



Twin Falls City Council Agenda

Monday, June 26, 2017, 5:00 PM

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

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) CONSIDERATION OF AMENDMENTS TO AGENDA
- 4) PROCLAMATIONS: None
- 5) GENERAL PUBLIC INPUT
- 6) CONSENT CALENDAR
 - a) Request to approve the Accounts Payable for June 20-26, 2017.
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - b) Request to approve the June 19, 2017, City Council Minutes
Purpose: Action By: Sharon Bryan, Deputy City Clerk
 - c) Request from Carolyn White, on behalf of the Magic Valley Arts Council and the Twin Falls Rotary, to approve the 26th Annual Arts in the Park to be held at the Twin Falls City Park on Friday, July 28, and Saturday, July 29, 2017. This event will run from 5:00 p.m. to 7:30 p.m. on Friday and will continue from 9:00 a.m. to 6:00 p.m. on Saturday.
Purpose: Action By: Justin Dimond, Sergeant
 - d) Request to approve the 6th Annual Magic Valley Beer Festival to be held in the Twin Falls City Park on Saturday, August 5, 2017, from 1:00 p.m. to 6:00 p.m.
Purpose: Action By: Justin Dimond, Sergeant
 - e) Request by Associate Pastor Rob Heidemann, representing Amazing Grace Fellowship, to hold the "Amazing Grace Fellowship Service in the Park" event. This event is scheduled to take place in the Twin Falls City Park on August 20, 2017, from 10:30 a.m. to 12:00 p.m.
Purpose: Action By: Justin Dimond, Sergeant
 - f) Request from Helene Peterson, representing Make-A-Wish Idaho, to approve the Walk for Wishes Twin Falls 2017 event. This fundraising event will be held at the Twin Falls Visitor Center on September 30, 2017.
Purpose: Action By: Justin Dimond, Sergeant
- 7) ITEMS OF CONSIDERATION

- a) Award presentation to City employees.
Purpose: Presentation By: Travis Rothweiler, City Manager
- b) Request to approve the Facility Use Agreement between Twin Falls School District and the City of Twin Falls.
Purpose: Action By: Stacy McClintock, Recreation Supervisor
- c) Request from the Boys and Girls Club of Magic Valley to waive all building permit fees to construct a new detached covered patio structure at their 999 Frontier Rd. location.
Purpose: Action By: Jarrod Bordi, Building Official
- d) Request to adopt an **Ordinance** for the Vacation of 2 easements 1) utility, vehicular & drainage easement approximately 15'x160' along the western border of Lot 3, Blk 2 of West Park Commercial Subdivision No.2 and 2) a utility, vehicular & drainage easement approximately 25' x 244' along the northern boundary of Lot 3 Blk 2 of West Park Commercial Subdivision No. 2 on property located at 1821 Canyon Crest Drive. c/o Gerald Martens on behalf of Jason Vickrey (app. 2858)
Purpose: Action By: Rene'e V Carraway-Johnson, Zoning & Development Manager
- e) Request to adopt an **Ordinance** for the Vacation of 15' x 78.52', 1,178 sf, utility and drainage easement between Lots 3 and 4 of the J.E. White Subdivision No. 2 on property located at 985 Beverly Circle. c/o Blue Lakes Place, LLC-Jim Paxton (app. 2850)
Purpose: Action By: Rene'e V Carraway-Johnson, Zoning & Development Manager
- f) Consideration of the **PUD Agreement** between the City of Twin Falls and HB Properties L.L.C.
Purpose: Action By: Rene'e V Carraway-Johnson, Zoning & Development Manager
- 8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 9) PUBLIC HEARINGS: None
- 10) ADJOURNMENT:
 - a) 74-206(1)(j) To consider labor contract matters authorized under section 67-2345A (1)(a) and (b), Idaho Code.

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, June 19, 2017, 3:30 PM

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

- 1) Present: Chris Talkington, Ruth Pierce, Gregory Lanting, Suzanne Hawkins, Nikki Boyd
Absent: Shawn Barigar, Christopher Reid
Staff Present: City Manager Travis Rothweiler, Deputy City Manager Brian Pike, City Attorney Fritz Wonderlich, Chief of Police Craig Kingsbury, Captain Matt Hicks, Zoning and Development Manager Renee Carraway-Johnson, Engineer 1 Erin Steel, Staff Engineer Josh Baird, Public Works Director Jon Caton, City Engineer Jackie Fields, Senior Planner Jonathan Spendlove.

3:30 P.M. - PUBLIC SAFETY ADMINISTRATION AND CITY HALL BUILDING TOUR

2) 5:00 P.M. - CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Vice Mayor Hawkins called the meeting to order at 03:36: PM
A quorum was present.

All present who wished toured the Public Safety and New City Hall Buildings.

3) PLEDGE OF ALLEGIANCE

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

4) CONSIDERATION OF AMENDMENTS TO AGENDA

5) PROCLAMATIONS: None

6) GENERAL PUBLIC INPUT

None

7) CONSENT CALENDAR

- a) Request to approve the Accounts Payable for June 13-19, 2017.
- b) Request to approve the June 12, 2017, City Council Minutes.
- c) Request to approve the Alcohol Renewal Licenses for 2017-2018 year on the condition they receive their State Alcohol License for the 2017-2018 year.
- d) Request to approve IZCream Novelty Snacks Mobile Food Concession.
Councilmember Talkington said that the June 12, 2017 minutes needs a correction regarding the Third Annual Vietnam War Veterans Welcome Home Celebration is to be held on Saturday, July 15, 2017 at Harmon Park.

MOTION:

Councilmember Lanting moved to approve the Consent Calendar with the correction to the June 12, 2017 minutes. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion 5 to 0.

8) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

9) ITEMS OF CONSIDERATION

- a) Swearing in ceremony for the Twin Falls Police Department's newest Police Officer, **Tracy Thompson**. It is requested that Vice Mayor Suzanne Hawkins administer the Oath of Office.

Chief Kingsbury would like to recognize **Lieutenant Craig Stotts** for his completion of the 268th Session of the FBI National Academy.

Police Chief Kingsbury introduced Tracy Thompson.

Officer Thompson introduced his family.

Vice Mayor Hawkins administered the Oath of Office to Tracy Thompson.

Police Chief Kingsbury and Captain Hicks gave recognition to Lieutenant Stotts for his completion of the 268th Session of the FBI National Academy.

Lt. Stotts thanked Police Department and Council.

City Council gave congratulations to Thompson and Stotts.

- b) Presentation regarding building project updates for City Hall and Public Safety Complex. Jason Derricot, Starr Corp gave an update for the City Hall and Public Safety Complex.

Discussion ensued on the following:

Qualified labor situation

City Manager Rothweiler reviewed the security in the City Hall building.

Jason Derricot reviewed changes that will be made for security.

- c) Request to adopt an Ordinance and a ZDA **for a Zoning Title Amendment and Zoning District Change from R-2 PRO PUD and R-1 VAR PUD to R-2 PRO ZDA** for property located at the northwest corner of Cheney Drive and Madrona Street North c/o EHM Engineers, Inc. on behalf of Andrew Jarvis (app. 2841)

Zoning & Development Manager Carraway-Johnson gave staff report.

MOTION:

Councilmember Talkington made a motion to suspend the rules and place **Ordinance 2017-015** on third and final reading by title only. The motion was seconded by Councilmember

Boyd. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

Deputy City Clerk Bryan read the ordinance by title only:

ORDINANCE NO.2017-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AMENDMENTS TO THE AREA OF IMPACT AND ZONING DISTRICTS MAP AND THE REVISED AREA OF IMPACT. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AMENDMENTS TO THE AREA OF IMPACT AND ZONING DISTRICTS MAP AND THE REVISED AREA OF IMPACT.

MOTION:

Councilmember Lanting made a motion to adopt Ordinance 2017-015. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

- d) Request to adopt an Ordinance for Annexation with a ZDA for a **Zoning District Change and Zoning Map Amendment from R-4 CRO to M-1 CRO ZDA**, consisting of 7.5(+/-) acres, from property located at 403 Grandview Drive. c/o Scott Allen/JUB Engineers on behalf of Mojo, LLC- Gregg Olsen (app. 2836)

MOTION:

Councilmember Boyd made a motion to suspend the rules and place **Ordinance 2017-016** on third and final reading by title only. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

Deputy City Clerk Bryan read the ordinance by title only:

ORDINANCE NO.2017-016

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

MOTION:

Councilmember Pierce made a motion to adopt **Ordinance 2017-016**. Councilmember Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

- e) Request to adopt an Ordinance with a ZDA for a **Zoning District Change and Zoning Map Amendment from R-4 and R-4 PUD to R-6 ZDA**, consisting of 4(+/-) acres for property located on the south side of the 1800 block of Elizabeth Boulevard c/o Gerald Martens (app. 2856)

MOTION:

Councilmember Lanting made a motion to suspend the rules and place **Ordinance 2017-017** on third and final reading by title only. Councilmember Talkington seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

Deputy City Clerk Bryan read the ordinance by title only:

ORDINANCE NO.2017-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AMENDMENTS TO THE AREA OF IMPACT AND ZONING DISTRICTS MAP AND THE REVISED AREA OF IMPACT.

MOTION:

Councilmember Lanting made a motion to adopt **Ordinance 2017-017**. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

- f) Request to adopt an Ordinance for **Annexation** of property zoned R-4 Consisting of 30 (+/-) acres located at 248 Pheasant Road. c/o EHM Engineers, Inc. on behalf of Jon Zernickow (app. 2855)

MOTION:

Councilmember Boyd made a motion to suspend the rules and place **Ordinance 2017-018** on third and final reading by title only. Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0

Deputy City Clerk Bryan read the ordinance by title only:

ORDINANCE NO.2017-018

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

AMENDMENT.

MOTION:

Councilmember Pierce made a motion to adopt **Ordinance 2017-018**. Councilmember Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

- g) Request to award the 2017-04 ADA Ramp Project to JS Custom Crete in the amount of \$226,100.00.

Public Works Director Caton gave an update on the road damage and repairs.

