



Twin Falls City Council Agenda

Monday, November 18, 2019, 5:00 PM

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

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

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS: None
- 4) GENERAL PUBLIC INPUT
- 5) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve the Accounts Payable for November 7-13, 2019.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the November 12, 2019, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to Approve the Finding of Fact and Conclusions of Law: Federation Pointe, LLC Vacation.
 - d) **ACTION ITEM:** Request for approval of the Annual Festival of Lights Parade to be held on Friday, December 6, 2019.
By: Sergeant Ryan Howe, Twin Falls Police Department
 - e) **ACTION ITEM:** Request to approve a Trust Agreement for Cedarpark Subdivision No. 12, a PUD, placing Lots 1 through 26; Block 1 in trust.
By: Troy Vitek, Assistant City Engineer
 - f) **ACTION ITEM:** Request to accept the Improvement Agreement for the purpose of developing Cedarpark Subdivision No. 12, a PUD.
By: Troy Vitek, Assistant City Engineer
- 6) ITEMS OF CONSIDERATION
 - a) **ACTION ITEM:** Request to adopt an ordinance for a vacation request for a portion of Bolton Street right of way located north of 202 Caswell Avenue West. (PZ19-0001)
By: Jonathan Spendlove, Parks & Recreation Director

- b) **ACTION ITEM:** Request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-4 to R-6 ZDA for property located at the 100 & 200 blocks of Caswell Avenue West. (PZ18-0097)

By: Jonathan Spendlove, Parks & Recreation Director

- c) **ACTION ITEM:** Request for further direction on scope of a potential Smoking Ordinance.

By: Shayne Nope, City Attorney

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request an Appeal of a Special Use Permit to allow a drive through facility with extended hours on property located at 1869 Addison Avenue East c/o Ron Burns (PZ19-0137). On September 24, 2019, the Planning and Zoning Commission approved the Special Use Permit (PZ19-0107) by a vote of 9 - 0.

By: Brock Cherry, City Planner

9) ADJOURNMENT

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

Public Input Procedures

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

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and 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. A City Staff Report shall summarize the application and history of the request.
4. 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.
5. 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.
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.
 - Individuals are not permitted to give their time to other speakers.
 - However, five (5) or more individuals that received written notice of the public hearing may appoint, 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, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.
8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.
10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & 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**

Tuesday, November 12, 2019, 5:00 PM

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

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Vice Mayor Nikki Boyd, Council Member Suzanne Hawkins, Chris Talkington, Greg Lanting, Christopher Reid & Ruth Pierce.

Absent: Mayor Shawn Barigar

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Brian Pike, City Attorney Shayne Nope, CFO Lorie Race, Police Chief Craig Kingsbury, City Planner Steve O'Connor, ITC Manager Kathy Markus, Parks & Rec Director Wendy Davis, Parks Superintendent Kevin Skelton, City Engineer Mark Holtzen, Planning & Zoning Director Jonathan Spendlove, Human Resources Director Gretchen Scott, Recruitment Coordinator Kristen Shuff, Help Desk Technician Kim Hafer, Finance Administrative Assistant Amy Luna.

Vice Mayor Boyd called the meeting to order at 5:00 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

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

3) PROCLAMATIONS: None

4) GENERAL PUBLIC INPUT

Human Resources Director Scott presented a Veterans Tribute Video which was put together by **Rachel Sparrow** from Utility Billing and **Cortney Cunningham** from the Police Department.

5) CONSENT CALENDAR

MOTION: Council Member Lanting moved to approve the Consent Calendar as presented. **Council Member Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0

- a) **ACTION ITEM:** Request to approve the Accounts Payable for October 24 through November 6, 2019.
- b) **ACTION ITEM:** Request to approve the October 28, 2019, City Council Minutes.
- c) **ACTION ITEM:** Request to accept the public right of way located at the intersection of Frank Henry Road and Silver Creek Way in Perrine Point Subdivision.
- d) **ACTION ITEM:** Request to approve the 29th Annual Christmas in the Nighttime Sky event to be held on Friday, November 29, 2019.

6) ITEMS OF CONSIDERATION

- a) **PRESENTATION:** Presentation of POST Basic and Intermediate Certifications and formal pinning ceremony promoting Staff Sergeant Chuck Garner and Staff Sergeant Brent Wright to the position of Lieutenant.
Chief Kingsbury made a presentation of POST Basic and Intermediate Certifications and formal pinning ceremony promoting Staff Sergeant Chuck Garner and Staff Sergeant Brent Wright to the position of Lieutenant.

- b) **ACTION ITEM:** Request approval of a no cash Parks in Lieu contribution for El Milagro Phase

1. Desert Ridge Investments c/o Ryan Hackett (PZ19-0133).

City Planner O'Connor requested the approval of a no cash Parks in Lieu contribution for El Milagro Phase 1. Desert Ridge Investments c/o Ryan Hackett (PZ19-0133).

Discussion ensued on the following:

Council Member Hawkins: Will this come back to us at the back end? Will we still collect the park fees? If finances change, and they do not demolish the existing units, what do we do then? Is there some way to have a clause in the contract?

Council Member Reid: Can we require "as vacated"? Demolition or removal needs to happen as they are replaced?

Vice Mayor Boyd: Requested a recommendation of wording for the clause from City Managers.

Council Member Talkington: Spoke in favor of this request.

City Manager Rothweiler: Explained that "demolition" may not be the desired way of removal for the existing units.

MOTION: Council Member Hawkins moved to amend the request to add the condition that the 60 Units of current structures are removed as they are vacated or permits for Phase 2 will not be issued.

Council Member Pierce seconded the motion. Roll call vote showed all members present voted with

Council Member Talkington voting against. Motion Passed 5 to 1.

MOTION: Council Member Talkington moved to approve the request of a no cash Parks in Lieu contribution for El Milagro Phase 1. Desert Ridge Investments c/o Ryan Hackett (PZ19- 0133) as amended. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- c) **ACTION ITEM:** Request approval of the Contract Agreement between Lytle Signs and the City of Twin Falls for the Construction of the Archway with 2 Message Boards for a total cost of \$324,636.00.

ITC Manager Markus requested approval of the Contract Agreement between Lytle Signs and the City of Twin Falls for the Construction of the Archway with 2 Message Boards for a total cost of \$324,636.00.

Discussion ensued on the following:

Council Member Pierce: Asked for clarification of the costs.

Council Member Hawkins: We have collected all the money/in kinds, so everything is ready to go forward?

MOTION: Council Member Lanting moved to approve the request of the Contract Agreement between Lytle Signs and the City of Twin Falls for the Construction of the Archway with 2 Message Boards for a total cost of \$324,636.00. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- d) **ACTION ITEM:** Request permission to add Park View Loop to the list of addresses changes. **ITC Manager Markus** requested permission to add Park View Loop to the list of address changes.

Discussion ensued on the following:

Vice Mayor Boyd: Do all the landowners know that this change is coming?

Council Member Hawkins: Addresses to the North will not be affected?

MOTION: Council Member Reid moved to approve the request for permission to add Park View Loop to the list of address changes. **Council Member Pierce** seconded the motion. Roll call vote showed all

members present voted in favor of the motion. 6 to 0.

- e) **ACTION ITEM:** Request to put City Park restroom project out for bid.
Parks & Rec Director Davis requested to put City Park restroom project out for bid.

Discussion ensued on the following:

Council Member Talkington: Are the restrooms all open 24/7?

Council Member Pierce: What would the City do, from the normal time that the restrooms are opened, until the construction is completed for restrooms?

Vice Mayor Boyd: If the weather is good in February, would it be possible for the construction to start?

Council Member Lanting: Asked for clarification on when the bid would go out and when would it be due.

MOTION: Council Member Talkington moved to approve the request to put City Park restroom project out for bid. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- f) **ACTION ITEM:** Request to adopt an ordinance for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South. PZ19-0105
P&Z Director Spendlove requested to adopt an ordinance for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South. (PZ19-0105)

Discussion ensued on the following: None

MOTION: Council Member Lanting made a motion to suspend the rules and place Ordinance 2019-012 on third and final reading by title only under suspension of the rules. **Council Member Talkington** seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

P&Z Director Spendlove read Ordinance 2019-012 by title only.

MOTION: Council Member Hawkins moved to approve the request to adopt Ordinance 2019-012 to change from R-4 to C-1 on property located at 890 Washington Street South. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Lanting reported on the progress of the maintenance building at the Golf Course.

Council Member Hawkins reported on the Twin Falls Youth Council.

8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request for a Vacation of 3359 sf of Public Utility Easement on property located at 265, 287, & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ19-0119)
City Planner O'Connor requested for a Vacation of 3359 sf of Public Utility Easement on property located at 265, 287, & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ19-0119).

Discussion ensued on the following: None Public

Hearing Opened: 6:27 p.m.

Public Hearing Closed: 6:28 p.m.

MOTION: Council Member Lanting moved to approve the request for a vacation of 3359 sf of Public Utility Easement on property located at 265, 287 & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ19-0119), including staff recommendations. **Council Member Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- b) **ACTION ITEM:** Request to dispose of real property located at 303 4th Avenue East.

Deputy City Manager Humble requested to dispose of real property located at 303 4th Avenue East.

Discussion ensued on the following: None

Public Hearing Opened: 6:31 p.m.

Public Hearing Closed: 6:32 p.m.

Deputy City Manager Humble: Asked the Council if they wanted to set a minimum amount for the property.

Discussion ensued on the following:

Council Member Talkington: We would save money by going with the current property tax value?

Council Member Reid: Suggested that they go with the \$15,000 amount.

MOTION: Council Member Lanting moved to approve the request to dispose of real property located at 303 4th Avenue East at public auction with a minimum value of \$15,000.00. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

9) ADJOURNMENT

MOTION: Council Member Reid requested to adjourn to Executive Session § 74-206(1):(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. (c) To acquire an interest in real property not owned by a public agency. (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. **Council Member Talkington** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 6 to 0.

- a) Request to adjourn to Executive Session § 74-206(1):

(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need.

This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

(c) To acquire an interest in real property not owned by a public agency.

(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

Adjourned to Executive Session at 6:38 pm.



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:

Vacation Application,

Federation Pointe, LLC
c/o EHM Engineers, Inc.

Applicant(s)

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

This matter having come before the City Council of the City of Twin Falls, Idaho on **Tuesday, November 12, 2019** for public hearing pursuant to public notice as required by law for Vacation of 3,359 square feet of Public Utility Easement on property located at 265, 287, & 292 River Vista Place and the City Council of the City of Twin Falls having heard testimony from interested parties and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for Vacation of 3,359 square feet of Public Utility Easement on property located at 265, 287, & 292 River Vista Place.
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: **October 24, 2019.**
3. The property in question is zoned **C-1 PUD CRO** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Mixed Use** in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, **Vacant**; to the south, **Residential**; to the east, **Vacant**, to the west, **Office**.

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

CONCLUSIONS OF LAW

1. The application for Vacation of Vacation of 3,359 square feet of Public Utility Easement on property located at 265, 287, & 292 River Vista Place is consistent with the purpose of the **C-1 PUD CRO** Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

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

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

4. The application for Vacation of Vacation of 3,359 square feet of Public Utility Easement on property located at 265, 287, & 292 River Vista Place should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls.

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

DECISION

1. The application Vacation of Vacation of 3,359 square feet of Public Utility Easement on property located at 265, 287, & 292 River Vista Place is hereby granted.

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

MAYOR - TWIN FALLS CITY COUNCIL

DATE

Exhibit No. A

1. **Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.**

APPLICATION #: **PZ19-0119**



Date: Monday, November 18, 2019
To: Honorable Mayor and City Council
From: Sergeant Ryan Howe, Twin Falls Police Department

ACTION ITEM

Request:

ACTION ITEM: Request for approval of the Annual Festival of Lights Parade to be held on Friday, December 6, 2019.

Time Estimate:

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

Background:

Susan Nickell, on behalf of the Times-News, has submitted this Special Event Application for the Annual Festival of Lights Parade. This event is to be held on Friday, December 6, 2019, at 5:45 p.m. The parade will begin on Main Avenue in the area of the Magic Valley High School and will travel east on Main Avenue to the area of Hansen Street and Main Avenue where the parade will end.

There will be an estimated 45 floats that will be decorated with holiday lights, with approximately 200 to 300 people in the parade. It is estimated that 6,000 to 10,000 people will be in attendance to observe the parade, depending on weather conditions. The parade application fee has been paid.

The event organizer has notified all affected businesses and individuals on the parade route.

The parade setup will begin at 4:00 p.m. Main Avenue West/North will be closed from Buhl Street where the staging area will be located. Main Avenue will be closed from Buhl Street to Idaho Street where the parade floats will disperse.

No parking will be allowed on Main Avenue from Jerome Street to Fairfield Street to safely allow room for spectators and the floats in that area. No parking or parked vehicles will be allowed in that area from 1:00 p.m. to the conclusion of the parade. Parking will be allowed outside of that area for those that wish to observe the parade from their vehicles.

The Twin Falls City Street Department will provide the traffic cones and barricades for the event.

