



Twin Falls City Council Agenda

Monday, February 22, 2021, 5:00 PM

Council Chambers
203 Main Avenue East- Twin Falls, Idaho

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

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS
- 4) CONSENT CALENDAR
 - a) **ACTION ITEM:** Approval of the Certificate of Appropriateness: Hilverda Law Office wall sign.
By: Jonathan Spendlove, Planning & Zoning Director
 - b) **ACTION ITEM:** Approval of the Findings of Fact and Conclusions of Law: Pheasant Meadows No. 3 Final Plat
By: Jonathan Spendlove, Planning & Zoning Director
 - c) **ACTION ITEM:** Consideration of a request to approve a Trust Agreement for South Estates No. 3, placing all lots in trust.
By: Mark Holtzen
 - d) **ACTION ITEM:** Request to approve Alcohol License for Texas Roadhouse Holdings LLC.
By: Amy Luna, Finance Administrative Assistant
- 5) ITEMS OF CONSIDERATION
 - a) **PRESENTATION:** Dr. Brady Dickinson will discuss the upcoming (March 9) supplemental levy election.
By: Dr. Brady Dickenson, Twin Falls School District
 - b) **ACTION ITEM:** Request to waive the three hundred (300) foot distance requirement between an alcohol sales location (125 Main Ave W, Ste 5) and a school, church or other place of worship. Magic Valley Brewing Company (PZ21-0018).
By: Lisa Strickland
 - c) **ACTION ITEM:** Request to authorize the Mayor to sign a Cooperative Agreement with ITD for the Americans with Disabilities Act (ADA) Curb Ramp Program; Key No. 22449, and approve the resolution confirming the commitment.
By: Erin Steel, Staff Engineer
 - d) **ACTION ITEM:** Request for a budget amendment to use Impact Fee Funds to pay for the Impact Fee Capital Improvement Plan Update.
By: Jonathan Spendlove

- e) **ACTION ITEM:** A request to use water reserve funds to make improvements at the Settlers Ridge pressure irrigation station.
By: Mitch Humble, Deputy City Manager
- 6) **GENERAL PUBLIC INPUT**
- 7) **ADVISORY BOARD REPORT/ANNOUNCEMENTS**
- 8) **PUBLIC HEARINGS**
 - a) **ACTION ITEM:** Request for a vacation of platted easements on property located at 287 & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ20-0137).
On January 26, 2021, the Planning and Zoning Commission recommended approval to City Council by a vote of 6-0.
 - b) **ACTION ITEM:** Request for a Zoning District Change and Zoning Map Amendment from C1 PUD to C1 CRO ZDA for property located at 287 & 292 River Vista Place c/o EHM Engineers on behalf of Federation Pointe, LLC. (PZ20-0138)
On January 26, 2021, the Planning and Zoning Commission recommended approval of this item by a vote of 6-0.
- 9) **ADJOURNMENT**
 - a) **ACTION ITEM:** ADJOURN TO EXECUTIVE SESSION §74-206(1)(c) To acquire an interest in real property which is not owned by a public agency.

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.



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

203 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

Certificate of Appropriateness

HPC Application #: PZ20-0146

Granted by the Twin Falls City Council, as presented, on Monday, February 1, 2021 to Lytle Signs on behalf of Hilverda McRae Law whose address is PO Box 305, Twin Falls, ID 83301 for the purpose of wall signs on property located at 124 Main Avenue North.

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

1. Subject to site plan amendments as required by City Code.
2. Subject to applicant obtaining all require permits as required by City Code.

Mayor –Twin Falls City Council

Date

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Final Plat Application,</u>	)	FINDINGS OF FACT,
	)	
<u>Pheasant Meadows Subdivision No. 3</u>	)	CONCLUSIONS OF LAW,
Applicant(s).	)	
	)	AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on Monday, February 8, 2021 for consideration of the final plat of the Pheasant Meadows Subdivision No. 3, approximately eighty-three (83) (+/-) acres to forty-nine (49) lots located at the 1500 block of Kenyon Road, and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the final plat of the Pheasant Meadows Subdivision No. 3, approximately eighty-three (83) (+/-) acres to forty-nine (49) lots located at the 1500 block of Kenyon Road. 2.

The property in question is zoned R-4 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood in the duly adopted Comprehensive Plan of the City of Twin Falls.

3. The existing neighboring land uses in the immediate area of this property are: to the north, Residential, Pheasant Meadows No. 2; to the south, Agricultural/Undeveloped; to the east, Residential; to the west, Agricultural/Undeveloped.

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

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

CONCLUSIONS OF LAW

1. The final plat of the Pheasant Meadows Subdivision No. 3, approximately eighty-three (83) (+/-) acres to forty-nine (49) lots located at the 1500 block of Kenyon Road is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

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

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

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

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

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

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

DECISION

The request for approval of the final plat of the Pheasant Meadows Subdivision No. 3, approximately eighty-three (83) (+/-) acres to forty-nine (49) lots located at the 1500 block of Kenyon Road is hereby granted,

subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

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



Date: Monday, February 22, 2021
To: Honorable Mayor and City Council
From: Mark Holtzen

ACTION ITEM

Request:

Consideration of a request to approve a Trust Agreement for South Estates No. 3, placing all lots in trust.

Time Estimate:

N/A

Background:

South Estates No. 3, is located at the northeast corner of Harrison Street South and Kanner Lane. 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. Aerial Image - South Estates No. 3
2. Final Plat - South Estates No. 3
3. Trust Agreement - South Estates No. 3



683 419 443 487 495
404 412 428 438 452 464 486 494

509 517 525 533 549 557
582 664 649
510 518 526 534 542 550 558 566 574 656 648 640 632 624 616 608
511 521 531 551 561 571 581 591 613 625 661 673 685

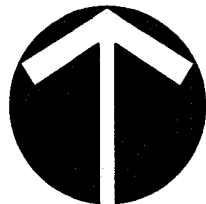
520 538 708 564 576 588 636 672 684
733 747 728 742 762 763
752 657 637 605 805 654 668 770 784 798 814 828 836 844 858 866 880 887 630 650 660
541

713 727 741 755 769 783 797 811 821 831 841 851 861 871 881 891
754 3700 3683

524 924 914 915 925 918 921

SOUTH ESTATES NO. 3

Located In
A Portion of
SW ⁴ SE ⁴, Section 21
Township 10 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2021



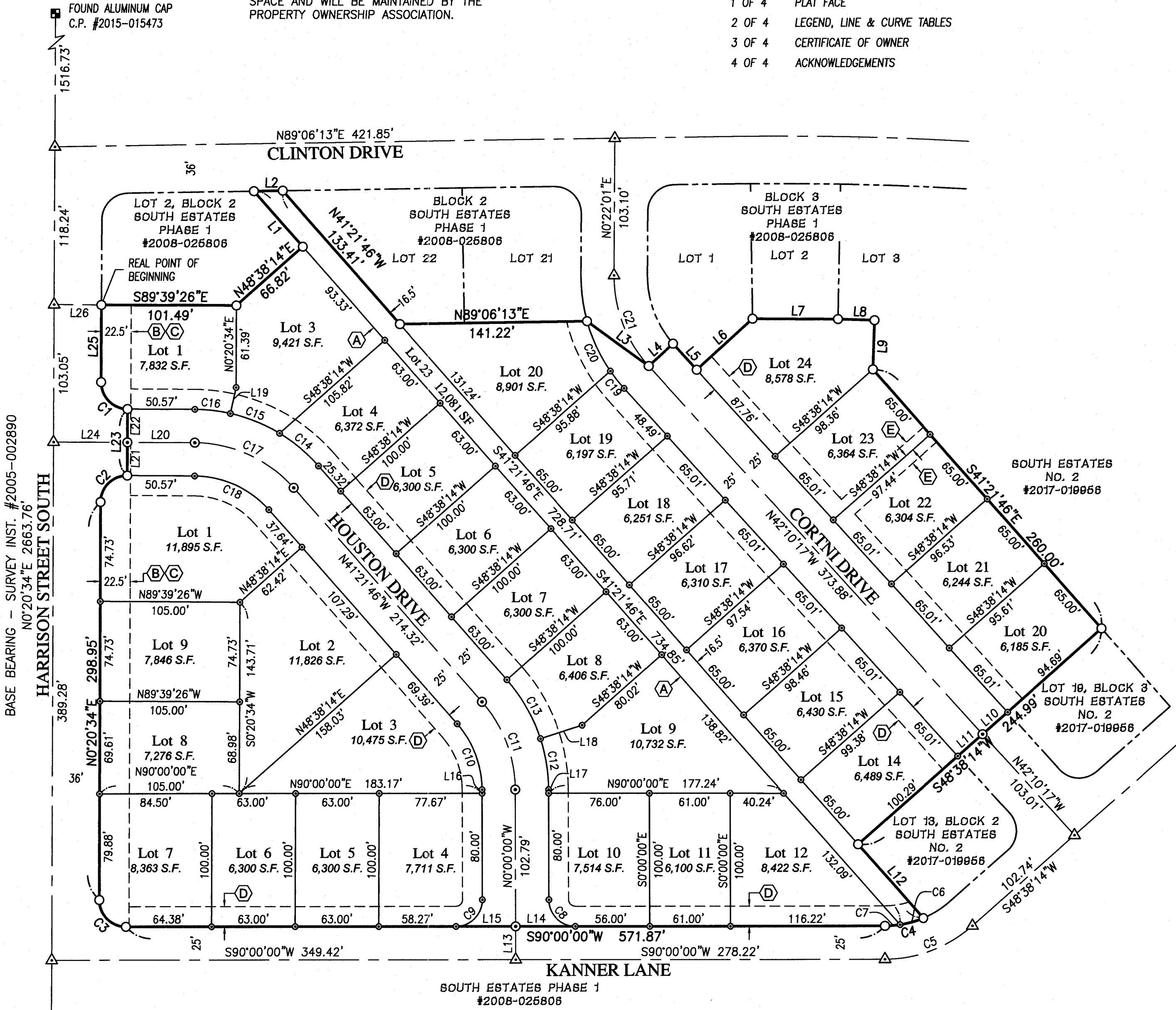
0 30 60 120
SCALE IN FEET

Sheet Index

- | | |
|--------|-----------------------------|
| 1 OF 4 | PLAT FACE |
| 2 OF 4 | LEGEND, LINE & CURVE TABLES |
| 3 OF 4 | CERTIFICATE OF OWNER |
| 4 OF 4 | ACKNOWLEDGEMENTS |

Note:

LOT 23, BLOCK 2, IS DESIGNATED AS OPEN SPACE AND WILL BE MAINTAINED BY THE PROPERTY OWNERSHIP ASSOCIATION.



Easement Key

- (A) EXISTING 16.5' PIPELINE EASEMENT PER 164 DEEDS 84
- (B) EXISTING 22.5' PUBLIC UTILITY EASEMENT PER INST. #2008-023095
- (C) EXISTING 22.5' IRRIGATION EASEMENT PER INST. #2008-023094
- (D) 15' WIDE UTILITY EASEMENT
- (E) 7.5' WATERLINE EASEMENT

Survey References

- #2017-019956 - SOUTH ESTATES NO. 2
- #2008-014052
- #2005-002890 - SOUTH ESTATES PHASE NO. 1
- #1998-002674

Deed References

- #2015-003020

Monument Certification

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

Surveyor's Narrative

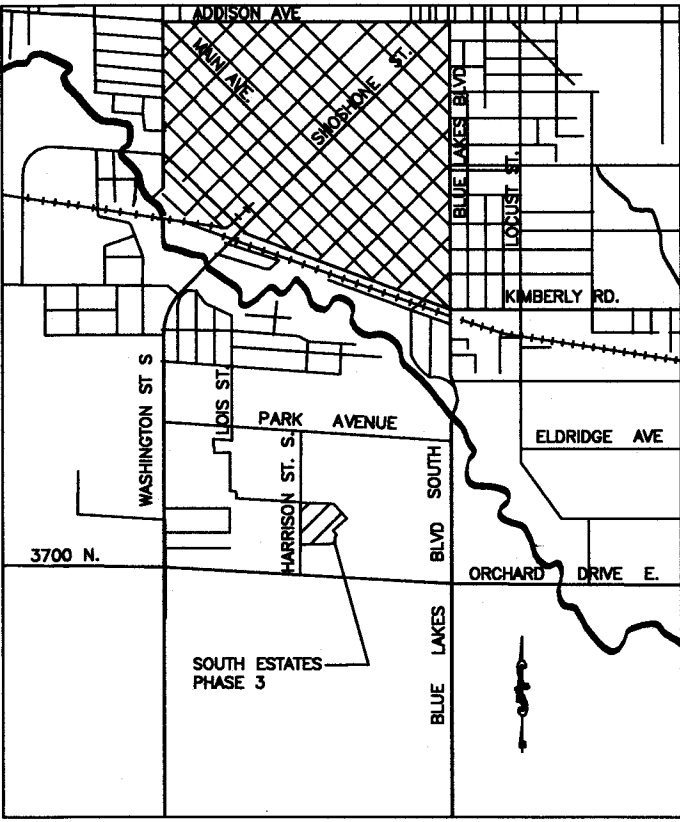
THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE A PORTION OF LANDS DESCRIBED IN DEEDS INSTRUMENT NO. 2015-003020 AND A PORTION OF THE "NOT A PART SUBDIVISION" AS SHOWN ON SOUTH ESTATES PHASE 1 RECORDED AS INSTRUMENT NO. 2008-003020. MONUMENTS WERE FOUND AT THE PARCEL CORNERS, SECTION AND QUARTER CORNERS SHOWN HEREON. THESE MONUMENTS ARE OF RECORD PER PREVIOUS FINAL PLAT, RECORD OF SURVEYS AND/OR CORNER PERPETUATION AND FILING RECORDS.