Discussion ensued on the following:
Open bid needs to provide bonding

Engineer 1 Steel reviewed bids.

MOTION:

Councilmember Lanting moved to award the 2017-04 ADA Ramp Project to JS Custom Crete in the amount of \$226,100.00. Councilmember Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. voted.5 to 0.

- h) Request to award the 2017-05 Roadway Reconstruction Project to Kloeprer, Inc. of Paul, Idaho, in the amount of \$749,471.

Staff Engineer Baird reviewed the 2017-05 Roadway Reconstruction Project bids

Discussion ensued on the following:
C3 roadway is a city street

MOTION:

Councilmember Talkington moved to award the 2017 Roadway Reconstruction Project to Kloeprer, Inc of Paul, Idaho, in the amount of \$749,471.00 Councilmember Lanting seconded the motion. Roll call vote showed all members present voted in favor of the motion0. 5 to 0.

Public Works Caton explained the budget for road repairs. He explained that we will not be able to get all projects done this summer.

- i) Request to award the 2017 Grandview Sewer and Corrosion Resistant Manholes Project to Knife River Corporation Northwest in the amount of \$935,115.00.
Staff Engineer Baird reviewed the bids for the 2017 Grandview Sewer and Corrosion Resistant Manholes Project.

Discussion ensued on the following:
Materials used.
Traffic flow
Sewer bonding

MOTION:

Councilmember Lanting moved to award the 2017 Grandview Sewer and Corrosion Resistant Manholes Project to Knife River Corporation Northwest in the amount of \$935,115.00
Councilmember Talkington seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

- j) Request to reject all bids submitted for the 2017 Slurry Seal Project.
City Engineer Fields reviewed bids and recommended that City Council reject the 2017 Slurry Seal Project bids

Discussion ensued on the following:
Cost of slurry seal and labor costs.

MOTION:

Councilmember Talkington moved to reject all bids submitted for the 2017 Slurry Seal Project.
Councilmember Pierce seconded the motion. Roll call vote showed all members present voted in favor of the motion. 5 to 0.

Advisory Board Reports:

Councilmember Pierce reported that the Historic Preservation Board is looking for board members.

Vice Mayor Hawkins reported on the Public Library activities.

Council Members thanked Twin Falls Reformed Church for the First Responder Event.

10) PUBLIC HEARINGS

- a) Request for a **Special Use Permit** to construct a professional office on Lot 5 of the Eastpark Professional Subdivision No. 2 - PUD located at the northeast corner of Locust Street North and Cheney Drive. c/o Jim Boyd EHM Engineers, Inc. (app. 2866)
Council Member Boyd excused herself from the Public Hearings due to a conflict of interest.

Dave Thibault EHM Engineers explained the Special Use Permit to construct a professional office on Lot 5 of the Eastpark Professional Subdivision No 2 - PUD

Senior Planner Spendlove gave staff report.

Discussion ensued on the following:
Lighting

Curb, Gutter and Sidewalk required.
Extension of Cheney

Open Public Hearing
Close Public Hearing

MOTION:

Councilmember Lanting moved to approve the request for a Special Use Permit to construct a professional office on Lot 5 of the Eastpark Professional Subdivision No. 2 - PUD located at the northeast corner of Locust Street North and Cheney Drive 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 and compliance with the

Eastpark PUD Agreement #213.

2. Subject to all lighting being downward facing and the light source being shielded from nearby residential

properties.

Councilmember Talkington seconded the motion. Roll call vote showed all members present voted in favor of the motion. 4 to 0. 1 Abstained.

- b) Request for a **Special Use Permit** to construct a professional office on Lot 6 of the Eastpark Professional Subdivision No. 2 - PUD located at the northeast corner of Locust Street North and Cheney Drive. c/o Jim Boyd EHM Engineers, Inc. (app. 2867)

Dave Thibault, EHM Engineers reviewed the Special Use Permit to construct a professional office on Lot 6 of the Eastpark Professional Subdivision No. 2 - PUD located at the northeast corner of Locust Street North and Cheney Drive.

Jonathan Spendlove gave staff report.

MOTION:

Councilmember Pierce moved to Approve the request for a Special Use Permit to construct a professional office on Lot 6 of the Eastpark Professional Subdivision No. 2 - PUD located at the northeast corner of Locust Street North and Cheney Drive 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 and compliance with the Eastpark PUD Agreement #213.

2. Subject to all lighting being downward facing and the light source being shielded from nearby residential properties.

Councilmember Lanting seconded the motion. Roll call vote showed all members present voted in favor of the motion. 4 to 0. 1 Abstained

11) ADJOURNMENT

The meeting adjourned at 6:38 PM

Sharon Bryan, Deputy City Clerk



Date: Monday, June 26, 2017
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

Request:

Request from Carolyn White, on behalf of the Magic Valley Arts Council and the Twin Falls Rotary, to approve the 26th Annual Arts in the Park to be held at the Twin Falls City Park on Friday, July 28, and Saturday, July 29, 2017. This event will run from 5:00 p.m. to 7:30 p.m. on Friday and will continue from 9:00 a.m. to 6:00 p.m. on Saturday.

Time Estimate:

In that this is an annual event that typically requires no additional Police response, it is requested that this item be placed on the Consent Calendar.

Background:

Arts in the Park has been held in the City Park for 26 years and has evolved into the family friendly event that we have today. The event attracts kids from three (3) to 14 years of age for art classes and adults who view and shop at the various artisan booths. There is also live music for them to listen to. On Friday evening there is a wine tasting area for adults; on Saturday afternoon, the Twin Falls Rotary holds its Ice Cream Funday event.

Friday, July 28th, Events:

5:00 p.m. - Artisan booth setup will begin

6:00 p.m. - Wine tasting will be held in a designated garden, identifications will be checked, and wristbands issued to those of legal age. Musicians will play in the grass near the east side of the park.

7:30 p.m. - Wine tasting and music ends

Twin Falls County Sheriff's Deputies will provide overnight security.

Saturday, July 29th, Events:

9:00 a.m. to 11:30 a.m. - Kids Art in the Park begins. Art classes for those interested are provided. Artisan booths are open throughout the day.

11:30 a.m. to 3:00 p.m. - Ice Cream Funday sponsored by Twin Falls Rotary

3:00 p.m. to 6:00 p.m. - Live Music will play in the Band Shell.

Event organizers anticipate approximately 350 people will be in attendance over the two days.

Wine for the tasting event will be donated by Magic Valley Distributing and will be available on Friday, July 28th, only. Proceeds will benefit the Magic Valley Arts Council.

Approval Process:

Consent of the Council

Budget Impact:

None

Regulatory Impact:

None

History:

N/A

Analysis:

N/A

Conclusion:

Twin Falls Police Department Staff and several relevant City Staff members have approved this application request as presented. Staff recommends that the City Council approve the Special Event Application based on the information provided.

Attachments:

None



Date: Monday, June 26, 2017
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

Request:

Request to approve the 6th Annual Magic Valley Beer Festival to be held in the Twin Falls City Park on Saturday, August 5, 2017, from 1:00 p.m. to 6:00 p.m.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

Shayne Carpenter has submitted a Special Event Application requesting to hold the 6th Annual Magic Valley Beer Festival on Saturday, August 5, 2017. This event is scheduled to be held in the Twin Falls City Park from 1:00 p.m. to 6:00 p.m. The festival is a charitable event to raise money for local charities. Multiple brewers will share 150 different beers with attendees. Tickets for the event will be \$25.00 in advance, \$30.00 the day of the event, and a \$10.00 fee will be charged for designated drivers. Those purchasing tickets will receive 15 tokens, each token is good for one four-ounce serving of a selected beer.

The area requested for the Beer Festival will be located in the north half of the City Park. The area will be fenced in with only one entry point. Identification will be checked and wristbands will be provided to those purchasing and consuming beer. The event organizers have requested two (2) Twin Falls Police Officers to provide security for the event. The Officers will begin security at 2:00 p.m. and will stay one (1) hour after beer sales cease (7:00 p.m.). The event organizers will pay the security fee.

Jazz, bluegrass and folk/classic rock will play from 1:00 p.m. to 6:00 p.m.

The Rotary Club has purchased a Benevolent Catering Permit through the State of Idaho which will cover all vendors. Additionally, they have secured the required insurance for this event.

Approval Process:

Consent of the City Council

Budget Impact:

There will be two (2) Twin Falls Police Officers working the event from 2:00 p.m. to 7:00 p.m. The total cost for security will be \$550.00, which will be paid by the Rotary Club. The Rotary Club will have 60 days from the conclusion of the event to pay the security invoice.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

The Twin Falls Police Department Staff and several relevant City Staff Members have approved this Special Event Application. Based on this request and the information provided, Staff recommends this event be approved as presented.

The Twin Falls Police Department Staff recommends that the on-duty Patrol Supervisor be given the authority to order the event organizers to mitigate the sound of amplified music. If there are continued noise complaints, disturbances by those attending the event, and non-compliance, the on-duty Patrol Supervisor shall terminate the event.

Attachments:

None



Date: Monday, June 26, 2017
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

Request:

Request by Associate Pastor Rob Heidemann, representing Amazing Grace Fellowship, to hold the "Amazing Grace Fellowship Service in the Park" event. This event is scheduled to take place in the Twin Falls City Park on August 20, 2017, from 10:30 a.m. to 12:00 p.m.

Time Estimate:

Due to the location, time and nature of the event, and the fact that this is an annual event, Staff is requesting that this item be placed on the Consent Calendar.

Background:

Associate Pastor Rob Heidemann, representing the Amazing Grace Fellowship, has submitted a Special Event Application for the 2017 "Amazing Grace Fellowship Service in the Park" to be held in the Twin Falls City Park on August 20, 2017. The worship service will start at 10:00 a.m. and conclude around 12:00 p.m.

This event will take place primarily in the band shell area of the park and is expected to have an estimated 400 people in attendance. There will be amplified sound in the form of a church worship service, to include speaking and live music.

Following the church service, attending families will utilize the park for lunch. There will be no vending or sale of food during this event and no meals will be served to the community by the organizers. There will be no alcohol at this event.