A required Certificate of Liability Insurance has been requested for this event naming the City of Twin Falls as the certificate holder. This certificate is required before the parade is approved.

Approval Process:

Consent of the Council

Budget Impact:

This event will require a total of ten (10) Twin Falls Police Officers and four (4) non-sworn Police Department employees. A briefing will be held at 4:00 p.m. and street closures will take place at 5:00 p.m. The parade is scheduled to start at 5:45 p.m. and is estimated to conclude by 7:30 p.m. The total overtime cost for the Twin Falls Police Department will be approximately \$3,000. This cost has been included in the Twin Falls Police Department's overtime budget.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Several relevant City Staff members have approved this parade application. Twin Falls Police Department Staff has reviewed and approved this parade application as presented.

Attachments:

None



Date: Monday, November 18, 2019
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to approve a Trust Agreement for Cedarpark Subdivision No. 12, a PUD, placing Lots 1 through 26; Block 1 in trust.

Time Estimate:

N/A

Background:

Cedarpark Subdivision No. 12, a PUD, is located at the southwest corner of the intersection of Whispering Pine Drive and Meadowview Lane North. The developer is requesting to place the aforementioned lots in trust in lieu of constructing the improvements or providing a financial guarantee.

Approval Process:

N/A

Budget Impact:

None

Regulatory Impact:

Approval of this request will allow the applicant to proceed to develop the property.

History:

N/A

Analysis:

N/A

Conclusion:

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

Attachments:

1. Trust Agreement - Cedarpark Subd No 12
2. Final Plat - Cedarpark Subdivision No 12
3. Aerial Image - Cedarpark No. 12

TRUST AGREEMENT

This Trust Agreement (the "Agreement") is made and entered into this _____ day of _____, 2019, by and between **GARY N. NELSON & CO., an Idaho corporation**, (hereinafter "Trustor"); **TITLEFACT, INC.**, (hereinafter "Trustee"); and the **CITY OF TWIN FALLS, IDAHO** (hereinafter "Beneficiary"), and is made with respect to the following facts and objectives:

WITNESSETH:

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

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

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

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

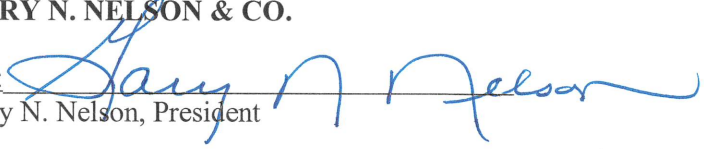
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 Block 1, **CEDARPARK SUBDIVISION NO. 12, a PUD**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book _____ of Plats, page _____, records of Twin Falls County, Idaho.

2. The Trustor and the Trustee agree that the Trustee shall hold said title to the Property in trust, solely for the benefit of the Beneficiary under the terms hereof, and that title to the Property shall be and remain good and marketable and free from any defects, liens, conditions or encumbrances of any kind or nature, other than those appearing of record in the office of the Twin Falls County Recorder, and conditions of the Phase Control Development Notice for lots in **CEDARPARK SUBDIVISION NO. 12, a PUD** Subdivision, a copy of which is attached hereto as Exhibit "A," or those which are placed on the Property with the prior written consent of the Trustee. The Trustee shall not convey, transfer or encumber all or any interest in the Property, save and except to the extent as directed by the Trustor by written instrument delivered to the Trustee.
3. It is understood and agreed that the purpose of this Agreement is to provide Trustor with a convenient means of, subdividing, developing and selling the Property. It shall be the entire responsibility of the Trustor to effect such developing, subdividing and selling of the Property and to provide whatever subdivision plat it may desire and to pay all costs and expenses of said developing, subdividing and selling, and Trustee shall have no liability for any costs or expenses therefor or for any claim, damage, loss or liability sustained to the Property or Trustor or to any other person or persons in connection with said matter, save and except to the extent caused by Trustee's failure or refusal to comply with the terms and conditions of this Agreement.

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

Date: _____

TRUSTOR:
GARY N. NELSON & CO.

BY: 
Gary N. Nelson, President

Date: _____

TRUSTEE:
TITLEFACT, INC.

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

Date: _____

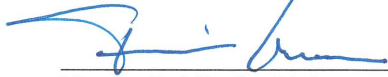
BENEFICIARY:
CITY OF TWIN FALLS, IDAHO

BY: _____

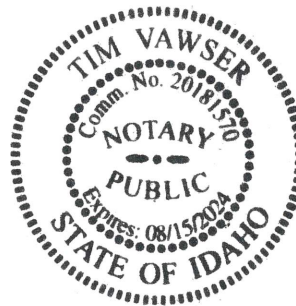
STATE OF IDAHO
County of Twin Falls

On this 14th day of OCTOBER, 2019, before me, the undersigned, Notary Public in and for said State, personally appeared Gary N. Nelson, known to me to be the President of the corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Notary Public for Idaho
Residing at: KIMBERLY, IDAHO
My Commission expires: 8.15.2024



STATE OF IDAHO
County of Twin Falls

On this _____ day of _____, 2019, before me, the undersigned, Notary Public in and for said State, personally appeared **RICHARD B. STIVERS**, known or identified to me to be the Chairman of the Board of the said corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Notary Public for Idaho
Residing at:
My Commission expires:

STATE OF IDAHO
County of Twin Falls

On this _____ day of _____, 2019, before me, the undersigned, Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ for the City of Twin Falls, Idaho, and known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same on behalf of the City of Twin Falls, Idaho.

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

Notary Public for Idaho
Residing at:
My Commission expires:

"EXHIBIT A"

PHASE CONTROL DEVELOPMENT NOTICE

THIS NOTICE prohibits the conveyance of any undeveloped lot in **CEDARPARK SUBDIVISION NO. 12, a PUD.**, until such time as an Improvement Agreement for Developments between the City of Twin Falls and the Developer is recorded designating the lots and blocks in each phase which are approved for conveyance.

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

The real property subject to this notice is **CEDARPARK SUBDIVISION NO. 12, a PUD** as platted in the records of Twin Falls County, Idaho.

Dated this _____ day of _____, 2019.

GARY N. NELSON & CO., Developer

BY: _____

Gary N. Nelson, President

TITLEFACT, INC.

BY: _____

Richard B. Stivers, Chairman of the Board

Survey References

#2019-004595 ADDISON
SPRINGS SUBDIVISION
#2019-004243 CEDARPARK
SUBDIVISION NO. 11
#2017-005933
#2015-004282
#2013-025868
#2006-012377 CEDARPARK
SUBDIVISION NO. 7
#2000-013529 CEDARPARK
SUBDIVISION NO. 5

Deed References

#2018-014400
#2018-014399
#2018-014398
#2018-000841
#2018-000840
#2006-013695

CEDARPARK SUBD. NO. 7, PUD
INST. #2006-012377

Whispering Pine Drive

CEDARPARK SUBD.
NO. 3, A PUD
INST. #1999-020883

CEDARPARK SUBD.
NO. 5, A PUD
INST. #2000-013529

ADDISON SPRINGS SUBDIVISION
INST. #2019-004595

CEDARPARK SUBD. NO. 11, A PUD
INST. #2019-004243

REAL POINT
OF BEGINNING

UNPLATED

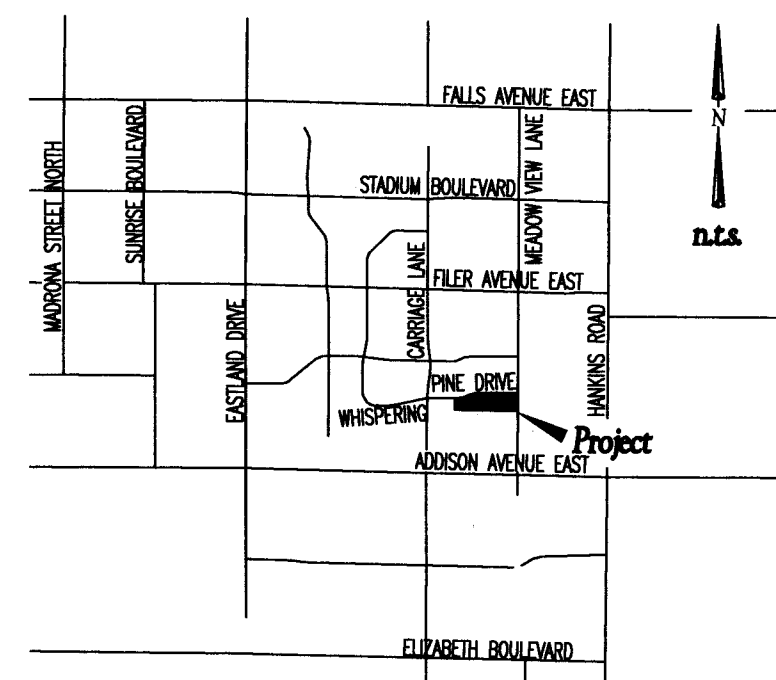
RECEIVED
OCT 16 2019
CITY OF TWIN FALLS
ENGINEERING DEPT.

Curve Data						
CURVE	RADIUS	ARC	DELTA	CHORD	CHORD BRG.	TANG.
C1	225.00'	92.84'	23°38'32"	92.19'	N78°10'19"E	47.09'
C2	175.00'	71.92'	23°32'54"	71.42'	N78°07'30"E	36.48'
C3	20.00'	31.47'	90°09'37"	28.32'	S45°01'14"E	20.06'
C4	225.00'	52.15'	13°16'48"	52.03'	N83°21'12"E	26.19'
C5	225.00'	40.69'	10°21'45"	40.64'	N71°31'55"E	20.40'
C6	175.00'	59.97'	19°38'01"	59.67'	N76°10'04"E	30.21'
C7	175.00'	11.96'	03°54'53"	11.95'	N87°56'31"E	5.98'

Line Data

L1 S13°17'12"E 17.09'
L2 S13°17'12"E 17.09'

Vicinity Sketch



Notes

- TRACT A WILL BE OWNED AND MAINTAINED BY THE CEDARPARK 12 HOMEOWNERS ASSOCIATION AND BE RESERVED FOR LANDSCAPING, PUBLIC UTILITIES, AND STORM WATER RETENTION.
- THE PUBLIC UTILITY AND ACCESS EASEMENT (B) DEPICTED AS A PRIVATE DRIVE SHALL BE OWNED AND MAINTAINED BY THE CEDARPARK 12 HOME OWNERS ASSOCIATION.

Monument Certification

The interior monuments on this Plat shown as "TO BE SET", will be set in accordance with section 50-1333, Idaho Code on or before _____, 2020 or as determined by the City of Twin Falls.

Health Certificate

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on the DEQ approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water or sewer/septic facilities were constructed. Building construction can be allowed with appropriate building permits if drinking water or sewer facilities have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities or meet the other conditions of DEQ, then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

Date:

REHS, South Central Public Health District

FOUND BRASS CAP PRIOR TO ROAD
CONSTRUCTION. FOUND MAG NAIL AT
THE POSITION OF THE BRASS CAP. A
CP IS TO BE RECORDED BY OTHERS.

FOUND BRASS & CAP C.P.
#2013-013600

1307.36'
BASIS OF BEARING - SURVEY INST. #2019-004243
S88°51'28"E 2614.71'

FOUND BRASS CAP PRIOR TO ROAD
CONSTRUCTION. FOUND MAG NAIL AT
THE POSITION OF THE BRASS CAP. A
CP IS TO BE RECORDED BY OTHERS.

FOUND BRASS & CAP C.P.
#2013-013599

Legend

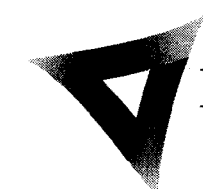
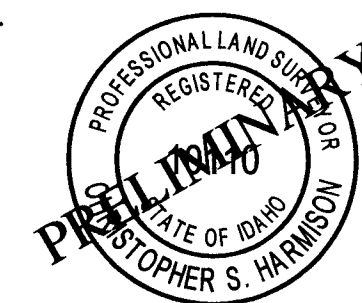
SUBDIVISION BOUNDARY
LOT LINE
STREET CENTERLINE
ADJACENT PROPERTY LINE
EASEMENT AS NOTED
TIE LINE
SET 5/8" x 24" REBAR & CAP (LS 10110)
TO BE SET 1/2" x 24" REBAR & CAP (LS 10110)
FOUND 5/8" REBAR & CAP (AS NOTED)
FOUND BRASS CAP (AS NOTED)
CALCULATED POINT (NOT SET)

Easement Key

- A PUBLIC UTILITY EASEMENT
B PUBLIC UTILITY & ACCESS EASEMENT
C PRESSURE IRRIGATION EASEMENT

Surveyor's Narrative

THE PURPOSE OF THIS SURVEY IS TO LOCATE AND MONUMENT THE BOUNDARY OF THE PARCEL OF LAND FOR FINAL PLAT. THE WESTERN BOUNDARY WAS THE RE-ESTABLISHMENT OF THE EASTERN BOUNDARY OF CEDARPARK SUBDIVISION NO. 5, A PUD; THE NORTHERN BOUNDARY WAS A RE-ESTABLISHMENT OF THE SOUTHERN BOUNDARY OF CEDARPARK SUBDIVISION NO. 3, A PUD AND CEDARPARK SUBDIVISION NO. 7, A PUD. THE SOUTHERN BOUNDARY WAS A RE-ESTABLISHMENT OF THE NORTHERN BOUNDARY OF CEDARPARK SUBDIVISION NO. 11, A PUD AND ADDISON SPRINGS SUBDIVISION. THE EAST BOUNDARY WAS ESTABLISHED PER DEED INSTRUMENT NO. 2018-014398, TWIN FALLS COUNTY RECORDS. MONUMENTS THAT WERE FOUND AT THE BOUNDARY CORNERS, SECTION AND QUARTER CORNERS ARE OF RECORD PER PREVIOUS FINAL PLATS, RECORD OF SURVEYS AND/OR CORNER PERPETUATION AND FILING RECORDS REFERENCED HEREON.