Health Certificate

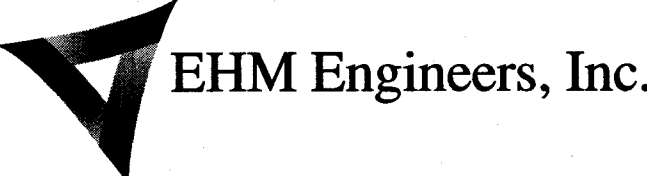
"SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13, HAVE BEEN SATISFIED BASED ON THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF SANITARY RESTRICTIONS.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

DISTRICT HEALTH DEPARTMENT, EHS

DATE:



VICINITY MAP
N.T.S.



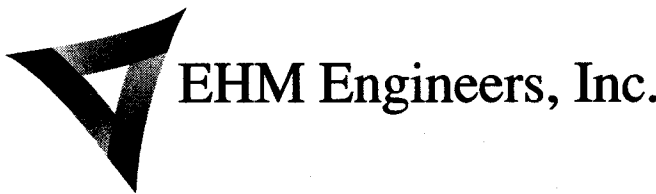
Curve Table						
CURVE #	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
C1	90°00'00"	20.00'	31.42'	28.28'	20.00'	N44°39'26"W
C2	90°00'00"	20.00'	31.42'	28.28'	20.00'	N45°20'34"E
C3	90°20'34"	20.00'	31.54'	28.37'	20.12'	N44°49'43"W
C4	14°01'17"	75.00'	18.35'	18.31'	9.22'	S74°18'55"W
C5	41°21'46"	100.00'	72.19'	70.63'	37.75'	N69°19'07"E
C6	14°01'17"	75.00'	18.35'	18.31'	9.22'	N74°18'55"E
C7	8°40'26"	75.00'	11.35'	11.34'	5.69'	N85°39'47"E
C8	90°00'00"	20.00'	31.42'	28.28'	20.00'	S45°00'00"E
C9	90°00'00"	20.00'	31.42'	28.28'	20.00'	N45°00'00"E
C10	41°21'46"	75.00'	54.14'	52.98'	28.31'	N20°40'53"W
C11	41°21'46"	100.00'	72.19'	70.63'	37.75'	N20°40'53"W
C12	17°52'31"	125.00'	39.00'	38.84'	19.66'	N8°56'16"W
C13	23°29'15"	125.00'	51.24'	50.88'	25.99'	N29°37'09"W
C14	17°32'46"	125.00'	38.28'	38.13'	19.29'	N50°08'10"W
C15	18°25'58"	125.00'	40.21'	40.04'	20.28'	N68°07'32"W
C16	12°18'55"	125.00'	26.87'	26.82'	13.49'	N83°29'58"W
C17	48°17'40"	100.00'	84.29'	81.82'	44.83'	N65°30'36"W
C18	48°17'40"	75.00'	63.22'	61.36'	33.62'	N65°30'36"W
C19	7°35'06"	125.00'	16.55'	16.54'	8.29'	S38°22'44"E
C20	18°59'26"	125.00'	41.43'	41.24'	20.91'	S25°05'28"E
C21	42°32'18"	100.00'	74.24'	72.55'	38.93'	N20°54'08"W

Line Table		
LINE #	BEARING	DISTANCE
L1	N41°21'46"W	55.61'
L2	N89°06'13"E	21.69'
L3	S54°04'46"E	57.15'
L4	N47°49'43"E	25.00'
L5	S42°10'17"E	26.44'
L6	N47°49'43"E	56.95'
L7	S89°41'02"E	64.32'
L8	S88°07'35"E	27.45'
L9	S1°52'25"W	37.04'
L10	S48°38'14"W	25.00'
L11	S48°38'14"W	25.00'
L12	S41°21'46"E	74.05'
L13	N0°00'00"W	25.00'

Line Table		
LINE #	BEARING	DISTANCE
L14	N90°00'00"E	45.00'
L15	N90°00'00"E	45.00'
L16	S0°00'00"E	2.79'
L17	S0°00'00"E	2.79'
L18	S72°07'29"W	33.07'
L19	S12°39'29"W	20.00'
L20	N89°39'26"W	50.57'
L21	S0°20'34"W	25.00'
L22	S0°20'34"W	25.00'
L23	N0°20'34"E	50.00'
L24	S89°39'26"E	55.50'
L25	N0°20'34"E	58.05'
L26	S89°39'26"E	35.50'

Legend

SUBDIVISION BOUNDARY LINE	
SECTION LINE	
QUARTER SECTION LINE	
ADJACENT PROPERTY LINE	
CENTERLINE OF STREET	
PLATTED LOT LINE	
EASEMENT LINE SEE EASEMENT KEY	
CALCULATED POINT (NOT SET)	
FOUND BRASS CAP	
FOUND 5/8" REBAR (AS NOTED)	
FOUND 1/2" REBAR (AS NOTED)	
FOUND ALUMINUM CAP	
SET 5/8" x 24" REBAR & CAP - LS 1000	
SET 1/2" x 24" REBAR & CAP - LS 1000	
FOUND 1/2" REBAR - REPLACED WITH 5/8" x 24" REBAR & CAP - LS 10110	



CERTIFICATE OF OWNERS

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OR REPRESENTATIVE OF THE OWNERS IN FEE SIMPLE OF THE FOLLOWING DESCRIBED PROPERTY, LOCATED IN A PORTION OF SW4 SE4, SECTION 21, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO; SAID PROPERTY BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, BLOCK 2, AS SAID LOT 2, BLOCK 2 IS SHOWN ON THAT CERTAIN PLAT ENTITLED "FINAL PLAT, SOUTH ESTATES, PHASE 1", RECORDED DECEMBER 5, 2008, AS INSTRUMENT #2008-025806, OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY AND BEING THE REAL POINT OF BEGINNING;

THENCE, SOUTH 89°39'26" EAST 101.49 FEET ALONG THE BOUNDARY OF SAID BLOCK 2;
THENCE, NORTH 48°38'14" EAST 66.82 FEET ALONG SAID BOUNDARY OF BLOCK 2;
THENCE, NORTH 41°21'46" WEST 55.61 FEET ALONG SAID BOUNDARY OF BLOCK 2 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLINTON DRIVE AS SHOWN ON SAID PLAT;
THENCE, NORTH 89°06'13" EAST 21.69 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE OF CLINTON DRIVE;
THENCE, LEAVING SAID SOUTH RIGHT-OF-WAY LINE OF CLINTON DRIVE, SOUTH 41°21'46" EAST 133.41 FEET ALONG SAID BOUNDARY OF BLOCK 2;
THENCE, NORTH 89°06'13" EAST 141.22 FEET ALONG SAID BOUNDARY OF BLOCK 2;
THENCE, LEAVING SAID BOUNDARY OF BLOCK 2, SOUTH 54°04'46" EAST 57.15 FEET;
THENCE, NORTH 47°49'43" EAST 25.00 FEET TO A POINT ON THE BOUNDARY OF BLOCK 3 AS SHOWN ON SAID PLAT;
THENCE, SOUTH 42°10'17" EAST 26.44 FEET ALONG SAID BOUNDARY OF BLOCK 3;
THENCE, NORTH 47°49'43" EAST 56.95 FEET ALONG SAID BOUNDARY OF BLOCK 3;
THENCE, SOUTH 89°41'02" EAST 64.32 FEET ALONG SAID BOUNDARY OF BLOCK 3;
THENCE, SOUTH 88°07'35" EAST 27.45 FEET ALONG SAID BOUNDARY TO A POINT ON THE BOUNDARY OF SOUTH ESTATES PHASE 2;
THENCE, SOUTH 01°52'25" WEST 37.04 FEET ALONG SAID BOUNDARY OF SOUTH ESTATES PHASE 2;
THENCE, SOUTH 41°21'46" EAST 260.00 FEET ALONG SAID BOUNDARY OF SOUTH ESTATES PHASE 2;
THENCE, SOUTH 48°38'14" WEST 244.99 FEET ALONG SAID BOUNDARY OF SOUTH ESTATES PHASE 2;
THENCE, SOUTH 41°21'46" EAST 74.05 FEET ALONG SAID BOUNDARY OF SOUTH ESTATES PHASE 2 TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF KANNER LANE AS SHOWN ON SAID PLAT;
THENCE, ALONG THE ARC OF A NON-TANGENT 75.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 22°41'43", AN ARC DISTANCE OF 29.71 FEET AND A CHORD DISTANCE OF 29.51 FEET THAT BEARS SOUTH 78°39'09" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF KANNER LANE;
THENCE, SOUTH 90°00'00" WEST 571.87 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE OF KANNER LANE;
THENCE, ALONG THE ARC OF A TANGENT 20.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°20'34", AN ARC DISTANCE OF 31.54 FEET AND A CHORD DISTANCE OF 28.37 FEET THAT BEARS NORTH 44°49'43" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF KANNER LANE TO A POINT ON THE EAST RIGHT-OF-WAY OF HARRISON STREET SOUTH;
THENCE, NORTH 00°20'34" EAST 298.95 FEET ALONG SAID EAST RIGHT-OF-WAY OF HARRISON STREET SOUTH;
THENCE, ALONG THE ARC OF A TANGENT 20.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 31.42 FEET AND A CHORD DISTANCE OF 28.28 FEET THAT BEARS NORTH 45°20'34" EAST ALONG SAID EAST RIGHT-OF-WAY OF HARRISON STREET SOUTH;
THENCE, NORTH 00°20'34" EAST 50.00 FEET ALONG SAID EAST RIGHT-OF-WAY LINE OF HARRISON STREET SOUTH;
THENCE, ALONG THE ARC OF A NON-TANGENT 20.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 31.42 FEET AND A CHORD DISTANCE OF 28.28 FEET THAT BEARS NORTH 44°39'26" WEST ALONG SAID EAST RIGHT-OF-WAY OF HARRISON STREET SOUTH;
THENCE, NORTH 00°20'34" EAST 58.05 FEET ALONG SAID EAST RIGHT-OF-WAY LINE OF HARRISON STREET SOUTH TO SAID REAL POINT OF BEGINNING.

THE GROSS AREA CONTAINED IN THIS PLATTED LAND AS DESCRIBED IS 6.85 ACRES.

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

PURSUANT TO IDAHO CODE 50-1334, HE, THE UNDERSIGNED, AS OWNER, DOES 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, HE, THE UNDERSIGNED, AS OWNER, DOES 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.

TKO HOMES, LLC, AN IDAHO LIMITED LIABILITY COMPANY

BY: JARED HUNT, MANAGER

ACKNOWLEDGMENT

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss

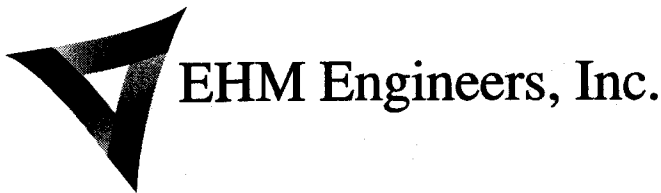
ON THIS _____ DAY OF _____, 2021, AT _____ M., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED JARED HUNT, KNOWN OR IDENTIFIED TO ME TO BE THE MANAGER OF TKO HOMES, LLC, THE LIMITED LIABILITY COMPANY THAT EXECUTED THIS CERTIFICATE OR THE PERSON WHO EXECUTED THE CERTIFICATE ON BEHALF OF SAID LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME.

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

NOTARY PUBLIC

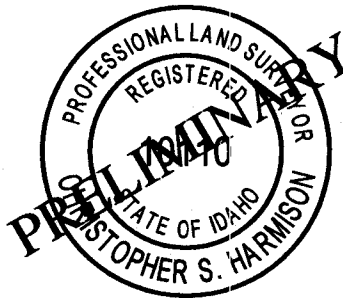
RESIDING AT

COMMISSION EXPIRES



CERTIFICATE OF SURVEYOR

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



APPROVAL OF CITY COUNCIL

THIS PLAT WAS ACCEPTED AND APPROVED BY THE CITY COUNCIL OF TWIN FALLS, IDAHO AT THEIR MEETING ON THIS DAY OF , 2021.

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 PLS# DATE
PROFESSIONAL LAND SURVEYOR

ACKNOWLEDGMENT

STATE OF)
COUNTY OF) ss

ON THIS DAY OF , 2021, 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 , 2021, 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

TRUST AGREEMENT

This Trust Agreement (the "Agreement") is made and entered into this _____ day of _____, 2021, by and between **TKO HOMES, LLC, an Idaho Limited Liability Company**, (hereinafter "Trustor"); **TITLEFACT, INC., an Idaho corporation** (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, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20 and 23, Block 2;

Lots 20, 21, 22, 23 and 24, Block 3;

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, Block 4, **SOUTH ESTATES NO. 3**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book _____ of Plats, page _____, records of Twin Falls County, Idaho.

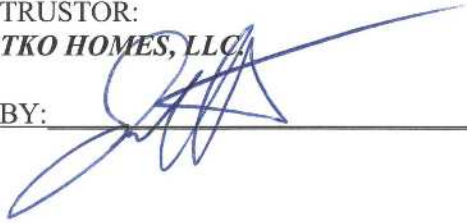
2. The Trustor and the Trustee agree that the Trustee shall hold said title to the Property in trust, solely for the benefit of the Beneficiary under the terms hereof, and that title to the Property shall be and remain good and marketable and free from any defects, liens, conditions or encumbrances of 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 **SOUTH ESTATES NO. 3** 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: 2-8-21

TRUSTOR:

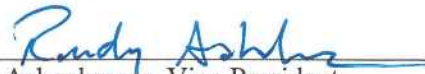
TKO HOMES, LLC.