The event organizers will be responsible for clean up within the park and other areas affected by the event. The organizers have made arrangements to utilize their own trash receptacles for waste and clean up.

Approval Process:

Consent of the Council

Budget Impact:

Twin Falls Police Department Staff does not feel there is a need for the Twin Falls Police Department to provide security. Therefore, there is no budget impact.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council approve the Special Event Application submitted for the "Amazing Grace Fellowship Service in the Park" event based on the information provided.

Staff recommends that the on-duty Supervisor be given authority to order event organizers to mitigate the sound of amplified music. If the noise complaints become habitual, the Patrol Supervisor shall be granted the authority to order the music to be terminated.

Attachments:

None



Date: Monday, June 26, 2017
To: Honorable Mayor and City Council
From: Justin Dimond, Sergeant

Request:

Request from Helene Peterson, representing Make-A-Wish Idaho, to approve the Walk for Wishes Twin Falls 2017 event. This fundraising event will be held at the Twin Falls Visitor Center on September 30, 2017.

Time Estimate:

In that this is an annual event that typically requires no additional Police response, it is requested that this item be placed on the Consent Calendar.

Background:

The Walk for Wishes Twin Falls 2017 is a community fundraising effort and celebration to grant the wishes of local children facing life threatening medical conditions. The Walk for Wishes is a signature fundraiser that celebrates the thousands of wishes that have already been granted, while raising the funds for future wishes.

This is a walk only event which will start at the Twin Falls Visitor Center and proceed west on the Canyon Rim Trail. The walkers will make a turnaround at the 1.25-mile mark and return to the Visitor Center.

The 2017 Walk for Wishes event will begin at 9:00 a.m. and will conclude at 1:00 p.m. Sponsors will have booths and tables in the area and the organizers will provide snacks including some donated by local companies.

There will be amplified sound in the form of pre-recorded music. The music and amplified sound will be provided by Music Monkey.

There will be no alcohol provided by the event organizers.

Approval Process:

Consent of the Council

Budget Impact:

There is no budget impact.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Twin Falls Police Department Staff and several relevant City Staff members have approved this application request as presented. Staff recommends that the City Council approve the Special Event Application based on the information provided.

Attachments:

None



Date: Monday, June 26, 2017
To: Honorable Mayor and City Council
From: Wendy Davis, Parks & Recreation Director

Request:

Request to approve the Facility Use Agreement between Twin Falls School District and the City of Twin Falls.

Time Estimate:

Staff presentation will take approximately 5 minutes. Following the presentation, we expect some time for questions and answers.

Background:

The current Facilities Use Agreement with the Twin Falls School District #411 expired last year on September 30, 2016. The new agreement is scheduled to expire on May 23, 2022.

The Parks and Recreation Department uses the School District's facilities approximately 1,200 hours (gymnasiums) during each year for little or no costs. The School District uses the following City's facilities: Cowboy baseball field, Sunway Soccer Fields, tennis courts, and the golf course, and soon the School District will also be using the City swimming pool for practice and swim meets for little or no costs. This agreement has benefited the taxpayers of Twin Falls for many years as we shared the use of certain facilities, shared maintenance costs, shared equipment purchases, and even shared some construction cost on facilities. There is a slight change in this current agreement. The City swimming pool was added, as well as field prepping and water use in the shoulder season.

The Twin Falls School District #411 Board approved and signed the proposed Facilities Use Agreement at their June 12th board meeting. The Parks and Recreation Commission approved the agreement at their June 13, 2017 meeting.

Fritz Wonderlich has reviewed and given his consent on the agreement.

Approval Process:

A simple majority will approve this request.

Budget Impact:

Approval of this agreement save the City money by providing facilities for youth and adult recreation programs with little or no cost. Our youth and adult basketball programs could not exist without the use of the Twin Falls School District's facilities at little or no cost.

Regulatory Impact:

None

History:

N/A

Analysis:

N/A

Conclusion:

The Parks and Recreation Commission and staff recommend that the Council approve this request.

Attachments:

1. School District

FACILITIES USE AGREEMENT

THIS AGREEMENT is made and entered into this 12th day of June, 2017, by and between the CITY OF TWIN FALLS, IDAHO, hereinafter called "City" and TWIN FALLS SCHOOL DISTRICT NO. 411, hereinafter called "School District",

WITNESSETH:

WHEREAS, the City does, from time to time, desire to use facilities owned by the School District, including real property, improvements thereto and equipment and other personal property located thereon which are collectively, for purposes of this Agreement called "School Facilities"; and,

WHEREAS, the School District does, from time to time, desire to use facilities owned by the City, including real property, improvements thereto and equipment and other personal property located thereon which are collectively, for purposes of this Agreement, called "City Facilities"; and,

WHEREAS, it is the intent of the parties to set forth certain conditions for use of facilities.

NOW, THEREFORE, It is agreed to by the parties as follows:

1. The School District agrees to allow the use of its school facilities for activities of the City under the following conditions:

a. NOTIFICATION: The building principal and head custodian are to be notified by the City of all events to take place at school facilities prior to the event being scheduled. Any deviation from the approved schedule must include notification to the school as soon as possible.

b. PRIORITY OF USE: The School District shall have priority in the use of all school facilities for school purposes.

c. SUPERVISION: Supervision of city activities shall be provided by the City. The person responsible for supervision shall arrive at the facility at least 15 minutes before the scheduled use to insure that all equipment and facilities are ready for use. The supervisor will be responsible for safety, security and over seeing the activities being conducted at the site. The job will include checking the rest rooms, outside the building, and all areas open to the public. All rules of the School District are to be enforced during these activities, including, but not limited to no smoking, no drinking of alcohol, no swearing, etc. The supervisor will have no other assigned duty during the activities. Any vandalism or damage caused by participants or spectators to the event shall be the responsibility of the City. The supervisor shall wear a shirt which identifies the person as being associated with the City.

d. CLEAN-UP: Cleaning of the facilities will be an expectation when using any facility. The cleaning is to be done by the School District. All work is expected to meet the standards of the regular custodial crew responsible for regular cleaning of the space. Cleaning would also be expected in any adjoining area, including hallways, rest rooms and other spaces used by the participants or spectators. The City will pay the School District upon receipt of invoice for all janitorial personnel expenses

2. City agrees to allow the use of its facilities for activities of the School District under the following conditions:

a. NOTIFICATION: The City Recreation Supervisor (Park related sports) or Aquatics Director (Municipal Swimming Pool) shall be notified by the School District of all events to take place at City facilities prior to the event being scheduled. Any deviation from the approved schedule must include notification to the City as soon as possible.

b. PRIORITY OF USE: The City shall have first priority in the use of City facilities for City recreation purposes.

c. SUPERVISION: Supervision of school activities shall be provided by the School District.

The person responsible for supervision shall arrive at the facility at least 15 minutes before the scheduled use to insure that all equipment and facilities are ready for use. The supervisor will be responsible for safety, security and over seeing the activities being conducted at the site. The job will include checking any rest rooms, and other areas open to the public. All rules of the City are to be enforced during these activities. The person who is employed as the supervisor will have no other assigned duty during the activities. Any vandalism or damage caused by participants or spectators shall be the responsibility of the School District. The supervisor shall wear a shirt which identifies the person as a School District representative. City staff will provide lifeguards for swim practice at no charge. The City will provide an invoice to the School District to pay for all lifeguard personnel expenses during swim meets.

d. FIELD PREP: The School District is responsible for their own field prep.

3. City agrees to allow the School District to use potable water, only when irrigation water is not available, for maintaining the Baseball/Softball Infields only. The School District is prohibited from using potable water for irrigation on any other property. The intent is strictly for the safe up-keep of the dirt infields. The water irrigation facility being used for this purpose must be 1) in accordance with the City's Backflow Prevention Program, and 2) a dedicated system specific to the baseball/softball infields and separate from the landscape irrigation system. At the beginning of each season, the School District must notify the City Water Department prior to the use of potable water.

4. This Agreement shall expire on May 23, 2022 but may be terminated by thirty (30) days written notice by either party to the other. The parties may agree to either extend this Agreement or enter into a new Agreement upon expiration of this Agreement.

"TWIN FALLS SCHOOL DISTRICT NO. 411"

By Bernie Jansen
CHAIRMAN OF THE BOARD OF TRUSTEES

ATTEST:

Michelle Lucas
CLERK

"CITY OF TWIN FALLS, IDAHO"

By _____
MAYOR

ATTEST:

CLERK



Date: Monday, June 26, 2017
To: Honorable Mayor and City Council
From: Jarrod Bordi, Building Official

Request:

Request from the Boys and Girls Club of Magic Valley to waive all building permit fees to construct a new detached covered patio structure at their 999 Frontier Rd. location.

Time Estimate:

The request and presentation will take approximately 10 minutes.

Background:

Lindsey Westburg is the Executive Director Boys and Girls Club of Magic Valley. Lindsey approached City staff to waive our building permit fees in an effort to reduce the overall cost of the project.

In the past, the City Council has elected to waive building department fees for non-profit organizations, such as the Valley House, Jubilee House, Safe Harbor, Disabled Veterans, etc.

The estimated total value for all building permit fees to construct a new detached covered patio structure is **\$729.30**

Approval Process:

Approval of this request requires a simple majority (50%+1) of the members in attendance at this meeting.

Budget Impact:

If the request is granted, the City of Twin Falls will not receive the building permit revenue for this project.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff is asking Council to review this request and direct staff on how to proceed.

Attachments:

1. Boys and Girls Club of Magic Valley Permit Fee Waiver Request Letter #17-1603



Jarrold Bordi
Building Official
City of Twin Falls
324 Hansen St.
Twin Falls, ID 83301

June 12, 2017

Dear Jarrod,

I am writing to inform you of a project underway to benefit our local non-profit (Boys and Girls Clubs of Magic Valley). On behalf of the Boys and Girls Clubs Board of Directors, staff and thousands of youth we serve, we would ask for the support of the City of Twin Falls in any capacity possible.

