.

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, sewer lines, or pressure irrigation 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 Transportation Master Plan. Requirements for larger water, sewer and pressure irrigation lines shall be based on the citywide sewer, water, and pressure irrigation system sizing guidelines and based on modeling, if applicable.

IX.

The City shall provide no compensation for the cost of an oversize water, sewer line, and pressure irrigation. In the case of water, sewer, or pressure irrigation lines extended adjacent to or outside the limits of development, the Developer shall be eligible for payback from adjacent property owners pursuant to Ordinance No. 2979. The Developer shall also be eligible for compensation when a private developer extends or connects to any water, sewer, pressurized irrigation or street system previously installed by private developer, pursuant to Resolutions 2017-13.

X

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 accepted by the Developer's Engineer, the City Engineer or the Engineer's authorized inspector. All such inspections shall be scheduled in accordance with Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the 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. The Developer shall submit a Right-of-Way permit and Traffic Control Plan to be approved by the City of Twin Falls prior to any road or sidewalk closures.

XI.

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 three feet (33') wide with an eight inch (8") gravel course and two and a half inch (2.5") asphaltic concrete surface course on all public street rights-of-way serving residential use property.

- (3) Residential, private streets, and service roads, private parking and maneuvering will be equal to or greater than the residential street sections as specified in the City of Twin Falls revisions to ISPWC.
- (4) A standard collector street forty eight feet (48'), wide per Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings, 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) Arterial typical sections will be designed by the developer's Engineer and approved by the City Engineer.
- (6) A sidewalk, per Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings, is required on all public pedestrian rights-of-way. Four foot (4') sidewalks, by special permission of the City Engineer, are allowed by ISPWC and the City of Twin Falls Revisions to the Specifications and Standard Drawings for minor residential streets under certain conditions.
- (7) Landscaping and sidewalk placement required adjacent to arterial and collector streets: A portion 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 as Right-of-Way. Within that Right-of-Way the developer shall install a five feet (5') landscape strip with a sprinkler system to the City of Twin Falls Parks and Recreation standards and shall also install a six foot (6') sidewalk. The landscaping will be maintained by the city and funded through a fee added to the utility bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. TFCC §10-12-4.2(O).
- (8) Street signs and traffic control devices on all public streets.
- (9) Street lights as determined by City policy for street light installation.
- (b) City Costs
 - (1) The cost of any street signs or traffic control devices installed by the City on new or existing streets.

- (2) The cost of any required street lights (standard luminaires mounted on a wood pole). The Developer shall pay the extra cost of any decorative 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 per ISPWC and the City of Twin Falls revisions thereto

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 eight inch (8") 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. Any water main connections closer than 150' to each other will not be considered looped without prior City approval. 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 shall comply with the minimum standards set by the Fire Rating Bureau, American Water Works Association, and the International Fire Code. The maximum length of dead

end fire lines shall be one hundred and fifty feet (150'). Fire hydrants are required in all developments.

- (5) One water service line shall be constructed to each building site at the time the water mains are installed. The design shall minimize the length of the service line and shall terminate at the Right-of-Way. Service taps are not allowed in intersections.

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.

All new water service lines made from new water mains to serve any new development will be the responsibility of the Developer. The developer shall complete all work except when connecting to a live waterline. The City will make the necessary main line taps after payment of the required water connection 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. Multi-units less than three may be approved for additional service lines. It is understood and agreed that the City will make all service line taps on live lines, and that the fee paid by the developer for a Water Connection Permit will reimburse the City for such work. All other work to be completed by the Developer.
- (7) It is further understood and agreed that the City will make all connections to the existing water system. The developer will disinfect the water system and submit testing results to the City prior to making the system live.
- (8) All water valves shall be provided with a gravel access 12" thick where no public roadway currently exists.

(b) City Costs

- (1) None.

(c) Required Inspections

- (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls Revisions thereto.

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-7-4, 7-7-11 and 10-12-4.2 a waste water collection system (eight-inch (8") minimum diameter) that will transport a flow of waste water, under conditions of maximum and minimum discharge from the development, to the existing City waste water system.
- (2) Waste water sewer lines adjacent to or internal to the development will be sized to continue the orderly expansion of the City Waste Water Collection System in accordance with existing sizing guidelines and computer sewer model.
- (3) Manholes to provide access for maintenance and cleaning of the sewer lines located at any change of grade or alignment of the sewer, at the end of each sewer and spaced not more than four hundred feet (400') apart.
- (4) During construction of the curb the letter S shall be stamped into the top or face of the curb directly in front of the sewer service line location. The impression shall be not less than one and one half inches (4") high.
- (5) All manholes shall be provided with a gravel access 12" thick where no public roadway currently exists.

(b) City Costs

- (1) None.

(c) Required Inspections and Testing

- (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls revisions thereto.

STORM 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.

- (3) If storm run-off cannot be conveyed 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, the storm drain shall be piped to the retention facility.
- (4) All retention areas are to be on private property or tracts.

(b) City Costs

- (1) None.

(c) Required Inspections and Testing

- (1) The City will inspect all dry wells for geometry and materials. With prior written approval from the City Engineer other individuals may be authorized to inspect the work. Rock will be submitted for approval prior to placement in dry wells. A request for inspection shall be called in, forty eight (48) hours in advance or two (2) working days whichever is greater.

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 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. Fences will not be located on top of irrigation facilities.

(b) City Costs

- (1) None.

(c) Required Inspections and Testing

- (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls revisions thereto.

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 ZDA, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or ZDA. One (1) share of Twin Falls Canal Company Water for each acre of property within the subdivision shall be transferred to the City of Twin Falls before the filing of the final plat for use in the City's pressurized irrigation system.
- (2) Pressure irrigation water mains and fittings shall be six inch (6") minimum diameter or larger irrigation pipe 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 or found in the current Pressurized Irrigation master plan.
- (3) Pressure irrigation 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) Pressurized irrigation 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. The design shall minimize the length of the service line and shall terminate at the Right-of-Way. Service taps will not be allowed in intersection. One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each subdivision lot connected to the City pressure irrigation water system.
- (5) The Developer shall be responsible for all costs incurred in designing and installing the pressure irrigation station. This includes

the land, pumps, motors, filters, enclosures, delivery system to the station from the TFCC head gate and away from the station on the historical path, storage, 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 and shall be according to the Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings.
- (7) The Pressure Irrigation System shall be located within easements, right-of-ways and/or property deeded to the City of Twin Falls.
- (8) Private Pressure Irrigation Systems shall be located outside City Right-of-Way and within easements. No Public infrastructure will be associated with a private Pressure Irrigation System.
- (b) City Cost.
 - (1) None
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls revisions thereto.

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

- b) City Costs

- (1) None.

XIII.

The developer shall submit an Improvement Agreement with each individual construction phase.

The two (2) year time limit, (indicated in Section VI of the Agreement) for completing the required improvements shall begin from the date of the recordation of this agreement. The Developer may request an extension of the approvals previously given for another two (2) years.

XIV.

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

XV.

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

Attest:

CITY OF TWIN FALLS, IDAHO

City Clerk

Mayor

Developer

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

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known to me

to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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

Notary Public for Idaho
Residing _____

CORPORATION

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

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

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

Notary Public for Idaho
Residing _____

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 _____

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, 203 Main Ave E, Twin Falls, Idaho 83301.

CITY OF TWIN FALLS, IDAHO

City Clerk

Mayor

Developer

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

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

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

Notary Public for Idaho
Residing _____



Date: Monday, February 4, 2019
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

ACTION ITEM: Request to Vacate an undeveloped portion of Washington Street South right-of-way located at the Southwest corner of Washington Street South and South Park Avenue West c/o the Engineering Department on behalf of the City of Twin Falls. (PZ18-0093)

Time Estimate:

Approximately five (5) minutes for Staff Presentation, and five (5) minutes for questions.

Background:

The Planning and Zoning Commission held a public hearing on January 8, 2019. They recommended approval of Vacating the Right of Way by a vote of 8-0.

The comprehensive staff report prepared for the Planning Commission has been provided as Attachment #1. An excerpt from the minutes of the Planning Commission Public Hearing have been provided as Attachment #6.

Approval Process:

All procedures will follow the process as described in City Code 10-16-1&2

Budget Impact:

Regulatory Impact:

Approval of this request will remove the Right of Way designation, reverting the ownership to the adjoining properties, and making current development requirements and standards enforceable on the subject land area.

History:

Portions of the Right-of-Way in question were created/dedicated when plats were recorded in 1910 and 1957. One portion of the Right-of-Way is thought to be dedicated a when the property to the West was created through a record of survey.

Analysis:

The property surrounding this ROW area is currently owned, and utilized, by the City of Twin Falls Public Works Department. The ROW area in question was not utilized due to the realignment of Washington St. S. and Shoshone Street. The undeveloped land has been utilized as unofficial parking for City and private businesses in the area.