BY: 

Date: 2-9-2021

TRUSTEE:

TITLEFACT, INC.

BY: 

Rudy Ashenbrenner, Vice President

Date: _____

BENEFICIARY:
CITY OF TWIN FALLS, IDAHO

BY: _____

STATE OF IDAHO
County of Twin Falls

On this 8th day of FEBRUARY, 2021, before me, a Notary Public in and for said State, personally appeared JARED HUNT, known or identified to me to be members of the limited liability company of **TKO Homes, LLC**, and the members who subscribed said limited liability company name to the foregoing instrument and acknowledged to me that he/she executed the same in said limited liability company name.

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

Valerie A. Smith
Notary Public for Idaho
Residing in TWIN FALLS, ID
Commission expires 8.15.2024



STATE OF IDAHO
County of Twin Falls

On this 9th day of February, 2021, before me, the undersigned, Notary Public in and for said State, personally appeared **Rudy Ashenbrener**, known or identified to me to be the Vice President 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

Nancy Telley
Notary Public for Idaho
Residing at: Murtaugh
My Commission expires: 12/5/2023



STATE OF IDAHO
County of Twin Falls

On this _____ day of _____, 2021, 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 **SOUTH ESTATES NO. 3** 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 **SOUTH ESTATES NO. 3** as platted in the records of Twin Falls County, Idaho.

Dated this 8TH day of FEBRUARY, 2021.

TKO HOMES, LLC, Developer

BY: _____

TITLEFACT, INC.

BY: _____

Rudy Ashenbrener, Vice President

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

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

WARRANTY DEED

FOR VALUE RECEIVED **TKO HOMES, LLC, AN IDAHO LIMITED LIABILITY COMPANY**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **TITLEFACT, INC., an Idaho corporation, AS TRUSTEE for the benefit of TKO Homes, LLC, an Idaho Limited Liability Company**, hereinafter called Grantee, whose address is: % TKO Homes, LLC, an Idaho Limited Liability Company 1166 Eastland Dr. N., Ste B., Twin Falls, Idaho 83301 the following described premises in Twin Falls County, Idaho; to-wit:

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

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 26, 2021

TKO HOMES, LLC, an Idaho Limited Liability Company

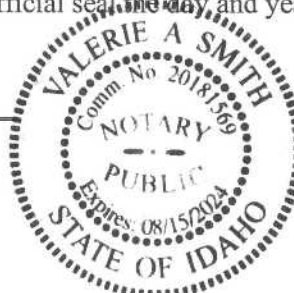
BY: _____

STATE OF IDAHO
County of Twin Falls

On this 8TH day of FEBRUARY, 2021, before me, a Notary Public in and for said State, personally appeared NED HUNT, known or identified to me to be members of the limited liability company of **TKO Homes, LLC**, and the members who subscribed said limited liability company name to the foregoing instrument and acknowledged to me that he/she executed the same in said limited liability company name.

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

Notary Public for Idaho
Residing in TWIN FALLS, ID
Commission expires 8-15-2024





Date: Monday, February 22, 2021
To: Honorable Mayor and City Council
From: Jonathan Spendlove

ACTION ITEM

Request:

Request to waive the three hundred (300) foot distance requirement between an alcohol sales location (125 Main Ave W, Ste 5) and a school, church or other place of worship. Magic Valley Brewing Company (PZ21-0018).

Time Estimate:

The presentation should take approximately 2-5 minutes with questions/comments to follow.

Background:

Magic Valley Brewing is a new business in the process of being located at 125 Main Ave W, Ste 5. Part of their business model is brewing and selling alcohol. In following state and local codes, the owner is required to obtain the appropriate alcohol licenses. The order of operation would be for the State and County to issue the alcohol license first, the City then issues the license. No alcohol sales or brewing of alcohol can occur without first obtaining these appropriate licenses.

*Per State Code 23-913: LICENSEE NOT ALLOWED NEAR CHURCHES OR SCHOOLS — EXCEPTIONS.
No license shall be issued for any premises in any neighborhood which is predominantly residential or within 300 feet of any public school, church, or any other place of worship, measured in a straight line to the nearest entrance to the licensed premises, except with the approval of the governing body of the municipality; provided, that this limitation shall not apply to any duly licensed premises that at the time of licensing did not come within the restricted area but subsequent to licensing same therein.*

An important item of note: An alcohol license was previously approved following this exact process in 2018 for Koto Brewing located at 156 Main Ave N a few properties NE of this location.

Approval Process:

A simple majority vote on this item would approve the request.

Budget Impact:

n/a

Regulatory Impact:

Enacting the exception allowed in State Code 23-913 would allow the business located at 125 Main Ave W, Ste 5 to continue through the licensing process and eventually conduct alcohol brewing and sales at this location.

History:

n/a

Analysis:

n/a

Conclusion:

The council is tasked with making a decision on this item in one of the following ways.

1. Table the request for additional information.
2. Deny the request for the distance exception.
3. Approve the request for the distance exception, as allowed per State Code 23-913, allowing an alcohol license to be issued for 125 Main Ave W, Ste 5 which is located within 300' feet of a school, church or other place of worship.

Attachments:

1. 300' Vicinity Map



VICINITY MAP

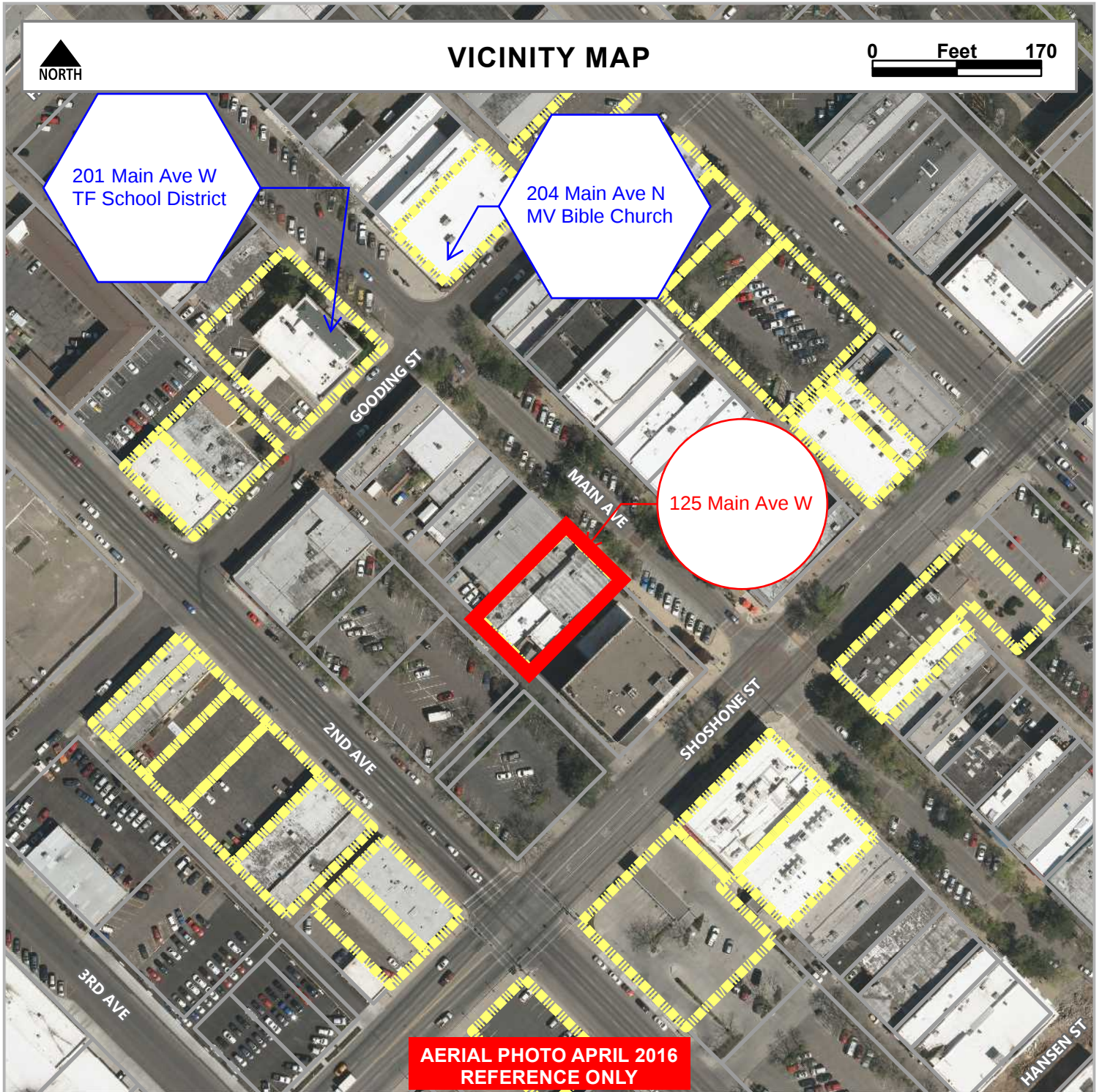
0 Feet 170

201 Main Ave W
TF School District

204 Main Ave N
MV Bible Church

125 Main Ave W

AERIAL PHOTO APRIL 2016
REFERENCE ONLY





Date: Monday, February 22, 2021
To: Honorable Mayor and City Council
From: Erin Steel, Staff Engineer

ACTION ITEM

Request:

Request to authorize the Mayor to sign a Cooperative Agreement with ITD for the Americans with Disabilities Act (ADA) Curb Ramp Program; Key No. 22449, and approve the resolution confirming the commitment.

Time Estimate:

5 Minutes

Background:

The ADA Curb Ramp program is a state-administered program that provides funding for cities to address pedestrian curb ramps on the state highway system. The goal of the program is to provide safe and easily accessible facilities for pedestrians with disabilities while allowing local jurisdictions flexibility in meeting the required standards.

City staff reviewed eligible curb ramp locations and chose 12 curb ramps based on a prioritization assigned by ITD. Staff was recently notified of the successful grant application in the amount of \$60,000.

Approval Process:

ITD requires a cooperative agreement to delineate shared responsibilities on their projects. They also require a resolution to confirm the City's acceptance of the agreement.

Council is asked to authorize the Mayor to sign the agreement and adopt the resolution.

Budget Impact:

The construction of this project is anticipated to be paid for fully by ITD funds. However, should overages occur (above the allocated \$60,000), those will come out of the street budget.

Regulatory Impact:

The ITD ADA Ramp Grant program complies with the City's Strategic Plan Area 4 AC 2.2

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that Council authorize the Mayor to sign the cooperative agreement and to adopt the resolution.

Attachments:

1. 22449 Twin Falls ADA Coop FY21
2. 22449 City of Twin Falls Resolution

**COOPERATIVE AGREEMENT
PROJECT NO. A022(449)
FY21 TWIN FALLS 12 ADA RAMPS
TWIN FALLS COUNTY
KEY NO. 22449**

PARTIES

This Agreement is made and entered into this _____ day of _____, _____, by and between the **IDAHO TRANSPORTATION BOARD** by and through the **IDAHO TRANSPORTATION DEPARTMENT**, hereafter called the State, and the **CITY OF TWIN FALLS**, hereafter called the City.

PURPOSE

The City of Twin Falls wishes to upgrade the following curb ramps within the City limits.

D4_02727	D4_02806	D4_02740
D4_02728	D4_02807	D4_02741
D4_02804	D4_02809	D4_02820
D4_02805	D4_02739	D4_02821

The State has agreed to participate in the cost of this work. This Agreement will provide for the responsibilities of the parties in this project.

Authority for this Agreement is established by Section 40-317 of the Idaho Code.

It is mutually agreed and understood by the Parties that:

SECTION I That the State will:

1. Upon execution of this Agreement and receipt of a written request from the City, pay to the City the amount of Sixty Thousand Dollars (\$60,000) to be used for Americans with Disabilities Act (ADA) curb ramp improvements as identified above. The amount paid under this agreement is a lump sum payment. No additional funds will be paid for this work.
 - a. Payment will be divided into two parts. The State will pay 75% of the above-mentioned amount upon the initial written request. The remaining 25% will be paid upon the completion of the project provided that the work is completed to the State's satisfaction.

2. Upon notification of start of construction, update that information to 511 Traveler Information Services.
3. At its discretion, perform an inspection of the work upon notification from the City of completion of the work.
4. At its discretion, audit the project records to ensure the funds paid to the City were utilized as intended by this Agreement.

SECTION II That the City will:

1. Provide for design and construction of the improvements as identified above.
2. Design and construct the project to State Standards as defined in the current version of the Idaho Transportation Department's Design Manual, or as subsequently revised. The current Design Manual can be viewed at the following web site: <http://apps.itd.idaho.gov/apps/manuals/manualsonline.html>.
3. Submit a traffic control plan to the State for review.
4. Provide notification to the State when construction on the project is to begin.
5. During construction, maintain pedestrian access in accordance with the Manual for Uniform Traffic Control Devices (MUTCD). The current MUTCD can be viewed at the following web site:
<http://apps.itd.idaho.gov/apps/manuals/manualsonline.html>.
6. Provide all funding necessary for the work over and above the funds paid by the State under Section I, Paragraph 1 above.
7. Upon completion of the work:
 - a. Notify the State and provide the opportunity for inspection of the completed project by the State;
 - b. Request project acceptance by the State
 - c. Complete and submit an ITD-0288 (ADA Ramp Inspection) form for each ramp constructed. The form(s) can be either mailed to the Idaho Transportation Department, Contracting Services Section, PO Box 7129, Boise, ID 83707-1129, or sent to the following e-mail address:
ITDAltContracting@itd.idaho.gov , and
 - d. Request final payment upon receipt of project acceptance by the State.

