

COUNCIL MEMBERS

Suzanne Nikki	Shawn	Chris	Gregory	Don	Ruth
Hawkins Boyd	Barigar	Talkington	Lanting	Hall	Pierce
Vice Mayor	Mayor				



**AGENDA**  
5:00 P.M.

Meeting of the Twin Falls City Council  
Monday, September 12, City Council Chambers  
305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG  
CALL MEETING TO ORDER  
CONFIRMATION OF QUORUM  
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA  
PROCLAMATIONS  
**GENERAL PUBLIC INPUT**

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b>		
1. Request to approve the Accounts Payable for August 30 – September 6, 2016.	Action	Sharon Bryan
2. Request to approve the August 29, 2016, City Council Minutes.	Action	Sharon Bryan
3. Request to approve the Goode Motor/La Perona Mexican Independence Day Celebration event to be held at the City Park on Thursday, September 15, 2016.	Action	Justin Dimond
4. Request to approve the 2016 Oktoberfest to be held Friday, October 7 and Saturday, October 8, 2016.	Action	Justin Dimond
5. Request to approve the Rim to Rim Race that will take place on the north side of Twin Falls on September 17, 2016.	Action	Ryan Howe/ Justin Dimond
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b>		
1. Formal ceremony promoting Officer Lou Coronado to the position of Sergeant and Sergeant Brent Wright to the position of Staff Sergeant.	Promotion	Craig Kingsbury
2. Presentation to recognize the achievements of Jesse Killinger who has completed his Firefighter Level I certification and Dallas Williamson and Zackery Fleming for their successful completion of this year’s Twin Falls Drivers Academy.	Promotion	Battalion Chiefs
3. Request to purchase 40 Dell OptiPlex 7040 SFF computers for a total cost of \$34,290.40.	Action	Kathy Markus
4. Request to award the 2016 Zone Maintenance Sewer Improvement Project to Idaho Materials and Construction in the amount of \$288,395.00.	Action	Jon Caton
5. Request to award the 2016 South Hills Packaged Irrigation Pump Station procurement contract to HD Fowler of Twin Falls, Idaho, in the amount of \$129,900.	Action	Lee Glaesemann
6. Public input and/or items from the City Manager and City Council.		
<b>III. <u>ADVISORY BOARD REPORT/ANNOUNCEMENTS:</u></b>		
6:00 P.M.		
<b>IV. <u>PUBLIC HEARINGS:</u></b>		
1. Request for amendment to Latitude 42 PUD #272 to modify development requirements for Cheney Drive West, a collector, between Fieldstone Drive and Creekside Way. (app.2303)	PH/Action	Gerald Martens Jonathan Spendlove
2. Request for an annexation with a zoning district change and zoning map amendment from SUI A of I to R2, R6 and C-1 CRO ZDA (Zoning Development Agreement) for approximately 28.84 (+/-) acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East. (app.2804)	PH/Action	Dave Thibault Jonathan Spendlove
<b>V. <u>ADJOURNMENT:</u></b>		

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

## Public Input Procedures

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

## Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
  - A complete explanation and description of the request.
  - Why the request is being made.
  - Location of the Property.
  - Impacts on the surrounding properties and efforts to mitigate those impacts.

Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor.

4. A City Staff Report shall summarize the application and history of the request.
  - The City Council may ask questions of staff or the applicant pertaining to the request.
5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two (2) minutes per person.
  - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the mayor. The spokesperson shall be limited to 15 minutes.
  - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
  - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
7. The Mayor shall close the Public Hearing. The City Council shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.

\* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor.

COUNCIL MEMBERS

Suzanne Nikki	Shawn	Chris	Gregory	Don	Ruth
Hawkins Boyd	Barigar	Talkington	Lanting	Hall	Pierce
Vice Mayor	Mayor				



**MINUTES**

**Meeting of the Twin Falls City Council  
Monday, August 29, 2016, City Council Chambers  
305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho**

PLEDGE OF ALLEGIANCE TO THE FLAG  
CALL MEETING TO ORDER  
CONFIRMATION OF QUORUM  
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA  
PROCLAMATIONS  
**GENERAL PUBLIC INPUT**

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b>		
1. Request to approve the Accounts Payable for August 23 - 29, 2016.	Action	Sharon Bryan
2. Request to approve the August 22, 2016, City Council Minutes.	Action	Sharon Bryan
3. Request to approve the PAWSitive Moves Sponsorship Run to be held at IB Perrine Elementary on October 1, 2016.	Action	Ryan Howe
4. Request to approve the 11 <sup>th</sup> Annual Perrine Bridge Festival to be held on Saturday, September 10, 2016.	Action	Ryan Howe
5. Request to approve the Walk for Wishes 2016–Twin Falls event to be held at the Twin Falls Visitor Center on October 1, 2016.	Action	Ryan Howe
6. Request to approve the 10 <sup>th</sup> Annual South Central Community Action Partnership (SCCAP) event to be held in the Twin Falls City Park on Saturday, September 17, 2016.	Action	Justin Dimond
7. Request to rename Poplar Grove Avenue, as platted in Broadmoor Subdivision, to Drayton Avenue.	Action	Troy Vitek
8. Request to remove the “South” and “North” designations from Boston Way South and Boston Way North, as platted in South Hampton Subdivision No. 2.	Action	Troy Vitek
9. Request to approve a Beer and Wine License for Kwik Mart located at 120 Ramage Street.	Action	Sharon Bryan
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b>		
1. Presentation to move forward with the development of a ten-year contract with People for Pets – Magic Valley Humane Society.	Action	Brian Pike
2. Request to award the 2016 City of Twin Falls Frontier Field Pickleball Courts Project to Tennis and Track Co., in the amount of \$112,614.29.	Action	Wendy Davis
3. Request to accept an FAA Grant Offer (AIP 38) for the Terminal Modification Project in the Amount of \$1,855,648.	Action	Bill Carberry
4. Request to award the contract for the City of Twin Falls 2016 Mill and Inlay Project to Staker Parsons Co. dba Idaho Materials and Construction of Jerome, Idaho in the amount of \$103,076.10.	Action	Erin Steel
5. Request to use Street Reserves to fund an unanticipated and unbudgeted street mill and inlay project.	Action	Jon Caton
6. Request to approve to support the use of the 2015 Idaho Standards for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the 2015 Idaho Standards for Public Works Construction (Revisions) as the City’s standard specifications.	Action	Jacqueline Fields
7. Request to approve the adoption of a Utility Rate Resolution for Fiscal Year 2017.	Action	Lorie Race
8. Public input and/or items from the City Manager and City Council.		
<b>III. <u>ADVISORY BOARD REPORT/ANNOUNCEMENTS:</u></b>		