EHM Engineers, Inc.
Engineers / Surveyors / Planners

Cedar Park Subdivision No. 12, a PUD

Located In
Cedar Park, P.U.D.
In A Portion Of
SW4 SE4, Section 11
T. 10 S, R. 17 E, B.M.
Twin Falls County, Idaho

CERTIFICATE OF OWNERS

This is to certify that the undersigned is the owner or representative of the owner in fee simple of the following described property, located in a portion of the Southwest Quarter of the Southeast Quarter of Section 11, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more specifically described as follows:

Commencing at the South Quarter corner of said Section 11, Said point lies North 88°51'28" West 2614.71 feet from the Southeast Corner of Said Section 11; Thence, along the South Boundary of the Southeast quarter of said Section 11, South 88°51'28" East 1307.36 feet to the Southeast corner of said Southwest Quarter of the Southeast Quarter of Section 11; Thence, along the East Boundary of said Southwest Quarter of the Southeast Quarter of Section 11, North 00°03'34" East 900.00 feet; Thence, leaving said East Boundary, North 88°51'31" West 39.01 feet to the Northeast Corner of that certain map entitled "Cedarpark Subdivision No. 11, a PUD", recorded March 29, 2019 as Instrument Number 2019-004243 in the office of the County Recorder of Twin Falls County and being the REAL POINT OF BEGINNING;

Thence, North 88°51'31" West 872.32 feet, along the North Boundary of said "Cedarpark Subdivision No. 11, a PUD" and its Westerly prolongation to the Southeast corner of that certain map entitled "Cedarpark Subdivision No. 5, a PUD", recorded September 1, 2000 as Instrument Number 2000-013529 in said office of the County Recorder of Twin Falls County;
Thence, North 00°00'25" West 159.27 feet, along the East Boundary of said "Cedarpark Subdivision No. 5, a PUD" to a point on the Southern Right-of-Way of Whispering Pine Drive;
Thence, North 89°59'35" East 65.83, feet, along said Southern Right-of-Way;
Thence, continuing along said Southern Right-of-Way, along the arc of a tangent 225.00 foot radius curve to the left, through a central angle of 23°38'32", an arc distance of 92.84 feet and a chord distance of 92.19 feet that bears North 78°10'19" East;
Thence, continuing along said Southern Right-of-Way, North 66°21'03" East 107.37 feet;
Thence, continuing along said Southern Right-of-Way, along the arc of a tangent 175.00 foot radius curve to the right, through a central angle of 23°32'54", an arc distance of 71.92 feet and a chord distance of 71.42 feet that bears North 78°07'30" East;
Thence, continuing along said Southern Right-of-Way, North 89°53'37" East 528.08 feet;
Thence, continuing along said Southern Right-of-Way, along the arc of a tangent 20.00 foot radius curve to the right, through a central angle of 90°09'37", an arc distance of 31.47 feet and a chord distance of 28.32 feet that bears South 45°01'14" East to a point on the Western Right-of-Way of Meadowview Lane North.
Thence, along said Western Right-of-Way, South 00°03'34" West 234.22 feet to said REAL POINT OF BEGINNING.

The gross area contained in this platted land as described is 4.55 acres.

It is the intention of the undersigned to, and they do hereby include said land in this plat. The easements indicated on this plat are not dedicated to the public, but the right to use said easements is hereby perpetually reserved for public utilities and such other uses designated on this plat. No structure other than for such utility and other designated public uses are to be erected within the lines of said easements.

Pursuant to Idaho Code 50-1334, I, the undersigned, as owner, do hereby state that the lots on this plat are eligible to receive water service from the City of Twin Falls Municipal Water System.

Pursuant to Idaho Code 31-3805, I, the undersigned, as owner, do hereby state that the irrigation water rights appurtenant and the assessment obligation of the lands in this plat have not been transferred from said lands and that a satisfactory irrigation water delivery system is provided for and has been approved by the Twin Falls City Council. Lots within the subdivision will be entitled to water rights and will be obligated for assessments from the Twin Falls Canal Company.

GARY N. NELSON & CO.

Gary N. Nelson, President

ACKNOWLEDGMENT

STATE OF IDAHO } ss
COUNTY OF TWIN FALLS }

On this _____ day of _____, 20____, at _____ M., before me, the undersigned, a Notary public in and for said State, personally appeared Gary N. Nelson, known or identified to me to be the President of GARY N. NELSON & CO. and acknowledged to me that he executed the same.

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

Notary Public

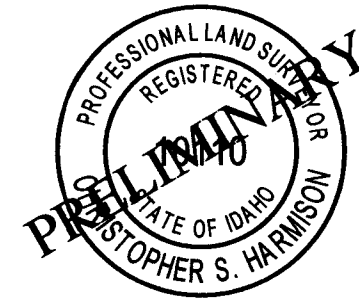
Residing At

Commission Expires



CERTIFICATE OF SURVEYOR

This is to certify that I, Christopher S. Harmison, a Professional Land Surveyor in the State of Idaho, made the survey of the land described in the Certificate of Owner and that this plat is a true and accurate representation of said survey as made and staked under my supervision and accurately represents the points platted thereon, and is in conformity with the State of Idaho Code relating to plats and surveys.



APPROVAL OF CITY COUNCIL

This plat was accepted and approved by the City Council of Twin Falls, Idaho at their meeting on the ____ day of _____, 20__.

Mayor

City Clerk

APPROVAL OF CITY ENGINEER

I have reviewed the accompanying plat and hereby certify that it conforms with the applicable ordinances of the City of Twin Falls, Idaho.

City Engineer

Attest

COUNTY SURVEYOR'S CERTIFICATE

I, the undersigned, Professional Land Surveyor for Twin Falls County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho Code related to plats and surveys.

George A. Yerion
County Surveyor

Date

ACKNOWLEDGMENT

STATE OF _____ } ss
COUNTY OF _____ }

On this ____ day of _____, 20__, at ____ M., before me, the undersigned, a Notary public in and for said State, personally appeared George A. Yerion, personally known or identified to me to be the person whose name is subscribed to the above certificate and acknowledged to me that he executed the same.

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

Notary Public

Residing At

Commission Expires

COUNTY TREASURER'S CERTIFICATE

I, _____, County Treasurer in and for the County of Twin Falls, Idaho per the requirements of Idaho Code 50-1308, do hereby certify that all County property taxes due for the property included in this plat have been paid in full. This certification is valid for the next thirty days only.

County Treasurer

Date

COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO. _____
STATE OF IDAHO)
COUNTY OF TWIN FALLS) ss

On this ____ day of _____, 20__, at ____ M., the foregoing plat was filed for record in the office of the Recorder of Twin Falls County, Idaho and duly recorded in plat book _____ on page _____.

Deputy

Ex-Officio Recorder





Date: Monday, November 18, 2019
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to accept the Improvement Agreement for the purpose of developing Cedarpark Subdivision No. 12, a PUD.

Time Estimate:

N/A

Background:

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

Approval Process:

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

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to proceed to develop the property.

History:

N/A

Analysis:

N/A

Conclusion:

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

Attachments:

1. Improvement Agreement - Cedarpark Subd No 12

IMPROVEMENT AGREEMENT

for

DEVELOPMENTS

This Agreement made and entered into this ____ day of ____, 20____, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and GARY H. NELSON & CO. hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development CEDEAR PARK SUBDIVISION No. 12.

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

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

RESIDENTIAL DEVELOPMENT

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

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

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

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

WITNESSETH

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

I.

City agrees: (1) to operate and maintain all approved streets, alleys, service roads, excluding state highways, constructed under the terms of this Agreement in any public rights-of-way or easements and which are presently within or subsequently annexed into the City limits. Those streets, excluding state highways, lying outside the City limits and within the City Area of Impact shall be constructed to City standards but shall become the responsibility of the Twin Falls Highway District until such time as they are annexed or a maintenance agreement is signed by the City and the Twin Falls Highway District. (2) To operate and maintain all approved water lines, pressure irrigation lines, storm drainage lines, sewer lines constructed under the terms of this Agreement in any public rights-of-way or easements and to provide water, sewer, and pressure irrigation service to the Developer's real property, subject to all ordinances, rules and regulations governing sewer, water service, and pressure irrigation. (3) To maintain non-pressure irrigation lines only where they cross City streets. (4) Storm water facilities will be maintained in an easement, if there exists a safety hazard the City has an entitlement to maintain. All other maintenance of non-pressurized irrigation lines is the responsibility of the Twin Falls Canal Company or the irrigation users.

II.

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

a. Surety Bond

1. Accrual - The Bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement.
2. Amount - the bond shall be in an amount equal to one hundred percent (100%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the Developer's Engineer and approved by the City Engineer.
3. Term Length – The minimum term length shall be two (2) years or until the bond is released by the City, whichever is later.

4. Bonding for Surety Company - The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the City Council.
 5. The escrow agreement shall be drawn and furnished by the subdivider to the satisfaction of the City Council.
- b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.
1. Treasurer, Escrow Agent or Trust Company - A cash deposit or certified check shall be deposited into the City's development escrow account. After the improvements have been accepted, the funds will be returned. A negotiable bond or an irrevocable bank letter of credit, shall be held by the City until the improvements are accepted.
 2. Dollar Value - The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred percent (100%) of the estimated cost of construction for the specific public improvements, as estimated by Developer's Engineer and approved by the City Engineer.
 3. Escrow Time - The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until all required improvements are completed and accepted by the City Engineer.
 4. Progressive Payment - In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.
- c. Trust Agreements.
1. Per the terms of the trust agreement.
 2. Trust agreement must be approved by City Council.

III.

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

- a. Prepare a master utility plan showing the location of all existing and proposed utility lines to include but not be limited to sewer, water, gas, electricity, telephone, irrigation, pressure irrigation, and storm sewer.
- b. Prepare detailed plans and specifications for construction of all improvements required by this Agreement and shall include but not be limited to a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards and specifications. If improvements are not completed within two (2) years, the Developer shall provide an updated, current version of the updated plans and specifications to current city standards. The Developer may request an extension of the approvals previously given for another two (2) years.
- c. Engineer of record shall notify the City in writing of schedule before construction begins.
- d. Perform construction surveying, staking, testing, inspection and administer the construction of all facilities required by this contract.
- e. Submit all test reports, inspection reports, change orders and construction diaries to the City Engineer every week during the construction of the development or subdivision.
- f. Prepare and submit an updated copy of the enclosed development and subdivision checklist to the City Engineer every week during the construction of the development or subdivision, and also upon completion of the project.
- g. Submit to the City Engineer the final plans, and master utility plan for the City records showing any approved changes to the original plans and specifications. A permanent drawing in ink on approved Mylar sheets and an electronic media copy

of the plans in current ACAD using City standard format shall be provided within thirty (30) days after completion of the project.

- h. Submit a letter upon completion of construction stating that the work has been constructed in conformance to the plans and specifications, with the certification by the Developer's Engineer that improvements were constructed to the lines and grades shown.

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

The City agrees to provide asphalt pavement confirmation testing for conformance with City standards, but it shall be the responsibility of Developer's Engineer or other certified individuals to provide all necessary quality control and required testing during construction. All tests shall be taken at a frequency based upon Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings.

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

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

IV.

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

V.

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

VI.

The Developer and the City agree that the improvements listed herein are required unless specifically waived by action of the City Council and that said improvements will be constructed on any public rights-of-way or easements approved and accepted by the City Council all as designed by the Developer's Engineer and approved by the City Engineer and in accordance with standards established by the City Engineer and that all required improvements will be completed in a timely manner. If improvements are not completed within two (2) years, the Developer shall provide an updated, current version of the developer's agreement and financial guarantee for City Council consideration along with updated plans and specifications to current city standards. The Developer may request an extension of the approvals previously given for another two (2) years.

VII.

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

VIII.

Developer agrees to pay the total extra cost of all additional materials, labor and equipment necessary to construct any streets the City requires to be wider or deeper than a standard street or any water, sewer lines, or pressure irrigation the City requires to be larger than the size required to properly serve the development. The requirement for wider and deeper streets shall be based on the Transportation Master Plan. Requirements for larger water, sewer and pressure irrigation lines shall be based on the citywide sewer, water, and pressure irrigation system sizing guidelines and based on modeling, if applicable.