8. Maintain all project records, including source documentation for all expenditures, for a period of three (3) years from the date of final acceptance. If any litigation, claim, negotiation, or audit has been started before expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues that arise from it.
9. Comply with all other applicable State and Federal regulations.
10. Refund to the State the amount paid under this Agreement if the project is terminated prior to completion or if the project is not completed within two (2) years of the effective date of this Agreement.
11. At its own expense, correct any ramps constructed under this Agreement that do not meet ADA requirements.
12. To the extent permitted by Idaho law and as provided by the Idaho Tort Claims Act, indemnify, save harmless the State, regardless of outcome, from the expenses of and against suits, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the Sponsor or its consultant in the design, construction and maintenance of the work which is the subject of this Agreement, or Sponsor's failure to comply with any state or federal statute, law, regulation or rule. Nothing contained herein shall be deemed to constitute a waiver of the State's sovereign immunity, which immunity is hereby expressly reserved.

GENERAL:

1. This Agreement shall become effective on the date the parties entered into this Agreement, and shall remain in full force and effect until amended or replaced upon the mutual written consent of both parties.

EXECUTION

This Agreement is executed for the State by its Highways Construction and Operations Division Administrator, and executed for the City by the Mayor, attested to by the City Clerk, with the imprinted corporate seal of the City of Twin Falls.

IDAHO TRANSPORTATION DEPARTMENT

APPROVED

Division Administrator
Highways Construction and Operations

RECOMMENDED

District Engineer

ATTEST:

CITY OF TWIN FALLS

City Clerk

Mayor

By regular/special meeting held
on _____

hm:22449 Coop.docx

RESOLUTION

WHEREAS, the Idaho Transportation Department, hereafter called the **STATE**, has submitted an Agreement stating obligations of the **STATE** and the **CITY OF TWIN FALLS**, hereafter called the **CITY**, for ADA improvements; and

WHEREAS, the **STATE** is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System; and

WHEREAS, the **CITY** and the **STATE** are providing funds for this project; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement to construct ADA improvements within city limits is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY**.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a *regular, duly* called special (X-out non-applicable term) meeting of the City Council, City of Twin Falls, held on _____, _____.

(Seal)

City Clerk

RESOLUTION

WHEREAS, the Idaho Transportation Department, hereafter called the **STATE**, has submitted an Agreement stating obligations of the **STATE** and the **CITY OF TWIN FALLS**, hereafter called the **CITY**, for ADA improvements; and

WHEREAS, the **STATE** is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System; and

WHEREAS, the **CITY** and the **STATE** are providing funds for this project; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Cooperative Agreement to construct ADA improvements within city limits is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY**.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a *regular, duly* called special (X-out non-applicable term) meeting of the City Council, City of Twin Falls, held on _____, _____.

(Seal)

City Clerk



Date: Monday, February 22, 2021
To: Honorable Mayor and City Council
From: Jonathan Spendlove

ACTION ITEM

Request:

Request for a budget amendment to use Impact Fee Funds to pay for the Impact Fee Capital Improvement Plan Update.

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

In 2019 we commenced the review of our Impact Fee Program, particularly the Capital Improvement Plan. As we are nearing completion of this project, it came to our attention that we are able to use the Impact Fees themselves for the cost of the review done by our Consultant.

The total invoice amounts sought to be paid for by Impact Fees is \$16,000. This amount would be in two (2) installments of \$8,000 each.

Approval Process:

A simple motion and majority consent by the Council is needed to approve this request.

Budget Impact:

The Fire, Parks, Police, and Streets funds would each end up paying a total of \$4,000 for the completion of the Impact Fee Update, for a total of \$16,000 to be expended by the end of the contract.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

N/A

Attachments:

None



Date: Monday, February 22, 2021
To: Honorable Mayor and City Council
From: Mitch Humble, Deputy City Manager

ACTION ITEM

Request:

A request to use water reserve funds to make improvements at the Settlers Ridge pressure irrigation station.

Time Estimate:

This presentation will take about three minutes. Some additional time may be necessary for questions and discussion.

Background:

The City acquired the property for the Settlers Ridge pressure irrigation (PI) station in 2009 from the developer of that subdivision. The City made certain development obligations to that developer to fence and landscape the PI station property so that it would fit in better with the houses in the neighborhood. That PI station has been in use now for several years. This station was built without a pond. Since this station was built, we have found that having a pond at our PI stations really helps clean out the sediment from the PI water, making the PI system in the neighborhood work much better than stations without a pond. We would like to add a pond to this station to improve the water quality and overall operation of the system in this neighborhood.

In the summer of 2020, the developer of this subdivision reached out and requested that the City complete the fencing and landscaping of our PI station property since new homes being constructed are getting closer and closer to our property. There are now homes that are finished and occupied immediately next door to the station. We have a need to complete our obligations to the developer. Once we received his request, our engineering team completed the design for the PI station pond, and we are ready to now construct that. The pond needs to be constructed before the PI water comes back into the station around mid-April. Also, the pond needs to be constructed before we can construct the fence and landscaping.

Our engineering team has estimated that we can construct the pond, fence, and landscaping all for about \$100,000. Since the request from the developer came after we prepared the current FY2021 budget, money for this project was not included in that budget. So, we now have two choices. First, the Council could authorize the \$100,000 expenditure from water reserves, and we could get started on the construction right away, in time to complete the pond before water comes back into the station. The second option is to include the \$100,000 in the FY2022 budget, and then proceed to construct the improvements after October 2021, when the water leaves the station for the winter. The developer and nearby homeowners would prefer that construction begin right away. Staff is ready to proceed right away if the Council agrees.

Approval Process:

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

Budget Impact:

Staff estimates that the pond, fence, and landscaping can all be constructed for about \$100,000. There is no funding in the FY2021 budget for this project. If the Council desires to proceed with the project right now, water fund reserves would be used to pay for the construction. The water fund has more than enough reserves to accommodate this project.

Regulatory Impact:

If the Council approves this request, staff will hire a contractor to begin building the PI pond right away. Following the construction of the pond, staff will then hire additional contractors to construct the fence and the landscaping.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council approve the request to use \$100,000 of water reserve funds to complete the improvements to the Settlers Ridge PI station as described above.

Attachments:

None



Date: Monday, February 22, 2021
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning Director

ACTION ITEM

Request:

Request for a vacation of platted easements on property located at 287 & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ20-0137).

On January 26, 2021, the Planning and Zoning Commission recommended approval to City Council by a vote of 6-0.

Time Estimate:

The presentation will take approximately 5-10 minutes with questions/comments to follow.

Background:

This is a request to vacate multiple platted easements located at 287 & 292 River Vista Place. On January 26, 2021, the Planning and Zoning Commission recommended approval of this item by a vote of 6-0.

Approval Process:

Per City Code 10-16-1(F): The Council, prior to approving, modifying or denying the vacation, shall conduct a public hearing using the same notice and hearing procedures as the Commission.

Budget Impact:

NA

Regulatory Impact:

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

History:

The subject property exists under the River Vista PUD (recorded 2008) and is part of the Pinnacle Subdivision (recorded 1996).

Analysis:

Per the applicant the purpose of the proposed vacation of platted easements is to move forward with a Townhouse Development on the subject property. The applicant also stated that they will rededicate easements as needed through the platting process for the future development.

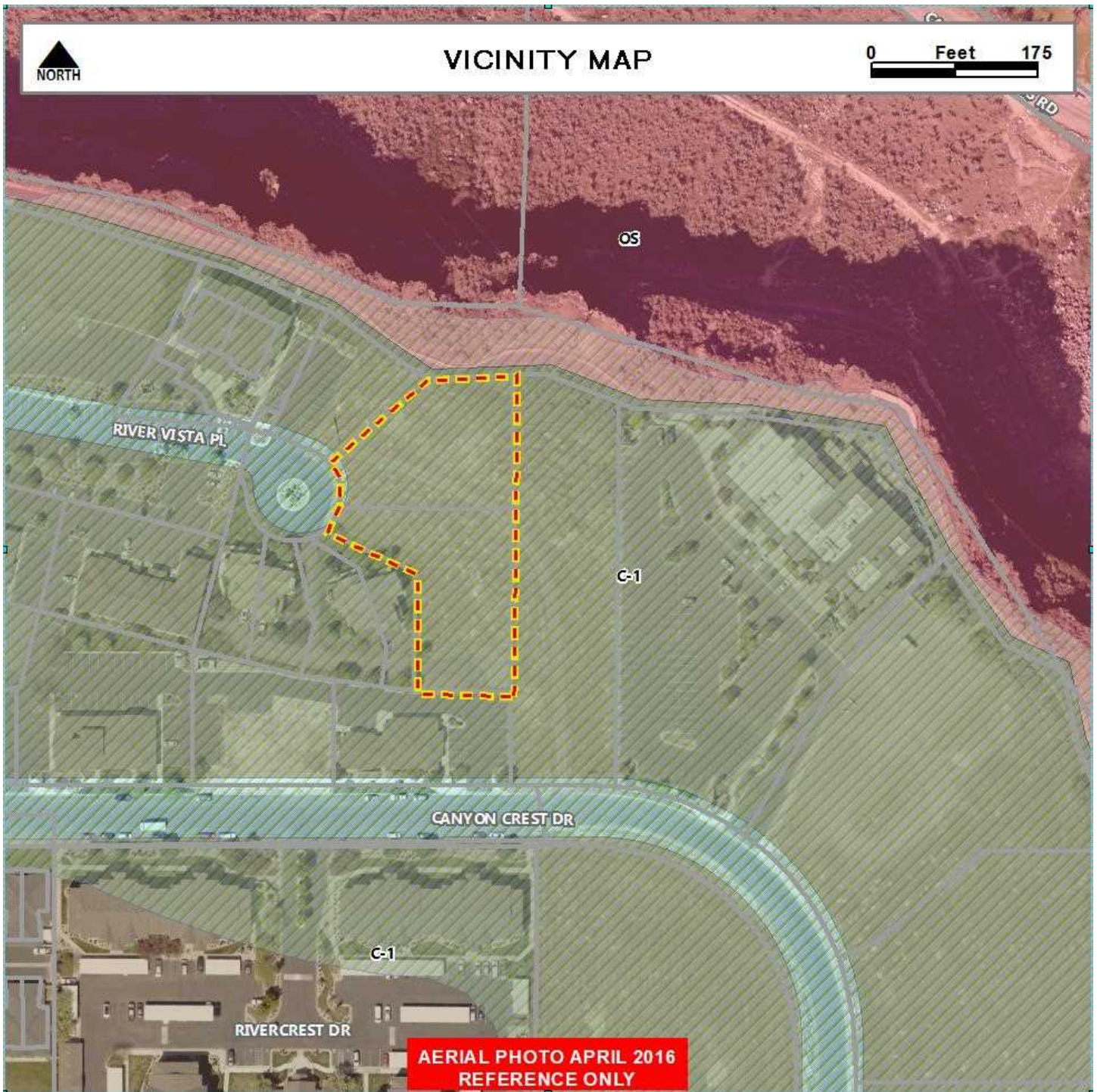
Conclusion:

The City Council is tasked with making a final decision on this request. If approved, staff recommends the following condition:

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

Attachments:

1. Vicinity Map_ River Vista Vacation of Easement
2. PZ20-0137 SR Vacation of Easement - River Vista Pl
3. Narrative
4. Easement Area Within Plat
5. Platted Easement Abandonment Exhibit
6. Pages from 01-26-21 PZC minutes draft



C-1
 OS
 CRO

Current Zoning: C-1 CRO PUD

Comprehensive Plan: Mixed Use

Existing Land Use: Undeveloped

Proposed Land Use: Residential/Mixed Use

Surrounding Zoning Designations & Land Use(s)

North: OS, Canyon Rim

East: OS & C-1 PUD,

South: C-1 PUD, Multi-Family Residential

West: C-1 CRO PUD, Mixed Use

Applicable Regulations

10-1-4, 10-1-5, 10-16-1



Comprehensive Staff Report

To: Honorable Mayor and City Council

Presenter: Jonathan Spendlove, Planning
Director

Request: To **Vacate** multiple platted easements
on property located at 287 & 292 River Vista Place.
RPT42660010110

Application: PZ20-0137

Applicant & Representative:

Michael McBride
Federation Pointe, L.L.C
c/o Tim Vawser
EHM Engineers, Inc.
621 N College Rd, Ste 100
Twin Falls, ID 83301

CC Public Hearing: February 22, 2021

Background/History:

This is a request to vacate multiple platted easements located at 287 & 292 River Vista Place.

The subject property exists under the River Vista PUD (recorded 2008) and is part of the Pinnacle Subdivision (recorded 1996).

The Planning and Zoning Commission held a public hearing on this application on January 26, 2021.

Analysis:

Per the applicant the purpose of the proposed vacation of platted easements is to move forward with a Townhouse Development on the subject property. The applicant also stated that they will rededicate easements as needed through the platting process for the future development.

Approval Process:

Per City Code 10-16-1(F): The Council, prior to approving, modifying or denying the vacation, shall conduct a public hearing using the same notice and hearing procedures as the Commission.

Regulatory Impacts:

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

Conclusion:

The Planning and Zoning Commission forwarded a positive recommendation to the City Council with a vote of 6-0 in favor.