<p>IV. <u>PUBLIC HEARINGS:</u>                  1. A public hearing regarding the adoption of the Fiscal Year 2017 Budget and the associated annual appropriation ordinance for the City of Twin Falls.</p>	<p>PH/ Action</p>	<p>Travis Rothweiler</p>
<p>V. <u>ADJOURNMENT:</u>                  1. Executive Session 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.                  (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.</p>		

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Present: Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Chris Talkington, Greg Lanting, Don Hall, Ruth Pierce

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Deputy City Manager Mitchel Humble, Deputy City Manager Brian Pike, Parks and Recreation Director Wendy Davis, Airport Manager Bill Carberry, Engineer I Erin Steel, Public Works Director Jon Caton, City Engineer Jacqueline Fields, Finance Director Lorie Race, Deputy City Clerk Sharon Bryan

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mayor Barigar called the meeting to order at 5:00 P.M. He then invited all present, who wished, to recite the pledge of Allegiance to the Flag.

**CONFIRMATION OF QUORUM**

A quorum is present.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA – None**

**PROCLAMATIONS: None**

**GENERAL PUBLIC INPUT - None**

**I. CONSENT CALENDAR:**

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2. Request to approve the August 22, 2016, City Council Minutes.
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5. Request to approve the Walk for Wishes 2016–Twin Falls event to be held at the Twin Falls Visitor Center on October 1, 2016.

6. Request to approve the 10<sup>th</sup> Annual South Central Community Action Partnership (SCCAP) event to be held in the Twin Falls City Park on Saturday, September 17, 2016.
7. Request to rename Poplar Grove Avenue, as platted in Broadmoor Subdivision, to Drayton Avenue.
8. Request to remove the “South” and “North” designations from Boston Way South and Boston Way North, as platted in South Hampton Subdivision No. 2.
9. Request to approve a Beer and Wine License for Kwik Mart located at 120 Ramage Street.

**MOTION:**

Vice Mayor Hawkins moved to approve the Consent Calendar as presented. The motion was seconded by Councilmember Hall. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

**II. ITEMS FOR CONSIDERATION:**

1. Presentation to move forward with the development of a ten-year contract with People for Pets – Magic Valley Humane Society.

Deputy City Manager Pike explained the ten-year contract with People for Pets – Magic Valley Humane Society.

City Council discussion ensued on the following:

Importance of County to be included in the contract.

Annual audit by a third party.

Need a firm process of receipting transactions.

Make sure we have the ability to make adjustments or to pull out of the contract.

County participates financially.

Cost per month to run dog pound.

Requirements to be a member of the Magic Valley Humane Society.

City Council will get an audit report.

Until a new contract is drawn up City Manager will send a letter to People for Pets explaining that we will continue the current contract.

People for Pets to give an annual report to City Council each year.

**MOTION:**

Councilmember Lanting made the motion to move forward with the development of a ten-year contract with People for Pets – Magic Valley Humane Society and have City Manager send a letter stating that the current contract will continue until a new contract is complete. The motion was seconded by Councilmember Boyd. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

2. Request to award the 2016 City of Twin Falls Frontier Field Pickleball Courts Project to Tennis and Track Co., in the amount of \$112,614.29.

Parks and Recreation Director Davis reviewed the 2016 City of Twin Falls Frontier Field Pickleball Courts Project to Tennis and Track Co., in the amount of \$112,614.29.

City Council discussion ensued on the following:

Asphalt surface

What is the additional space being used for?  
Explanation of what pickleball is.

**MOTION:**

Councilmember Hall moved to award the 2016 City of Twin Falls Frontier Field Pickleball Courts Project to Tennis and Track Co., in the amount of \$112,614.29. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

3. Request to accept an FAA Grant Offer (AIP 38) for the Terminal Modification Project in the Amount of \$1,855,648.

Airport Manager Carberry reviewed the FAA Grant Offer.

Airport Manager Carberry gave an update on the progress of terminal construction project.

**MOTION:**

Councilmember Talkington moved to accept an FAA Grant Offer (AIP 38) for the Terminal Modification Project in the Amount of \$1,855,648. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

4. Request to award the contract for the City of Twin Falls 2016 Mill and Inlay Project to Staker Parsons Co. dba Idaho Materials and Construction of Jerome, Idaho in the amount of \$103,076.10.

Engineer I Steel reviewed the contract for the 2016 Mill and Inlay Project.

City Council discussion ensued on the following:

Credential of Idaho Material and Construction

Explanation of what Mill and Inlay means.

Reasons for why this is not in our maintenance projects.

Washington and Cheney road did not last long due to heavy traffic and truck traffic.

Mill endings will be recycled and used by street department.