IX.

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

X

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

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

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

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

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

The Developer shall be responsible for any damage to any existing public improvements and shall repair or replace any such damage as required by the City Engineer, during or after completion of this project. The Developer shall submit a Right-of-Way permit and Traffic Control Plan to be approved by the City of Twin Falls prior to any road or sidewalk closures.

XI.

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

PUBLIC WAYS

(a) Required Improvements

- (1) Curb, gutter and sidewalk on all public street rights-of-way.
- (2) A standard residential street thirty three feet (33') wide with an eight inch (8") gravel course and two and a half inch (2.5") asphaltic concrete surface course on all public street rights-of-way serving residential use property.
- (3) Residential, private streets, and service roads, private parking and maneuvering will be equal to or greater than the residential street sections as specified in the City of Twin Falls revisions to ISPWC.
- (4) A standard collector street forty eight feet (48'), wide per Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings, serving commercial use property or as a collector street. Whenever a street serves an industrial use property the City Engineer will determine the appropriate structural section.
- (5) Arterial typical sections will be designed by the developer's Engineer and approved by the City Engineer.
- (6) A sidewalk, per Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings, is required on all public pedestrian rights-of-way. Four foot (4') sidewalks, by special permission of the City Engineer, are allowed by ISPWC and the City of Twin Falls Revisions to the Specifications and Standard Drawings for minor residential streets under certain conditions.
- (7) Landscaping and sidewalk placement required adjacent to arterial and collector streets: A portion of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets as Right-of-Way. Within that Right-of-Way the developer shall install a five feet (5') landscape strip with a sprinkler system to the City of Twin Falls Parks and Recreation standards and shall also

install a six foot (6') sidewalk. The landscaping will be maintained by the city and funded through a fee added to the utility bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. TFCC §10-12-4.2(O).

- (8) Street signs and traffic control devices on all public streets.
- (9) Street lights as determined by City policy for street light installation.

(b) City Costs

- (1) The cost of any street signs or traffic control devices installed by the City on new or existing streets.
- (2) The cost of any required street lights (standard luminaires mounted on a wood pole). The Developer shall pay the extra cost of any decorative luminaires or poles. Prior approval will be required, and the cost of maintenance, replacement and power usage will be considered.

(c) Required Inspections and Testing

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

WATER SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-8-3, 7-8-10 and 10-12-4.2 water line and fittings eight inch (8") minimum diameter that will transport a flow of water, which will satisfy fire, domestic, other water demands of the development, based upon the City water pipe sizing plan and computer water model. Water line extension shall include connection from the existing City Water System to each building site and fire hydrants and then loop back to the City System in a manner that will provide a properly functioning system approved by the City Engineer, Water Superintendent and Fire Chief. If the development is to be constructed in phases, the water system shall be looped back to the City system during the first phase. Any water main connections closer than 150' to each other will not be considered looped without prior City approval. No dead-end lines will be allowed during any phase of the project.

- (2) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City water distribution network in accordance with existing sizing guidelines.
- (3) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users or creating a critical situation in the suppression of fires.
- (4) Fire hydrant connections and fire hydrants spacing shall comply with the minimum standards set by the Fire Rating Bureau, American Water Works Association, and the International Fire Code. The maximum length of dead end fire lines shall be one hundred and fifty feet (150'). Fire hydrants are required in all developments.
- (5) One water service line shall be constructed to each building site at the time the water mains are installed. The design shall minimize the length of the service line and shall terminate at the Right-of-Way. Service taps are not allowed in intersections.

Meters shall be grouped at adjacent side lot lines when possible or at another location if requested by the Developer and approved by the City Engineer and Water Superintendent. Water meter boxes will not be allowed in driveway approaches. Any cost associated in relocating meters from driveway approaches will be the responsibility of the Developer or Lot Owner.

All new water service lines made from new water mains to serve any new development will be the responsibility of the Developer. The developer shall complete all work except when connecting to a live waterline. The City will make the necessary main line taps after payment of the required water connection permit fees.

- (6) One water service line tap, meter box, and service line shall be constructed for each building connected to the City water system. Multi-units less than three may be approved for additional service lines. It is understood and agreed that the City will make all service line taps on live lines, and that the

fee paid by the developer for a Water Connection Permit will reimburse the City for such work. All other work to be completed by the Developer.

- (7) It is further understood and agreed that the City will make all connections to the existing water system. The developer will disinfect the water system and submit testing results to the City prior to making the system live.
- (8) All water valves shall be provided with a gravel access 12" thick where no public roadway currently exists.

(b) City Costs

- (1) None.

(c) Required Inspections

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

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

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

(b) City Costs

(1) None.

(c) Required Inspections and Testing

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

STORM DRAINAGE SYSTEM

(a) Required Improvements

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

(2) Any catch basin, storm sewer and other sub-surface drainage facilities necessary to convey any storm run-off, originating from or traversing across the proposed development, to a point of retention, detention or discharge approved by the City Engineer.

(3) If storm run-off cannot be conveyed without causing damage to public or private property or without being an unreasonable inconvenience or hazard to a private individual, a group of individuals, or the general public, the storm drain shall be piped to the retention facility.

(4) All retention areas are to be on private property or tracts.

(b) City Costs

(1) None.

(c) Required Inspections and Testing

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

GRAVITY IRRIGATION SYSTEM

(a) Required Improvements

(1) Any pipe, boxes or other appurtenances necessary to convey all irrigation water in underground pipe across the development and any adjacent public

property. Irrigation facilities outside an established City irrigation district shall be constructed in an easement on private property except where it is necessary for irrigation water to cross the public right-of-way and all such crossings shall be perpendicular to the center line of said right-of-way unless otherwise approved by the City Engineer due to some unusual condition.

Fences will not be located on top of irrigation facilities.

(b) City Costs

- (1) None.

(c) Required Inspections and Testing

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

PRESSURE IRRIGATION SYSTEM

(a) Required Improvements

- (1) Pursuant to Section 7-8-3 of the City Code, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or ZDA, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or ZDA. One (1) share of Twin Falls Canal Company Water for each acre of property within the subdivision shall be transferred to the City of Twin Falls before the filing of the final plat for use in the City's pressurized irrigation system.
- (2) Pressure irrigation water mains and fittings shall be six inch (6") minimum diameter or larger irrigation pipe that will transport a flow of water, which will satisfy all irrigation water demands of the development, based upon the computer irrigation water model that the developer's engineer has prepared or found in the current Pressurized Irrigation master plan.
- (3) Pressure irrigation lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the

City Pressure Irrigation water distribution network in accordance with existing sizing guidelines.

- (4) Pressurized irrigation valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users. One pressure irrigation water service line shall be constructed to each subdivision lot site at the time the pressure irrigation water lines are installed. The design shall minimize the length of the service line and shall terminate at the Right-of-Way. Service taps will not be allowed in intersection. One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each subdivision lot connected to the City pressure irrigation water system.
 - (5) The Developer shall be responsible for all costs incurred in designing and installing the pressure irrigation station. This includes the land, pumps, motors, filters, enclosures, delivery system to the station from the TFCC head gate and away from the station on the historical path, storage, Supervisory Control and Data Acquisition (SCADA) system, and power to the station.
 - (6) All pressure irrigation system plans must be prepared by the Developer's engineer and shall be according to the Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings.
 - (7) The Pressure Irrigation System shall be located within easements, right-of-ways and/or property deeded to the City of Twin Falls.
 - (8) Private Pressure Irrigation Systems shall be located outside City Right-of-Way and within easements. No Public infrastructure will be associated with a private Pressure Irrigation System.
- (b) City Cost.
 - (1) None
 - (c) Required Inspections and Testing

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

SPECIAL FEATURES

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

- a) Required Improvements

PRIVATE INTERIOR ROAD PER APPROVED PLANS.

- b) City Costs

- (1) None.

XIII.

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

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

XIV.

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

XV.

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

Attest:

CITY OF TWIN FALLS, IDAHO

City Clerk

Mayor

Developer

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

Gary N. Nelson

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

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

Notary Public for Idaho
Residing

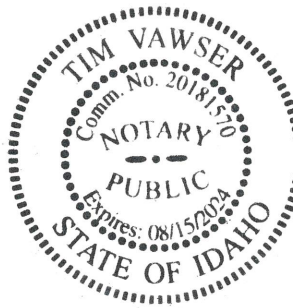
CORPORATION

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

On this 14TH day of OCTOBER, 2019, before me, the undersigned, a Notary Public for Idaho, personally appeared CARLY N. NELSON, known or identified to me (or proved to me on the oath of _____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the

person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



[Signature]
Notary Public for Idaho

Residing KIMBERLY, IDAHO

PARTNERSHIP

STATE OF IDAHO)

)ss.

County of Twin Falls)

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

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

Notary Public for Idaho

Residing _____



Date: Monday, November 18, 2019
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

ACTION ITEM: Request to adopt an ordinance for a vacation request for a portion of Bolton Street right of way located north of 202 Caswell Avenue West. (PZ19-0001)

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

On February 26th 2019, the Planning and Zoning Commission voted 5-0 recommending approval of this item.

On April 1, 2019, the City Council conducted a Public Hearing on this item. At the conclusion of the Public Hearing and deliberation, the City Council voted 7-0 in approval of the zoning change.

Approval Process:

In order to enact this ordinance today, Council would need to suspend the rules and place it on third and final reading by title only.

Budget Impact:

NA

Regulatory Impact:

Approval of this request will remove the limitation, or entitlement, for the specific area, as described on the plat or in other recorded documents. This area will become private property, and subject to current rules and regulations for taxes, zoning code compliance, and development.

History:

N/A

Analysis:

N/A

Conclusion:

As directed by Council, staff has prepared an ordinance to finalize the process.

Attachments:

1. PZ19-0001 Kemp ORD Vacation_ROW

ORDINANCE NO. 2019-013

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, **VACATING RIGHT OF WAY** THE REAL PROPERTY DESCRIBED BELOW AND PROVIDING FOR VESTING OF TITLE TO THE PROPERTY SO VACATED.

WHEREAS, David L Kemp, MC PC 401(K) Sharing Plan and Trust has made application for vacation of a portion of Bolton Street right of way property located north of 202 Caswell Avenue West 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 26th day of February, 2019, to consider the vacation of the real property 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 1st day of April, 2019.

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 VACATED:

Exhibit "A"

SECTION 2. That title to the real property by this Ordinance vacated be divided among the adjoining property owners in the portions here below described to the persons named below:

ADDRESS

SECTION 3. 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, , 20XX

Exhibit A

Legal Description Portion of Bolton Street to be Vacated Twin Falls County, Idaho

Being a portion of Lot 3 as shown on that certain map entitled "Fireside Subdivision", recorded December 28 ,1939 as Instrument No. 305355 in the office of the County Recorder of Twin Falls County in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of Lot 6, Block 1 as shown on that certain map entitled "Puddy Subdivision", recorded July 1, 1956 as Instrument No. 456355 in said office of the County Recorder of Twin Falls County,
Thence, along the North Boundary of said Lot 6, Block 1, North $89^{\circ}20'00''$ West 110.82 feet to the Northwest corner thereof;
Thence, North $89^{\circ}20'00''$ West 135.82 feet to a point on the West Boundary of Lot 2 as shown on said map entitled "Fireside Subdivision";
Thence, leaving said West Boundary, North $89^{\circ}20'00''$ West 67.91 feet and being the REAL POINT OF BEGINNING;
Thence, North $89^{\circ}20'00''$ West 62.09 feet to a point 5.82 feet East of the West Boundary of said Lot 3;
Thence, South $00^{\circ}28'00''$ West 50.00 feet;
Thence, South $89^{\circ}20'00''$ East 62.09 feet;
Thence, along said East Boundary, North $00^{\circ}28'00''$ East 50.00 feet to said REAL POINT OF BEGINNING.

Containing approximately 3,104 square feet.

End of Description



Date: Monday, November 18, 2019
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

ACTION ITEM: Request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-4 to R-6 ZDA for property located at the 100 & 200 blocks of Caswell Avenue West. (PZ18-0097)

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

On April 23rd, 2019, the Planning & Zoning Commission heard and deliberated this request. They forwarded a positive recommendation to the Council with a unanimous vote of 7 - 0 in approval of this request.

On May 20th, 2019, the City Council conducted a Public Hearing on this item. At the conclusion of the Public Hearing and deliberation, the City Council voted 6-0 in approval of the zoning change.

Approval Process:

In order to enact this ordinance today, Council would need to suspend the rules and place it on third and final reading.

Budget Impact:

NA

Regulatory Impact:

If approved Zoning District Change will modify the properties current development entitlements with the ZDA Language, changing the current zoning from R4 to R6 ZDA. The project as depicted on the Master Development Plan will be allowed for construction.

History:

N/A

Analysis:

N/A

Conclusion:

As directed by Council, staff has prepared an ordinance to finalize the process.