Should the City Council approve the application as presented, staff recommends approval be subject to 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. Vacation Exhibit



VISTA RIM TOWNHOMES, ZDA
VACATION NARRATIVE

4.a. This reason for this request is to vacate and abandon the easements as noted on the attached site plan. The property is an infill to existing developments to the west, south, and east with canyon rim open space to the north. The owner, on behalf of future owners, is requesting the abandonment of easements in order to go forward with a townhouse development on the subject property. Even though the property is vacant it contains many easements, some of which are utilized and most which are not. It is the desire to vacate all easements and rededicate easements as needed through the platting process. By this method, we believe the ordinance could not be published until a final plat has been approved and recorded or separate easements are recorded independently prior to recording.

4.b. No negative effects should be realized by adjoining property owners. Adequate easements will be reestablished for utilities which currently exist or those that will be relocated upon development.

"THE PINNACLE SUBDIVISION"
A Planned Unit Development
located in
N² SW⁴, Section 33
T. 9 S., R. 17 E., B.M.
Twin Falls County, Idaho
1996

- LEGEND:
- SUBDIVISION BOUNDARY
 - LOT LINE
 - LANDSCAPE, UTILITY & IRRIGATION EASEMENT
 - LANDSCAPE, UTILITY, IRR. & PUBLIC ACCESS EASEMENT
 - CANYON RIM
 - INITIAL POINT - SET BRASS CAP
 - SET 5/8" x 30" REBAR & CAP
 - SET 1/2" x 24" REBAR & CAP

NOTES:

PINNACLE COURT AND PINNACLE PLACE SHALL BE PRIVATE ROADS OWNED AND MAINTAINED BY THE PINNACLE HOMEOWNER'S ASSOC. TRACTS 'A' AND 'B' SHALL BE USED FOR UTILITY EASEMENTS, COMMON AREA PUBLIC ACCESS EASEMENTS, STORM WATER RETENTION AREAS AND ROADWAY AS REQUIRED.

THIS PROPERTY IS SUBJECT TO APPROVED GEOLOGICAL REPORTS FOR THE NORTHBRIDGE 2 P.U.D. AGREEMENT.

LANDSCAPING ALONG WASHINGTON ST. NO. SHALL CONFORM TO THE NORTHBRIDGE 2 P.U.D. AGREEMENT.

OPEN SPACE LANDS AND THEIR DEVELOPMENT SHALL BE DICTATED BY THE NORTHBRIDGE 2 P.U.D. AGREEMENT.

THE EASEMENTS SHOWN BETWEEN LOTS 1 & 21, 4 & 5, AND 10 & 11 SHALL INCLUDE PUBLIC ACCESS TO COMMON AREAS.

A 20' WIDE UTILITY AND STORM WATER RETENTION EASEMENT SHALL EXIST ALONG ALL FRONT LOT LINES ADJOINING STREETS UNLESS SHOWN OTHERWISE.

THE LOTS ON THIS PLAT ARE SUBJECT TO INDIVIDUAL STORM WATER RETENTION REQUIREMENTS AS APPROVED BY THE CITY ENGINEER. INDIVIDUAL LOT OWNER'S SHALL BE RESPONSIBLE FOR MAINTAINING THE STORM WATER RETENTION AREAS AS REQUIRED AND SHOWN ON THE DEVELOPMENT PLANS ON FILE WITH THE CITY OF TWIN FALLS ENGINEERING DEPARTMENT.

Vicinity Sketch



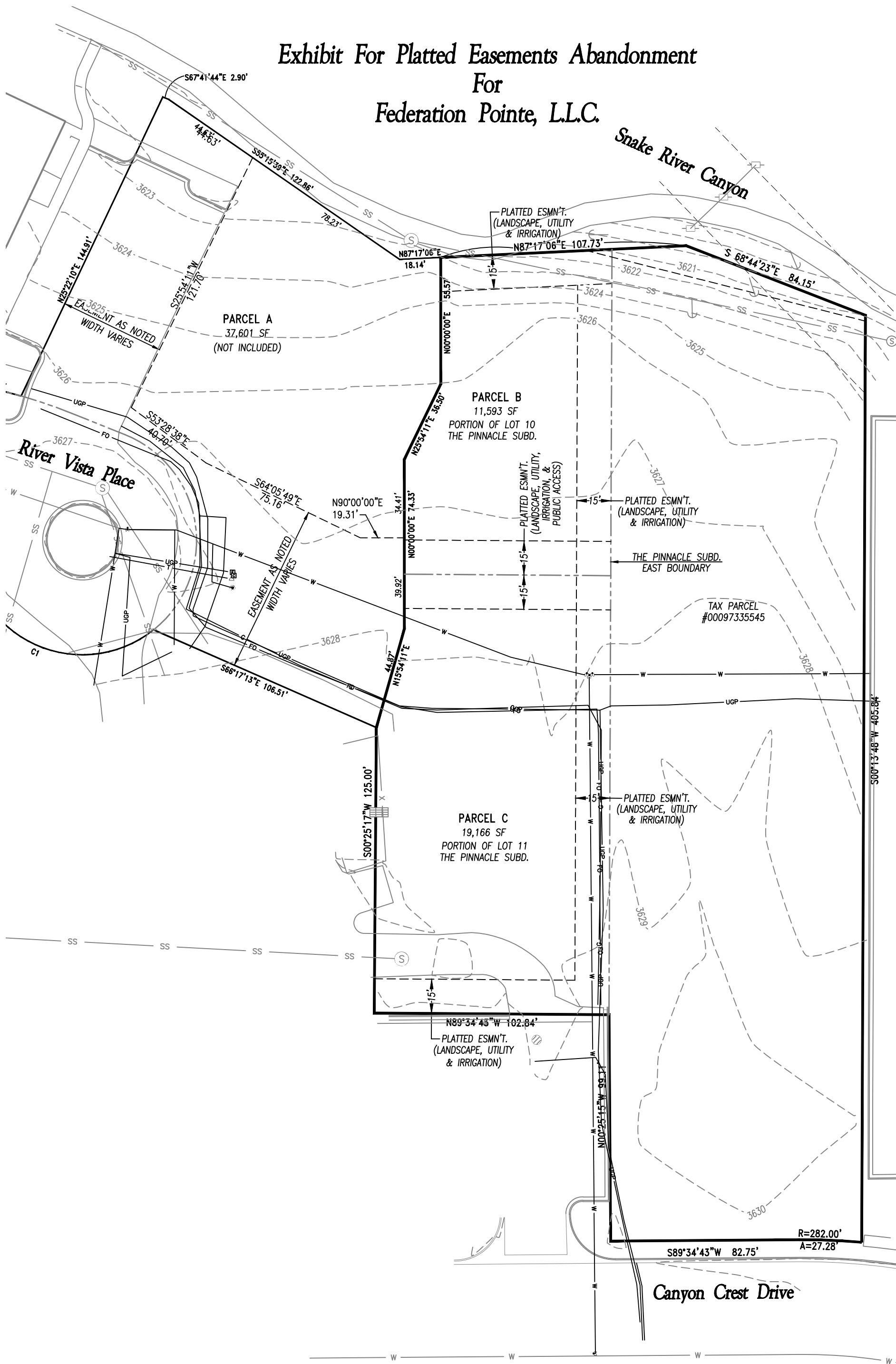
HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: South Central District Health Dept., EHS
The lots on this plat are eligible to receive water service from the City of Twin Falls Municipal Water System (I.C. 50-1334)

CURVE DATA										
CRV.	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG	CRV.	DELTA	RADIUS	ARC
1	9°05'55"	100.00	15.88	15.86	7.96	N 68°23'17"E	25	118°39'28"	50.00	103.55
2	20°00'40"	100.00	34.93	34.75	17.64	N 62°55'54"W	26	53°42'04"	50.00	46.86
3	8°49'09"	400.00	61.57	61.51	30.85	S 57°20'09"E	27	60°07'57"	50.00	52.48
4	14°45'35"	400.00	103.04	102.78	51.81	S 69°07'31"E	28	49°59'41"	20.00	17.45
5	8°37'45"	200.00	30.12	30.09	15.09	S 80°49'11"E	29	9°05'55"	125.00	19.85
6	16°59'52"	200.00	59.33	59.12	29.89	N 76°38'07"W	30	20°00'40"	75.00	26.19
7	1°58'35"	175.00	5.93	5.93	2.97	N 84°09'45"W	31	2°47'11"	425.00	20.67
8	30°39'22"	20.00	10.70	10.57	5.48	N 67°51'47"W	32	86°17'48"	20.00	30.12
9	53°11'36"	20.00	18.57	17.91	10.01	N 25°56'18"W	33	82°05'15"	20.00	28.65
10	91°33'31"	50.00	79.90	71.67	51.38	S 45°07'16"E	34	9°10'37"	425.00	68.07
11	37°46'02"	50.00	32.96	32.36	17.10	N 70°12'58"E	35	8°37'45"	225.00	33.89
12	35°03'18"	50.00	30.59	30.12	15.79	N 33°48'18"E	36	47°17'01"	200.00	165.05
13	57°50'34"	50.00	50.48	48.36	27.63	N 12°38'38"W	37	10°35'02"	200.00	36.94
14	26°34'15"	50.00	23.19	22.98	11.61	N 54°51'03"W	38	16°41'58"	100.00	29.15
15	14°34'00"	225.00	57.20	57.05	28.76	N 75°25'11"W	39	90°00'00"	30.00	47.12
16	2°25'52"	225.00	9.55	9.55	4.77	N 83°55'07"W	40	36°42'00"	225.00	144.12
17	2°48'48"	175.00	17.65	17.65	8.83	S 82°14'39"E	41	21°10'03"	225.00	83.12
18	2°50'57"	175.00	8.70	8.70	4.35	S 77°55'47"E	42	57°52'03"	175.00	176.75
19	11°17'47"	375.00	73.93	73.81	37.09	S 70°51'25"E	43	90°00'00"	30.00	47.12
20	12°16'57"	375.00	80.39	80.23	40.35	S 59°04'03"E	44	79°24'58"	20.00	27.72
21	20°00'40"	125.00	43.68	43.44	22.05	N 62°55'54"W	45	16°41'58"	75.00	21.86
22	9°05'55"	75.00	11.91	11.90	5.97	S 68°23'17"E	46	16°41'58"	125.00	36.43
23	49°59'41"	20.00	17.45	16.90	9.33	S 38°50'29"E	47	79°24'58"	20.00	27.72
24	47°29'54"	50.00	41.45	40.27	22.00	N 37°35'35"W				

Exhibit For Platted Easements Abandonment
For
Federation Pointe, LLC.



- PZ Director Spendlove stated this is a recommendation to City Council and the commission can add conditions of approval to be discussed at City Council.
- Commissioner Hansen stated he does not believe the request should be denied, but is worried about the access.
- Chairperson Titus likes the infill project and has no issue with Canyon Rim Overlay setback and with the buffer change. She stated her only concern is the access.
- Commissioner Kelley stated this is not an apartment complex, but are single-family dwellings, with not as many vehicles. He stated he does not believe this development will be adding more cars than are there now. He is okay with the request as is.
- Commissioner Hansen agreed he does not want the project to go away, as it is a good infill project.
- Chairperson Titus clarified she thinks access could still be a concern, but if there could be an alternative to the accesses that be looked in to.
- Commissioner Musser agrees this is a good project, and asked for help with adding a condition.
- PZ Director Spendlove helped with a possible condition from the Planning and Zoning Commission to City Council.
- Discussion ensued on the addition of a condition regarding the accesses.

MOTION: Commissioner Hansen moved to add a condition to add an additional access point on the eastern most boundary that would access Canyon Crest Drive.
Commissioner Detweiler seconded the motion.

Motion approved by a vote of 5-1.

MOTION: Curtis Hansen moved to recommend approval to City Council for a Zoning District Change and Zoning Map Amendment from C1 PUD to C1 CRO ZDA for property located at 287 & 292 River Vista Place c/o EHM Engineers on behalf of Federation Pointe, LLC, PZ20-0138, with the added condition and staff recommendations.
Commissioner Musser seconded the motion.

Unanimously approved by a vote of 6-0.

- c) Request for a recommendation to City Council for the vacation of platted easements on property located at 287 & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ20-0137)

Staff Presentation:

PZ Director Spendlove presented the request for a recommendation to City Council for the vacation of platted easements on property located at 287 & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ20-0137)

He explained the vacation process and which platted easements are being requested to be vacated with this request. Not involved in the private easement agreements between owners. Utility letters will be collected prior to presentation to City Council.

Per City Code 10-16-1: Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council that the vacation be granted, or it may recommend a modification to the vacation, or it may recommend that the vacation be denied. The subject property exists under the River Vista PUD (recorded 2008) and is part of the Pinnacle Subdivision (recorded 1996).

Per the applicant the purpose of the proposed vacation of platted easements is to move forward with a Townhouse Development on the subject property. The applicant also stated that they will rededicate easements as needed through the platting process for the future development.

Should the Commission recommend approval to the City Council as presented, staff recommends approval be subject to the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to the applicant providing written statements from all utility companies on company letterhead indicating whether or not they agree with vacating the requested easement prior to this item being heard by City Council.
3. Subject to the applicant providing legal descriptions for the platted easements per approval of the City Engineer prior to this item being heard by the City Council.

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the request for a recommendation to City Council for the vacation of platted easements on property located at 287 & 292 River Vista Place. He stated that the Pinnacle Subdivision has drastically changed from the original map. He stated this request is only for the eastern portion of lots 10 and 11.

PZ/Questions & Comments: none

Public Hearing: Opened

- Don Gilster, citizen, stated a concern for the vacation of easements and their locations. He would like to see the easements remain as they are, and is against this request.
- Mr. Vawser gave a closing statement. He clarified the effect on Mr. Gilster's property. He stated there is one private easement on that property, and is working with the owners and is not part of this request.