The Club was recently gifted \$50,000 through Lowes to improve the safety and capacity at our Club. Through grant monies, we will be building a fenced area around the Club along with building an outdoor covered patio/picnic canopy to protect our kids from weather elements. Each year, we struggle with keeping our kids protected from the sun in the summer. We buy umbrellas, only for them to break or be wind blown shortly after they are purchased. The investment of a covered patio will allow us to increase our capacity along with keeping our kids safe and more comfortable in a shaded area.

EHM engineers has generously donated their efforts to this project. Jeremy Petersen of Petersen Brothers Construction is also donating labor to the project.

We would ask that you consider donating the cost of the building permit for the covered patio. The Club is benefitting the entire Twin Falls community by providing programs and safety for over 300 youth per day. The address of the Club is 999 Frontier Road in Twin Falls. We are hoping that construction may be permitted quickly and commence in time for this structure to be utilized during our 2017 summer programs. This would be an added cost to the Club and would allow us to benefit even more from this project. I appreciate your consideration and encourage any questions.

Thank you.

Lindsey Westburg
Executive Director
Boys and Girls Clubs of Magic Valley
Lwestburg@bgcmv.com
999 Frontier Road
Twin Falls, ID 83301

GREAT FUTURES START HERE.



Date: Monday, June 26, 2017
To: Honorable Mayor and City Council
From: Renee Carraway , Zoning & Development Manager

Request:

Request to adopt an **Ordinance** for the Vacation of 2 easements 1) utility, vehicular & drainage easement approximately 15'x160' along the western border of Lot 3, Blk 2 of West Park Commercial Subdivision No.2 and 2) a utility, vehicular & drainage easement approximately 25' x 244' along the northern boundary of Lot 3 Blk 2 of West Park Commercial Subdivision No. 2 on property located at 1821 Canyon Crest Drive. c/o Gerald Martens on behalf of Jason Vickrey (app. 2858)

Time Estimate:

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

Background:

N/A

Approval Process:

N/A

Budget Impact:

Regulatory Impact:

N/A

History:

On **April 25, 2017**, the Commission held a public hearing on this request. During the applicant's presentation, the representative stated the applicant would like to vacate only a portion of the northerly 25' utility, vehicular access and drainage easement – leaving the easterly 68', to allow a vehicular access to the developing Putter's Mini Golf facility from Canyon Crest Drive. There was no public comment and upon conclusion of the public hearing and deliberation, the Commission unanimously recommended approval of vacating the easements, as presented and subject to the following condition:

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.

On **May 30, 2017**, the City Council held a public hearing on this request. Presentations were given by the applicant's representative and by staff. The public hearing was opened and closed with no public comment. Upon conclusion of the public hearing and council deliberations, Councilmember Boyd made a motion to vacate the easements as presented and 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 a 20' x 181.11' public sewer/utility and drainage easement being dedicated and recorded by instrument # along the northerly boundary prior to adoption of an ordinance.

3. Subject to assurance, all utility companies have released their rights to both easements prior to adoption of an ordinance.

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

Analysis:

N/A

Conclusion:

As Directed By The Council, Staff Has Prepared An Ordinance For Your Consideration. Staff Recommends the City Council Adopt The Ordinance by a Third and Final Reading. Upon adoption, the ordinance may be published.

Attachments:

1. Putters Ordinance
2. Exhibit A 25' Easement Vacation
3. Exhibit B 15' Easement Vacation
4. Aerial Map

ORDINANCE NO. _____

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

WHEREAS, **Triple J Investments, LLC c/o Jason Vickery** has
made application for vacation of **two easements** located **within**
Westpark Commercial Subdivision No. 2 on property located at **1821**
Canyon Crest Drive

WHEREAS, the City Planning and Zoning Commission for the
City of Twin Falls, Idaho, held a Public Hearing as required by
law on the 25th day of April, 20 17, to consider
the vacation of the easement below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho,
held a Public Hearing to consider the same matter on the 30th
day of May, 20 17.

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

SECTION 1. That the following described easement is hereby
VACATED:

SEE ATTACHMENT "A" and ATTACHMENT "B"

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

PASSED BY THE CITY COUNCIL , 20__

SIGNED BY THE MAYOR , 20__

Mayor

Attest: Deputy City Clerk

PUBLISH: Thursday, , 20__

Legal Description
Utility, Vehicular Access & Drainage Easement Vacation
Lot 3, Block 2, Westpark Commercial Subd. No. 2 (1998-016096)
Twin Falls, Idaho

Being a portion of Lot 3, Block 2, as shown on that certain Plat entitled "WESTPARK COMMERCIAL SUBD. NO. 2", recorded September 2, 1998, as instrument no. 1998-016096 of official records, in the office of the county recorder of Twin Falls County, more particularly described as follows:

Beginning at the Northwest corner of said Lot 3, Block 2 and being the REAL POINT OF BEGINNING;

Thence, North 89°34'43" East 181.11 feet along the North boundary of said Lot 3, Block 2;

Thence, leaving said North boundary, South 00°25'17" East 25.00 feet along a line parallel with and Westerly of the East boundary of said Lot 3, Block 2 to a point on the South line of a twenty-five (25.00) foot "Utility, Vehicular Access & Drainage Easement", as shown on said Plat;

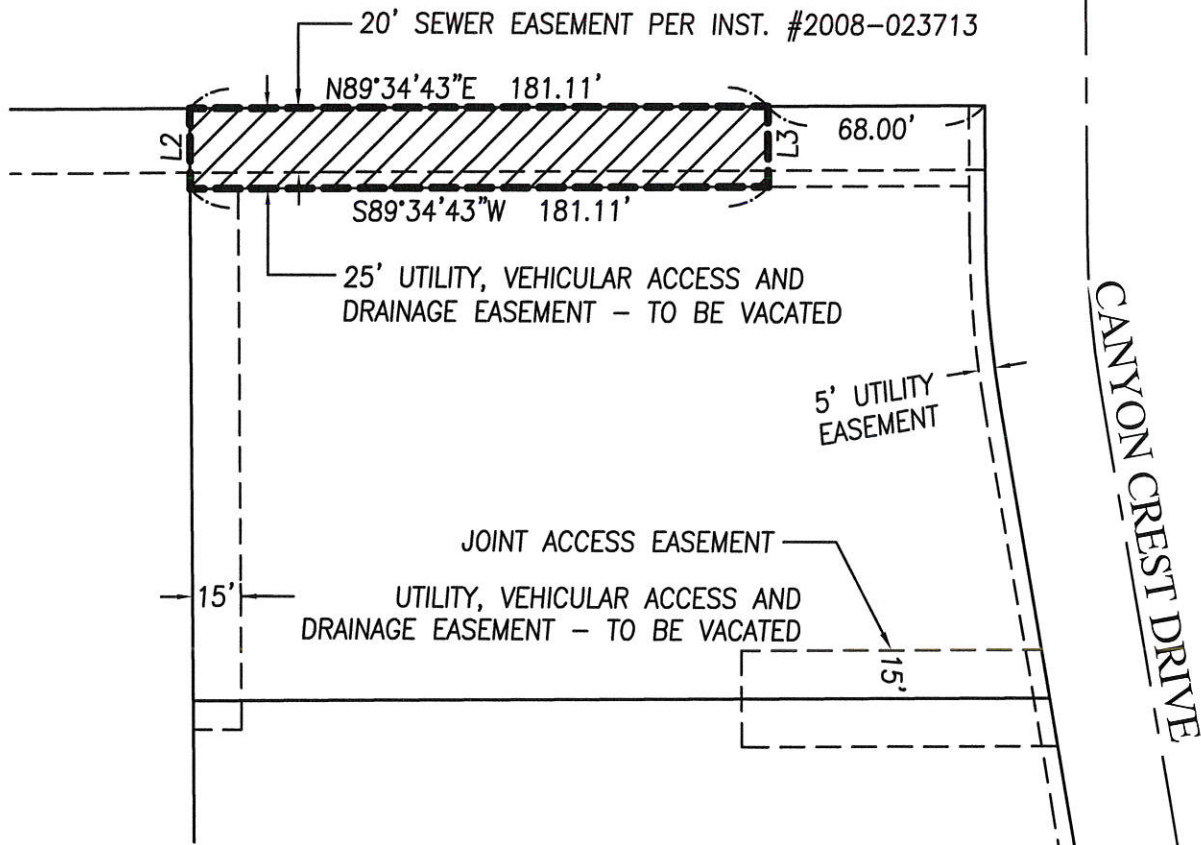
Thence, South 89°34'43" West 181.11 feet along said South line to a point on the West boundary of said Lot 3, Block 2;

Thence, North 00°25'17" West 25.00 feet along said West boundary to said REAL POINT OF BEGINNING.



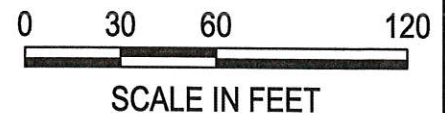
End of Description

Located In
A Portion of
Lot 3, Block 2
Westpark Commercial Subdivision No. 2
In
S² SW⁴, Section 33
Township 9 South, Range 17 East Boise Meridian
Twin Falls County, Idaho
2017



Line Table

LINE #	BEARING	DISTANCE
L2	N0°25'17"W	25.00'
L3	S0°25'17"E	25.00'



JOB NO.:	396-16
APPROVED:	
DESIGN:	
DRAWN:	CSH
DATE:	APRIL 2017
SCALE:	SHOWN
SHEET NO.:	396-16 EXH 1

PORTION OF LOT 3, BLOCK 2
WESTPARK COMMERCIAL NO. 2
TWIN FALLS, IDAHO



EHM Engineers, Inc.
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE

Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
p (208)-734-4888 fax (208)-734-6049 web: ehminc.com

Legal Description
Utility, Vehicular Access & Drainage Easement Vacation
Lot 3, Block 2, Westpark Commercial Subd. No. 2 (1998-016096)
Twin Falls, Idaho

Being a portion of Lot 3, Block 2, as shown on that certain Plat entitled "WESTPARK COMMERCIAL SUBD. NO. 2", recorded September 2, 1998, as instrument no. 1998-016096 of official records, in the office of the county recorder of Twin Falls County, more particularly described as follows:

Commencing at the Northwest corner of said Lot 3, Block 2;