Attachments:

1. PZ18-0097 Kemp ORD Rezone_ZDA

2. 333-18 ZDA Signed By Dr. Kemp
3. Kemp ZDA Conceptual Development Plan

ORDINANCE NO. 2019-014

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

WHEREAS, David Kemp has made application for rezoning of property located at the 100 & 200 Blocks of Caswell Avenue West; City of Twin Falls, and an amendment of the revised Area of Impact and Comprehensive Plan Land Use Map; and

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 23rd day of April, 20 19, to consider the Zoning Designation and necessary Zoning & Planning Map amendment upon a rezone of the real property below described, and an amendment to the revised area of Impact and Comprehensive Plan Land Use Map; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 20th day of May, 2019.

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

SECTION 1. The following described real property located at the 100 & 200 Blocks of Caswell Avenue West is the subject of a Zoning District Change and Zoning Map amendment from R-4 to R-6 ZDA.

"Exhibit A"-Legal Description

"Exhibit B"-Zoning Development Agreement

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

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or

sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

PASSED BY THE CITY COUNCIL _____, 20____

SIGNED BY THE MAYOR _____, 20____

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, _____, 20____

Exhibit A
Property Boundary
Twin Falls County, Idaho

Being a portion of Lot 3 as shown on that certain map entitled "Fireside Subdivision", recorded December 28 ,1939 as Instrument No. 305355 in the office of the County Recorder of Twin Falls County in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said Lot 3 and being the REAL POINT OF BEGINNING;

Thence, along said South Boundary, North 89°20'00" West 83.78 feet;

Thence, leaving said South Boundary, North 00°39'15" East 128.74 feet along a line parallel with the West Boundary of said Lot 3;

Thence, North 89°20'00" West 52.51 feet along a line parallel with said South Boundary to a point on said West Boundary;

Thence, along said West Boundary, North 00°39'15" East 357.39 feet;

Thence, leaving said West Boundary, South 89°19'55" East 68.62 feet along a line parallel with the North Boundary of said Lot 3;

Thence, South 00°40'55" West 195.38 feet along a line parallel with said East Boundary to a point on the Southern Right-of-Way Boundary of Bolton Street;

Thence, along said South Right-of-Way Boundary, South 89°20'00" East 67.91 feet to a point on said East Boundary;

Thence, along said East Boundary, South 00°40'55" West 290.75 feet to said REAL POINT OF BEGINNING.

Containing approximately 46,284 square feet.

End of Description

ZDA - Zoning Development Agreement
Pursuant to All Parts of the Planning Exhibit

This ZDA - Zoning Development Agreement is made and entered into this 15 day of November, 2019, by and between the City of Twin Falls, State of Idaho, a municipal corporation, hereinafter called "City" and David Kemp, MD, hereinafter called "Developer" for the purpose of developing a multi-family, multi-unit, residential development as a planned Zoning Development Agreement (ZDA). The Legal description of the property is 0.99 Acres, located in the NE1/4 NE1/4 Section 8, Township 10 South, Range 17 East, Boise Meridian in Twin Falls County Idaho. More specifically described in attached Exhibit A.

Development and Improvements shall conform to the standards and regulations of the Twin Falls City Code Title 10-4-6 for R-6, Residential High Density District, and all references to other sections herein, as amended, to include the following:

1) Property Development Standards:

1. Use of lots: Multiple dwelling structures are permitted to be constructed on a single lot.
2. Yards:
 - A. Side: A property line setback of five feet (5') shall be maintained on the side yard, as depicted on the Master Development Plan.
 - B. Rear: A property line setback of ten feet (10') shall be maintained on the rear yard for buildings adjacent to existing residential use, as depicted on the Master Development Plan.
3. Building Height: No building shall exceed forty (40) feet in height.
4. No outside storage is permitted to include Recreational vehicles, ware yard storage or other storage of material, goods, wares, and the like with the exception of materials and equipment for the purpose of construction and development of the property.

2) Project Phasing:

- a. The development shall be constructed in multiple phases. Each phase shall be subject to technical engineering review by the City of Twin Falls Engineering Department to confirm appropriate utility service to the project. The development schedule is to initiate during calendar year 2019 and be completed in successive phases according to market demands. In no case shall the development extend beyond June 1, 2025, without an extension of time being approved first by the City of Twin Falls Planning and Zoning Commission.
- b. If no development has occurred on the ZDA subject parcel within the time identified, the planning and zoning commission and city council may review the original ZDA development requirements and conceptual development plan to ensure their continued validity. If the city determines the concept is no longer valid, then:
 1. The city may initiate process to change the zoning classification, or
 2. New ZDA development requirements and/or a new conceptual development plan may be required to be approved prior to the city issuing a building permit for the any portion of the ZDA subject parcel.

By: _____

By: _____

Dr. David L. Kemp, Trustee

STATE OF IDAHO)
)ss
County of Twin Falls)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared _____ personally known or identified to me to be the _____ of 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

Residing in _____

Commission Expires _____

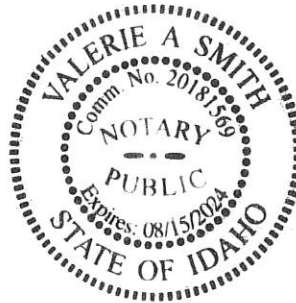
STATE OF IDAHO)
)ss
County of Twin Falls)

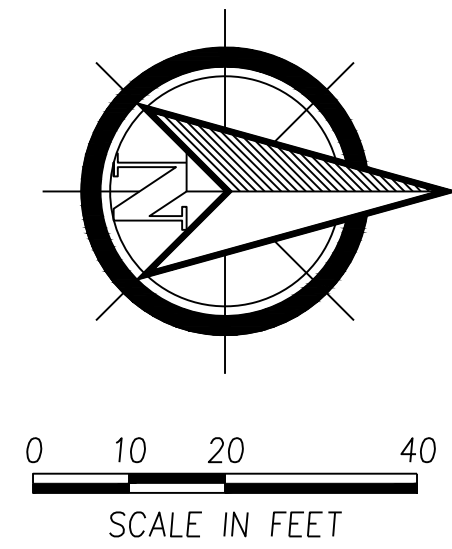
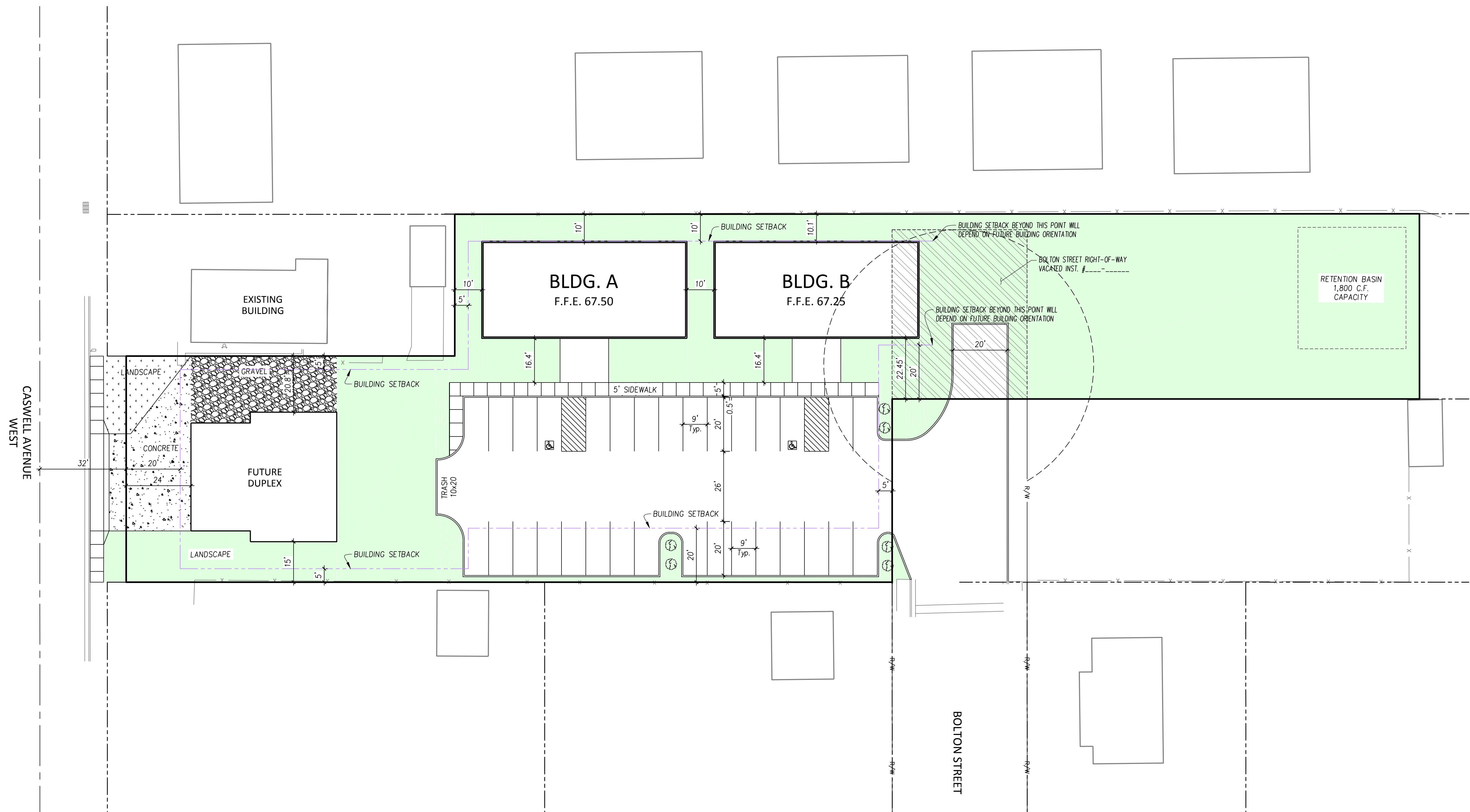
On the 1ST day of NOVEMBER, 2019, before me, a Notary Public in and for said State, personally appeared VALERIE SMITH, known or identified to me to be the Trustee(s) of the DAVID L. KEMP, MD PC 401(k) PROFIT SHARING PLAN AND TRUST that executed this instrument, or the person(s) who executed the instrument on behalf of said Trust, and acknowledged to me that he/she/they executed the same as such Trustee(s).



Notary Public for Idaho

Residing in TWIN FALLS, ID
Commission Expires 8.15.2024





Located In
Lot 3, Fireside Subdivision
In
NE ⁴ NE ⁴, Section 8
Township 10 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2018

PARKING SUMMARY:

NEW BUILDINGS = 16,416 SF
REQ'D PARKING STALLS = 30 (2 ADA - PER COTF STANDARDS)
PROPOSED STALLS = 31
ADA PROPOSED STALLS = 2

**SITE EXHIBIT
for
DR. KEMP**

REVISIONS

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL
CONDITIONS AND DIMENSIONS AT
THE JOB SITE AND NOTIFY THE
ENGINEER OF ANY DIMENSIONAL
ERRORS, OMISSIONS, OR DIS-
CREPANCIES BEFORE BEGINNING
OR FABRICATING ANY WORK.

STAMP

APPROVED	D.Thibault
DESIGN	-
DRAWN	M.Brander
DATE	12/12/2018
SCALE	AS SHOWN
DWG. NO.	833-18 TOPO-EXHIBIT
SHEET	

C1.01



Date: Monday, November 18, 2019
To: Honorable Mayor and City Council
From: Shayne Nope, City Attorney

ACTION ITEM

Request:

ACTION ITEM: Request for further direction on scope of a potential Smoking Ordinance.

Time Estimate:

15 Minutes

Background:

The council has been approached by groups asking for an ordinance that would ban smoking in certain locations or public spaces in Twin Falls. The council asked city staff to look into options available, specifically related to smoking bans in public parks and city trail systems.

Approval Process:

City staff would like additional feedback from the council on the scope of a potential future ordinance. No ordinance will be passed or approved with this agenda item.

Budget Impact:

Regulatory Impact:

History:

N/A

Analysis:

N/A

Conclusion:

In conclusion, should the council wish to continue pursuing an ordinance regulating smoking in city parks and trail system, the council can give additional input based on this presentation and city staff will prepare a draft ordinance incorporating that additional input.

Attachments:

None



Date: Monday, November 18, 2019
To: Planning and Zoning Commission
From: Brock Cherry, Planner, City Planner

ACTION ITEM

Request:

ACTION ITEM: Request an Appeal of a Special Use Permit to allow a drive through facility with extended hours on property located at 1869 Addison Avenue East c/o Ron Burns (PZ19-0137). On September 24, 2019, the Planning and Zoning Commission approved the Special Use Permit (PZ19-0107) by a vote of 9 - 0.

Time Estimate:

Five (5) minutes for Staff and applicant presentation; Five (Minutes) for public hearing;

Background:

During the Public Hearing input portion of this request, Mr Burns had submitted a letter to the Planning Commission outlining his concerns and issues with this project. His letter was included in the original packet furnished to the Commission and is part of the record for this item. As a result, Mr Burns has standing in the case of an appeal.