**MOTION:**

Councilmember Lanting moved to approve the 2016 Mill and Inlay Project to Staker Parsons Co. dba Idaho Materials and Construction of Jerome, Idaho in the amount of \$103,076.10 as presented. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

5. Request to use Street Reserves to fund an unanticipated and unbudgeted street mill and inlay project.

Public Works Director Caton explained the street mill and inlay project.

**MOTION:**

Councilmember Hall moved to use Street Reserves in the amount of \$11,000 to fund an unanticipated and unbudgeted street mill and inlay project in this Fiscal Year 2015/2016. The motion was seconded by Councilmember Talkington. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

6. Request to approve to support the use of the 2015 Idaho Standards for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the 2015 Idaho Standards for Public Works Construction(Revisions) as the City's standard specifications.

City Engineer Fields explained the 2015 Idaho Standards for Public Works Construction.

City Council discussion ensued on the following:

Road use and regular maintenance.

Life expectancy of residential areas.

Concerns with the streets that have been inherited from the County.

Tyler Street base is 10"

Developers represented.

Concerns with keeping costs reasonable for the Developers.

New growth affects taxpayers.

Process of changing standards

**MOTION:**

Councilmember Talkington moved to support the use of the 2015 Idaho Standards for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the 2015 Idaho Standards for Public Works Construction(Revisions) as the City's standard specifications. The motion was seconded by Councilmember Hall. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

7. Request to approve the adoption of a Utility Rate Resolution for Fiscal Year 2017.

Finance Director Race reviewed the Utility Rate Resolution using visuals.

Discussion ensued on the following:

Solid waste fee increase.

Pressurized irrigation fee increase,

Need to think about ending unlimited dumping and implement small can usage.

**MOTION:**

Councilmember Lanting moved to adopt Resolution 2016-04 as presented. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

8. Public input and/or items from the City Manager and City Council.

Councilmember Hall asked about rebuilding section of Falls and Frontier.

City Engineer Fields explained that the section of Falls and Frontier will be a mill and inlay project.

City Manager Rothweiler said that in recognition of Labor Day City Government will be closed September 5, 2016.

City Manager Rothweiler said there will be no City Council meeting on September 6, 2016. The next City Council Meeting will be on September 12, 2016 at 5:00 PM

City Manager Rothweiler reminded City Council that Cliff Bar is having their dedication August 30, 2016 at 3:30 PM

### **III. ADVISORY BOARD REPORT/ANNOUNCEMENTS:**

#### **IV. PUBLIC HEARINGS:**

1. A public hearing regarding the adoption of the Fiscal Year 2017 Budget and the associated annual appropriation ordinance for the City of Twin Falls.

City Manager Rothweiler reviewed using visuals.

City Council discussed the following:

Mid-year compensation  
Need for a Victim Witness Coordinator.

Police Chief Kingsbury explained his position of the Victim Witness Coordinator. He said that we are in need of a Victim Witness Coordinator.

What requirements would someone need to be a Victim Witness Coordinator.

Police Chief Kingsbury said that they would not be a police officer. He would like the person to have a bachelor's degree in counseling or criminal justice with an understanding of the court system.

Concerns with pool operations.  
Clarification on what needs to be passed tonight.  
Public Art funding.  
Reader Board funding.

#### **MOTION:**

Councilmember Lanting moved to approve the Victim Witness Coordinator, Split the remainder of funds for pool operations and compensation adjustments. The motion FAILED due to lack of a second.

#### **MOTION:**

Councilmember Hall moved to approve the Victim Witness Coordinator, pool reserves, restrooms at City Park and remainder to replenish the Art Fund. The motion FAILED due to lack of a second.

**MOTION:**

Vice Mayor Hawkins moved to approve \$43,000 for a Victim Witness Coordinator. The motion was seconded by Councilmember Hall. Roll call vote showed those voting AYE: Boyd, Barigar, Lanting, Hall, Pierce and Hawkins. Those voting NAY: Talkington. Approved 6-1

**MOTION:**

Vice Mayor Hawkins moved to approve pool reserves of \$180,000 and if not needed to come back to City Council to determine where to use funds. The motion was seconded by Councilmember Talkington. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

**MOTION:**

Councilmember Hall moved to approve putting \$20,000 into the Art Fund. The motion was seconded by Councilmember Talkington. Roll call vote showed those voting AYE: Talkington and Hall. Those voting NAY: Lanting, Pierce, Hawkins, Boyd, Barigar. Failed 2-6

**MOTION:**

Councilmember Lanting moved to put \$43,000 toward the Electronic Reader Board. The motion was seconded by Councilmember Boyd. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

Open Public Hearing.

Carlos Ramos, 1063 Borah Ave West – Thanked City Council and asked them to be considerate of the working class and low income. He asked them to be cautious of raising fees.

Close Public Hearing.

**MOTION:**

Councilmember Talkington made a motion to suspend the rules and place Ordinance 2016-10 on third and final reading by title only. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

Deputy City Clerk Bryan read the ordinance by title only:

**ORDINANCE NO. 2016-10**

**AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO, APPROPRIATING \$60,958,366 FOR THE 2017 FISCAL YEAR TO DEFRAY ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF TWIN FALLS; PROVIDING FOR THE OBJECTS AND**

PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT APPROPRIATED FOR EACH OBJECT OR PURPOSE; LEVYING AD VALOREM TAXES IN THE AMOUNT OF \$19,276,360 FOR THE 2017 FISCAL YEAR; PROVIDING THAT A COPY OF THIS ORDINANCE SHALL BE FILED WITH THE COUNTY COMMISSIONERS OF TWIN FALLS COUNTY, IDAHO AND WITH THE SECRETARY OF STATE OF THE STATE OF IDAHO; PROVIDING FOR THIS ORDINANCE TO TAKE EFFECT UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN SUSPENDED.