Vacating the ROW will allow the Public Works department to develop the land with a formal parking lot, storm water facilities, landscaping, and other required improvements.

As required by code, we did receive letters from the various utility companies whom potentially utilize the ROW. Some have requested replacement easements to be dedicated for their use if the Vacation is approved.

Conclusion:

Staff recommends the following condition if the request is granted:

1. Subject to replacement easements being recorded, as requested by the affected Utility Companies, prior to Ordinance approval.

The Council is tasked with making a decision on this request. If the request is approved, an ordinance will be prepared and placed on a future agenda for Council action.

Attachments:

1. PZ18-0093 Vacation Staff Report
2. 1 - Site Exhibit
3. 2 - Narrative
4. 3 - Vacation Exhibit
5. 4 - Letters
6. Pages from PZ Public Hearing 01-08-19 Minutes (Vac)



Comprehensive Staff Report

To: Planning & Zoning Commission
Presenter: Jonathan Spendlove, Planning & Zoning Director

Request: To Vacate an undeveloped portion of Washington Street South right-of-way located at the Southwest corner of Washington Street South and South Park Ave West.

Application: PZ18-0093

Applicant & Representative:

City of Twin Falls, Public Works Dept.
 c/o Josh Baird
 P.O. Box 1907
 Twin Falls, ID 83301
 208.735.7323
 jlbaird@tfid.org

Public Hearing: January 8th, 2019

Analysis

This is a request to vacate a portion of undeveloped Washington St. S. Right-of-Way (ROW), at the SW corner of Washington St. S./Shoshone St and South Park Ave. W. between 119 and 127 South Park Ave. W.

The property surrounding this ROW area is currently owned, and utilized, by the City of Twin Falls Public Works Department. The ROW area in question was not utilized due to the realignment of Washington St. S. and Shoshone Street. The undeveloped land has been utilized as unofficial parking for City and private businesses in the area.

Vacating the ROW will allow the Public Works department to develop the land with a formal parking lot, storm water facilities, landscaping, and other required improvements.

Approval Process

All procedures will follow the process as described in TF City Code: 10-16-1&2

Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council

that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

History

A portion of the Right-of-Way in question was originally created/dedicated on the South Park Addition Plat, which was signed in 1910. Another portion was dedicated at when the Industrial Development Subdivision Plat was recorded in 1957. And yet another portion was dedicated at some point in time when property to the West was created through a metes and bounds description, the exact date is unknown at this time.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" and the Transportation Master Plan do not have this section of ROW listed as it has been realigned with Shoshone St. Therefore Staff has determined this request complies with the city planning documents.

Regulatory Impacts

Approval of this request will remove the limitation, or entitlement, for the specific area, as described on the Plat. This area will become "private"

property, and subject to current rules and regulations for taxes, zoning code compliance, and development.

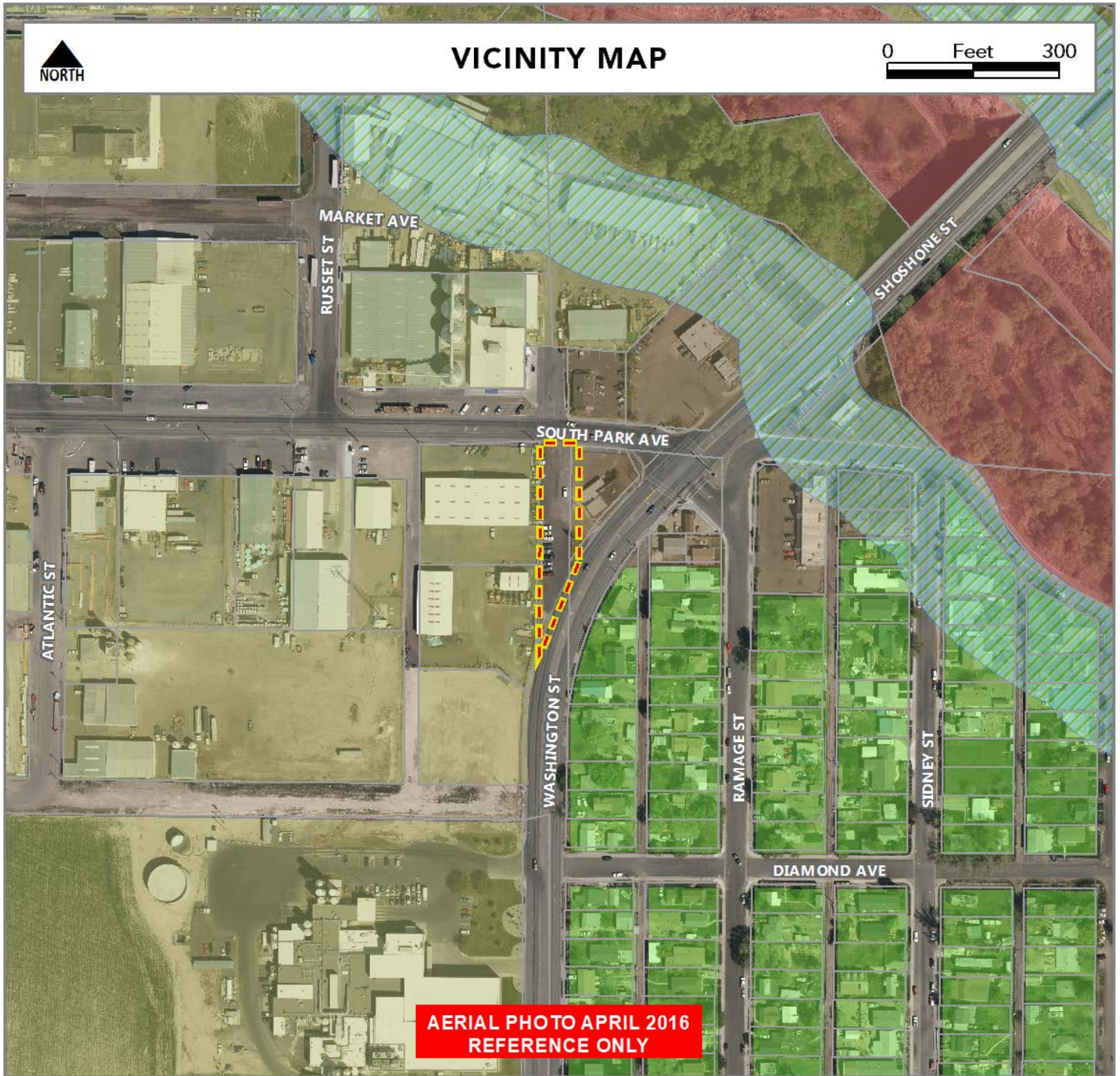
Conclusion

The Commission is tasked with forwarding a positive or negative recommendation for approval to the City Council. The Commission may also table the item to ask more information be provided.

Attachments

1. Vicinity Map
2. Narrative
3. Vacation Exhibit
4. Photos

Public Hearing: January 8th, 2019



CRO
 C-1
 M-2
 OS
 R-6-MHO-1

Comprehensive Plan: Mixed Use

Proposed Land Use: Government Facility

Surrounding Zoning Designations & Land Use(s)