Mr. Burns approached City Staff in the weeks following the Planning and Zoning Commission meeting to discuss a possible appeal. On October 22 City Staff received his application to appeal the decision of the Commission. His application was received within the 15 Day appeal period as prescribed in City Code.

After receiving the appeal application City Staff worked to place the item on the next available City Council Agenda, while still following notification requirements outlined in City Code.

Approval Process:

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within six (6) months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Budget Impact:

NA

Regulatory Impact:

NA

History:

Per City & County records the multi-tenant building on the subject property was built in 1965. The tenant space the applicant intends to use has most recently been used as an office by Magic Valley Youth Services.

Analysis:

This is a request for a Special Use Permit to allow a drive through facility and extended retail hours on property located at 1869 Addison Avenue East. The subject property is located with the C-1 (Commercial Highway) Zoning District.

The restaurant will provide customers a “pickup window” (drive through). The pickup window will not have a menu or intercom for taking orders. The proposed drive-through provides approximately five (5) stacking spaces before the first stopping point and an escape lane which is nine feet (9') wide.

The hours of operation will be from ten o’ clock (10:00) A.M. to one o’ clock (01:00) A.M. Approximately fifteen (15) full and part time employees will work at the establishment. It is anticipated that 400 vehicles will visit the subject property a week.

Conclusion:

The Council is tasked with making a decision on this request. The Council may:

1. Reaffirm the Planning and Zoning Commission Approval of the Special Use with its original conditions;
2. Reaffirm the Planning and Zoning Commission Approval of the Special Use Permit with modified conditions as determined by the Council;
3. Reverse the Planning and Zoning Commission Approval of the Special Use Permit.

Attachments:

1. Appeal Letter - Narrative
2. Original Staff Report and Attachments PZ19-0107
3. P&Z Opposition Letter - Ronald Burns
4. 09-24-19 PZ Minutes
5. Emails Opposing and Supporting Appeal

October 21, 2019

RE: *Proposed DOMINOES PIZZA STORE WITH DRIVE THRU WINDOW AT 1869 Addison Ave. East*

Mr. Jonathon Spendlove
Planning and Zoning Director
City of Twin Falls Planning and Zoning
Twin Falls City Council

Dear Sir,

I am submitting This Request to Appeal the Decision for a Special Use Permit being Granted to Dominos Pizza to have a Drive thru Pick up and Most importantly being allowed to stay open till 1AM.

I brought in a letter prior To The Planning and zoning Commission meeting 10-17-2019, Opposing this special Use Request, because I could not attend the Meeting.

I watched the Meeting on the Cable One Government Access Channel.. It did not appear to me nor anyone I talked to, that my concerns were addressed.

Brock Cherry gave a statement that Since Addison Ave was a main Road that this new Dominos Drive thru with late Hours would not be an Issue. This is INCORRECT, the Cars are driving by at 35 MPH 200-300 Ft away and after 8 PM the Traffic Noise slows way Down, after 10PM there is hardly any Traffic Noise.

I live here and know what the noise situations are and noted them in my letter?

With The Dominos operating, the cars are 60 Ft away from My Bedroom Windows, the Noise will continue on till 2AM 7 days a week and be more dominant than the Vehicles driving up and down Addison Ave.

The Dominoes owner made a comment that since there had been No activity in the parking lot for a while that the residents weren't used to the noise the new business would create, and he would build a Screen to dim the Headlights of vehicles pointing at the residents homes?

Then the commission voted for the Special use permit to be approved.

It appeared to me that this had been decided before the meeting.
I Have included a Copy of my Original letter that I delivered before the Meeting on 9/17/2019.

Thank You,

Ronald Burns
1884 Sigrid Ave.
Twin Falls, Idaho 83301



Comprehensive Staff Report

To: Planning & Zoning Commission
Presenter: Brock Cherry, City Planner
Request: A **Special Use Permit** to allow a drive through facility and extended retail hours on property located at 1869 Addison Avenue East.
Application: PZ19-0107
Applicant & Representative:
W. Patrick Clysdale, Clysdale Enterprises
570 I.B. Perrine Road
Twin Falls, Idaho 83301
208-948-9876
pclysdale@gmail.com

Public Hearing: September, 24th 2019

Analysis

This is a request for a Special Use Permit to allow a drive through facility and extended retail hours on property located at 1869 Addison Avenue East. The subject property is located within the C-1 (Commercial Highway) Zoning District.

The restaurant will provide customers an "pickup window" (drive through). The pickup window will not have a menu or intercom for taking orders.

The proposed drive-through provides approximately five (5) stacking spaces before the first stopping point and an escape lane which is nine feet (9') wide.

The hours of operation will be from ten o'clock (10:00) A.M. to one o'clock (01:00) A.M. Approximately fifteen (15) full and part time employees will work at the establishment. It is anticipated that 400 vehicles will visit the subject property a week.

Approval Process

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of

Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within six (6) months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

History

Per City & County records the multi-tenant building on the subject property was built in 1965. The tenant space the applicant intends to use has most recently been used as an office by Magic Valley Youth Services.

Applicable Regulations or Codes

Per City Code 10-4-8.2, A SUP is required for any facility with drive-through service within the C-1 Zone.

Per City Code 10-4-8.2, A SUP is required in the C-1 Zone for retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

Per City Code 10-10-10, A drive-through shall provide five (5) stacking

spaces from first window, order board, or other stopping point. An escape lane shall be provided for any use containing a drive-through facility. An escape lane shall be nine feet (9') wide and shall provide access around the drive-through facility.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow with Us" designates this area as "Neighborhood Commercial".

The "Neighborhood Commercial" designation seeks to provide supporting and small-scale commercial for surrounding neighborhoods.

The 2009 Master Transportation plan identifies the roadway (Addison Avenue East) immediately adjacent to the subject property as an arterial roadway. Arterial roadways are designed to facilitate high volumes of traffic.

Therefore, staff has determined this request is in compliance with City comprehensive plans.

Public Hearing: September, 24th 2019

Potential Impacts

The proposed SUP will produce additional traffic and noise. However, due to the subject property being located on an arterial roadway, staff anticipates that any additional traffic flow will be accommodated. Impactful noise caused by the drive-through is anticipated to be minimal being that the surrounding uses are commercial in nature and produce similar volumes of noise.

Thus, Staff nor the Applicant anticipate any significant increase of detrimental impacts from this request on the surrounding properties.

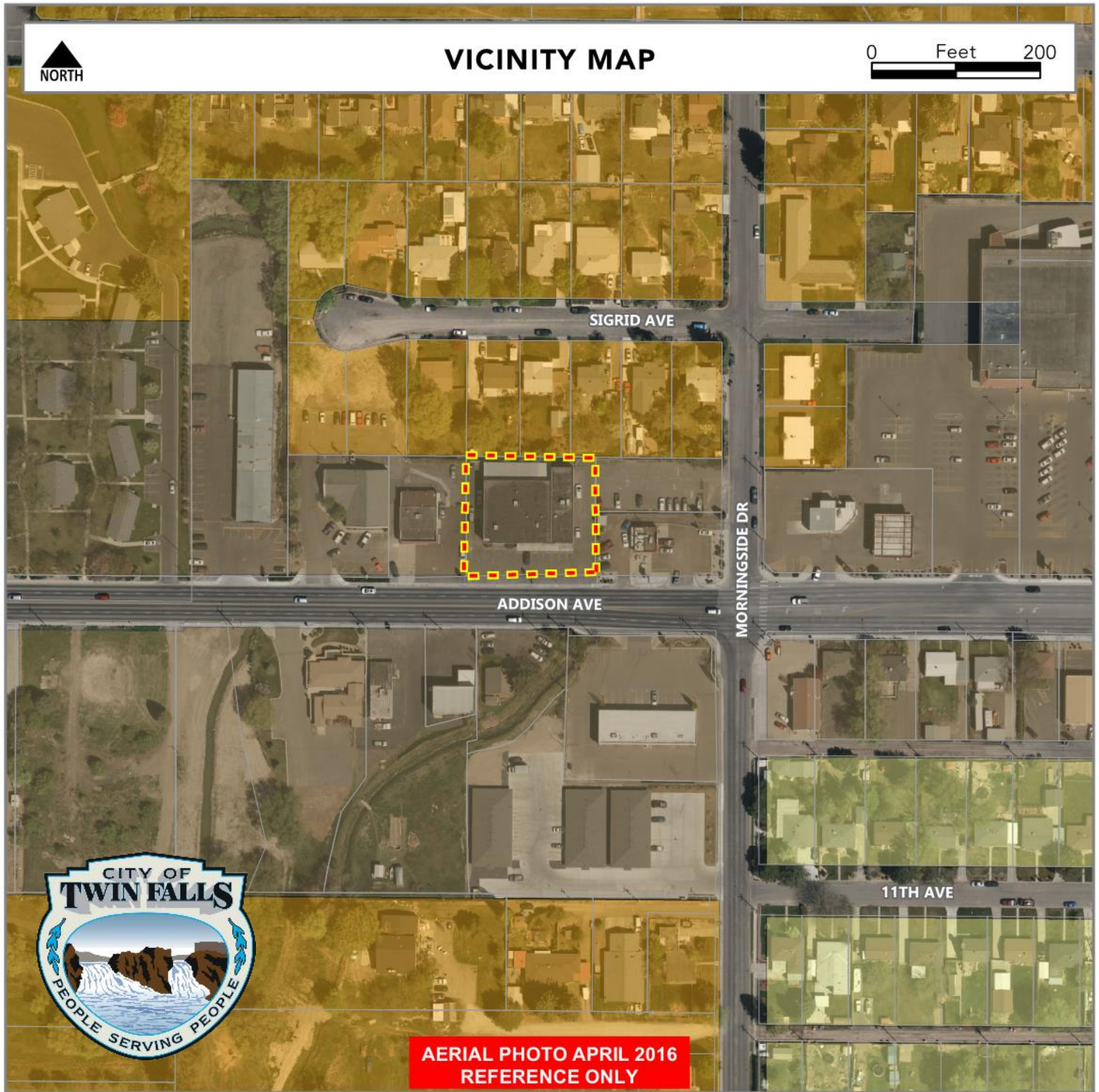
Conclusion

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Attachments

1. Vicinity Map
2. Narrative
3. Site Plan
4. Photos
5. Opposition Letter – Ronald Burns



- | | | | |
|--|-----|---|-----|
|  | C-1 |  | R-4 |
|  | R-2 | | |

Current Zoning: C-1
 Comprehensive Plan:
 Neighborhood Commercial

Existing Land Use: Office
 Proposed Land Use: Eating Place
 with a Drive Through and Extended
 hours.

Surrounding Zoning Designations & Land Use(s)

North: R-4, Residential
 South: C-1, Services

East: C-1, Parking & Eating Place
 West: C-1, Retail

Applicable Regulations

10-1-4, 10-1-5, 10-4-8, 10-7-12, 10-10-10, 10-11-1 thru 8, 10-13

Special Use Permit Addendum

Domino's Pizza project at

1863 Addison Ave. E.

Twin Falls, Id. 83301

We are requesting a special use permit for the purpose of adding a pickup window to our new Domino's Pizza location. We differentiate a pickup window from a drive thru with the following. All orders must be placed ahead of time. We will not have any menu or ordering intercom in the pickup lane. Orders that have been placed will be paid for ahead of pickup using a credit/debit card the vast majority of time. If there is an issue with an order or if it is not ready we will request they park and we will bring it out to them. With close to 6,000 domestic locations our experience has shown most customers will park and enter the store if there are 2 cars in the pickup line. This will greatly reduce any stacking issues. We anticipate an average of 400 carry out orders per week with 25% (100) using the pickup window. Our hours of operation will be 10am-1am. Having a pickup window for late night service will greatly increase our store security. The number of employees varies throughout the day with an anticipated maximum of 15 during our busiest hours. We don't anticipate any unusual noise issues other than normal traffic and parking. With no loudspeaker outside the communication between customer and our service representative will be at a minimum. There would be some headlight sweeping of the residents to our north. If this is an issue we are willing to install a wall or barrier to mitigate this disturbance. We don't anticipate any odor, fumes or vibration that would disrupt adjoining properties. We believe we will be a benefit to the neighboring businesses as we will expose them to many more potential customers. Our residential neighbors will have the good fortune of fast, easy access to our delicious products and friendly, helpful staff. Thank you for your consideration.

Patrick Clysdale

Clysdale Enterprises

532 Washington St. N.

Twin Falls, Id. 83301

208-948-9876

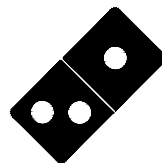
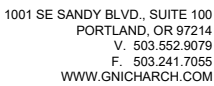
pclysdale@gmail.com



TOTAL LOT AREA: 0.511 ACRES



MORNINGSIDE DR. N.



Domino's Pizza Bakery Store
Pizza Theater Tenant Improvement
1869 Addison Ave. E., Twin Falls, ID 83301
for Clysedale Enterprises
532 Washington St. N.
Twin Falls, ID 83301

208.948.9876

REV:	DATE:	DESCRIPTION:
2	08.07.19	ZONING COMMENTS
3	08.13.19	ZONING COMMENTS

SHEET NUMBER:

COPYRIGHT 2019



SE Corner looking NW



Proposed Drive Thru Area



Drive Thru Area Cont.