**MOTION:**

Vice Mayor Hawkins made a motion to adopt Ordinance 2016-10. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

**V. ADJOURNMENT:**

1. Executive Session 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.  
(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

**MOTION:**

Councilmember Hall moved to adjourn into Executive Session 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.  
(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

**Meeting adjourned at: 7:30**

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Sharon Bryan, Deputy City Clerk

[http://twinfalls.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=571](http://twinfalls.granicus.com/MediaPlayer.php?view_id=2&clip_id=571)



**Date:** Monday, September 12, 2016, Council Meeting  
**To:** Honorable Mayor and City Council  
**From:** Sergeant Justin Dimond, Twin Falls Police Department

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**Request:**

Consideration of a request from Caitlyn Lancaster, on behalf of Goode Motor and Lee Family Broadcasting, to approve the Goode Motor/La Perona Mexican Independence Day Celebration event. This event is scheduled to be held in the Twin Falls City Park on Thursday, September 15, 2016 from 4:00 p.m. to 9:00 p.m.

**Time Estimate:**

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

**Background:**

Caitlyn Lancaster of Goode Motor has submitted a Special Event Application requesting to hold the Goode Motor/La Perona Mexican Independence Day Celebration on Thursday, September 15, 2016, in the City Park. This event is a celebration open to all members of the community with the intent of celebrating Mexican Independence Day. This event will feature a number of different food vendors and activities for children. There will be a live Mariachi Band and the La Perona Radio Station will provide a DJ and music.

There will be alcohol served at this event. The event organizers will set up a beer garden in a designated location within the park for the purchase and consumption of beer. This beer garden will be fenced off and will have only one entry/exit point which will be manned at all times. All identifications will be checked and legal-aged drinkers will be issued wrist bands. Alcohol will be consumed only in the beer garden. La Compesina from Jerome has secured a catering permit and will be dispensing the beer within the beer garden.

The event organizers have requested four (4) Twin Falls City Police Officers to provide security for this event. The Officers will begin security at 4:00 p.m. and stay until 10:00 p.m., which will be one (1) hour after beer sales cease. The event organizers will pay the security fee.

The required certificate of liability insurance, with the City of Twin Falls as the certificate holder, is required and has been secured by the organizers.

**Approval Process:**

Consent of the Council

Agenda Item for September 12, 2016  
From Sergeant Justin Dimond  
Page Two

**Budget Impact:**

There will be four (4) Twin Falls Police Officers working the event from 4:00 p.m. to 10:00 p.m. The total cost for security will be \$1,224.00, which will be paid by Goode Motor. Goode Motor will have 60 days from the conclusion of the event to pay the security invoice.

**Regulatory Impact:**

N/A

**Conclusion:**

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

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

**Attachments:**

None

JD:aed



**Date:** Monday, September 12, 2016, Council Meeting  
**To:** Honorable Mayor and City Council  
**From:** Sergeant Justin Dimond, Twin Falls Police Department

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**Request:**

Consideration of a request to approve the 2016 Oktoberfest sponsored by Kindsey Ringenberg on behalf of the Brass Monkey. This Oktoberfest event is scheduled to be held Friday, October 7, 2016, and Saturday, October 8, 2016.

**Time Estimate:**

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

**Background:**

Kindsey Ringenberg, on behalf of the Brass Monkey, requests to hold the 2016 Oktoberfest event on Friday, October 7, 2016, from 3:00 p.m. to 10:00 p.m. and on Saturday, October 8, 2016, from 9:00 a.m. to 8:00 p.m. A request to close Main Avenue from Hansen Street to Fairfield Street will allow for the festivities.

Friday's event will consist of the street closure for vendors to set up and will allow for pedestrians to mingle in the area. A live band will be set up in the 100 Block of Main Avenue West, near the Columbia Bank. Music will be played from 5:00 p.m. to 10:00 p.m. Security will be required from 5:00 p.m. to 10:00 p.m., or until the crowds disperse.

Saturday's event will consist of the street closure from 9:00 a.m. to 8:00 p.m. There will be vendors set up, a children's bounce house and a kids' train. Downtown merchants will be set up on the sidewalks. There will be a DJ playing music from 12:00 p.m. to 8:00 p.m. in the 100 Block of Main Avenue West, near the Columbia Bank. Security will be required from 12:00 p.m. to 8:00 p.m., or until the crowds disperse.

The event sponsors will provide all barricades for street closures and will be required to close and reopen the streets. Although the street will be closed, event organizers will not obstruct the street to allow for emergency vehicles to pass freely if needed.

There will be no alcohol served for this event. For those consuming alcohol, it will be purchased from local businesses in the area who are licensed to serve alcohol under the guidelines of their alcohol license.

Downtown business owners have been notified and encouraged to participate in the event.

The event sponsors will be required to provide cleanup in all areas affected by the event, to include outlying areas surrounding the event location. There will be portable toilets provided in different locations throughout the event area.

The required certificate of liability insurance, with the City of Twin Falls as the certificate holder, is required and has been secured by the organizers.

It should be noted that Oktoberfest is an annual event and, in reviewing Police records, there have been no calls for service at this event in prior years.

**Approval Process:**

Consent of the Council

**Budget Impact:**

This event will require Law Enforcement Security and Kindsey Ringenberg has contracted with the Twin Falls County Sheriff's Office to have Reserve Deputies provide said security. Therefore, there will be no cost to the City of Twin Falls.