North: South Park Ave. W.; M-2 & C-1; Food Processor & Restaurant

East: Washington St. S. ROW; C-1; Vacant

South: Diamond Ave; M-2; Industrial – Food Processing Plant

West: M-2; Industrial – City Public Works Facilities

Applicable Regulations

10-1-4, 10-1-5, 10-16-1&2

Washington St South - Vacation Exhibit

Current City Owned Properties

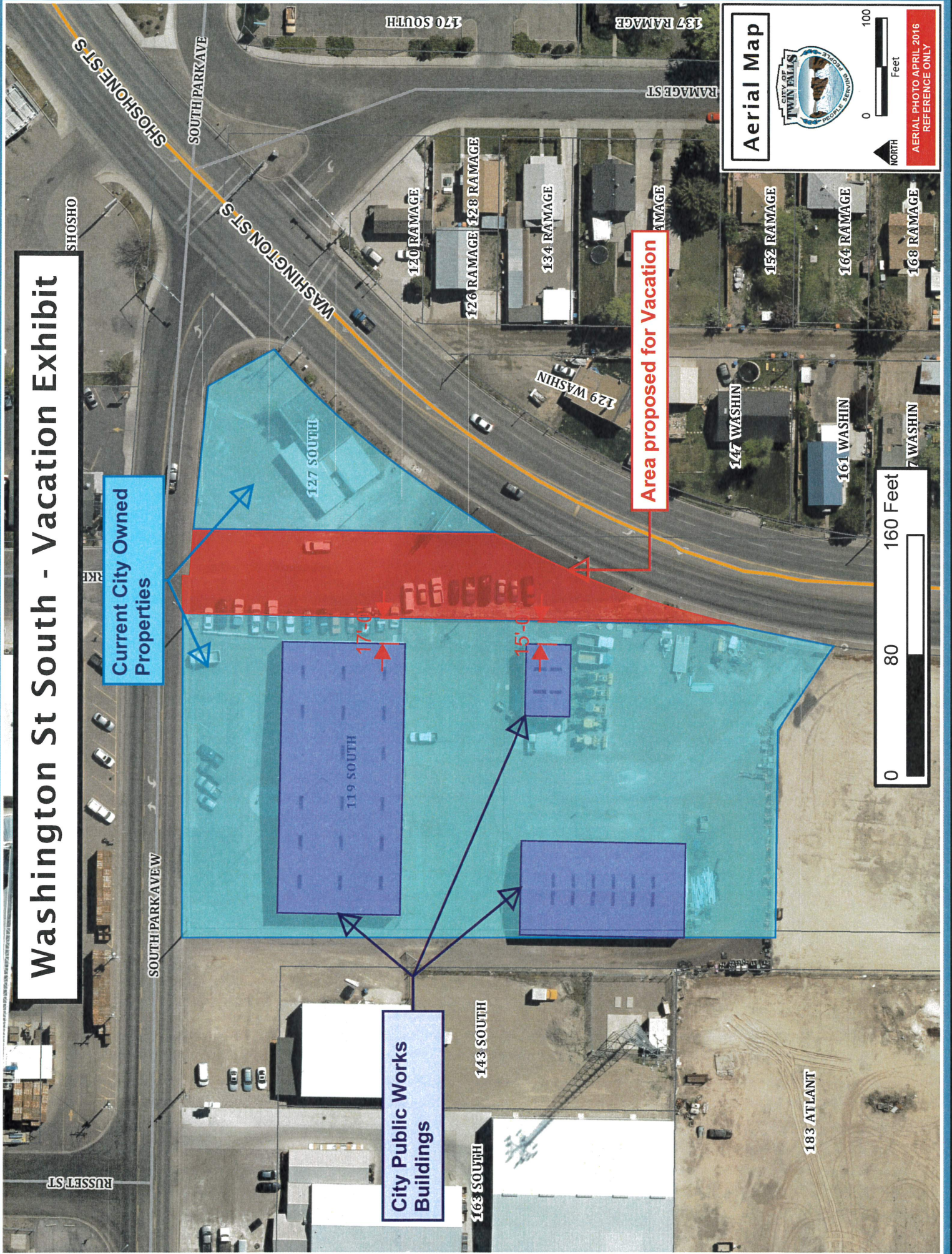
City Public Works Buildings

Area proposed for Vacation

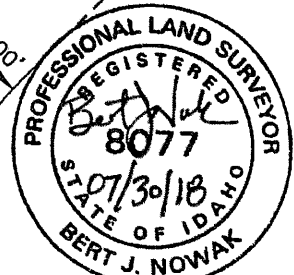
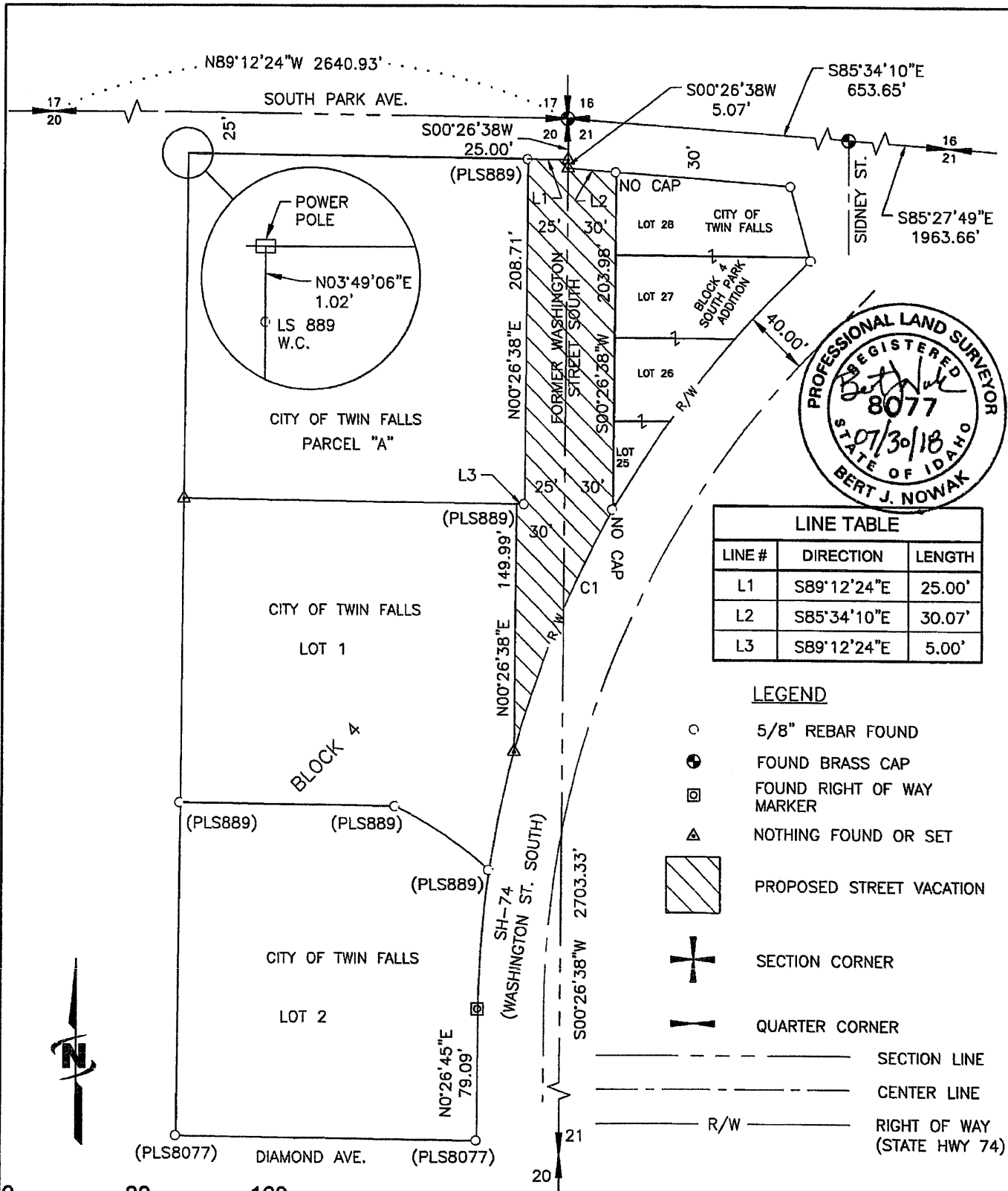
Aerial Map



AERIAL PHOTO APRIL 2016
REFERENCE ONLY



- a. The City of Twin Falls has recently purchased several adjoining lots, separated only by a strip of abandoned right-of-way on the southwest corner of the intersection of South Park Avenue West and Washington Street South. The Public Works Department would like to develop these several lots and this portion of right-of way into a single contiguous Public Works site.
- b. Since the City of Twin Falls already owns all adjoining properties, the effect of the vacation would allow the site to be properly developed, and flow better than the current disconnected configuration.



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S89°12'24"E	25.00'
L2	S85°34'10"E	30.07'
L3	S89°12'24"E	5.00'

LEGEND

- 5/8" REBAR FOUND
- ⊙ FOUND BRASS CAP
- ⊠ FOUND RIGHT OF WAY MARKER
- △ NOTHING FOUND OR SET
- PROPOSED STREET VACATION
- ⊕ SECTION CORNER
- ⊔ QUARTER CORNER
- SECTION LINE
- CENTER LINE
- R/W RIGHT OF WAY (STATE HWY 74)

CURVE TABLE						
CURVE #	LENGTH	RADIUS	TANGENT	DELTA	CHORD BEARING	CHORD LENGTH
C1	159.57'	612.96'	80.24'	14°54'57"	S22°35'47"W	159.12'

SCALE IN FEET

REVISIONS			
NO	REVISION DESCRIPTION	BY	DATE

JUB
J-U-B ENGINEERS, INC.