Public Hearing: Closed

Discussions Followed:

- Commissioner Detweiler stated the easement is not being used by utilities at this time, and he is not opposed to this request.
- Commissioner Kelley agreed, as the private easements are not part of this request.
- Commissioner Bolton agreed, as the request is only for the utility easements.
- Chairperson Titus stated that all utility letters are required before the request goes to City Council.

MOTION: Commissioner Kelley moved to approve the request for a recommendation to City Council for the vacation of platted easements on property located at 287 & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ20-0137), as presented with staff recommendations.
Commissioner Bolton seconded the motion.

Unanimously Approved by a vote of 6-0.

6) Upcoming Meeting(s)

- a) Wednesday, February 3, 2021 Worksession
Tuesday, February 9, 2021

7) Adjournment

The meeting adjourned at 07:22 PM

Kelli Ebersole, Administrative Assistant



Date: Monday, February 22, 2021
To: Planning and Zoning Commission
From: Ian Zollinger, City Planner

ACTION ITEM

Request:

Request for a Zoning District Change and Zoning Map Amendment from C1 PUD to C1 CRO ZDA for property located at 287 & 292 River Vista Place c/o EHM Engineers on behalf of Federation Pointe, LLC. (PZ20-0138)

On January 26, 2021, the Planning and Zoning Commission recommended approval of this item by a vote of 6-0.

Time Estimate:

15 minutes for staff and applicant presentation.

Background:

A request for a Zoning District Change and a Zoning Map amendment of 1.79 (+/-) acres from C-1 PUD to C-1/CRO ZDA. Approximately located near the 300 block of Canyon Crest Drive.

Approval Process:

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA. *This preliminary presentation took place on January 26, 2021.*

Per City Code 10-6-1.7(E) Approval of a ZDA shall be based on the following standards: the proposed uses are not detrimental to surround properties; deviations from Title 10 shall be warranted by the design of the conceptual plan; conformance to the Comprehensive Plan, and existing and/or proposed infrastructure must be adequate for the project.

Per City Code 10-14-1 thru 8 Any application for a zoning district change shall follow the procedures outline in these sections.

Budget Impact:

N/A

Regulatory Impact:

Per City Code 10-6-1.4 (B) The ZDA shall conform to all sections of this title unless specifically addressed in the written commitment document. All applications to the city shall list all requested variations from the standard requirements.

History:

The property is currently zoned C-1 with a CRO. The western portion of the property exists under the River Vista PUD. Under the current proposal a portion of what is part of the River Vista PUD will be included in this ZDA

Analysis:

The applicant is proposing to lay out the property in four (4) rows of town homes all served by private roads and each town home having their own driveway with a two-car garage. Three (3) rows of town homes will be three (3) stories while the fourth (4th) row will be two (2) stories in order to meet the height requirement relating to the canyon rim overlay.

The applicant is proposing to add landscaped buffers to the development which will include a fifteen (15') foot buffer from the property line adjacent to Canyon Crest Drive with the exception of vehicular turn-outs as well as a five (5') foot landscaped buffer between the residential and commercial elements to the east and west of the development. Buffers may include sidewalk or other hard surfaces providing access to the Canyon Rim trails or other adjacent accessible routes.

Required parking will be provided by the driveways built for each of the units with the addition three (3) visitor parking spaces.

The applicant has declared a few modifications from the applicable City Code:

1. Modification to the C-1 and CRO, to allow zero lot line townhomes in groupings of three (3) or more.
2. Modification to the lot area requirement for lots to be no less than 680 sf.
3. Allowing each residential lot to contain 100% occupancy or to have a portion thereof be used for decks, driveways, and /or yard area.
4. Open space to have no minimum or maximum square footage and may include landscaping, access and utility corridors, lighting, and trash enclosures.
5. To allow no property line building setbacks to be required from residential lot lines Setbacks from the subdivision boundary will be in conformance with the C-1 district.
6. To allow for horizontal projections, including cantilevered decks and eave projections to project over the Canyon Rim Setback line as defined by the Canyon Rim Study or over the interior lot lines into common area/ open space by a distance of and not to exceed eight (8) feet. To also allow for concrete patios to project into common area/ open space areas by a distance of and not to exceed ten (10) feet.

All site regulations will be checked by staff during the building permit process.

City Staff finds The modifications from current code are not anticipated to create undue impacts to the surrounding properties nor to the nature of the canyon rim as the project is an infill development that mirrors the surrounding mixed-use developments.

Conclusion:

The Planning and Zoning Commission met on January 26, 2021 to hear the case and give its recommendation. In a 6-0 vote the Commission recommended approval with the condition “to add an additional access point on the eastern most boundary that would access Canyon Crest Drive”.

The Council is tasked with making a final decision on this item. If approved, staff recommends the following condition:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to comply with applicable City Codes and standards.

Attachments:

1. A-PZ20-0138 ZDCZDA Staff Report -City Council
2. Revised Vista Rim C1-ZDA 1-22-21
3. Vicinity Map
4. ZDA EXHIBIT Revised 2-12-21
5. EXHIBIT A
6. EXHIBIT B
7. 01-26-21 PZC minutes draft



Comprehensive Staff Report

To: Honorable Mayor and City Council

Presenter: Ian Zollinger, City Planner

Request: Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 /CRO ZDA for 1.79 (+/-) acres known as River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, L.L.C (PZ20-0138)

Application: PZ20-0138

Applicant & Representative:

Federation Pointe, L.L.C
c/o Tim Vawser
EHM Engineers, Inc.
621 N College Rd, Ste 100
Twin Falls, ID 83301

Public Hearing February 22, 2021

Background

A request for a Zoning District Change and a Zoning Map amendment of 1.79 (+/-) acres from C-1 PUD to C-1/CRO ZDA. Approximately located near the 300 block of Canyon Crest Drive.

History

The property is currently zoned C-1 with a CRO. The western portion of the property exists under the River Vista PUD. Under the current proposal a portion of what is part of the River Vista PUD will be included in this ZDA.

Approval Process

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA. *This preliminary presentation took place on January 26, 2021.*

Per City Code 10-6-1.7(E) Approval of a ZDA shall be based on the following standards: the proposed uses are not detrimental to surround properties; deviations from Title 10

shall be warranted by the design of the conceptual plan; conformance to the Comprehensive Plan, and existing and/or proposed infrastructure must be adequate for the project.

Per City Code 10-14-1 thru 8 Any application for a zoning district change shall follow the procedures outline in these sections.

Applicable Zoning Regulations:

Per City Code 10-6-1.4 (B) The ZDA shall conform to all sections of this title unless specifically addressed in the written commitment document. All applications to the city shall list all requested variations from the standard requirements.

Comprehensive Plan Compliance:

The 2016 comprehensive Plan "Grow With Us" designates this area as "Mixed Use" which is described as "Town Homes/ Condominiums" and allows for residential development in a compact, pedestrian oriented environment where pedestrian activity is the highest priority.

There are other goals and objectives outlined within the document which

point towards projects like this as being appropriate for this area of our City. As a cumulative determination, staff determines the request conforms with the Comprehensive Plan.

Analysis:

The applicant is proposing to lay out the property in four (4) rows of town homes all served by private roads and each town home having their own driveway with a two-car garage. Three (3) rows of town homes will be three (3) stories while the fourth (4th) row will be two (2) stories in order to meet the height requirement relating to the canyon rim overlay.

The applicant is proposing to add landscaped buffers to the development which will include a fifteen (15') foot buffer from the property line adjacent to Canyon Crest Drive with the exception of vehicular turn-outs as well as a five (5') foot landscaped buffer between the residential and commercial elements to the east and west of the development. Buffers may include sidewalk or other hard surfaces providing access to the Canyon Rim trails or other adjacent accessible routes.

Required parking will be provided by the driveways built for each of the units with the addition three (3) visitor parking spaces.

The applicant has declared a few modifications from the applicable City Code:

1. Modification to the C-1 and CRO, to allow zero lot line townhomes in groupings of three (3) or more.
2. Modification to the lot area requirement for lots to be no less than 680 sf.
3. Allowing each residential lot to contain 100% occupancy or to have a portion thereof be used for decks, driveways, and /or yard area.
4. Open space to have no minimum or maximum square footage and may include landscaping, access and utility corridors, lighting, and trash enclosures.
5. To allow no property line building setbacks to be required from residential lot lines Setbacks from the subdivision boundary will be in conformance with the C-1 district.
6. To allow for horizontal projections, including cantilevered decks and eave projections to project over the Canyon Rim Setback line as defined by the Canyon Rim Study or over the interior lot lines into common area/ open space by a distance of and not to exceed eight (8) feet. To also allow for concrete patios to project into common area/ open space areas by a distance of and not to exceed ten (10) feet.

All site regulations will be checked by staff during the building permit process.

Potential Impacts:

City Staff finds The modifications from current code are not anticipated to create undue impacts to the surrounding properties nor to the nature of the canyon rim as the project is an infill development that mirrors the surrounding mixed use developments.

Conclusion:

The Planning and Zoning Commission met on January 26, 2021 to hear the case and give its recommendation. In a 6-0 vote the Commission recommended approval with the condition "to add an additional access point on the eastern most boundary that would access Canyon Crest Drive".

Upon conclusion should the Council approve the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards

Attachments

1. Vicinity Map
2. Revised Vista Rim ZDA
3. Exhibits
4. Minutes from the 1-26-21 P&Z Meeting

Vista Rim Townhomes, ZDA

A C1/CRO Commercial Zoning Development Agreement

This Zoning Development Agreement (ZDA) is 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 100# Partners, LLC (hereinafter called "Developer") for the purpose of developing a Residential Subdivision on property located North of Canyon Crest Drive, adjacent to the Snake River Canyon Rim, known as Vista Rim Townhomes Subdivision, a ZDA.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 8; C1, Commercial Highway District or as amended, Title 10 – Chapter 4 – Section 19; CRO, Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
2. C1 and CRO, Commercial Highway District and Canyon Rim Overlay District modified to include the following;
 - A. Permitted uses;
 1. Residential:
 - a. Dwellings – Attached single family household units (zero lot line townhomes in groupings of three (3) or more).
3. Property Development Standards to be modified to include the following;

The following property development standards shall apply to all land and buildings in the C1 and CRO district:

A. Lot Area:

1. Each residential building to be located on an individual lot of no less than six-hundred and eighty (680) square feet in size. Open space and/or common area to have no minimum or maximum square footage.

B. Lot Occupancy:

1. Each residential lot may contain one hundred percent (100 %) occupancy or a portion thereof for the purposes of decks, driveways, and/or yard area. Open space to have no minimum or maximum and may include landscaping, access and utility corridors, lighting, and trash enclosures.

C. Yards:

1. No property line building setbacks will be required from residential lot lines. Setbacks from the subdivision boundary will be in conformance with the C1, Commercial Highway District.

Vista Rim Townhomes, ZDA

A C1/CRO Commercial

Zoning Development Agreement

2. Street Buffers: Residential uses shall provide a fifteen foot (15') landscaped buffer from property line adjacent to Canyon Crest Drive with the exception of vehicular turn-outs and/or fire department or emergency vehicle access.

3. Use Buffers: There shall be a five foot (5') landscaped buffer between the residential and commercial elements to the east and west of this development and may be accounted for on land provided on both properties. Buffers may include sidewalk or other hard surfaces providing access to the Canyon Rim trails or other adjacent accessible routes. Use of Buffers to be as defined in the CRO, Canyon Rim Overlay District.

4. Parking areas shall be as depicted on the Master Development plan unless revised by approval of agency reviews.

5. Horizontal Projections: Horizontal, and/or Architectural, projections, including cantilevered decks and eave projections shall be allowed to project over the Canyon Rim Setback line as defined by the Canyon Rim Study or over the interior lot lines into common area / open space by a distance of not to exceed eight feet (8'). Concrete patios may project into common area / open space areas by a distance not to exceed ten feet (10'). No projection shall be allowed to encroach in traffic ways.

D. Other Development Criteria:

1. All internal roadways and overflow parking areas are private and shall be owned and maintained as part of the common area by the Homeowner's Association.

2. Each residential building shall have a driveway wide enough to provide two (2) parking spaces as well as a garage large enough to provide space for at a minimum of one (1) vehicle.

Vista Rim Townhomes, ZDA
A C1/CRO Commercial
Zoning Development Agreement

Developer: 100# Partners, LLC
3373 Willow Way
Twin Falls, ID 83301

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

"CITY"
CITY OF TWIN FALLS

By: _____
Mayor

ATTEST:

City Clerk

"DEVELOPER"
100# Partners, LLC
Jonathan J. McBride, Managing Member

By: _____

STATE OF IDAHO)
ss
County of Twin Falls)

On this _____ day of _____, 2020 before me, a Notary Public for said County and State, personally appeared _____ and _____, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City 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.