Thence, South 00°25'17" East 25.00 feet along the West boundary of said Lot 3, Block 2 and being the REAL POINT OF BEGINNING;

Thence, leaving said West boundary, North 89°34'43" East 15.00 feet to a point on the East line of a fifteen (15.00) foot "Utility, Vehicular Access & Drainage Easement", as shown on said Plat;

Thence, South 00°25'17" East 159.53 feet along said East line;

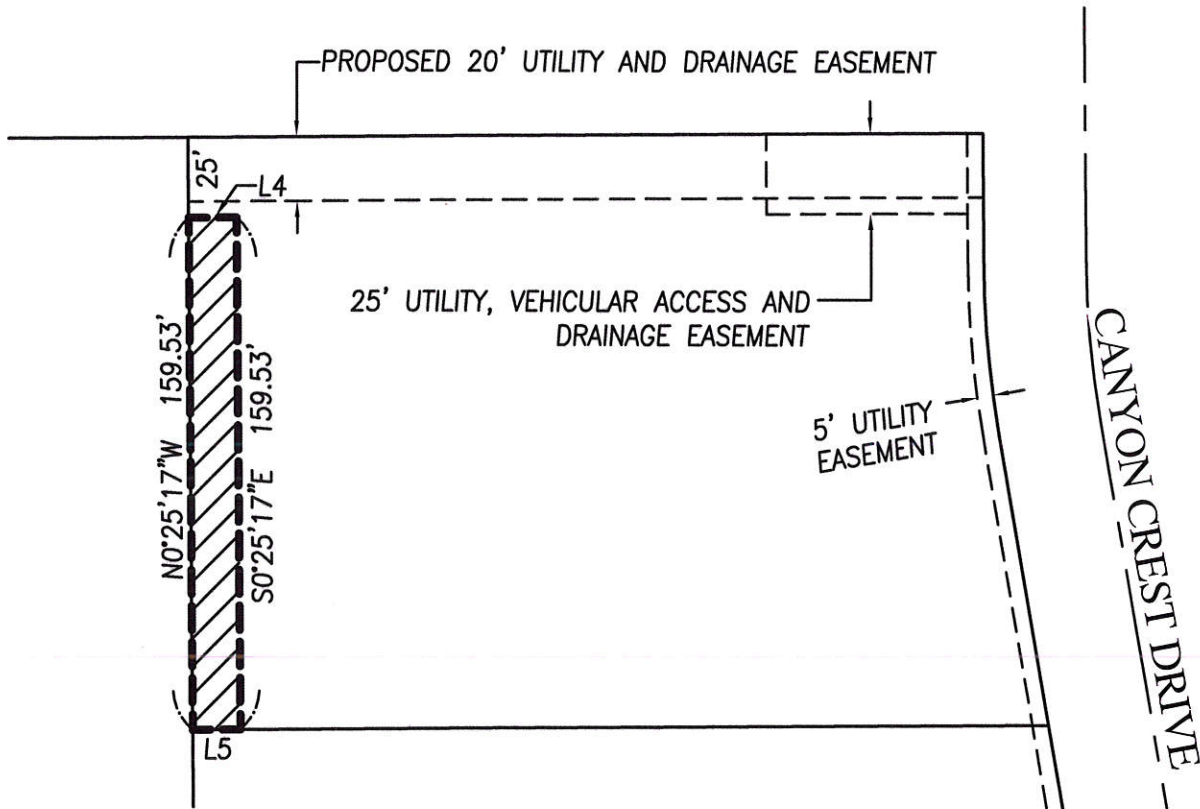
Thence, leaving said East line, South 89°34'43" West 15.00 feet to a point on said West boundary;

Thence, North 00°25'17" West 159.53 feet along said West boundary to said REAL POINT OF BEGINNING.

End of Description

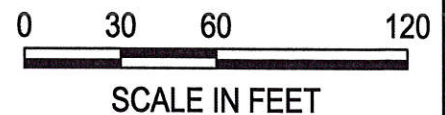


Located In
A Portion of
Lot 3, Block 2
Westpark Commercial Subdivision No. 2
In
S² SW⁴, Section 33
Township 9 South, Range 17 East Boise Meridian
Twin Falls County, Idaho
2017



Line Table

LINE #	BEARING	DISTANCE
L4	N89°34'43"E	15.00'
L5	S89°34'43"W	15.00'



PORTION OF LOT 3, BLOCK 2
WESTPARK COMMERCIAL NO. 2
TWIN FALLS, IDAHO



EHM Engineers, Inc.
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE

Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
p (208)-734-4888 fax (208)-734-6049 web: ehminc.com

JOB NO.: 396-16
DESIGN
DRAWN
DATE MAR 2017
SCALE SHOWN
S30-14 EXH
Sheet No.: 1

Aerial Map

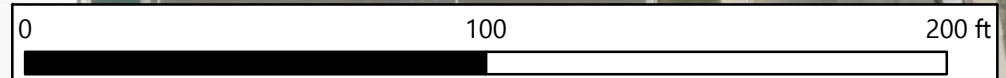
Reference Only



2037 RIVER

25' x 181'11" Utility, Vehicle, & Drainage Easement

15' x 160' Utility, Vehicle, & Drainage Easement



Aerial Photo - April 2016



Date: Monday, June 26, 2017
To: Honorable Mayor and City Council
From: Rene'e V Carraway-Johnson, Zoning & Development Manager

Request:

Request to adopt an **Ordinance** for the Vacation of 15' x 78.52', 1,178 sf, utility and drainage easement between Lots 3 and 4 of the J.E. White Subdivision No. 2 on property located at 985 Beverly Circle. c/o Blue Lakes Place, LLC-Jim Paxton (app. 2850)

Time Estimate:

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

Background:

N/A

Approval Process:

N/A

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

On **March 28, 2017**, the Commission held a public hearing on this request. No one spoke at the public hearing. Upon conclusion of the presentations, public hearing, and deliberations Commissioner Munoz made a motion to recommend approval of the request, as presented. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

On **April 24, 2017**, the City Council held a public hearing on this request. Presentations were given by the applicant's representative and by staff. The public hearing was opened. No one spoke and the public hearing was closed. Upon conclusion of the public hearing and council deliberations, Councilmember Lanting made a motion to vacate the easement as presented. Councilmember Boyd seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

Analysis:

N/A

Conclusion:

As Directed By The Council, Staff Has Prepared An Ordinance For Your Consideration.

Staff Recommends the City Council Adopt The Ordinance by a Third and Final Reading. Upon adoption,

the ordinance may be published.

Attachments:

1. Blue Lakes Place Ordinance
2. Aerial Map
3. Site Plan

ORDINANCE NO. _____

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

WHEREAS, Blue Lakes Place, LLC c/o Jim Paxton has made
application for vacation of an **easement** located **between Lots 3 & 4 of**
JE White Subdivision No.2 on property located at 985 Beverly Circle in
the City of Twin Falls; and,

WHEREAS, the City Planning and Zoning Commission for the City of
Twin Falls, Idaho, held a Public Hearing as required by law on the
28th day of March, 2017, to consider the vacation
of the easement below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held
a Public Hearing to consider the same matter on the 24th day of
April, 2017.

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

SECTION 1. That the following described easement is hereby
VACATED:

SEE ATTACHMENT "A"

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

PASSED BY THE CITY COUNCIL , 20____

SIGNED BY THE MAYOR , 20____

Mayor

Attest: Deputy City Clerk

PUBLISH: Thursday, , 20____

Attachment "A"

**Easement Vacation
Description**

A 15.00 foot wide utility and drainage easement centered on a portion of the boundary between Lots 3 and 4 of "J.E. White Subdivision No.2" as recorded in Book 8 of plats on page 45, of the records of Twin Falls County, Idaho; located in a portion of the SW⁴SW⁴SW⁴ of Section 3, Township 10 South, Range 17 East, Boise Meridian and being more particularly described as follows:

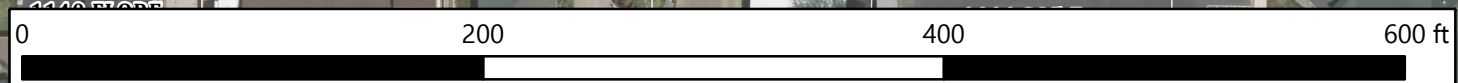
Commencing at the Northwest corner of said Lot 3. Thence South 01°00' West 10.00 feet along the West boundary of said Lot 3 to the REAL POINT OF BEGINNING of the centerline of said 15.00 foot wide easement.

Thence continuing South 01°00' West 78.52 feet along the West boundary of said Lot 3 to the Southwest corner thereof and being the ending point of the centerline of said 15.00 foot wide easement.

The sidelines of said easement being extended to intersect the vacated Right of Way of "Beverly Circle".

Aerial Map

Reference Only



Aerial Photo - April 2016

CERTIFICATE OF OWNERS

This is to certify that the undersigned are the owners in fee simple of the following described property, to wit: the correct determination of the land included in this plat is as follows:

A parcel of land in the SW1/4 SW1/4 SW1/4 of Section 3, T.10S., R.17E., B.M.1, beginning of a point that is N. 17° 22' E., along the section line, 350.00 feet, and S. 08° 35' E., 200.00 feet, from the section corner common to Sections 3, 4, 9 and 10, T.10S., R.17E., B.M.1, said point also being the Northeast corner of Lot 6, J.E. White Subdivision, Twin Falls County, Idaho.

Thence N. 17° 22' E., 300.25 feet to the Northeast corner of said Subdivision;

Thence S. 08° 35' E., 473.30 feet;

Thence S. 14° 00' W., 300.00 feet;

That it is the intention of the undersigned to and they do hereby include said land in this plat, that the undersigned do, by these presents, dedicate to the public the public use, for streets, all streets as shown on this plat, the easements indicated on said plat are not dedicated to the public, but the right to use said easements is hereby perpetually reserved for public utilities and for any other use as designated hereon, and no structures other than for such utility purposes are to be erected within the lines of said easements.

Witness my hand and seal this _____ day of _____, 1963.