WASHINGTON STREET SOUTH VACATION
CITY OF TWIN FALLS
PART OF THE NW4 NW4 OF SECTION 21 AND PART OF THE NE4 NE4 OF SECTION 20, T10S, R17E, BM, TWIN FALLS COUNTY, ID

SHEET
1

Plot Date: 7/18/2018 1:11 PM, Printed By: Bert Nowak
 Date Created: 7/17/2018 5:00 PM, Project: TWIN FALLS PUBLIC WORKS SITE NE4, SEC20, T10S, R17E, BM, TFW CO, ID, CADD MODEL: 19-067, ST-VAC.DWG

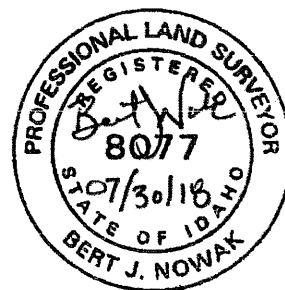
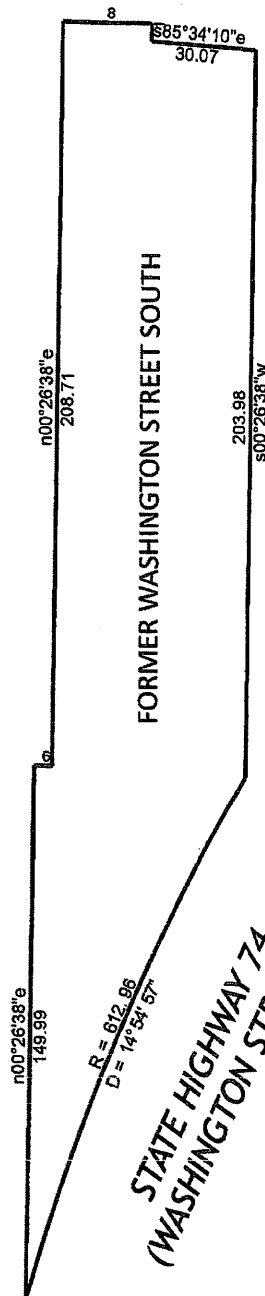
SOUTH PARK AVENUE



BLOCK 4 OF
INDUSTRIAL DEVELOPMENT
SUBDIVISION

FORMER WASHINGTON STREET SOUTH

BLOCK 4 OF
SOUTH PARK ADDITION



Washington Street South Vacation

7/17/2018

Scale: 1 inch= 50 feet

File: WAASHINGTON STREET VACATION.ndp

Tract 1: 0.3516 Acres (15314 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/200756), Perimeter=787 ft.

01 s00.2638w 5.07

08 s89.1224e 25

02 s85.3410e 30.07

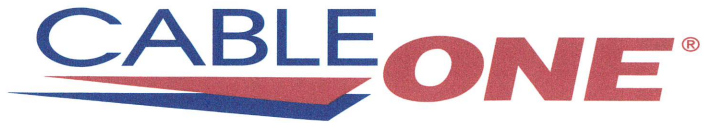
03 s00.2638w 203.98

04 Lt, r=612.96, delta=014.5457, chord=s22.3547w 159.12

05 n00.2638e 149.99

06 s89.1224e 5

07 n00.2638e 208.71



Watch us make you smile.

261 EASTLAND DRIVE
P.O. Box 1946
TWIN FALLS, IDAHO 83301
PH: 208•733•6230
FX: 208•733•6296

October 18, 2018

RE: Washington Street South Right of Way Abandonment Request

Mr. Joshua R. Baird

City of Twin Falls Staff Engineer

Twin Falls, Idaho 83301

Dear Sirs

We Agree to Vacate the Washington Street South Right Of Way as Requested in the included attachments, Between Lot1 and Parcel A, Block 4 of The Industrial Development Subdivision and Lots 25,26,27, and 28, Block 4 of the South Park Addition.

We Will Need a 10 Ft Easement Running in place of the Right Of Way to be Vacated.

Thank you,


Ron Burns

Cable One Construction

261 Eastland Dr.

P.O. Box 1946

Twin Falls, Idaho 83301

208-733-6877 Ext. 7150

208-539-9886



CenturyLink
Brad McNew
Construction Project Administrator
216 South Park Ave
Twin Falls, Id. 83301

Office (208) 736-8760

Facsimile (208) 736-8755

October 9, 2018

Joshua R. Baird
City of Twin Falls

RE: Washington Street South
Parcel vacation Sec.20-21

To whom it may concern:

Reference is made to your request for CenturyLink to vacate the existing parcel of land, located in a portion of Sec.20-21, T10S, R17E located in the City of Twin Falls, County of Twin Falls, State of Idaho. CenturyLink has no facilities in this area and has no need for easement.

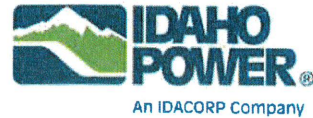
If existing utilities need to be vacated contruction charges would apply for relocation of facilities.

Please call me if you have any questions.

Sincerely,

Brad McNew

Brad McNew



October 19, 2018

Sent Via E-Mail: JBaird@TFID.org

Josh Baird
City of Twin Falls
PO Box 1907
Twin Falls, ID 83303

Re: Washington St. Road Vacation

Dear Josh:

This is in response to our phone conversation and email sent to Idaho Power Company dated October 2, 2018, regarding the possible vacation and abandonment of a certain area of Washington St, Twin Falls. The attached map and legal description you provided (the "Right-of-Way") further identifies the area in question.

Idaho Power's records indicate that the Company does maintain electrical facilities within the Right-of-Way and must retain all existing rights related thereto. As a condition of approval to vacate the Right-of-Way area, we will require express easement rights dedicated to Idaho Power Company for existing facilities with a 20' width (10' from centerline) to cover existing facilities.

Thank you for providing Idaho Power Company the opportunity to review and comment upon the subject petition for vacation.

Sincerely,

Chris Jacky
Associate Real Estate Specialist
Land Management and Permitting Department
Corporate Real Estate
Idaho Power Company

208-388-2699
cjacky@idahopower.com



451 Alan Dr, Jerome, Id 83338-5505

Office: (208) 737-6300•Fax: (208) 737-6342•In-State: 1-800-548-8771•www.intgas.com

11/5/2018

To Whom It May Concern:

We, the undersigned public utility company, Intermountain Gas Company, release rights for the right-of way of Former Washington Street South, located between South Park Ave and State Hwy 74 and between Block 4 of Industrial Development Subdivision and Block 4 of South Park Addition, Twin Falls, Idaho. See attached provided exhibit.

Jim Capps, Sawtooth District Manager

Intermountain Gas Company

451 Alan Dr.

Jerome, ID 83338



TWIN FALLS CANAL COMPANY

357 6TH AVE WEST
POST OFFICE BOX 326
TWIN FALLS, IDAHO 83303-0326



October 3, 2018

Joshua Baird
Staff Engineer
City of Twin Falls
PO Box 1907
Twin Falls, Idaho 83303-1907

RE: Washington Street South Easement Vacation (0.352 acres)

Dear Joshua,

I have reviewed the easement vacation documents for the Washington Street South Easement Vacation (0.352 acres). This letter is to inform you that the Twin Falls Canal Company has no facilities in the area and therefore has no issues with the proposed vacation of the easement.

If you have any questions, please contact me at 733-6731.

Sincerely,

Jay Barlogi
Field Supervisor
Twin Falls Canal Company

Commissioner Detweiler seconded the motion.

Unanimously approved, as presented.

4) Public Hearings

- a) Request to Vacate an undeveloped portion of Washington Street South right-of-way located at the Southwest corner of Washington Street South and South Park Avenue West c/o the Engineering Department on behalf of the City of Twin Falls. (PZ18-0093)

Staff Presentation:

PZ Director Jonathan Spendlove presented the request to Vacate an undeveloped portion of Washington Street South right-of-way located at the Southwest corner of Washington Street South and South Park Avenue West c/o the Engineering Department on behalf of the City of Twin Falls. (PZ18-0093)

All procedures will follow the process as described in City Code 10-16-1&2. Portions of the Right-of-Way in question were created/dedicated when plats were recorded in 1910 and 1957. One portion of the Right-of-Way is thought to be dedicated a when the property to the West was created through a record of survey. The property surrounding this ROW area is currently owned, and utilized, by the City of Twin Falls Public Works Department. The ROW area in question was not utilized due to the realignment of Washington St. S. and Shoshone Street. The undeveloped land has been utilized as unofficial parking for City and private businesses in the area.

Vacating the ROW will allow the Public Works department to develop the land with a formal parking lot, storm water facilities, landscaping, and other required improvements.

The Commission is tasked with forwarding a positive or negative recommendation for approval to the City Council. The Commission may also table the item to ask more information be provided.

Applicant Presentation:

City Engineer Josh Baird, on behalf of the Public Works Department, the city purchased the small corner lot recently and would like vacate the right of way to turn entire area into a parking lot and additional buildings in the future.

PZ/Questions & Comments:

- Chairman Munoz asked if the area across street on South Park Avenue will remain a right of way.
- PZ Director Spendlove stated it will remain a right of way for the business

across the street.