September 17, 2019

RE: *Proposed DOMINOES PIZZA STORE WITH DRIVE THRU WINDOW AT 1869 Addison Ave. East*

Mr. Brock Cherry
City Planner
City of Twin Falls

Dear Sir,

I Am Very Concerned of The Impact That This New Dominoes Store Will Have on My Family and the other families that Live on Sigrid Ave. and Morningside Dr. N.

My family has lived her since the early 80's and, Some families have been here longer and there have never been any Businesses that operated past 8 PM or used this parking area as a Constant RaceWay. I assumed The City would not allow Disturbing The Residents Peace and Quiet Past 8 PM.

With the added noises and Commotion will Greatly Reduce our Quality of Life and Lower our property Values and attract some people with crime on their minds that otherwise would not normally be in the area behind our homes.

I am Against having a Drive Thru Located 60 FT Behind My Bedroom, which is About where The Raceway Would Be along the southern border of my Property.

The Properties North of this Proposed Dominoes Store are residential with families, several are Retired. All four houses on Sigrid Ave, 1898, 1884, 1878, and 1866 would be seriously Impacted by this Drive thru, as well as the homes on the 100 Block of Morningside Dr. N. with vehicle lights, Loud Engines, horns honking, people having little Parties in the Parking lot, vehicles racing through the Parking Lot and RACEWAY, etc.

All of the residents bordering the racing Driveway property line have Dogs, which will be barking Constantly at all the Noises associated with Vehicles Driving So Close to our Properties.

This is also going to make a bad traffic problem even worse.

My Wife Has COPD and has enough trouble Getting Sleep at Night, the late night Hours is not Acceptable to us, or any of the Other Residents along Sigrid Ave. and Morningside N. that I have talked to, have expressed the same.

I have had other Business that used this Parking Lot run into my fence and Break it in different locations through the years, no one ever Claimed responsibility for the damages.

If The city decides to Allow this new Dominoes store to start up They Need to Build a minimum of a 6 Ft Tall Masonry Wall from the Wall of the Building along The Property line bordering the properties of 1866, 1878, 1884 and 1898 Sigrid Ave., Similar to the One McDonalds built at their restaurant on Heyburn Ave, .to Morning Side Drive N. Around 250 Ft. Long. The density of this Wall will help muffle the Noise

They Should Close at no later than 8 PM. To Allow the Residents of the area To Have Peace and Quiet to Get to Sleep at Night. Any loud noises after 9PM is considered Disturbing our Peace.

Any Lighting Installed outside should be Facing to The South from the Fence line, The Street Light on the pole behind my House, Which I had The power company Install and I pay For, Is already Plenty of Light and lights up the Whole Area.

There are Plenty of locations on this side of Town, where there are no Homes close to the Place of Businesses that would be Acceptable for this Type of Business, I don't understand Why This Location was decided on? Where it will have such a NEGATIVE effect on the existing Residents.

Even Though Addison Ave. Is a Busy Road Throughout the Day With Normal Traffic Noise, It does Slow Down after 7 PM and is almost no Traffic from 10PM till 7 AM.

I noticed that Construction has started on this project already.

Thank You,

Ronald Burns
1884 Sigrid Ave.
Twin Falls, Idaho 83301



Twin Falls Planning & Zoning Commission Minutes

Tuesday, September 24, 2019, 6:00 PM

203 Main Ave East
Twin Falls, ID 83301

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 6:00 pm
A quorum was present.

Members present: Titus, Kelley, Bolton, Hansen, Higley, Perez, Musser, Detweiler, Hawkins

Staff Present: Spendlove, Cherry, Ebersole, Murray, Vitek

2) Consent Calendar

Commissioner Kelley made a motion to approve the consent calendar, as presented.
Commissioner Bolton seconded the motion.

Unanimously approved

- a) Approval of Minutes from the following meeting: August 13, 2019 and September 4, 2019
- b) Request for approval of Findings of Fact and Conclusions of Law:
 - Cedarpark Subdivision No. 12 Preliminary Plat
 - Nicholas Gursslin Special Use Permit
 - Shannon Troop/Estella Evans Special Use Permit

3) Public Hearings

- a) Request for a Special Use Permit to allow a Home Occupation on property located at 1110 Highview Lane c/o Daniel Corsini. (PZ19-0104)

Staff Presentation:

City Planner Cherry presented the request for a Special Use Permit to allow a Home Occupation on property located at 1110 Highview Lane c/o Daniel Corsini. (PZ19-0104)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact,

City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Per County records the primary residence on the subject property was built in 1952.

This is a request to allow a Home Occupation for a Federal Firearms Licensed Transfer and Armorer business located at 1110 Highview Lane. The subject property is located within the R-2 (Residential Single Household) Zoning District.

The applicant intends to operate regularly from 8:00 A.M. to 7:00 P.M. One customer will be served at a time. The business will be operated in a spare room that is approximately 250 square feet. The armorer work being performed will not include machinery or involve noise, smell, or visual disturbances

City Planner Cherry presented a letter of support from a nearby neighbor.

Staff determines that the applicant's request is in accordance with City Code and City Comprehensive Plans.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Applicant Daniel Corsini presented his request for a Special Use Permit for a Home Occupation. He is requesting a Federal Firearms License and is requesting to run his business from his home. He stated he will see customers by appointment only. He stated there will be minimal traffic to the neighborhood. He will be doing basic armory work, with no machinery involved.

PZ/Questions & Comments:

- Commissioner Perez asked for the regulations on home occupations besides what has been presented.
- City Planner Cherry stated that home occupations are only allowed to occupy less than 400 sq. ft. in the house. There is a fairly broad description of what type of business can be home occupation.
- Commissioner Musser asked about the quantity of guns stored on premises.
- Mr. Corsini stated he has guns on premises and has to follow ATF (Alcohol, Tobacco, Firearms) regulations. All weapons and ammunition will be locked up.
- City Planner Cherry stated an ATF agent will contact PZ staff if license is approved to assure all regulations are followed.

Public Hearing: Opened

- Citizen James Ricks, neighbor, stated he commends the applicant for going through the proper procedure. His concern is additional traffic that the business may generate as Highview Ln. is not a through street. He stated it is hard to find addresses for deliveries. He stated Mr. Corsini is a good neighbor and hopes his business succeeds.
- David Brown, neighbor, stated he is the most impacted neighbor, but is in support of the business.
- Citizen Phil Schell stated he is concerned that a firearms business is not appropriate in a residential neighborhood. He stated he is concerned about deliveries being left on front porch and not taken indoors.
- Citizen Howard Wilcox stated he prefers to have business in another neighborhood, not in a residential area.

- Citizen Paula Sinclair, neighbor, stated that Highview Ln. is closed off from Addison and has created a quiet neighborhood. She is concerned this business will cause a change in the neighborhood. She also stated the Corsini's are great neighbors, but believes this is the wrong business for a residential neighborhood.
- Citizen Byron Hardy stated his concern is there is a school close to property. He also stated he has a concern of deliveries not being picked up in a timely matter.
- Citizen Sherry Jeffrey stated she supports the business, but would like clarification of type of dealership (level).

Applicant closing statement:

Mr. Corsini stated he is requesting a Class 1 license. He stated he takes security very seriously. He assured there will be no packages left outside. All packages have to be signed for for delivery. He stated he has a 12 year background and is a certified NRA instructor.

Public Hearing: Closed

Discussion Followed:

- Commissioner Musser asked for clarification on the neighborhood traffic.
- Mr. Corsini stated this will be a part time business, only seeing customers by appointment only, one at a time. He stated there will be no more traffic than having a friend over (one vehicle at a time). He has had discussions with all delivery people to help with deliveries to the proper address.
- Commissioner Bolton asked about applicant's security system and verification of delivery with signature only.
- Mr. Corsini stated he has a Ring security system. It is a smart house system with cameras. He stated he has special locks on the room where the business is located. He stated that packages containing guns are not legal to leave at a location without a signature and has never had an experience with deliveries being left improperly. Fed Ex will take back to facility if no one is there to sign for package.
- Commissioner Bolton asked if the applicant has mapping capabilities on his appointment software to help customers find residence.
- Mr. Corsini assured he would give his customers good directions and make sure they can find residence.
- Commissioner Detweiler asked if there will be signage at the location.
- Mr. Corsini stated there will be no signs.
- Commissioner Higley stated this is not the first application of this type that has come before the commission.
- Chairperson Titus asked for clarification on the specifics of the previous requests.
- City Planner Cherry stated there have been requests for firearm sales and/or transfers.
- Commissioner Perez asked if the business can be listed on Google Maps.
- PZ Director Spendlove stated the State will not allow the city to regulate internet advertisement.
- Commissioner Kelley stated the applicant has come through this process properly.
- Commissioner Higley stated an SUP can be revoked if the conditions are not followed.
- Commissioner Perez stated that with the upcoming code rewrite, the requirements may be changed.
- PZ Director Spendlove stated today's standards and codes must be followed for this request.
- Chairperson Titus stated the commission is tasked with reviewing current code for the request, as well as the impact on area and take concerns into consideration and that is why the applicant has a chance to have a closing statement and address concerns.
- Commissioner Hansen stated the applicant stated there will be minimal traffic/noise impact, and is a part time business. He also stated that ATF would not allow the business if Mr. Corsini is

not following regulations and that Planning and Zoning Commission can only vote on the Home Occupation request.

- Commissioner Perez asked if shooting is allowed in city limits.
- PZ Director Spendlove stated shooting is not allowed in city limits.
- Commissioner Bolton stated she appreciates the neighbors' concerns.

Motion:

Commissioner Kelley made a motion to approve the request for a Special Use Permit to allow a Home Occupation on property located at 1110 Highview Lane c/o Daniel Corsini. (PZ19-0104). Commissioner Musser seconded the motion.

Unanimously approved

- b) Request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South c/o Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ19-0105)

Staff Presentation:

PZ Director Spendlove presented the request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South c/o Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ19-0105)

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

Property records indicate there was a neighborhood market on the property in 1961 it then burned down in 1975. Ord. 2012 likely rezoned the property to its current zoning district in 1981. The property with the current Oasis Stop 'N Go was redeveloped in 1978 to include the fuel station.

This is a request to rezone property located at 890 Washington Street South. Currently the Oasis Stop 'N Go operates a fuel station on a lot that is zoned C-1. Future expansion plans of the station would require the property located north and west be rezoned from R-4 to C-1 in order to be usable for that business. This request meets the comprehensive plan designation as Mixed Use.

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

Applicant Presentation:

Colby Ricks, representing applicant, presented the request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 for the property located at 890 Washington Street South. He stated the owner would like to build to 5000 sq. ft. He stated the site will be redeveloped with landscape and sidewalk improvements which would help access points being pushed back from intersection. He stated there will be a benefit to have the building farther away from street. The land was purchased 7-8 years ago by Oasis. He stated he believes this change will help improve land values in the area. The change will help with the flow of traffic. The plan is to have four (4) gas pumps, and acknowledged there may be an increase in traffic. He stated he does not believe there will be a big impact to area with the approach being moved back. He stated they will comply by the site improvements imposed by the city. He stated the site lighting will meet dark sky requirements of the city.

PZ/Questions & Comments:

- Commissioner Bolton asked if this is a lighted, managed intersection.
- Mr. Ricks stated this intersection is a managed, lighted intersection.

Public Hearing: Opened

- Citizen Jim Barrett stated his concerns with the project.
- Citizen Debbie Wildman, neighbor, stated her concern of the rezone of R4 to C1. She would like to see a restriction on the lighting and is concerned with size of property and noise pollution.
- PZ Director Spendlove stated there is an additional application for an SUP for a future meeting, with a new public hearing. The rezone request is a separate process. Contact Planning and Zoning office for inquiries.

Applicant closing statement:

Applicant Troy Willey, Oasis Stop N Go, stated he has heard the concerns and assured he will be a good neighbor and takes concerns seriously and will address issues.

Public Hearing: Closed**Discussions Followed:**

- Commissioner Bolton asked staff for the zoning of area around property.
- PZ Director Spendlove demonstrated surrounding zoning on map.
- Commissioner Kelley asked how long has the corner been zoned C1. He asked if there was a commercial entity prior to the Oasis.
- PZ Director Spendlove stated he believes it was zoned C1 in 1981 and was reaffirmed with Comprehensive Ordinance 2012.
- Commissioner Musser asked if the SUP coming forward would be allowed in the R4 zone.
- PZ Director Spendlove stated the gas station is not allowed in the R4 zone.
- Commissioner Perez asked for comment on the potential bus issue.
- PZ Director Spendlove stated he has no comment on property being looked at for bus lines.
- Commissioner Kelley stated historically that corner has been C1 and the surrounding property has been vacant for a long time. He no issue with the rezone request.
- Chairperson Titus agreed and hears the citizens' concerns, but believes the request goes with the area. The new gas station and site improvements will help to beautify area. She stated the rezoning of the corner makes sense.
- Commissioner Bolton is encouraged with applicants closing statement regarding working with the neighbors.
- Commissioner Detweiler agreed. He does not see the area being used for R4. This change will lift up neighborhood with new facility and asset to neighborhood.
- Commissioner Perez agreed as the current corner is not going to change from C1, she does not have issue with the surrounding property being rezoned.