OWNER: Florence White

ENGINEER

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this _____ day of _____, 1963, before me, a Notary Public for said State, personally appeared the person whose name is subscribed to the foregoing declaration, and acknowledged to me that they executed the same.

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

NOTARY PUBLIC for the State of Idaho



CITY ACCEPTANCE

The foregoing plat was duly accepted and approved by the Board of Commissioners of the City of Twin Falls, Idaho, on the _____ day of _____, 1963.

SEAL
Mayor

CITY ENGINEER

CITY ENGINEER

CITY ENGINEER

The undersigned hereby certifies that the property described in this plat lies within one mile of the City of Twin Falls, Idaho; and that this plat has been examined by the undersigned and is approved.

Dated this _____ day of _____, 1963.

CITY ENGINEER

CITY ENGINEER

CITY ENGINEER

CITY ENGINEER

CITY ENGINEER

CITY ENGINEER

CITY ENGINEER

CITY ENGINEER

CERTIFICATE OF ENGINEER

This is to certify that I, Jean Miller, a Registered Professional Engineer in the State of Idaho, made the survey of the land described in the Certificate of Owners and designated herein as "J.E. White Subdivision No. 2" and that this plat is a true and correct representation of said survey as made and staked by me on the ground.



ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF TWIN FALLS

On this _____ day of August, 1963, before me, a Notary Public in and for said State, personally appeared Jean Miller, known to me to be the person whose name is subscribed to the foregoing Certificate of Engineer and acknowledged to me that he executed the same.

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

Notary Public for the State of Idaho

Notary Public for the State of Idaho

Notary Public for the State of Idaho

Notary Public for the State of Idaho

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Notary Public for the State of Idaho



Date: Monday, June 26, 2017
To: Honorable Mayor and City Council
From: Rene'e V Carraway-Johnson, Zoning & Development Manager

Request:

Consideration of the **PUD Agreement** between the City of Twin Falls and HB Properties L.L.C.

Time Estimate:

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

Background:

N/A

Approval Process:

N/A

Budget Impact:

Approval of this request will not impact the City budget.

Regulatory Impact:

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

History:

Attached is a copy of the proposed PUD Agreement between the City of Twin Falls and HB Properties, L.C.

On **July 27, 2004**, the Commission unanimously recommended a zoning designation of C-1 PUD, as presented, if the property were to be annexed.

On **August 23, 2004**, The City Council held a public hearing on this request. Presentations were given by the applicant's representative and by staff. The public hearing was opened. No one spoke and the public hearing was closed. Upon conclusion of the public hearing and council deliberations a motion was made and seconded to approve the request, as presented. Roll call vote showed all members present in favor of the motion. Ordinance #2802 was adopted and later published. Adoption and publication of Ordinance #2802 annexed and rezoned the property. At that time a PUD Agreement was adopted at the time of final plat, therefore the draft PUD Agreement was not approved. The property is under new ownership. They wish to develop the site as approved.

Staff has worked with the developer to assure that the PUD Agreement accurately and correctly reflects Council's approval. Attached is a copy of the final draft of the PUD Agreement.

Analysis:

N/A

Conclusion:

Staff feels that the attached agreement correctly reflects the PUD as it was approved and recommends Council approval of the agreement, as presented.

Attachments:

1. HB Properties PUD Agreement
2. 08-23-04 CC Minutes

C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

HB Properties PUD

THIS AGREEMENT, made and entered into this _____ day of _____, 2017, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called “City”), and HB Properties, L.C. (hereinafter called “Developer”), whose address is 2280 South Main Street, Salt Lake City, UT 84115.

RECITALS

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit “A”, attached hereto, (the “Property”) which Property is at the northwest corner of Washington Street North and Cheney Drive West.

WHEREAS, Developer intends to develop the property under one ownership at this time; and

WHEREAS, Developer has made request of the City to develop a business park subdivision (the “Project”) on the Property and has submitted to the City a Master Development Plan (Exhibit “B”) thereof which has been approved for development as a “C-1 PUD Business Park” by the Planning and Zoning Commission and City Council of the City, Ordinance 2802 approved August 23, 2004; and

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

COVENANTS

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

1. NATURE OF THE AGREEMENT. This agreement shall become part of the “C-1 PUD” zone with respect to the Project upon its full execution and recording. Developer and its assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

2. NATURE OF THE DEVELOPMENT. It is agreed by the parties hereto that certain language and requirements pertaining to the “Project” zone shall be interpreted as follows:

A. USES.

1. Except as provided herein, the uses shall be limited to those allowed in the C-1 zone (Code Section 10-4-8.2) as amended and attached hereto as “Exhibit C”. Industrial uses, conforming to requirements of Twin Falls Ordinance 2786 will be allowed. Convenience Stores including fuel sales will be a permitted use provided such facilities are located within 300 feet of Washington Street North. Motels and Hotels will be a permitted use provided such facilities are within 466 feet of Washington Street North.
2. Convenience stores, including fuel sales located more than 300 feet from Washington Street North will require a Special Use permit per 10-4-8.2 B.

B. BUILDING SIZE.

1. There is no limitation to building size provided buildings conform to the IBC.

C. HOURS OF OPERATION.

1. There is no restriction to hours of operation for non-retail uses within a building.

- D. PHASING OF DEVELOPMENT. Developer shall be permitted to develop the property in phases, so long as those phases are in compliance with the Master Development Plan, and this PUD Agreement. There shall be no minimum and a maximum of 3 years limit between phases.

3. STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS.

Developer shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property and adjacent right-of-way (hereinafter “Improvements”) as described herein in accordance with City Standards.

- A. IMPROVEMENT PLANS. Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for that development phase, showing all improvements contemplated within that phase of the development (hereinafter “Improvement Plans”). The Improvement Plans and all Improvement shall thereon meet the approval of the City, which approval shall be given if such plans conform with established City requirements, the Master Development Plan and this PUD Agreement.
- B. IMPROVEMENT DESIGN AND CONSTRUCTION. Developer, at its expense, shall cause all Improvements shown on the Improvement Plan to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided herein. Notwithstanding the foregoing, nothing in this agreement shall prohibit City, State, or Federal participation in the cost or financing of Improvements on the Property if mutually agreed to by the parties hereto.
- C. PHASED CONSTRUCTION. Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope

of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.

- D. CONSTRUCTION SUPERVISION. Developer shall use a registered professional engineer to supervise the construction; inspection and testing of the work as necessary, to ensure that all such improvements are constructed in accordance with the approved Improvement Plans.
- E. NON-COMPLIANCE. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will take in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the right of the parties are preserved at law and equity.

- F. FEES. Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant of the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.
- G. MAINTENANCE OF IMPROVEMENTS. City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.
4. DEVELOPMENT PLANS. Developer agrees to file with City preliminary development plan, or plans in phases, prepared by a registered professional engineer, of the real property, which is the subject of this agreement. Preliminary and final plans for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-ways the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plans and any amendments thereto must first be approved by the City.
5. INDIVIDUAL PARCEL DEVELOPMENT CRITERIA. The Property or any portion thereof shall be developed in accordance with criteria set forth in this Section 5.
- A. APPROVAL AND CONSTRUCTION. All improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.
- B. LANDSCAPING AND PLANTING. Perimeter Landscaping buffer along bordering and interior streets shall be required to be installed on each parcel of the Property and in the public right-of-way adjacent thereto at the time site and building improvements are completed thereon. Such landscaped buffer shall be

installed from the back of the curb in the public right-of-way and shall be extended to the dimensions set forth below.

A 35-foot wide landscape buffer, including sidewalk, measured from the back of the curb, will be constructed along Washington Street North.

A 20 foot wide landscaped buffer, including sidewalk, measured from the back of the curb shall be provided along Cheney Drive West and all other interior streets, public and/or private or as per City Ordinance 2786 and/or City Code 10-8-3, whichever is greater.

Each property will be required to meet the minimum requirements of City Code onsite to include adjacent landscape buffers in addition to the Master Development Plan. All landscaping shall be installed in conformance with the project Master Development Plan. All landscaping maintenance will be in a uniform manner.

The property landscaping will utilize a city pressure irrigation system constructed in compliance with applicable standards.

Manufacturing uses shall be landscaped in accordance with the Twin Falls City Code Section 10-4-8.2 (A), 10-6-3, and Ordinance 2786, whichever is greater; but shall meet the requirements of the Master Development Plan.

- C. LANDSCAPING PLAN. For each buffer area, as per 5B above, at the time of development, each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen (18”) in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30”) in height. The landscape buffer shall be planted with a minimum of one tree per five-hundred (500) square feet of landscaped area and a minimum of one shrub per one-hundred (100) square feet of landscaped area. At least fifty percent (50%) of

the shrubs and trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from the groups last approved by the Tree Commission through its Tree Selection Guide. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet (4') when planted.

The use of planters and landscaped islands within parking lots will be used to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. In all cases landscaping will meet or exceed the minimum requirements of the City of Twin Falls Zoning and Subdivision Regulations. Manufacturing uses shall also comply with code section 10-4-8.2 (A), 10-6-3, or Ordinance 2786 requirements for landscaping, whichever is greater. Nothing herein shall preclude the City from evaluating the landscape on a project basis when such evaluation can be shown to provide a more uniform and aesthetically desirable landscaping.

D. BUILDING STANDARDS. Buildings and improvements shall comply with the following standards. All building, site and landscaping plans shall be approved by the project architectural review committee.

1. ARCHITECTURAL STANDARDS. All buildings shall be constructed of architectural masonry, stone, stucco, or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces. Building parapets shall be designed to create elevation variation and to preclude roof top mechanical equipment from being observed from adjacent streets or residential properties. Where building parapets cannot effectively screen roof top equipment the equipment shall be screened with equipment obscuring screens

constructed of material of a color and texture to minimize observation. Basic building colors shall be neutral earth tones. Accent colors will require approval by the developer and the architectural control committee. Buildings will be located in a manner that optimizes the appearance of the building to adjacent streets and other public areas. Where possible, buildings shall be utilized to screen or break up large parking areas. Buildings shall also be located in a manner that preserves, to the extent possible, the aesthetics and appearance of existing buildings. All building lighting shall be located in soffit areas or shielded to preclude the light source from being seen from adjacent properties or any residential areas. Building plans shall include detailed landscape plans. The landscaping shall be designed to complement the building, and provide further screening for large uniform building surfaces.