**Regulatory Impact:**

N/A

**Conclusion:**

Relevant City Staff members have approved the Special Event Application request. The Twin Falls Police Department Staff recommends that the on-duty Patrol Supervisor be given the authority to order the event organizers to mitigate the sound of amplified music. If there are continued noise complaints or disturbances by those participating in the event, and non-compliance, the on-duty Patrol Supervisor shall terminate the event.

Based on this request, and the information provided, Staff recommends that this event be approved.

**Attachments:**

None

JD:aed



**Date:** Monday, September 12, 2016, Council Meeting  
**To:** Honorable Mayor and City Council  
**From:** Sergeant Ryan Howe and Sergeant Justin Dimond,  
Twin Falls Police Department

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**Request:**

Consideration of a request by Linda Fleming, on behalf of the Habitat for Humanity Magic Valley, to obtain approval for the Rim to Rim Race that will take place on the north side of Twin Falls on September 17, 2016, from 8:00 a.m. to 2:00 p.m.

**Time Estimate:**

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

**Background:**

The Rim to Rim Race has been an annual event for the Twin Falls community for nearly 41 years. This race was started by the College of Southern Idaho Track Team to raise monies for area charities. In 2006, the Habitat for Humanity's Magic Valley took over the event as an annual fund raiser. The Rim to Rim Race has consistently attracted runners from around the Magic Valley, the State of Idaho, as well as other parts of the country. The Rim to Rim Race has grown in recent years to include nearly 500 participants.

Preparation for the main event will begin at 6:00 a.m. on Saturday, September 17, 2016, with the race beginning at 9:00 a.m. Runners will start near the Blue Lakes Country Club Clubhouse and proceed out of the North Canyon. From there, runners will cross the Perrine Bridge heading south and will meet up with the City's Canyon Rim Trail System where runners will descend the Canyon Springs Grade to Canyon Springs Golf Course. Runners will cross the foot bridge over the Snake River and the race will end back at the Blue Lakes Country Club.

A second race, the Half Rim to Rim, will depart the Sportsman's Warehouse parking lot at 10:00 a.m. Runners will follow the Canyon Rim Trail to Canyon Springs Grade where runners will descend into the South Canyon and head to the Canyon Springs Golf Course. These runners will also cross the Snake River foot bridge and end at the Blue Lakes Country Club. Both races should conclude no later than 2:00 p.m.

There will be two first aid stations placed on the Jerome County side of the race and water stations will be strategically placed throughout the event routes.

The majority of the race activities, booths, vendors, tents and etc., will be held at the Blue Lakes Country Club.

**Approval Process:**

Consent of the City Council

**Budget Impact:**

None

Agenda Item for September 12, 2016  
From Sergeant Ryan Howe and Sergeant Justin Dimond  
Page Two

**Regulatory Impact:**

N/A

**Conclusion:**

Several relevant City Staff members have approved this Special Event Application. Staff recommends that Council approve the request as presented.

**Attachments:**

None

RH:aed



**Date:** Monday, September 12, 2016, Council Meeting  
**To:** Honorable Mayor and City Council  
**From:** Chief Craig Kingsbury, Twin Falls Police Department

---

**Request:**

Formal ceremony promoting **Officer Lou Coronado** to the position of Sergeant and **Sergeant Brent Wright** to the position of Staff Sergeant before the City Council.

**Time Estimate:**

The presentation will take approximately 15 minutes.

**Background:**

**Lou Coronado** was hired as a full-time Police Officer by the Twin Falls Police Department on June 19, 2000.

He attended the Walla Walla Community College in Washington and graduated from the College of Southern Idaho Law Enforcement Program in 1996. Prior to coming to the Twin Falls Police Department, Lou worked as a Deputy for the Twin Falls County Sheriff's Office for 3½ years where he also held the position of Field Training Officer.

Lou served as a Patrol Officer for three years prior to being assigned to the Strategic Traffic Accident Reduction Team (STAR), where he has had the pleasure of riding Harley-Davidson, BMW and Honda motorcycles for the past 13 years. Officer Coronado has also been a member of the Special Weapons and Tactics (SWAT) Team for the past 13 years and has held the position of Team Leader for three years. Lou has also served as a Field Training Officer.

Lou was awarded his Basic Certificate in 1997, Intermediate Certificate in January 2001, Advanced Certificate in August 2008, and his Master Certificate in December 2011 by the State of Idaho Peace Officer Standards and Training Council.

Lou and his wife Barbara have two wonderful sons, Christopher age 21 and Braden age 17.

After a very competitive promotional process, Lou was selected for the position of Sergeant. Lou assumed his supervisory duties in the Patrol Division on September 4, 2016.

**Brent Wright** began his law enforcement career in December of 1997 as a Detention Officer with the Mini-Cassia Criminal Justice Center. He worked as a Police Officer with the Kimberly Police Department from August 1998 until April 2002. On April 15, 2002, Brent was hired by the Twin Falls Police Department as a full-time Police Officer.

Brent attended the College of Southern Idaho, where he majored in law enforcement and received his Certificate of Completion in July of 1998.

During his career with our Department, Brent has served as a STAR (Strategic Traffic Accident Reduction) Team Member, Field Training Officer, SWAT (Special Weapons and Tactics) Team Member, and Narcotics Detective. Brent is currently a Team Leader on the SWAT Team and an instructor in several disciplines: Firearms (Pistol/Shotgun/Rifle), Active Shooter, Firearms Simulator, Auto Theft, Traffic Code, and Speed Measurement (Lidar/Radar).

Brent was promoted to Sergeant on June 26, 2011. In that capacity, he has served as a supervisor in the Patrol Division, Juvenile Crime Unit, and Criminal Investigation Division.