Motion

Commissioner Hawkins made a motion to approve request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South c/o Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ19-0105).

Commissioner Detweiler seconded the motion.

Motion approved by a vote of 8-1

- c) Request for a Special Use Permit to allow a drive through facility with extended hours on property located at 1869 Addison Avenue East c/o Clydsdale Enterprises LLC. (PZ19-0107)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow a drive through facility with extended hours on property located at 1869 Addison Avenue East c/o Clydsdale Enterprises LLC. (PZ19-

0107)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within six (6) months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Per City & County records the multi-tenant building on the subject property was built in 1965. The tenant space the applicant intends to use has most recently been used as an office by Magic Valley Youth Services.

This is a request for a Special Use Permit to allow a drive through facility and extended retail hours on property located at 1869 Addison Avenue East. The subject property is located with the C-1 (Commercial Highway) Zoning District.

The restaurant will provide customers a "pickup window" (drive through). The pickup window will not have a menu or intercom for taking orders. The proposed drive-through provides approximately five (5) stacking spaces before the first stopping point and an escape lane which is nine feet (9') wide.

The hours of operation will be from ten o' clock (10:00) A.M. to one o' clock (01:00) A.M. Approximately fifteen (15) full and part time employees will work at the establishment. It is anticipated that 400 vehicles will visit the subject property a week.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant presentation:

Applicant Patrick Clysdale presented his request for a Special Use Permit to allow a drive through facility with extended hours on property located at 1869 Addison Avenue East. He stated he is the owner of the location on Washington St and this will be their 2nd location. This will be a pick up window for orders placed ahead of time, with no menu board. He stated the extended hours are normal operating Domino's hours. There is one neighbor with no fence and Mr. Clysdale will put up a screening in the back. The parking lot will be updated with lighting and cameras.

PZ/Questions & Comments:

- Commissioner Bolton asked what material are the fences in back.
- Applicant stated that they are wood slatted.
- City Planner Cherry showed the commission where the residence is that has no fence on the map.
- Commissioner Perez asked how the cars will navigate through the lot and where is the parking for employees.
- Applicant stated customers will be exiting on to Morningside Dr. He stated that parking behind the store is for use of employees and customers.
- City Planner Cherry stated that it is stated on lease the parking is able to be used for this

business.

- PZ Director Spendlove stated that a restaurant is outright allowed and with building permit, the parking will be reviewed.
- Commissioner Perez stated customers would have to walk thru drive thru area to get to building, and this could be a safety concern.
- Commissioner Kelley asked the operating hours for the location on Washington St.
- The applicant stated they are open until 1:00 am.
- Commissioner Bolton stated her concern for the neighbor at the end of pick up window without fence and asked if the applicant is willing to mitigate issue for neighbor.
- The applicant stated he will do whatever is needed to address concerns.
- City Planner Cherry stated by code, the applicant has to screen the area and the building permit would not be approved without it.

Public Hearing: Opened

- Citizen Jim Barrett stated he will be a customer and loves being able to walk to the businesses in the area.

Public Hearing: Closed

Discussions Followed:

- Commissioner Hawkins stated this request makes sense as an enhancement to area.
- Commissioner Kelley stated he is okay with extended hours.

Motion:

Commissioner Bolton made a motion to approve the request for a Special Use Permit to allow a drive through facility with extended hours on property located at 1869 Addison Avenue East c/o Clysdale Enterprises LLC. (PZ19-0107).

Commissioner Higley seconded the motion.

Unanimously approved

- d) Request for a recommendation to City Council for a Special Use Permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o OneSixty, LLC. (PZ19-0085)

Staff Presentation:

City Planner Cherry presented the request for a recommendation to City Council for a Special Use Permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o OneSixty, LLC. (PZ19-0085)

A request for additional height follows the public hearing process for zoning map amendments as described in subsection 10-14-5(B) and section 10-14-7 of City Code.

The Planning & Zoning Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The Commission shall then transmit its recommendation to City Council.

After receiving the recommendation, the City Council shall conduct a public hearing, and make a final decision on the request.

The existing primary building on the subject property was built in 1908. Per the Engineering Department the existing building is approximately thirty-three (33) feet high.

The existing building is considered historic in nature due to the businesses and entities that conducted business within its walls over the years (Mercantile, County Court House, etc.).

However, the building is not located within the Downtown Historic District. Therefore, the property is not required by code to adhere to the Historic Design Guidelines and Standards.

The building most recently housed the Idaho Youth Ranch, and is currently vacant.

This is a request for a special use permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South. The subject property is located within the C-B (Commercial Business) Zoning District and P-1 Parking Overlay.

The applicant is seeking approval to construct a new six (6) story, seventy-five (75) foot tall mixed-use building. The future building is proposed with a mix of Retail/Office/Residential type uses. The drawing depicts building finishes of Glass, Metal, Concrete, and other common rock/stone like materials.

At seventy-five (75) feet, this building would be the tallest structure in the vicinity and will create shadows along Main Street, on adjacent buildings and potentially stretching into the Plaza.

As this is the first building of this size within the vicinity, it will change the skyline of downtown. It will create new challenges and experiences for the residents and visitors to the area. As the growth of the City progresses, similar buildings have the potential to become more commonplace.

Staff has conducted a visual survey of the surrounding public parking lots. The findings of that report are found as an attachment to this report.

The commission may recommend to City Council that additional height be approved as requested, approved with modifications, tabled for additional information, or it may recommend that the request be denied.

If the Commission chooses to approve this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to continued compliance with the application materials and drawings submitted by the applicant.
3. Subject to mechanical, service, or other structural equipment extending no more than ten (10) feet above the height of the building.

Applicant presentation:

Fran Florence, representing applicant, presented the request for a recommendation to City Council for a Special Use Permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o OneSixty, LLC. He stated this project is addressing growth in downtown, and trying to bring it back to life. He stated that shopping and residence is the key to growth in downtown. This project combines retail, office, and residence. He stated the parking issues will be addressed for the anchor tenant on second floor. He presented a letter of support from a downtown neighbor.

PZ/Questions & Comments:

- Commissioner Higley asked PZ staff when the 50' height limit was established.
- PZ Director Spendlove stated when the height limit was established. He stated with growth and the desire to keep open space, buildings will have to go taller in town, where the services are

located. There are different things the community said they wanted in the Comprehensive Plan, one being keeping the open space (agricultural core), while accommodating growth.

- Chairperson Titus asked staff to clarify is the request for seventy-five (75') for the building **plus** an additional 10' for utilities on roof.
- City Planner Cherry stated that is correct with conditions.
- PZ Director Spendlove stated there is a condition in the staff report that addresses the additional height.
- Commissioner Bolton asked for clarification on rooftop use.
- Mr. Florence clarified roof top use.

Public Hearing: Opened

- Citizen Susan Hall, business owner on Main Ave., is opposed to this request and does not believe that this is an appropriate project for the area. She has a concern of an historical building being torn down. She is concerned with the shade causing icing issues in the winter.
- Citizen Joyce Engleman stated she is not in favor of this request. She believes this project is too overpowering for downtown and does not fit in.
- Citizen Dan Brizee, downtown business owner, is in favor of this request. He believes building with additional height is the future of the area.
- Citizen Mike Brown, business owner downtown, is in favor of this request. He believes this project will bring more people downtown to surrounding merchants.
- Citizen Malin Urkey stated the progression of downtown is beautiful. She stated this project will attract traffic to businesses.
- Dean Johns, business owner downtown (Claude Browns), would like to know construction timeline. He asked for the number of apartments being built. He stated he sees this project as growth, but has a concern of icing problem that can exist with shade from building. He stated the parking behind his store is never more than 25% full. He has concerns of Main St and Hansen street closures with construction.
- Ken Fitzgerald, downtown property owner, stated he moved his business to downtown to help revitalization. He stated there is a need for evening crowd downtown for these businesses to thrive. He stated he is in favor of height request and that height is the key to growth.
- Citizen Mona Weeks is concerned about the height request. She would like clarification on the total height request. She believes parking is an issue at meal times. She is concerned what happens if URA or the developer pulls out of the project.

Public Hearing: Closed

Applicant Closing Statement:

- Fran Florence stated there will be forty (40) apartment units. Timeline for construction: demolition planned for late this year. Building construction to start in Spring 2020. He stated this will be a yearlong project completed Summer 2021. Addressing the building height: asking for approval of a seventy five feet (75') building with an additional ten feet (10') for screened utilities.
- PZ Director Spendlove clarified the application has always been for seventy-five feet (75'). He also informed audience to contact Nathan Murray with URA concerns.

Discussions Followed:

- Commissioner Bolton asked about street closures with demolition and construction.
- Mr. Florence stated a commitment has been made to make every effort to not close Main St.
- Chairperson Titus reminded commission that this request is for the additional height request only.
- Commissioner Perez asked if there are regulations regarding icing concerns.
- PZ Director Spendlove stated the adjoining businesses, by code, are responsible for snow

removal in front of their businesses. If code enforcement gets a complaint, it is the business owner's responsibility to remove snow/ice.

- Commissioner Hansen stated business owners are responsible for snow/ice in front of their buildings, regardless of height.
- DT stated he agrees the additional height will bring potential growth and revitalization to downtown.

Motion:

Commissioner Kelley made a motion to approve the request for a recommendation to City Council for a Special Use Permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o OneSixty, LLC. (PZ19-0085)
Commissioner Musser seconded the motion.

Unanimously approved

4) Upcoming Meeting(s)

a) **Tuesday, October 8, 2019**

****No worksession next week. Kelli will send out available date for longer worksession for October/November.****

5) Adjournment

The meeting adjourned at 8:20 pm

Kelli Ebersole

Kelli Ebersole, Administrative Assistant

Emails Opposing Appeal as of 11/14/19

 Tue 11/12/2019 12:08 PM
Nicole Veenendaal Gabiola <buywithnicole@gmail.com>
Dominos on Addison

To: Kelli Ebersole
You forwarded this message on 11/12/2019 1:54 PM.
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

[EXTERNAL SENDER]
Kelli
I am writing in support of the new Dominos on Addison Ave. It has come to my attention that there has been a complaint that has held up the process for the owners. As they have mentioned they hold themselves to high standards and will make sure homeowners are not negatively impacted by this new business. Next door, there is a drive-through for Sips and I do not believe that has caused a heightened level of crime or issues for homeowners.
Please consider our support for the new Dominos location.
Thank you
Nicole and Augustin Gabiola

   Nicole Gabiola
Realtor/Owner, Keller Williams Sun Valley Southern Idaho
208-861-0507 | buywithnicole@gmail.com
www.mytwinfallshome.com

 Tue 11/12/2019 7:28 PM
Blush Floral <blushfloral@hotmail.com>
Domino's Pizza Addison Location

To: Kelli Ebersole
You replied to this message on 11/13/2019 7:58 AM.

[EXTERNAL SENDER]
I am writing in regards to the upcoming city council meeting regarding the new Addison location for Domino's. I fully support Domino's and the Clysdale family. Twin Falls is in need of expansion, particularly on that side of town. We have to stop clustering businesses together. The new Domino's location would be convenient and welcomed by many citizens on the East side of town. Domino's is a family business and I hope you will allow them to continue and expand.
Sincerely,
Chandra Carr
Blush Floral
www.blushfloralboutique.com

Email Supporting Appeal as of 11/14/19

 Thu 11/14/2019 11:08 AM
Brock Cherry
RE: PZ19-0137
To: Young, Russ

Not necessarily, it just helps give City Council more context, your support for the appeal will be logged with the report.

Best,

 Brock Cherry, *City Planner*
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
208.735.7294
bcherry@tffd.org

From: Young, Russ
Sent: Thursday, November 14, 2019 11:05 AM
To: Brock Cherry
Subject: RE: PZ19-0137

[EXTERNAL SENDER]
Do I have to live in the city to support? I live in Jerome County.

From: Brock Cherry <BCherry@tffd.org>
Sent: Thursday, November 14, 2019 11:04 AM
To: Young, Russ <Russell.Young@sparklight.biz>
Subject: RE: PZ19-0137

CAUTION: External source. THINK BEFORE YOU CLICK!

Russ,

Thank you for reaching out, Can you please provide your address as well?

 Brock Cherry, *City Planner*
Planning & Zoning Department
203 Main Ave. E., Twin Falls, ID 83301
208.735.7294
bcherry@tffd.org

From: Young, Russ <Russell.Young@sparklight.biz>
Sent: Thursday, November 14, 2019 10:51 AM
To: Brock Cherry <BCherry@tffd.org>
Subject: PZ19-0137

[EXTERNAL SENDER]
Just asking to be logged as in support of the Appeal. Thank you.
Russ Young