Residing at _____

Commission Expires: _____

Vista Rim Townhomes, ZDA
A C1/CRO Commercial
Zoning Development Agreement

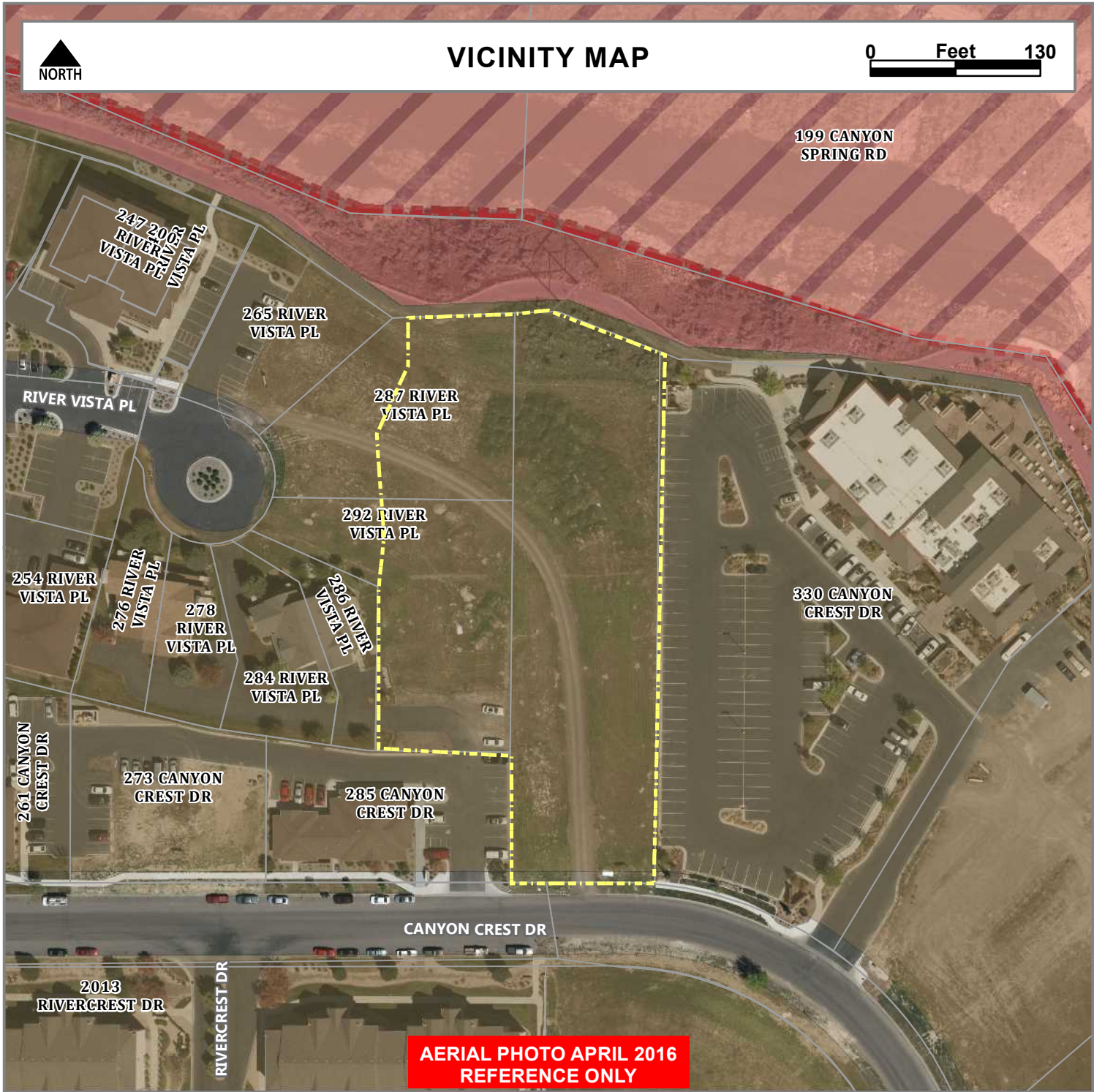
STATE OF _____)
ss
County of _____)

On this _____ day of _____, 2020 before me, a Notary Public for said County and State, personally appeared Jonathan J. McBride, known or identified to me, to be the person, that executed said instrument.

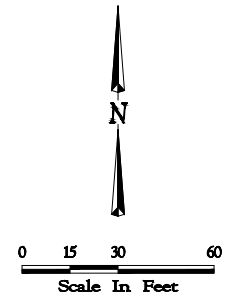
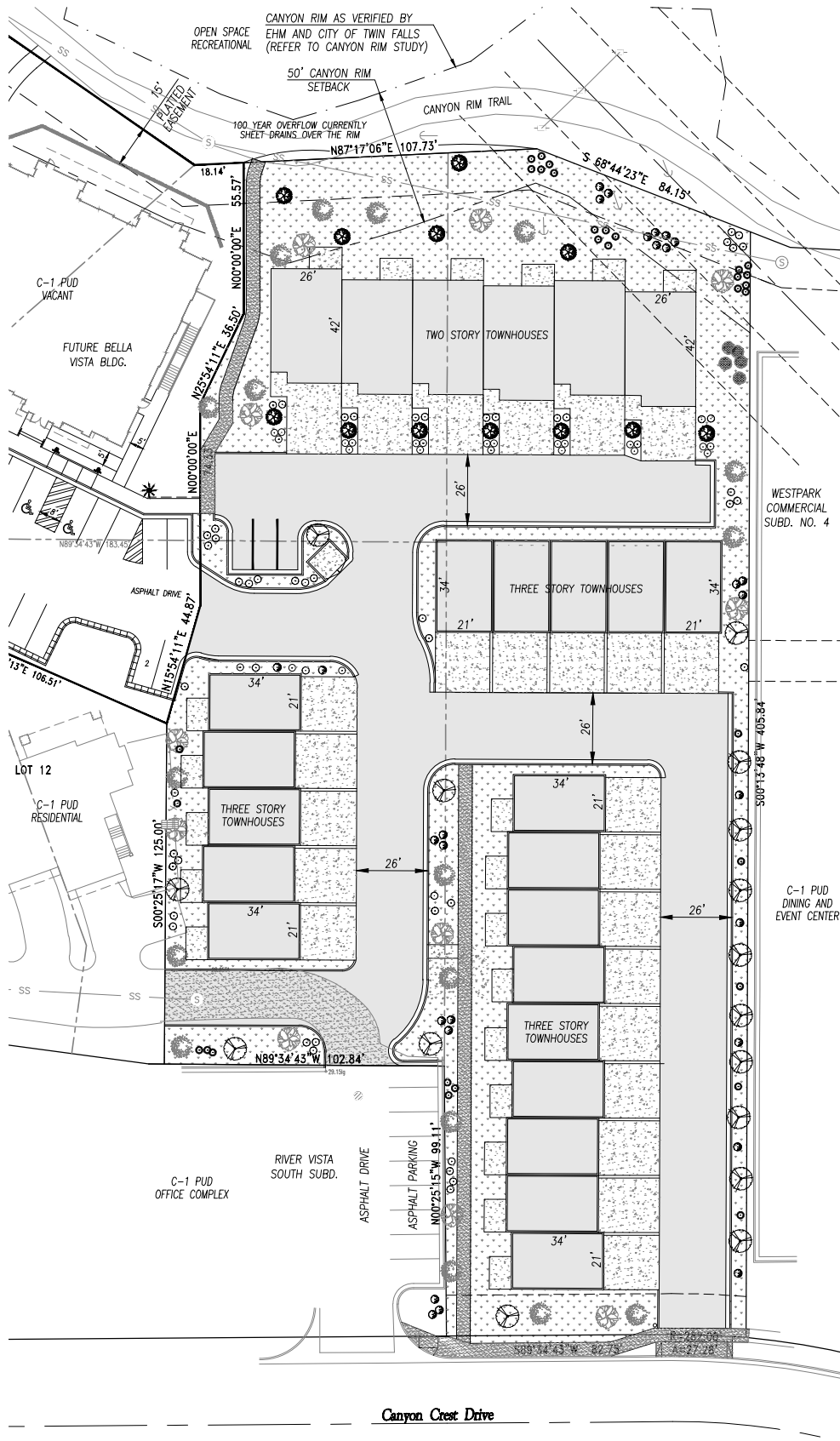
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Residing at _____

Commission Expires: _____



- C-1 OS
- AOI



**ZDA Exhibit
For
Vista Rim Townhomes
Located In A Portion of
Lots 9 & 10, Block 1
"The Pinnacle Subdivision"
And
Tax Parcel # RPT00097335545**

PARKING COUNTS:

19 3-STORY TOWNHOMES: 2 & 3 BEDROOM
PARKING ALLOTMENT: 2 DRIVEWAY / 1 GARAGE
6 2-STORY TOWNHOMES: 3 BEDROOM
PARKING ALLOTMENT: 2 DRIVEWAY / 1 GARAGE
OVERFLOW PARKING ON-SITE: 3 TOTAL

EXISTING ZONING: C-1 PUD
PROPOSED ZONING: C-1 ZDA

NOTES:

INDIVIDUAL UNITS ARE SUBJECT TO OUT TO OUT
DIMENSION CHANGES UPON FINAL DEVELOPMENT
OF FLOOR PLANS.

PARKING LAYOUTS AND/OR DRIVE AISLES MAY
CHANGE UPON FINAL REVIEW BY FIRE MARSHAL.

Canyon Crest Drive

C-1 ZDA
APARTMENT COMPLEX



2 - Story Units



3 - Story Units

*Units are conceptual, colors and finishes
subject to change upon final submittals.*

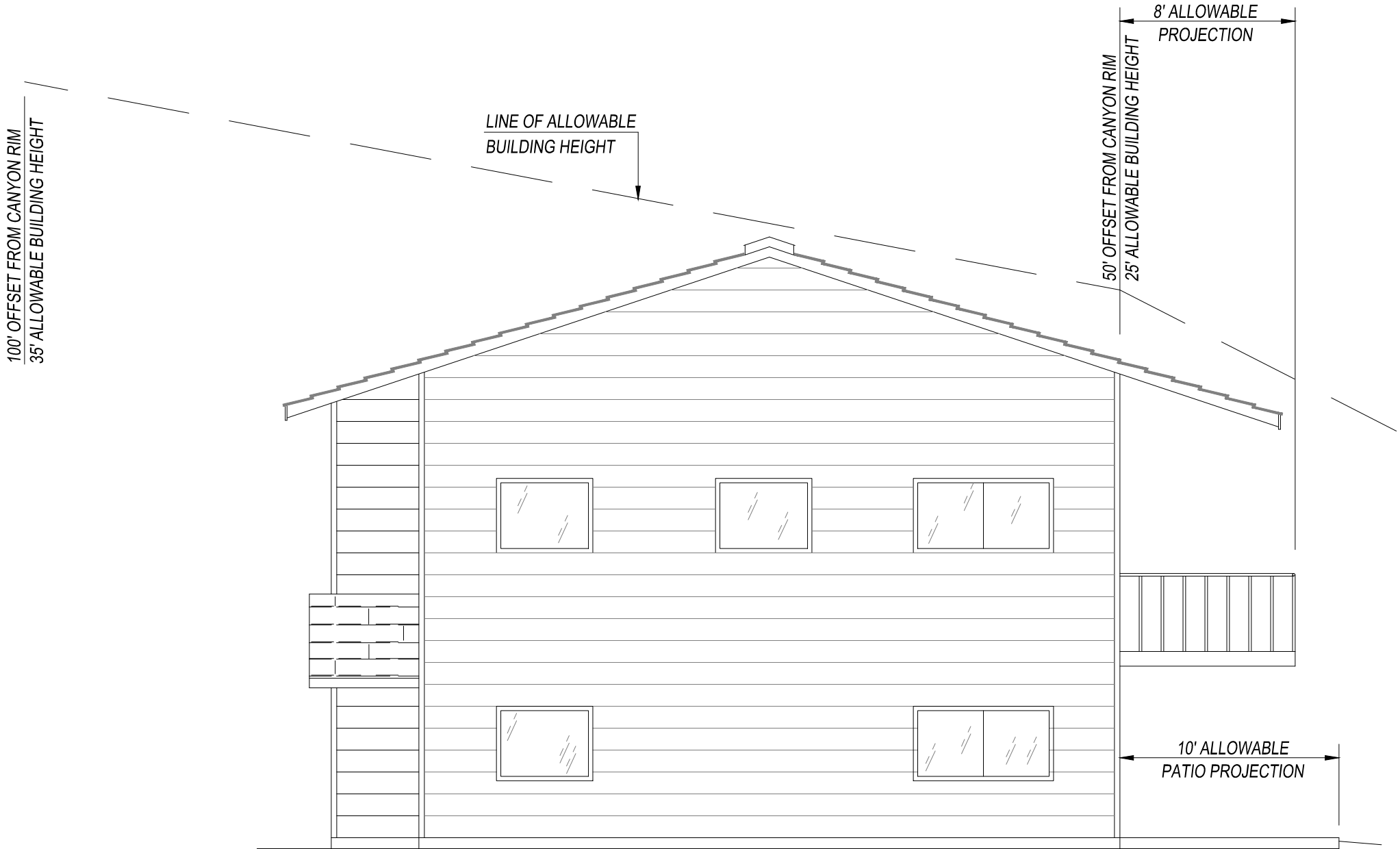


Exhibit B



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 26, 2021, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Council Chambers

Members -

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

Area of Impact: David Detweiler

1) Call In Instructions

2) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 6:02 PM

A quorum was present.

Members Present: Titus, Kelley, Musser, Bolton, Detweiler, Hansen

Staff Present: Spendlove, Strickland, Zollinger, Ebersole, Vitek, Hafer, Nope

3) Consent Calendar

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

Commissioner Musser seconded the motion.

Approved by a vote of 5-0-1

- a) Approval of Minutes from the following meetings: January 6, 2021 and January 12, 2021

4) Items of Consideration

- a) Request for consideration of the Preliminary Plat for the Fieldwood Subdivision No. 2, a PUD, approximately 1.49 (+/-) acres to develop five (5) lots on property located at 1085 Cheney Drive West c/o EHM Engineers, Inc. on behalf of Brad Wills. (PZ20-0144)

Staff Presentation:

City Planner Strickland presented the request for consideration of the Preliminary Plat for the Fieldwood Subdivision No. 2, a PUD, approximately 1.49 (+/-) acres to develop five (5) lots on property located at 1085 Cheney Drive West c/o EHM Engineers, Inc. on behalf of Brad Wills. (PZ20-0144)

As per Twin Falls City Code 10-12-2.3: The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat.

Approval of the Preliminary Plat will set many parameters for which the Final Plat must substantially conform to, including total number of lots, street layout, sidewalk connections, and other similar items.