Brent was awarded his Basic Certification in June 1999, Intermediate Certification in May 2004, Advanced Certification in October 2007, and his Supervisory Certification in June 2012 by the State of Idaho Peace Officer Standards and Training Council.

After a very competitive promotional process, Brent was selected for the position of Staff Sergeant. He assumed his supervisory duties in the Administrative Services Division on September 4, 2016.

**Approval Process:**

None

**Budget Impact:**

None

**Regulatory Impact:**

None

**Conclusion:**

Chief Kingsbury will be formally promoting Sergeant Lou Coronado and Staff Sergeant Brent Wright before the City Council on September 12, 2016.

aed



**Date:** Monday, September 12, 2016

**To:** Honorable Mayor and City Council

**From:** Battalion Chief's

---

**Request:**

The Twin Falls Fire Department would like to recognize the achievements of 3 firefighters. Jesse Killinger who has completed his Firefighter Level I certification. Dallas Williamson and Zackery Fleming for their successful completion of this year's Twin Falls Drivers Academy.

**Time Estimate:**

Approximately 10-15 minutes

**Background:**

Battalion Chief's Brian Cunningham, Mitchell Brooks, and Ron Aguirre would like to give their presentations on their 3 firefighters, and then would like to ask the Mayor to take this opportunity to award Firefighters Jesse Killinger, Dallas Williamson, and Zack Fleming with their certificates.

**Approval Process:**

None

**Budget Impact:**

None

**Regulatory Impact:**

None

**Conclusion:**

None

**Attachments:**

None



**Date:** Monday, September 12, 2016  
**To:** Honorable Mayor and City Council  
**From:** Kathy Markus – Information Communication Technology Manager

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### **Request:**

Consideration of a request to purchase 40 Dell OptiPlex 7040 SFF computers for a total cost of \$34,290.40.

### **Time Estimate:**

The staff presentation will take approximately 5 minutes.

Following the presentations, staff anticipates some time for questions and answers.

### **Background:**

The Information Services Department purchased 90 Dell Wyse boxes in the 2014/15 fiscal year. These thin clients were purchased to replace desktop computers for users who had low processing requirements. The Wyse terminals required configuration using Unidesk and VMWare. The system was tested on 10 terminals and worked well. 50 additional units were deployed after the positive testing of the 10 test units. After the additional 50 units were deployed, the users began to complain.

The response times were terrible. Pernix was purchased. It claimed, "PernixData software accelerates virtual desktop performance with cost effective scale-out growth. End users get fast and responsive virtual desktops, even during periods of peak usage." The Pernix did not improve the response time. Video cards were purchased to enhance the speeds of the blade response times, those did not function correctly and were returned. Dell worked closely with staff through all of the "enhancements". Since nothing worked, they gave us a server, which they indicated was valued at \$64,000. That server did not work either. It did not have the necessary equipment to work with the VDI boxes. (VDI Definition: Virtual desktop infrastructure (VDI) is the practice of hosting a desktop operating system within a virtual machine (VM) running on a centralized server. The term was coined by VMware Inc. The Dell Wyse Boxes are also referred to as VDI boxes.)

Users are continually complaining about the response time. (Please see the attached document for user detail). We have swapped out 20 of the Wyse thin clients with regular computers. The Wyse boxes do not work at all with video so the majority of the police machines have been swapped out. Finance has also had several of their Wyse boxes replaced by regular computers. At this point we have 40 Wyse boxes left in service that we would like to replace.

The Wyse VDI boxes are supposed to reduce the man hours necessary to provide a work environment for the end users. For us, the result has been just the opposite. One employee has spent over a year working with Dell and trying to get them to function correctly. Dell is embarrassed that they can't get them to work and have actually fired the employee who configured the server that did not work. Dell is willing to sell us 40 computers at this greatly discounted cost to help make this situation right.

The online price for a computer similar to the item we plan to purchase is \$1,248.57. Dell is offering this unit, with a larger hard disk for \$857.26 each. It will take about 3.5 years to recoup the cost of these computers. During that time, we will have more productive and much happier users!

**Approval Process:**

This purchase does not require a bid process.

**Budget Impact:**

The \$34,290.40 Dell Computers were not budgeted. There will be a savings of approximately \$14,553.25 in next year's budget and \$7,553.25 in all future year's budgets if the Wyse Thin Clients are no longer in service. It will take about 3.5 years to recoup the cost. There is also the time savings. We can utilize the employee who was working to keep the VDI' s running for other more productive projects. The end user will also be more productive.

This item was not budgeted. The Finance Director has recommended that the funds come out of Contingency in the Capital Improvement Fund.

**Regulatory Impact:**

N/A

**Conclusion:**

Staff recommends that the Council approve this purchase.

**Attachments:**

1. Dell Quote for Equipment
2. Dell Regular Online Price for Similar Equipment
3. VDI Licensing Expense Breakdown
4. User Experience Feedback
5. Wyse Box Disposal Options



# Quote 1015111460561.1

## CITY OF TWIN FALLS

Salesperson	Quote Details	Billing Details
<b>Salesperson Name</b> Drew Fulton	<b>Quote Date</b> 08/22/2016	<b>Company Name</b> CITY OF TWIN FALLS
<b>Salesperson Email</b> Drew_Fulton@Dell.com	<b>Quote Validity</b> 09/21/2016	<b>Customer Number</b> 17842204
<b>Salesperson Phone</b> 18004563355	<b>Solution ID</b> -	<b>Phone Number</b> 1 (208) 7357281
<b>Salesperson Extension</b> 5139008		<b>Address</b> INFORMATION SERVICES PO BOX 1907 TWIN FALLS ID 83303 US

## Price Summary

Description	Quantity	Unit Price	Subtotal Price
OptiPlex 7040 SFF	40	\$857.26	\$34,290.40
Dell Adapter - DisplayPort to DVI Single-Link	40	\$16.49	\$659.60
<b>Subtotal</b>			<b>\$34,950.00</b>
Tax			\$0.00
Shipping and Handling			\$0.00
Environmental Fee			\$0.00
<b>Total</b>			<b>\$34,950.00</b>

*Note: All tax quoted above is an estimate; final taxes will be listed on the invoice.*

Dear Customer,

Your quote is detailed below; please review the quote for product and information accuracy. If you find errors or desire changes, please contact me as soon as possible.