Public Hearing: Opened

- Citizen Pete Johnston stated he is in favor of the vacation request.

Public Hearing: Closed

Discussions Followed: without concern

Motion:

Commissioner Titus moved to recommend to approve the vacation to City Council, as presented, with staff recommendations.

Commissioner Bolton seconded the motion.

Unanimously recommended to City Council, as presented.
Scheduled for City Council Public Hearing on February 4, 2019.

- b) Requests a Zoning District Change and Zoning Map Amendment from R-4 and M-1 to M-2 for property located at 304, 312, 404 Washington Street South c/o Tom Mikesell on behalf of Gem State Dairy Product, LLC. (PZ18-0095)

Staff Presentation:

PZ Director Jonathan Spendlove presented the request a Zoning District Change and Zoning Map Amendment from R-4 and M-1 to M-2 for property located at 304, 312, 404 Washington Street South c/o Tom Mikesell on behalf of Gem State Dairy Product, LLC. (PZ18-0095)

The Zoning District Change process shall follow City Code 10-14-1 thru 8.

The eastern portion of the property has been zoned M-1 since at least 1981, perhaps as early as 1975. The western portion has been zoned various residential designations since 1981. Both areas have been primarily farmed as agricultural land throughout the years.

The Zoning District change process requires a public hearing with the Planning and Zoning Commission in order to evaluate the request for compliance with the currently adopted Comprehensive Plan.

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Industrial/Employment/Flex". The Defining Characteristics and Land Use Mix outlined in the plan list the types of land uses found within the M-2 Zone being sought by the applicant.

It is Staff's determination this request for a Zoning District Change meets the criteria in



Date: Monday, February 4, 2019
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

ACTION ITEM: Requests a Zoning District Change and Zoning Map Amendment from R-4 and M-1 to M-2 for property located at 304, 312, 404 Washington Street South c/o Tom Mikesell on behalf of Gem State Dairy Product, LLC. (PZ18-0095)

Time Estimate:

Approximately five (5) minutes for staff presentation, and additional five (5) for questions.

Background:

This request to rezone property located at 304, 312 and 404 Washington St. South was initiated by a potential buyer. The current properties are Residential and undeveloped/farmed agricultural land.

The Planning and Zoning Commission held a public hearing on January 8, 2019. They recommended approval of the Zoning District Change by a vote of 8-0.

The comprehensive staff report prepared for the Planning Commission has been provided as Attachment #1. An excerpt from the minutes of the Planning Commission Public Hearing have been provided as Attachment #6.

Approval Process:

The Zoning District Change process shall follow City Code 10-14-1 thru 8.

Budget Impact:

No immediate budget impact will occur. Future development of the area will increase the property values.

Regulatory Impact:

If approved, the property will come under the regulations of the M-2 Zoning District (CC 10-4-10) for Land Uses and development standards.

History:

The eastern portion of the property has been zoned M-1 since at least 1981, perhaps as early as 1975. The western portion has been zoned various residential designations since 1981. Both areas have been primarily farmed as agricultural land throughout the years.

Analysis:

The Zoning District change process requires a public hearing with the Planning and Zoning Commission in order to evaluate the request for compliance with the currently adopted Comprehensive Plan.

The 2016 Comprehensive Plan “Grow With Us” designates this area as “Industrial/Employment/Flex”. The Defining Characteristics and Land Use Mix outlined in the plan list the types of land uses found within the M-2 Zone being sought by the applicant.

It is Staff’s determination this request for a Zoning District Change meets the criteria in City Code, and complies with the currently adopted comprehensive plan.

Conclusion:

The Council is tasked with making a decision on this request. You may approve the request as presented; approve the request with modifications, deny the request, or table the request for additional information.

Attachments:

1. PZ18-0095 ZDC Staff Report
2. 1- Narrative
3. 2- Vicinity Map
4. 3- Future Land Use Map
5. CTF Zoning Meeting Draft 4-1
6. Pages from PZ Public Hearing 01-08-19 Minutes (ZDC)



Comprehensive Staff Report

To: Planning & Zoning Commission

Presenter: Jonathan Spendlove

Request The Commission's recommendation on a request for a Zoning District Change and Zoning Map Amendment from R-4 and M-1 to M-2 for property located at 304, 312, 404 Washington Street South.

Application: PZ18-0018

Applicant & Representative:

Gem State Dairy Product, LLC

c/o Tom Mikesell

Boise, ID

208-734-7789

tmikesell@cableone.net

Public Hearing: January 8th 2019

Analysis

This request to rezone property located at 304, 312 and 404 Washington St. South was initiated by a potential buyer. The current properties are Residential and undeveloped/farmed agricultural land.

The Zoning District change process requires a public hearing with the Planning and Zoning Commission in order to evaluate the request for compliance with the currently adopted Comprehensive Plan.

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Industrial/Employment/Flex". The Defining Characteristics and Land Use Mix outlined in the plan list the types of land uses found within the M-2 Zone being sought by the applicant.

It is Staff's determination this request meets the criteria in City Code, and complies with the comprehensive plan for a Zoning District Change.

History

The eastern portion of the property has been zoned M-1 since at least 1981, perhaps as early as 1975. The western portion has been zoned various residential designations since 1981. Both areas have been primarily farmed as agricultural land throughout the years.

Approval Process

A public hearing shall be held before the Commission for a recommendation to City Council. After receiving the recommendation the Council may amend the zoning district and the zoning map, amend with recommendations, or deny the request.

Applicable Regulations or Codes

Per City Code 10-7-20: Public Hearing Notice Requirements: The applicant must follow all public notice requirements per state and city regulations.

Per city code 10-14-1 thru 8: Any application for a zoning district change shall follow the procedures outline in these sections. The commission shall ensure any favorable recommendations are in accordance with the objectives and goals of the adopted Comprehensive Plan.

Comprehensive Plan Compliance

The 2016 Comprehensive plan designates the majority of the area as "Industrial" and a small eastern portion as "Neighborhood Commercial". Staff has determined that the applicant's proposal is in compliance with the 2016 Comprehensive Plan for the following reasons: 1. The Western area is shown on the comprehensive plan as "Industrial", and the M-2 Zoning District being sought falls within that designation;

2. the eastern area is currently zoned M-1 and the request for M-2 meets the intent of the majority of that area and the goals of the comprehensive plan to allow future industrial growth in this section of Twin Falls.

Conclusion

The Commission is tasked with making a recommendation to the City Council. You may recommend approval as requested; recommend a modification, or recommend denial.