A Final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. After a final plat has been approved by the City Council and construction plans approved, may the plat be recorded, and lots sold for development

The subject property was approved for a zoning district change from R-4 PRO PUD to R-2 on September 21, 2020.

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Town Neighborhood". Staff has determined this request complies with the 2016 Comprehensive Plan.

As this area has developed it has become more residential in nature and staff does not anticipate this request, if approved, would create negative impacts to the surrounding properties.

Upon conclusion, should the Commission approve this request as presented, staff recommends approval be subject to the following conditions:

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

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the request for consideration of the Preliminary Plat for the Fieldwood Subdivision No. 2, a PUD, approximately 1.49 (+/-) acres to develop five (5) lots on property located at 1085 Cheney Drive West. He stated the property is zoned R2, with five (5) residential lots for duplexes.

PZ/Questions & Comments: none

Discussion Followed:

- Commissioner Kelley stated this request is straightforward as it fits nicely with the like surroundings.
- Commissioner Detweiler agreed stating duplexes fit well in the surroundings.

MOTION: Commissioner Kelley made a motion to approve the request for consideration of the Preliminary Plat for the Fieldwood Subdivision No. 2, a PUD, approximately 1.49 (+/-) acres to develop five (5) lots on property located at 1085 Cheney Drive West c/o EHM Engineers, Inc. on behalf of Brad Wills, PZ20-0114, as presented with staff recommendations. Commissioner Bolton seconded the motion.

Unanimously Approved by a vote of 6-0.

5) Public Hearings

- a) Request for an Amendment to Special Use Permit #PZ18-0088 to expand the Automobile Dealership on property located at 1725 Park View Drive c/o EHM Engineers, Inc. on behalf of Rydell Management Company. (PZ20-0142)

Staff Presentation:

City Planner Strickland presented the request for an Amendment to Special Use Permit #PZ18-0088 to expand the Automobile Dealership on property located at 1725 Park View Drive c/o EHM Engineers, Inc. on behalf of Rydell Management Company. (PZ20-0142)

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.

The property became part of the Canyon Properties PUD #229 in 2003. On November 27, 2018, the Planning & Zoning Commission approved SUP PZ18-0088 (see attached) with grouped landscaping.

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Commercial" therefore, staff has determined this request is in compliance with the 2016 comprehensive plan. Staff does not foresee the impacts of this expansion being detrimental to the neighboring properties.

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:

Tim Vawser, EHM Engineers, representing applicant, presented the request for an Amendment to Special Use Permit #PZ18-0088 to expand the Automobile Dealership on property located at 1725 Park View Drive. He stated the owners have had the opportunity to acquire more inventory and have found there is a greater need for their product. They have purchased an extra 4.67 acres, with no plans for a building at this point. The front part of the land will be hard surfaced for extra vehicle storage and display. He stated the reason for expansion of the approved landscaping from SUP PZ18-0088 is due to Canal Company rules.

PZ/Questions & Comments:

- Chairperson Titus asked where the extended land boundaries are.

- Mr. Vawser clarified the 4.67 acre expansion goes to the northern boundary of the original property, but will farm northern portion at this time.

Public Hearing: Opened and Closed without input

Discussions Followed:

- Commissioner Kelley is in favor of this request as an expansion of the original request.
- Commissioner Bolton agreed with Commissioner Kelley.
- Commissioner Musser has no issues with this request.

MOTION: Commissioner Bolton moved to approve the request for an Amendment to Special Use Permit #PZ18-0088 to expand the Automobile Dealership on property located at 1725 Park View Drive c/o EHM Engineers, Inc. on behalf of Rydell Management Company, PZ20-0142, as presented with staff recommendations.

Commissioner Musser seconded the motion.

Unanimously Approved by a vote of 6-0.

Change to order of Agenda: Public Hearing item #C heard prior to item #B

- b) Request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from C1 PUD to C1 CRO ZDA for property located at 287 & 292 River Vista Place c/o EHM Engineers on behalf of Federation Pointe, LLC. (PZ20-0138)

Staff Presentation:

City Planner Zollinger presented the request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from C1 PUD to C1 CRO ZDA for property located at 287 & 292 River Vista Place c/o EHM Engineers on behalf of Federation Pointe, LLC. (PZ20-0138)

Per City Code 10-6-1 The procedure for establishing a ZDA shall follow the procedure for zoning map amendments as set forth in chapter 14 of this title with the following addition: The planning and zoning commission shall complete a preliminary review of the proposed conceptual development plan at a meeting prior to the public hearing for a zoning district and zoning map amendment.

The property is currently zoned C-1 with a Canyon Rim Overlay. The western portion of the property exists under the River Vista PUD. Under the current proposal a portion of what is part of the River Vista PUD will be included in this ZDA.

The applicant is proposing to lay out the property in four (4) rows of town homes all served by private roads and each town home having their own driveway with a two-car garage. Three (3) rows of town homes will be three (3) stories while the fourth (4th) row will be two (2) stories in order to meet the height requirement relating to the canyon rim overlay.

The applicant is proposing to add landscaped buffers to the development which will include a fifteen (15') foot buffer from the property line adjacent to Canyon Crest Drive with the exception of vehicular turn-outs as well as a five (5') foot landscaped buffer between the

residential and commercial elements to the east and west of the development. Buffers may include sidewalk or other hard surfaces providing access to the Canyon Rim trails or other adjacent accessible routes.

Required parking will be provided by the driveways built for each of the units with the addition three (3) visitor parking spaces.

The applicant has declared a few modifications from the applicable City Code:

1. Modification to the C-1 and CRO, to allow zero lot line townhomes in groupings of three (3) or more.
2. Modification to the lot area requirement for lots to be no less than 680 sf.
3. Allowing each residential lot to contain 100% occupancy or to have a portion thereof be used for decks, driveways, and /or yard area.
4. Open space to have no minimum or maximum square footage and may include landscaping, access and utility corridors, lighting, and trash enclosures.
5. To allow no property line building setbacks to be required from residential lot lines. Setbacks from the subdivision boundary will be in conformance with the C-1 district.
6. To allow for horizontal projections, including cantilevered decks and eave projections to project over the Canyon Rim Setback line as defined by the Canyon Rim Study or over the interior lot lines into common area/ open space by a distance of and not to exceed eight (8) feet. To also allow for concrete patios to project into common area/ open space areas by a distance of and not to exceed ten (10) feet.

All site regulations will be checked by staff during the building permit process.

City Staff finds the modifications from current code are not anticipated to create undue impacts to the surrounding properties nor to the nature of the canyon rim as the project is an infill development that mirrors the surrounding mixed use developments.

Upon conclusion should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards

PZ/Questions & Comments:

- Commissioner Kelley asked for the buffer zone difference since the first presentation.
- City Planner Zollinger clarified the buffer zone difference from ten feet (10') to five feet (5'), on either side of the property line.
- Commissioner Kelley asked to outline the Canyon Rim Overlay boundary and where the overlap occurs.
- City Planner Zollinger clarified the Canyon Rim Overlay setback and which of the units patios will overlap into it.
- Commissioner Hansen asked about the accesses to this development.
- City Planner Zollinger stated the plans show one access point to the development for residents, with an access to Canyon Crest Drive for fire access only.
- Chairperson Titus asked for clarification on modification #5.
- City Planner Zollinger stated there are no conflicting setbacks and will conform to C1

setback.

- Commissioner Detweiler asked about access going through the parking lots and why is there not an access from the east side.
- City Planner stated it is a continuation of existing accesses.
- PZ Director Spendlove stated the applicant stated they are proposing that there is a right to the parking lot access through a private access agreement on that property and there is an issue with our Engineering department for an eastern access.
- Commissioner Bolton asked if there is written agreement to use existing access.
- PZ Director Spendlove stated the applicant has declared there is an existing agreement.

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented recommendation to City Council for a Zoning District Change and Zoning Map Amendment from C1 PUD to C1 CRO ZDA for property located at 287 & 292 River Vista Place. He introduced JJ McBride as a potential investor should this project goes forward. He clarified the changes since the preliminary presentation. The reason for the buffer change to 5' is for the fire aisle, inclusive with sidewalk. The variance of the number of buildings is requested due to unknown costs and may change to a lesser density. He stated they are still providing private easements. He addressed the access points. These are individual residences, sold as townhomes.

PZ Questions:

- Commissioner Hansen asked if the access between 278 & 284 River Vista Pl. is a private drive is or accessible for public use.
- Mr. Vawser stated he believes the the cul de sac was blocked off between the residences and the offices and will not be used for public use.

Public Hearing: Opened

- Larry Jones, citizen, stated his concern regarding needing an entrance to the development closer to the Canyon Crest Restaurant. He stated he does not believe have one access through the parking lot will work, as there are too many people going through the lot now.
- Mr. Vawser gave a closing statement and stated EHM can revisit with the Engineering department to address an eastern access.
- Chairperson Titus asked about # of units and if all will be sold as single-family dwellings.
- Mr. Vawser stated all 25 units will be sold as single-family dwellings.

Public Hearing: Closed

Discussions Followed:

- Commissioner Musser stated he believes this is an overall good project, but has concerns with the weft access, and would rather see a different access point.
- Commissioner Detweiler stated he does not like using cul de sac access through a business parking lot for this residential development.
- Commissioner Kelley believes the northern access is a good access, but not perfect. He stated he believes the project is good for this lot and is in favor of the request.
- Commissioner Bolton likes the request, but would like to see access on east side of property.

- PZ Director Spendlove stated this is a recommendation to City Council and the commission can add conditions of approval to be discussed at City Council.
- Commissioner Hansen stated he does not believe the request should be denied, but is worried about the access.
- Chairperson Titus likes the infill project and has no issue with Canyon Rim Overlay setback and with the buffer change. She stated her only concern is the access.
- Commissioner Kelley stated this is not an apartment complex, but are single-family dwellings, with not as many vehicles. He stated he does not believe this development will be adding more cars than are there now. He is okay with the request as is.
- Commissioner Hansen agreed he does not want the project to go away, as it is a good infill project.
- Chairperson Titus clarified she thinks access could still be a concern, but if there could be an alternative to the accesses that be looked in to.
- Commissioner Musser agrees this is a good project, and asked for help with adding a condition.
- PZ Director Spendlove helped with a possible condition from the Planning and Zoning Commission to City Council.
- Discussion ensued on the addition of a condition regarding the accesses.

MOTION: Commissioner Hansen moved to add a condition to add an additional access point on the eastern most boundary that would access Canyon Crest Drive.
Commissioner Detweiler seconded the motion.

Motion approved by a vote of 5-1.

MOTION: Curtis Hansen moved to recommend approval to City Council for a Zoning District Change and Zoning Map Amendment from C1 PUD to C1 CRO ZDA for property located at 287 & 292 River Vista Place c/o EHM Engineers on behalf of Federation Pointe, LLC, PZ20-0138, with the added condition and staff recommendations.
Commissioner Musser seconded the motion.

Unanimously approved by a vote of 6-0.

- c) Request for a recommendation to City Council for the vacation of platted easements on property located at 287 & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ20-0137)

Staff Presentation:

PZ Director Spendlove presented the request for a recommendation to City Council for the vacation of platted easements on property located at 287 & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ20-0137)

He explained the vacation process and which platted easements are being requested to be vacated with this request. Not involved in the private easement agreements between owners. Utility letters will be collected prior to presentation to City Council.

Per City Code 10-16-1: Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council that the vacation be granted, or it may recommend a modification to the vacation, or it may recommend that the vacation be denied. The subject property exists under the River Vista PUD (recorded 2008) and is part of the Pinnacle Subdivision (recorded 1996).

Per the applicant the purpose of the proposed vacation of platted easements is to move forward with a Townhouse Development on the subject property. The applicant also stated that they will rededicate easements as needed through the platting process for the future development.

Should the Commission recommend approval to the City Council as presented, staff recommends approval be subject to the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to the applicant providing written statements from all utility companies on company letterhead indicating whether or not they agree with vacating the requested easement prior to this item being heard by City Council.
3. Subject to the applicant providing legal descriptions for the platted easements per approval of the City Engineer prior to this item being heard by the City Council.

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the request for a recommendation to City Council for the vacation of platted easements on property located at 287 & 292 River Vista Place. He stated that the Pinnacle Subdivision has drastically changed from the original map. He stated this request is only for the eastern portion of lots 10 and 11.

PZ/Questions & Comments: none

Public Hearing: Opened

- Don Gilster, citizen, stated a concern for the vacation of easements and their locations. He would like to see the easements remain as they are, and is against this request.
- Mr. Vawser gave a closing statement. He clarified the effect on Mr. Gilster's property. He stated there is one private easement on that property, and is working with the owners and is not part of this request.

Public Hearing: Closed

Discussions Followed:

- Commissioner Detweiler stated the easement is not being used by utilities at this time, and he is not opposed to this request.
- Commissioner Kelley agreed, as the private easements are not part of this request.
- Commissioner Bolton agreed, as the request is only for the utility easements.
- Chairperson Titus stated that all utility letters are required before the request goes to City Council.

MOTION: Commissioner Kelley moved to approve the request for a recommendation to City Council for the vacation of platted easements on property located at 287 & 292 River Vista Place c/o EHM Engineers, Inc. on behalf of Federation Pointe, LLC. (PZ20-0137), as presented with staff recommendations.
Commissioner Bolton seconded the motion.

Unanimously Approved by a vote of 6-0.

6) Upcoming Meeting(s)

- a) Wednesday, February 3, 2021 Worksession
Tuesday, February 9, 2021

7) Adjournment

The meeting adjourned at 07:22 PM

Kelli Ebersole, Administrative Assistant