Regards,  
Drew Fulton

Order this quote easily online through your [Premier page](#), or if you do not have Premier, using [Quote to Order](#)

## Product Details by Shipment

Shipping Group 1

Shipping Contact:	ELI SEARLE	Subtotal	\$34,950.00
Shipping Phone No:	1 (208) 7357280	Tax	\$0.00
Shipping via:	Standard Ground	Shipping and Handling	\$0.00
Shipping Address:	345 2ND AVE EAST	Environmental Fee	\$0.00
	TWIN FALLS	Total	\$34,950.00
	ID 83301-6426		
	US		

Description	Quantity	Unit Price	Subtotal Price
<b>OptiPlex 7040 SFF</b>	40	\$857.26	\$34,290.40

Estimated Delivery Date: 09/01/2016  
 Contract Code: WN11AGW  
 Customer Agreement No: PADD16200012

210-AFGK	OptiPlex 7040 Small Form Factor XCTO	40	-	-
338-BHUH	Intel Core i7-6700 Processor (Quad Core, 8MB, 8T, 3.4GHz, 65W)	40	-	-
412-AAGQ	Small Form Factor Processor Heatsink 65 Watt	40	-	-
619-AIKN	Windows 7 Pro English, French, Spanish 64bit (Includes Windows 10 Pro License)	40	-	-
658-BCSB	Microsoft Office 30 Day Trial	40	-	-
370-ACKD	16GB (2x8G) 2133MHz DDR4	40	-	-
400-AANO	3.5 inch 500GB 7200rpm Hard Disk Drive	40	-	-
490-BCPG	AMD Radeon R5 340X, 2GB, HH (DP, SL-DVI-I)	40	-	-
325-BBRJ	DVD+/-RW Bezel, Small Form Factor	40	-	-
429-AAJV	Tray load DVD Drive (Reads and Writes to DVD/CD)	40	-	-
632-BBBJ	PowerDVD Software not included	40	-	-
620-AAYW	Windows 10 Pro OS Recovery 64bit - DVD	40	-	-
575-BBBI	No Integrated Stand option	40	-	-
580-ADJC	Dell KB216 Wired Multi-Media Keyboard English Black	40	-	-

275-BBBW	Dell MS116 Wired Mouse, Black	40	-	-
634-BENZ	No DDP ESS Software	40	-	-
954-3465	No DDPE Encryption Software	40	-	-
817-BBBB	No FGA	40	-	-
461-AABV	No Accessories	40	-	-
555-BBKH	No Bcom required	40	-	-
329-BCRX	OptiPlex 7040 SFF with 180W up to 85% efficient Power Supply (80Plus Bronze)	40	-	-
450-AAOJ	System Power Cord (Philippine/TH/US)	40	-	-
340-ABKW	No Quick Reference Guide	40	-	-
387-BBEZ	ENERGY STAR Version 6.0	40	-	-
631-AASO	Intel vPro Technology Enabled	40	-	-
555-BBFO	No Wireless	40	-	-
401-AANH	2nd Hard Drive: not included	40	-	-
389-BHJV	Intel Core i7 vPro Processor Label	40	-	-
332-1286	US Order	40	-	-
555-BBFO	No Wireless	40	-	-
800-BBIO	Desktop BTO Standard shipment	40	-	-
385-BBCR	No Media Card Reader	40	-	-
389-BCGW	No UPC Label	40	-	-
340-AGIK	Safety/Environment and Regulatory Guide (English/French/Dutch)	40	-	-
340-ABJI	No Diagnostic/Recovery CD media	40	-	-
340-ARRM	Shipping Material for System, Small Form Factor, DAO	40	-	-
389-BBUU	Shipping Label for DAO	40	-	-
461-AABF	No CompuTrace	40	-	-
422-0008	Dell Data Protection System Tools Digital Delivery/DT	40	-	-
637-AAAS	Dell Backup and Recovery Basic	40	-	-
640-BBDF	Adobe Reader 11	40	-	-
640-BBEV	Dell Data Protection   Protected Workspace	40	-	-
640-BBLW	Dell(TM) Digital Delivery Cirrus Client	40	-	-
658-BBMQ	Enable Low Power Mode	40	-	-
658-BBMR	Dell Client System Update (Updates latest Dell Recommended BIOS, Drivers, Firmware and Apps),OptiPlex	40	-	-
658-BBNH	Waves Maxx Audio	40	-	-
658-BBVM	MY DELL	40	-	-
389-BHPR	Reg Label, SFF, MEX,EPA	40	-	-
551-BBBJ	No Intel Responsive	40	-	-
817-BBBN	NO RAID	40	-	-
329-BBJL	TPM Enabled	40	-	-
525-0057	Kace K1000 Express	40	-	-
817-BBBC	Not Selected in this Configuration	40	-	-
470-AAJL	NO ADAPTER	40	-	-
480-AAJX	Display Not Included	40	-	-
989-3449	Thank you choosing Dell ProSupport. For tech support, visit <a href="http://support.dell.com/ProSupport">http://support.dell.com/ProSupport</a> or call 1-866-516-3115	40	-	-
997-6870	Dell Limited Hardware Warranty Plus Service	40	-	-
997-6895	ProSupport: Next Business Day Onsite 3 Years	40	-	-
997-6915	ProSupport: 7x24 Technical Support, 3 Years	40	-	-