Attachments

1. Vicinity Map
2. Aerial
3. Narrative
4. Draft ZDA
5. Conceptual Master Development Plan
6. Elevations
7. Photos

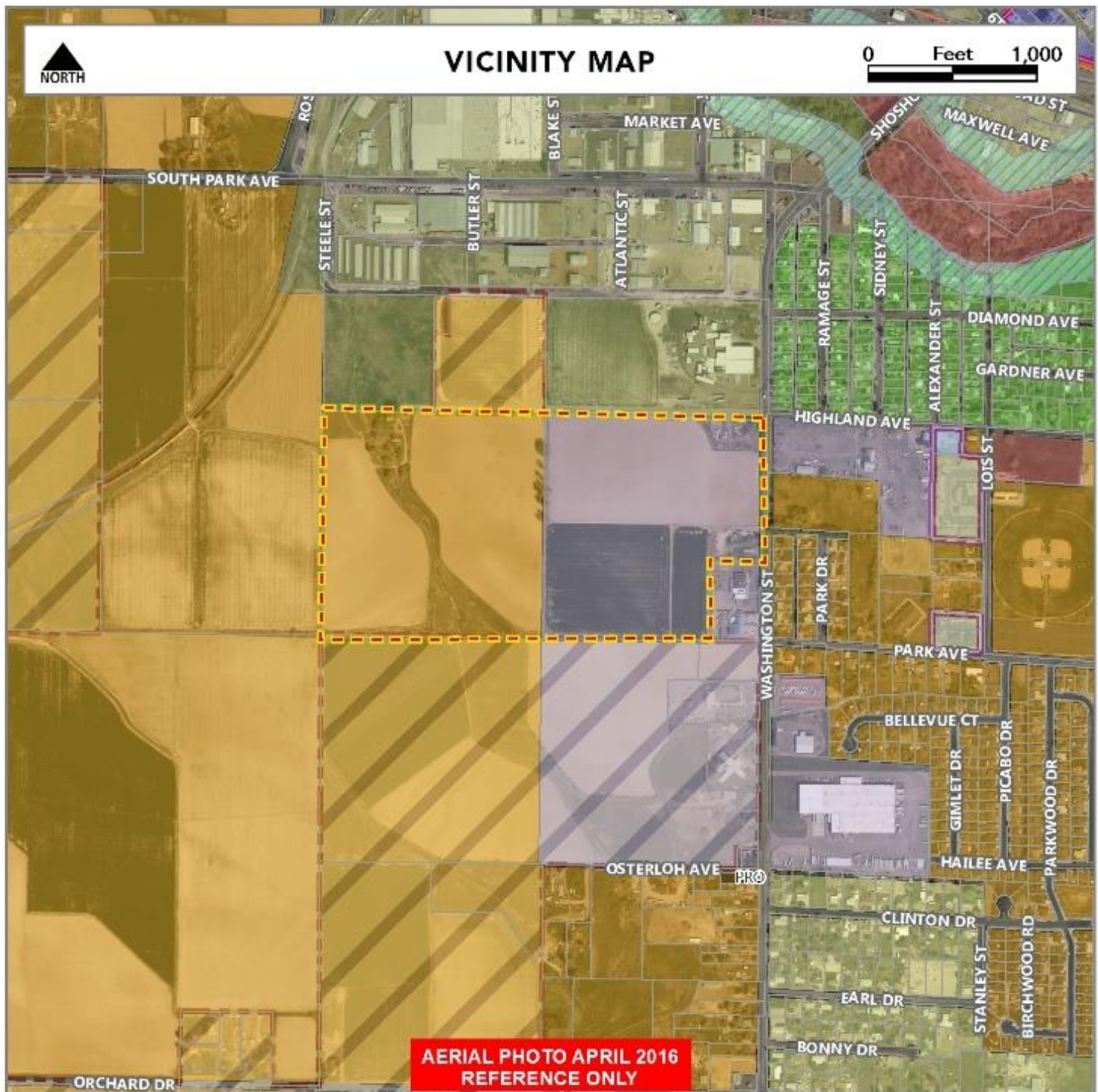
Public Hearing: January 8th 2019

Gem State Dairy Products, LLC is requesting a zoning change from M1 to M2 to build and operate a Milk Processing Plant.

The proposed zoning change is in compliance with the 2016 Twin Falls City Comprehensive Plan. The property is listed in the Future Land Use map as Industrial/Employment/Flex. Gem State Dairy Products, LLC will be an industrial site.

Today the property on border on the south by Glanbia. The eastern border is Washington St S a major gateway arterial street. The north east property line is commercial, Arnold Machinery Company and Blue Lakes Automotive and agriculture. The western and northern uses are agricultural. Across Washington Street between Highland Ave. and Clifton Ave. are currently commercial. The proposed processing plant would have little impact on the areas. South of Clifton Ave. there are several residents.

Gem State Dairy Products, LLC will build and operate a milk process plant on the property. Utilizing over 40 acres for the plant, receiving and distribution of the products. The remaining property will be designated for storm water retention and green space for our employees' benefit.



- | | | | |
|--|------------|--|-----------|
| | P3 Overlay | | M-2 |
| | WHD | | O-T |
| | CRO | | OS |
| | PRO | | R-2 |
| | PUD | | R-4 |
| | C-1 | | R-6 MHO-1 |
| | M-1 | | AOI |

Current Zoning: R-4 & M-1

Existing Land Use: Residence & undeveloped/active agricultural

Comprehensive Plan: Industrial

Proposed Land Use: Industrial

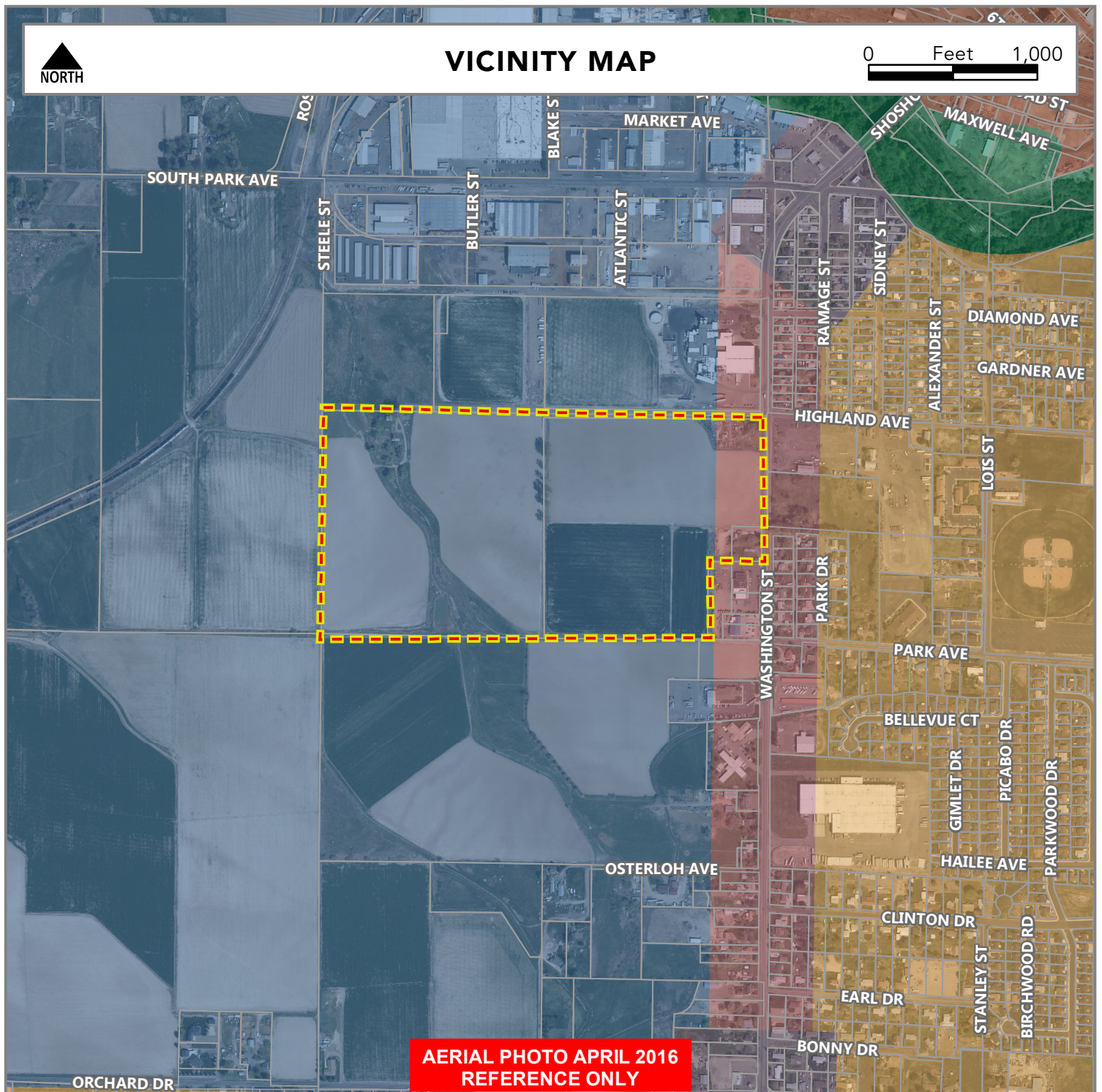
Surrounding Zoning Designations & Land Use(s)

North: M-2, Industrial Food Processor; and R-4, undeveloped/active agricultural
 South: R-4, undeveloped/active agricultural; and M-1, undeveloped/active agricultural

East: Washington St S; M-1, Manufacturing Business/Storage Yard; R-4, Residences
 West: R-4, undeveloped/active agricultural

Applicable Regulations

10-4-10, 10-7-20, 10-14



Request:

- Gem State Dairy Products LLC is requesting a zoning change from M1 and R4 to M2 with a food processing use on property located at 304, 312 and 404 Washington Street South
- M2 will allow Gem State Dairy Products, LLC to build a food processing facility. The property's is currently use is agriculture.

Project Location:

- The proposed property is adjacent and to the south of Glanbia.
- The eastern border of the property is a major gateway Washington St. The property between Highland Ave. and Clifton Ave. on Washington St. are currently commercial.
- The south-east property line is commercial adjacent to Arnold Machinery Company and Blue Lakes Automotive..
- The property's current use is agriculture.