2. OUTSIDE STORAGE/LOADING DOCKS. Loading docks, trash containers and such facilities shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or fencing. Screening shall be approved by the Developer or its assigns. No outside storage will be allowed.
3. UTILITIES. All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material.
4. HEIGHT LIMITATIONS. No structure shall be higher than 35 feet with exception of manufacturing which shall be per Ordinance 2786. Architectural features and equipment screens may exceed 35 feet.

5. SIGN PLAN:

- A. FREESTANDING SIGNS. Freestanding signs shall be monument style signs with a maximum height of 10 feet measured above the adjacent curb, with a maximum signage area of 100 square feet per sign. The Development may have a total of five (5) monument signs in coordination with the five (5) buildings; two (2) signs may be located on Washington Street North, two (2) signs on Cheney Drive West and one (1) sign along the entrance at the Northwest corner of this development. No Pylon or roof mounted signs will be allowed. Traffic Directional signage (i.e. Enter/Exit Signs, Stop Signs, etc.) will be allowed per Chapter 9 – Sign Regulations of the Twin Falls City Zoning Code.
- B. BUILDING SIGNS: Building signage shall be limited to wall mounted signs and shall conform to Chapter 9 – Sign Regulations of Twin Falls City Zoning Ordinance with regards to size and allowable number.
- C. MENU BOARDS: Exterior Menu Boards will be allowed and shall conform to Chapter 9 – Sign Regulations of Twin Falls City Zoning Ordinance.

6. ILLUMINATION. Exterior lighting shall be shielded to preclude the light source being visible from the adjacent properties.

7. PEDESTRIAN/BICYCLE FACILITIES. Development plans for each project phase and each building shall include facilities that will accommodate pedestrian and bicycle access to the project interior streets and the adjacent exterior streets, Washington Street North and Cheney

Drive West. Where reasonably feasible the pathways shall be separated from the interior streets by landscaping or other features to encourage use of pedestrian/bicycle facilities.

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

9. GENERAL PROVISIONS.

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

B. ENTIRE AGREEMENT. This agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduce to writing and signed by the parties.

C. APPLICABLE LAW. This agreement shall be construed in accordance with the laws of the State of Idaho.

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

DEVELOPER: HB Properties, L.C.
2280 South Main Street
Salt Lake City, UT 84115

CITY: City of Twin Falls
321 Second Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

- E. SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this agreement with respect to said transferred property.
- F. SEVERABILITY. In the event any portion of this agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this agreement, and the remaining portions shall not be affected thereof.
- G. SIGNATORIES. Each of the persons executing this agreement hereby warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this agreement is binding on, and enforceable against, such entity.
- H. EFFECTIVE DATE. This agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.

- I. ATTORNEY FEES. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails in such litigation, shall be entitled to a reasonable attorney's fee.
- J. CONSTRUCTION. Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.
- K. ATTACHMENT. All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.
- L. CAPTIONS. The captions, sections and paragraph numbers appearing in this agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

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

CITY OF TWIN FALLS

BY: _____
Mayor

HB PROPERTIES, L.C.

BY: _____
Manager

ACKNOWLEDGEMENTS

STATE OF IDAHO)
) ss.

COUNTY OF TWIN FALLS)

On this _____ day of _____, 2017, before me,
_____, known to me to be the Mayor of the CITY OF TWIN
FALLS, IDAHO, the municipal corporation that executed the within and foregoing instrument,
and acknowledged to me that such municipal corporation executed the same.

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

NOTARY PUBLIC FOR IDAHO

Residence of _____

My Commission Expires _____

ACKNOWLEDGEMENTS

STATE OF IDAHO)
) ss.
COUNTY OF TWIN FALLS)

On this _____ day of _____, 2017, before me, a Notary Public in and for said County and State, personally appeared _____, known to me to be the manager or one of the managers of HB Properties, L.C. and the manager who subscribed said name to the foregoing instrument, and acknowledged to me that he/she executed the same in said limited liability name.

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

NOTARY PUBLIC FOR IDAHO

Residence of _____

My Commission Expires _____

EXHIBIT “A”

COPY

TWIN FALLS COUNTY

Recorded for:

TWIN FALLS, CITY OF

3:06:15 pm 02-09-2005

2005-002919

No. Pages: 2

Fee: \$ 6.00

KRISTINA GLASCOCK

County Clerk

Deputy: KMCCLURG

CORRECTED ORDINANCE NO. 2802

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

0 2802

WHEREAS, Earl & Barbara Williamson and Roger & Sharon Williamson have made application for annexation of property located west of the 1400 and 1500 blocks of Washington Street North; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 27th day of July, 2004, to consider the Zoning designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 23rd day of August, 2004, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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

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

A parcel of land located in NE ¼, Section 5, and the NW ¼, Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

COMMENCING at the northeast corner of said Section 5, a section corner common to Section 4 and 5 of Township 10 South and Section 32 and 33, Township 9 South, thence North 89°34'43" East 25.00 feet along the north line of said Section 4; thence South 00°22'00" West 783.22 feet along the east right of way for Washington St. N. and parallel with the east line of Section 5, to the REAL POINT OF BEGINNING;

THENCE North 89°34'43" West 25.00 feet to the southeast corner of Government Lot 1 of Section 5;

THENCE North 89°45'07" West 466.69 feet;

THENCE South 00°22'00" West 466.69 feet;
 THENCE South 89°45'07" East 466.69 feet to the east boundary
 of Section 5;
 THENCE South 89°34'43" East 25.00 feet to a point on the east
 right of way for Washington St. N.;
 THENCE North 00°22'00" East 466.69 feet along the east right
 of way for Washington St. N. and parallel with the east
 boundary of Section 5, to the REAL POINT OF BEGINNING.

Containing 5.268 Acres

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

SECTION 2. That the real property described in Section 1
 hereof be and the same is hereby zoned C-1 PUD.

SECTION 3. That the Area of Impact and Zoning Districts Map
 for the City of Twin Falls, Idaho, be and the same is hereby
 amended to reflect the newly incorporated real property as hereby
 zoned.

SECTION 4. That the City Clerk immediately upon the passage
 and publication of this Ordinance as required by law certify a
 copy of the same and deliver said certified copy to the County
 Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL

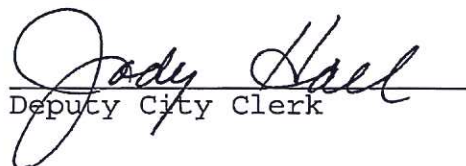
August 23, 2004

SIGNED BY THE MAYOR

October 25 , 2004


 Mayor Glenda Thompson

ATTEST:


 Deputy City Clerk

PUBLISH: Thursday, September 16, 2004

EXHIBIT “B”

NO.	REVISION	DATE
1	DESIGN	12/15/17
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

LEGEND ENGINEERING
122 WEST 100 NORTH
SALT LAKE CITY, UT 84115
PHONE: 435-654-4828
WWW.LEGENDENGINEERING.COM



HB BOYS TWIN FALLS
SITE PLAN
CHENEY DR + WASHINGTON ST, TWIN FALLS, ID

1
May 16, 2017

LOT LINES (PROPERTY)

EXISTING CURB AND GUTTER

PROPOSED CURB AND GUTTER

PROPOSED STORM DRAIN LINE

EXISTING STORM DRAIN LINE

EXISTING POWER

EXISTING FENCE

EXISTING WATER

EXISTING GAS

EXISTING SANITARY SEWER

EXISTING STORM DRAIN

FINISH GRADE

FINISH GRADE CONTOUR LINES

EXISTING GRADE CONTOUR LINES

FINISH GRADE SLOPE

GRADE BREAK

INVERT ELEVATION

TOP OF DATE

TOP OF T

TOP BACK OF CURB

PROPOSED

EXISTING

FINISHED GRADE

FINISHED FLOOR ELEVATION

BACK OF SIDEWALK

BUILDING

LANDSCAPING

SIDEWALK

PAVEMENT

SITE DATA

LOT AREA: 184,720 SF (4.24 ACRES)

LANDSCAPING AREA: 118,808 SF (2.71 ACRES)

PAVEMENT AREA: 35,702 SF (0.81 ACRES)

LANDSCAPE AREA: 35,702 SF (0.81 ACRES)

ZONING: C-1

SETBACKS:

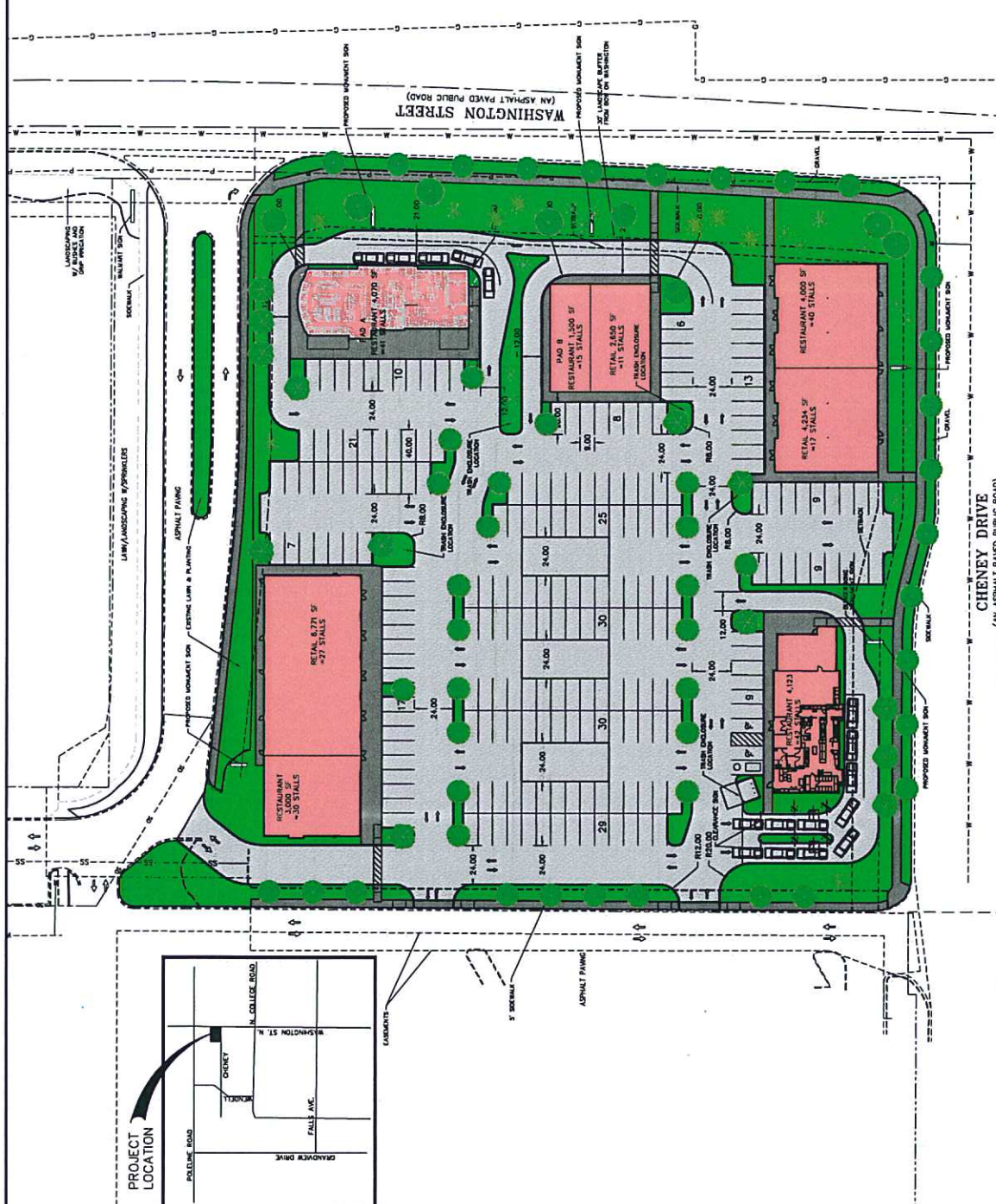
- FRONT: 25'
- REAR: 0'
- SIDE: 0'

PARADE LANE:

- TOTAL STALLS REQUIRED: 168
- RESTAURANT (1 PER 100 SF): 168 STALLS
- TOTAL STALLS REQUIRED: 223 (6 ADA STALLS)
- STALLS PROVIDED: 223

Know what's below.
Call before you dig.
1-800-347-1585

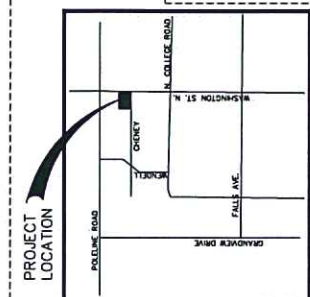
Scale: 1" = 100'



DEVELOPER/OWNER:
HB PROPERTIES, L.C.
2280 SOUTH MAIN STREET
SALT LAKE CITY, UTAH 84115

ENGINEER:
LEGEND ENGINEERING
122 WEST 100 NORTH
SALT LAKE CITY, UTAH 84115

ARCHITECT:
BRIAN D. RUSSELL ARCHITECTS, INC.
122 WEST 100 NORTH
SALT LAKE CITY, UTAH 84115





Sun
West - Lazy
J 259

397 NORTH
CSI
CSI 262

WASHINGTON ST N

SUP 1348

1643 WASHI C-I
1617 WASHI

C-I

G-I

1519 WASHI

G-I

SUP 1425

Canyon
Ridge 247
C-I

CHENEY DR W

252 CHENEY

North Haven
245

G-I

EXHIBIT “C”

10-4-8.2: USE REGULATIONS:

(A) PERMITTED USES: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications And Utilities:

- a. Radio and television stations without transmission and receiving towers.
- b. Telegraph centers and telegraph stations.
- c. Telephone exchange stations.
- d. Underground and aboveground transmission lines.
- e. Utility owned buildings and structures less than twenty-five (25) square feet in area and less than three feet (3') aboveground.
- f. Utility owned buildings and structures more than twenty-five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural Facilities:

- a. Libraries, museums and art galleries.

3. Governmental Facilities:

- a. Fire stations and police stations.
- b. Governmental office buildings.
- c. Judicial facilities.

4. Manufacturing:

- a. Business park PUD only.

5. Medical Facilities:

- a. Acupuncture facilities approved by the south central district health department or other state regulatory agency.
- b. Ambulance service.
- c. Doctors' offices.
- d. Drug and alcohol treatment centers.

EXHIBIT “C”

e. Hospitals and clinics.

f. Rehabilitation services.

6. Parks:

a. Open space.

b. Park concessions.

7. Public Assembly:

a. Auditoriums.

b. Funeral chapels.

c. Religious facilities.

d. Schools - private, single purpose.

e. Schools - private, vocational and/or academic.

f. Theaters - indoor.

g. Wedding chapels and/or reception halls.

8. Residential:

a. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.

b. Household units in upper floor of commercial or professional buildings.

9. Retail Trade:

a. Apparel and accessories.

b. Automobile parts store.

c. Bakery.

d. Bookstore.

e. Commercial greenhouses.

f. Craft shop, in conjunction with retail business.

EXHIBIT “C”

- g. Eating places.
 - h. Farm and garden supplies.
 - i. Florist shop.
 - j. Food, drugs, etc.
 - k. General merchandise.
 - l. Hardware store.
 - m. Hobby and toy store.
 - n. Home furnishings and equipment.
 - o. Ice cream store.
 - p. Import store.
 - q. Laundering and dry-cleaning.
 - r. Laundromats.
 - s. Lumber, plumbing and/or electrical supply stores.
 - t. Music store.
 - u. Pawnshop.
 - v. Pet shop.
 - w. Sporting goods store.
 - x. Taxidermy studio.
 - y. Temporary automobile and truck sales permitted with staff approval, provided that there shall be state approval, no parking or display of vehicles in landscaped areas, no temporary signs, and no sight obstructions.
10. Services:
- a. Advertising.
 - b. Apparel repair and alteration.
 - c. Beauty and barbershops.
 - d. Building care contracting offices.

EXHIBIT “C”

- e. Business associations.
 - f. Civic, social and fraternal organizations.
 - g. Construction trade offices.
 - h. Consumer credit collection offices.
 - i. Copy center - self-service.
 - j. Daycare services.
 - k. Dog grooming and/or kennels.
 - l. Duplicating and stenographic offices.
 - m. Employment agency.
 - n. Finance and investment offices.
 - o. Horticultural services.
 - p. In home daycare services.
 - q. Insurance and related business.
 - r. Labor unions and organizations.
 - s. Photography studios.
 - t. Professional organizations.
 - u. Professional services.
 - v. Real estate and related business.
 - w. Tourist information center.
 - x. Welfare and charitable facilities.
11. Sports Facilities:
- a. Athletic areas.
 - b. Miniature golf courses.
 - c. Outdoor, public and commercial swimming pools.
 - d. Outdoor, public and commercial tennis courts.

EXHIBIT “C”

12. Transportation:

- a. Bus facilities, including pick up shelters.
- b. Open parking lot or garage for automobiles.
- c. Taxicab office.
- d. Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2786, 6-1-2004)

(B) SPECIAL USES: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications And Utilities:

- a. Radio and television stations with wireless communications facilities.

2. Manufacturing:

- a. Handcrafted furniture.

3. Medical Facilities:

- a. Animal hospital - small animals.
- b. Prosthetics - sales, service and/or construction.

6. Miscellaneous:

- a. Any facility with drive-through service.

7. Public Assembly:

- a. Exhibition halls.
- b. Sports arena.

8. Residential:

- a. Motels and transient hotels, see paragraph 2A1

EXHIBIT “C”

9. Retail Trade:

- a. Alcoholic beverages when consumed on the premises where sold.
- b. Automobile and truck sales and/or rentals.
- c. Car wash facilities.
- d. Gasoline service stations, see paragraph 2A1
- e. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- f. Sporting vehicles and motorcycles - sales and/or rentals.

10. Services:

- a. Appliance repair.
- b. Auctions and/or public sales
- c. Automobile and truck service and/or repair.
- d. Furniture repair/upholstery.
- e. Publishing and printing business.
- f. Sporting vehicles and motorcycles - service and repair, if in conjunction with a sporting vehicle and motorcycle sales business.
- g. Testing laboratories.

11. Sports Facilities:

- a. Indoor recreation facility.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection [10-17-1\(F\)](#) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND	DENNIS	ELAINE	CHRIS
BARIGAR	CLOW	CRAIG	THOMPSON	MAUGHAN	STEELE	TALKINGTON
<i>Vice Mayor</i>			<i>Mayor</i>			

MINUTES

MEETING OF THE TWIN FALLS CITY COUNCIL, MONDAY, AUGUST 23, 2004

.....

IV. PUBLIC HEARINGS: 6:00 P.M.

1. Request of Earl & Barbara Williamson and Roger & Sharon Williamson for annexation of approximately 5 acres of land with a zoning designation of C-1 PUD, currently zoned R-4, for property located west of the 1400 and 1500 blocks of Washington Street North.

Gerald Martens, EHM Engineers, representing the applicant, spoke for the request.

Planning and Zoning Director Orton reviewed the request using overhead projections. He said the Planning and Zoning Commission had recommended C-1 PUD if the property was annexed.

The public hearing was opened.

No one present spoke for or against the request.

The public hearing was closed.

Councilperson Steele made the motion to suspend the rules and place Ordinance #2802 entitled:

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

on third and final reading by title only. The motion was seconded by Councilperson Maughan and roll call vote showed all members present in favor of the motion.

Deputy City Clerk Jody Hall read the ordinance title.

Vice Mayor Clow made the motion to pass Ordinance #2802. The motion was seconded by Councilperson Steele and roll call vote showed all members present in favor of the motion. Ordinance #2802 passed