M2 Heavy Manufacturing District:

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

Use Regulations: *Allowed*

- Manufacturing
 - Apparel and related items
 - Building materials
 - Concrete products
 - Food products

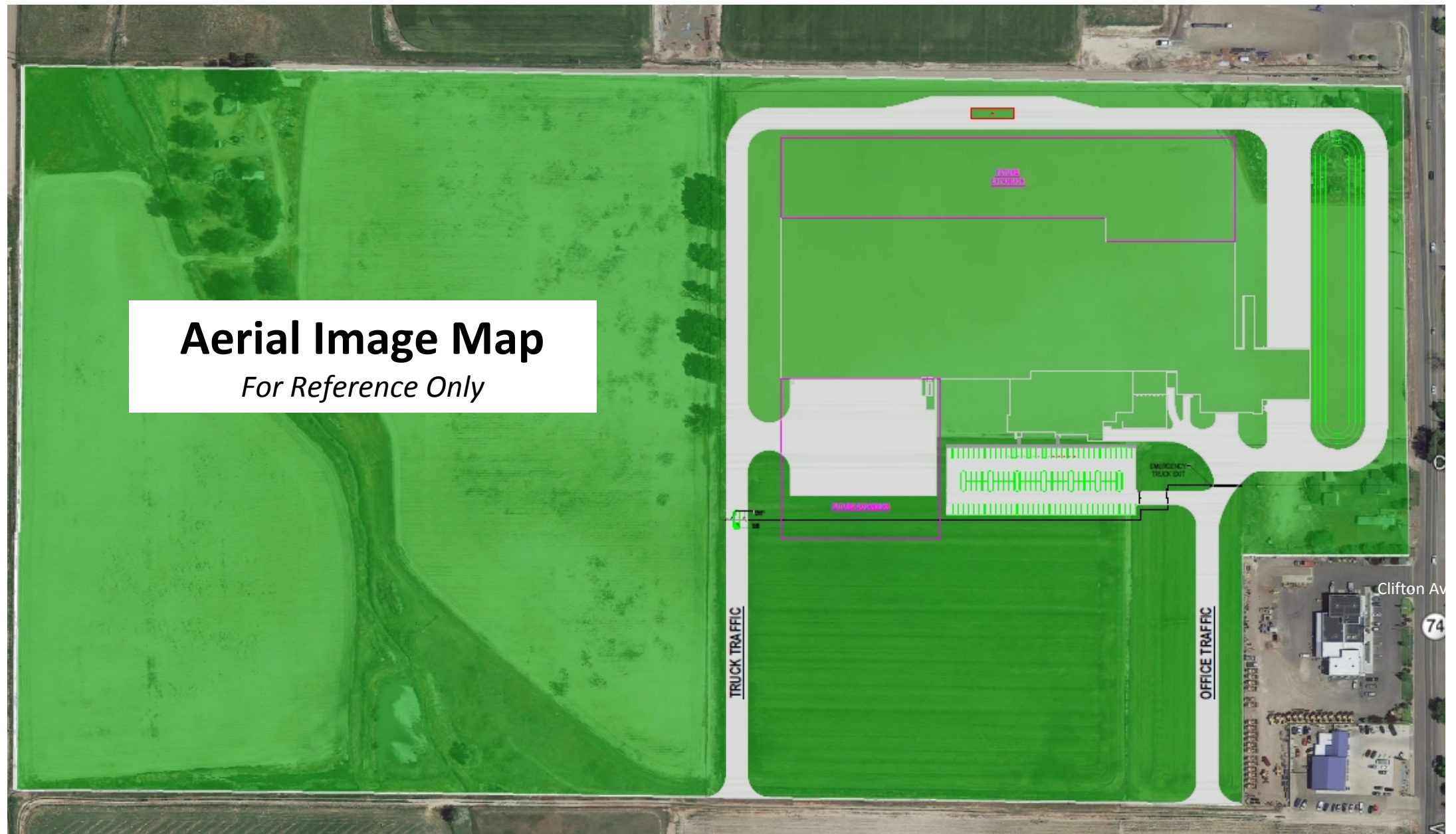


Aerial Image Map

For Reference Only

Aerial Image Map

For Reference Only





WASHINGTON Street South-- Highway 74

Looking East from Property onto
Washington St. S



**Looking West from Washington St. S and
Park Avenue**

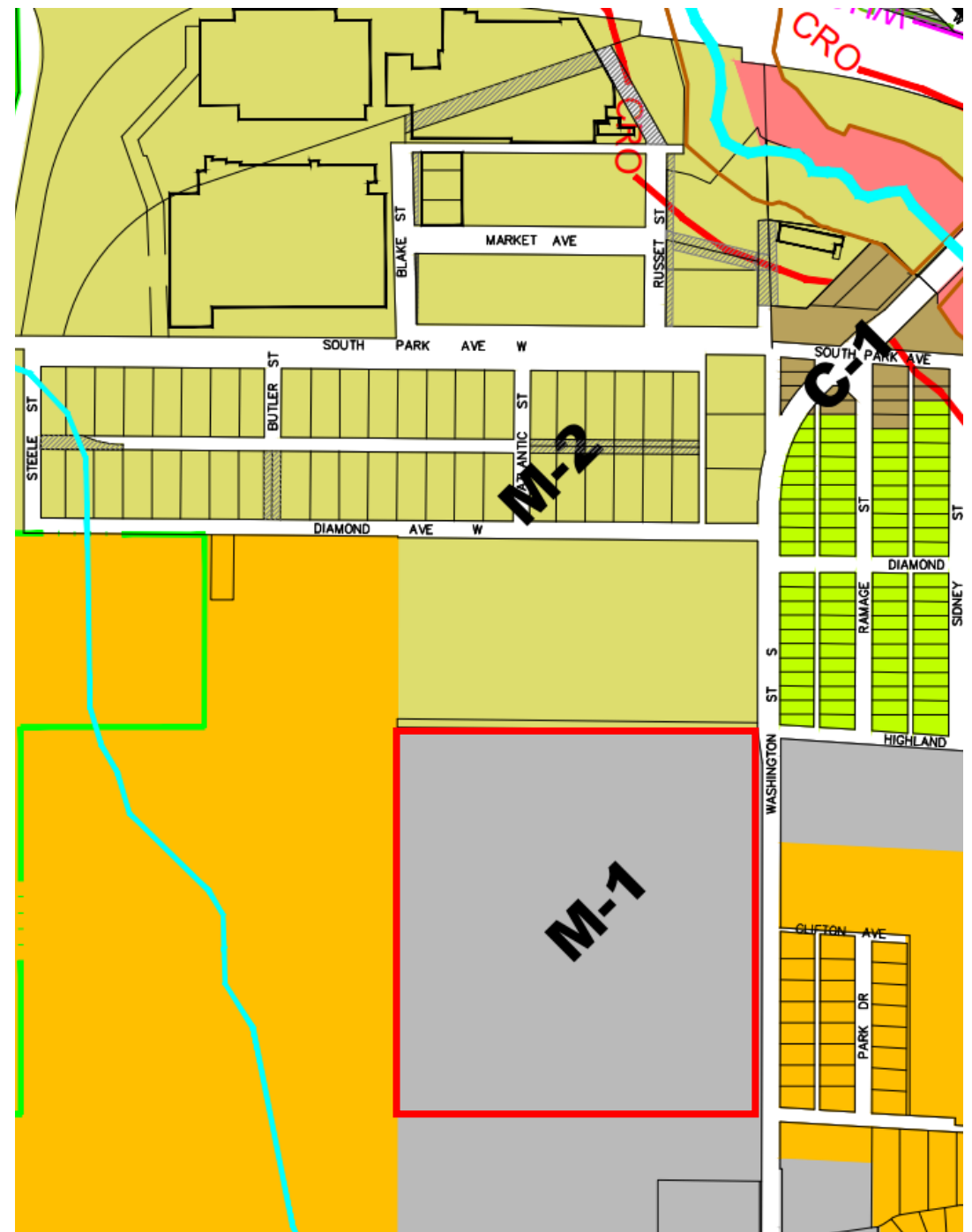


**Looking North at corner of
Washington St. S and Park Avenue**

City of Twin Falls Zoning Map

Heavy Manufacturing District:

- Purpose: This district is intended to provide industrial users ample room in the city to develop and expand without encroachment by noncompatible uses.
 - (Ord. 2526, 5-20-1996)
 - Use Regulations: *Allowed*
 - Manufacturing
 - Apparel and related items
 - Building materials
 - Concrete products
 - Food products



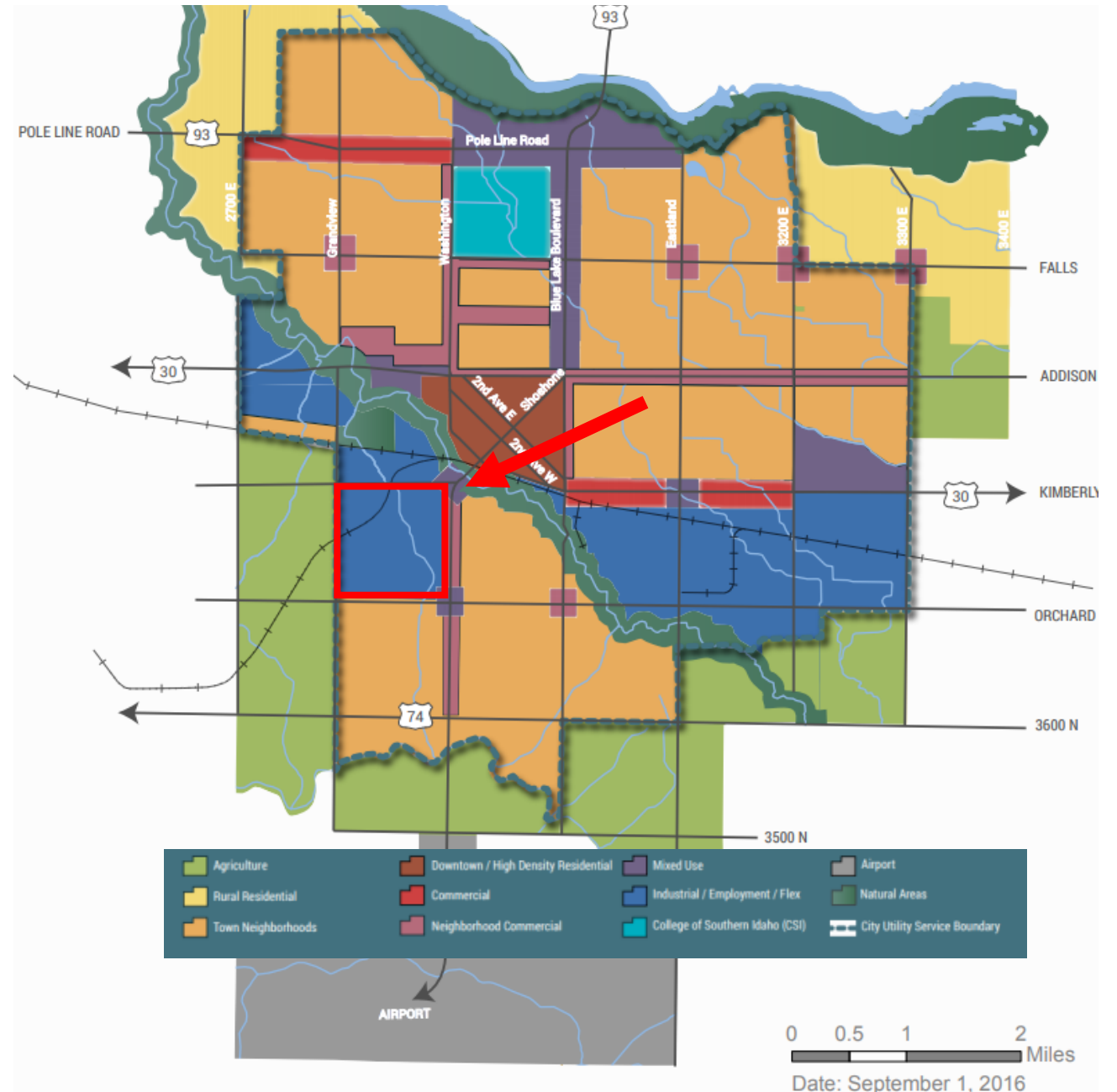
City of Twin Falls Future Land Use Map

Zoning Request:

- The Gem State Dairy LLC zoning request is consistent with the Twin Falls City Comprehensive Plan Map showing the area between Washington, Grand View and North Orchard as Industrial / Employment / Flex.
- Industrial / Employment / Flex uses include non-retail employment, supporting uses, such as hotels, restaurants, and other retail are integrated into the land use.

Impact:

- We believe the Gem State Dairy Products, LLC proposal to change zoning to M2, Heavy Manufacturing would have minimal impact on the area.



across the street.

Public Hearing: Opened

- Citizen Pete Johnston stated he is in favor of the vacation request.

Public Hearing: Closed

Discussions Followed: without concern

Motion:

Commissioner Titus moved to recommend to approve the vacation to City Council, as presented, with staff recommendations.

Commissioner Bolton seconded the motion.

Unanimously recommended to City Council, as presented.
Scheduled for City Council Public Hearing on February 4, 2019.

- b) Requests a Zoning District Change and Zoning Map Amendment from R-4 and M-1 to M-2 for property located at 304, 312, 404 Washington Street South c/o Tom Mikesell on behalf of Gem State Dairy Product, LLC. (PZ18-0095)

Staff Presentation:

PZ Director Jonathan Spendlove presented the request a Zoning District Change and Zoning Map Amendment from R-4 and M-1 to M-2 for property located at 304, 312, 404 Washington Street South c/o Tom Mikesell on behalf of Gem State Dairy Product, LLC. (PZ18-0095)

The Zoning District Change process shall follow City Code 10-14-1 thru 8.

The eastern portion of the property has been zoned M-1 since at least 1981, perhaps as early as 1975. The western portion has been zoned various residential designations since 1981. Both areas have been primarily farmed as agricultural land throughout the years.

The Zoning District change process requires a public hearing with the Planning and Zoning Commission in order to evaluate the request for compliance with the currently adopted Comprehensive Plan.

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Industrial/Employment/Flex". The Defining Characteristics and Land Use Mix outlined in the plan list the types of land uses found within the M-2 Zone being sought by the applicant.

It is Staff's determination this request for a Zoning District Change meets the criteria in

City Code, and complies with the currently adopted comprehensive plan. The Commission is tasked with making a recommendation to the City Council. You may recommend approval as requested; recommend a modification, or recommend denial.

Applicant Presentation:

Mr. Tom Mikesell, applicant representative, stated this is a straight forward rezone. The intention for the property is a food processing plant by Gem State Dairy Products.

PZ/Questions & Comments:

- Commissioner Detweiler asked if this purchase would be taking over the two farms.
- Mr. Mikesell stated that the preliminary plat includes the whole forty-five (45) acres. They will only be building on eastern part of property to start, utilizing the rest of the property for city requirements.
- Chairman Munoz asked what is on the southeast corner of property.
- Mr. Mikesell stated those are two rental homes and that property is under contract.
- PZ Director Spendlove stated that Arnold Equipment and Blue Lakes Automotive are next door to the property as well.

Public Hearing: Opened

- Citizen Pete Johnston, stated that the property in question is his current property and is selling it to the applicant. He is in favor of this rezoning request.
- Citizen William Mills, neighbor, has a concern about the rezoning with the pollution issues. He feels that the developer should be more forthcoming with the specifics and intent of the project. He is opposed to the rezoning due to lack of information.
- Citizen Sherrill Sylvester has farmed this land and his concern is the irrigation plan for the property to get water to the other farms in area. He is in favor of the rezoning if the irrigation is addressed.
- Citizen Alfred Kyle has a concern with the increased traffic this will bring to the area. He believes this will increase income tax for neighboring properties and that property values will plummet. He would like to see more information on the project from the developer. He is opposed to the rezoning request.
- Citizen Willy Bachma is in favor of rezoning because there is a need for more dairy processing in area. This will create jobs and help address dairy overproduction.

Public Hearing Closed

Closing Statements:

- Mr. Mikesell addressed the citizens' concerns. He stated Gem State Dairy plans

to work with city to address factory issues to meet needs working with community and will be a facility that works for Twin Falls and its neighbors. Developer intends to have water to farms in area. Traffic issues will be addressed, meeting all city requirements. They want to be good neighbors and good asset to neighborhood.

Discussions Followed:

- Chairman Munoz asked about future road improvement-, curb, gutter, and sidewalk.
- PZ Director Spendlove stated with the rezoning process, the commission is allowed to only vote if rezoning fits with comprehensive plan. Any development issues will be addressed according to City Code and the applicant/developer will be required to work with city staff. He assured that site requirements will be enforced and will not be waived in the development process. He reminded commission that they are only looking at the rezoning at this time.
- Chairman Munoz asked if traffic flow between M-1 and M-2 zones is similar.
- PZ Director Spendlove stated that the proposed use of the property is a similar use to what it is now and the area is established as an industrial area.
- Commissioner Bolton asked for the locations of the surrounding residential areas.
- PZ Director Spendlove demonstrated on map where the residential areas lie.
- Chairman Munoz reminded commission that they are only looking at zoning and recommending if M-2 is applicable zoning to City Council.
- Commissioner Hansen stated that looking at the city's master plan, this area is meant for manufacturing and the rezone request meets the master plan.
- Commissioner Bolton asked if commission can approve rezoning with considerations.
- Chairman Munoz reminded that the Planning and Zoning Commission is only recommending this request to Council, not making decision on rezoning.
- PZ Director Spendlove reminded commission that state code overrules any recommendation from this commission and that noise, light, and other nuisance issues are addressed in state code.

Motion:

Commissioner Kelley moved to recommend the approval of the rezoning to M-2 to City Council as presented.

Commissioner Hawkins seconded the motion.

Unanimously recommended to City Council, as presented.
Scheduled for City Council Public Hearing on February 4, 2019.

5 minute break taken by Commission