Description	Quantity	Unit Price	Subtotal Price
<b>Dell Adapter - DisplayPort to DVI Single-Link</b>	40	\$16.49	\$659.60

Estimated Delivery Date: 09/07/2016  
Contract Code: WN11AGW  
Customer Agreement No: PADD16200012

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470-AANH	Dell Adapter - DisplayPort to DVI (Single Link)	40	-	-
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## Important Notes

### Terms of Sale

This quote is valid for 30 days unless otherwise stated. Unless you have a separate written agreement that specifically applies to this order, your order will be subject to and governed by the following agreements, each of which are incorporated herein by reference and available in hard copy from Dell at your request:

If this purchase is for your internal use only: Dell's Commercial Terms of Sale ([www.dell.com/CTS](http://www.dell.com/CTS)), which incorporate Dell's U.S Return Policy([www.dell.com/returnpolicy](http://www.dell.com/returnpolicy)) and Warranty ([www.dell.com/warrantyterms](http://www.dell.com/warrantyterms)).

If this purchase is intended for resale: Dell's Reseller Terms of Sale ([www.dell.com/resellerterms](http://www.dell.com/resellerterms)).

If this purchase includes services: in addition to the foregoing applicable terms, Dell's service contracts and related service terms ([www.dell.com/servicecontracts/global](http://www.dell.com/servicecontracts/global)).

If this purchase includes software: in addition to the foregoing applicable terms, your use of the software is subject to the license terms accompanying the software, and in the absence of such terms, then use of the Dell-branded application software is subject to the Dell End User License Agreement - A Version. ([www.dell.com/AEULA](http://www.dell.com/AEULA)) and use of the Dell-branded system software is subject to the Dell End User License Agreement - S Version ([www.dell.com/SEULA](http://www.dell.com/SEULA)) (the "End User License Agreements").

You acknowledge having read and agree to be bound by the foregoing applicable terms in their entirety. Any terms and conditions set forth in your purchase order or any other correspondence that are in addition to, inconsistent or in conflict with, the foregoing applicable online terms will be of no force or effect unless specifically agreed to in a writing signed by Dell that expressly references such terms.

### Additional Terms for Public Customers

If you are a department, agency, division, or office of any district, state, county or municipal government within the United States ("Public Customer"), the following terms ("Public Customer Terms") apply in addition to the foregoing terms:

A. If any portion of the foregoing terms and conditions (or any terms referenced therein) is prohibited by law, such portion shall not apply to you. Notwithstanding anything to the contrary, the End User License Agreements shall take precedence in all conflicts relevant to your use of any software.

B. By placing your order, you confirm that (1) you are a contracting officer or other authorized representative of Public Customer with authority to bind the Public Customer to these terms and conditions, and (2) you have read and agree to be bound by these terms and conditions.

### Pricing, Taxes, and Additional Information

All product, pricing, and other information is valid for U.S. customers and U.S. addresses only, and is based on the latest information available and may be subject to change. Dell reserves the right to cancel quotes and orders arising from pricing or other errors. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, including your Customer Number, to the Dell Tax Department at 800-433-9023. Please ensure that your tax-exemption certificate reflects the correct Dell entity name: **Dell Marketing L.P.** Note: All tax quoted above is an estimate; final taxes will be listed on the invoice. If you have any questions regarding tax please send an e-mail to [Tax\\_Department@dell.com](mailto:Tax_Department@dell.com).

For certain products shipped to end-users in California, a State Environmental Fee will be applied to your invoice. Dell encourages customers to dispose of electronic equipment properly.

<b>Yearly VDI Support Expenses</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2017-2020 total</b>
VLA Microsoft Licensing	\$ 2,209.50	\$ 2,209.50	\$ 2,209.50	\$ 2,209.50	\$ 2,209.50	
Unidesk Unlimited Layers	\$ 9,767.70					
VMWare	\$ 5,343.75	\$ 5,343.75	\$ 5,343.75	\$ 5,343.75	\$ 5,343.75	
Pernix	\$ 2,949.69					
New Server Nvidia Card		\$ 7,000.00				
<b>Total</b>	\$ 20,270.64	\$ 14,553.25	\$ 7,553.25	\$ 7,553.25	\$ 7,553.25	\$ 37,213.00

Dell Donated \$64,000 Server

## **Below is the email where I asked users who have had their Wyse boxes that were replaced with workstations for their Wyse experience:**

**From:** Kathy Markus

**Sent:** Friday, August 19, 2016 4:15 PM

**To:** Becky Lassen <[Blassen@tfid.org](mailto:Blassen@tfid.org)>; Vicki Wagner <[vwagner@tfid.org](mailto:vwagner@tfid.org)>; Lori Williamson <[williamson@tfid.org](mailto:williamson@tfid.org)>; Wendy Thompson <[wthompson@tfid.org](mailto:wthompson@tfid.org)>; Brent Hyatt <[bhyatt@tfid.org](mailto:bhyatt@tfid.org)>; Shayne Carpenter <[SCarpenter@tfid.org](mailto:SCarpenter@tfid.org)>; Lisa Strickland <[LStrickland@tfid.org](mailto:LStrickland@tfid.org)>

**Subject:** VDI Boxes

Hello,

I am asking for help!! I am going to go before council and ask for funding to replace ALL of the VDI boxes with computers. We have had so many problems with them and the amount of time wasted by employees just trying to keep them working is outrageous! I believe that all of you have had the experience of the VDI and have been moved to a regular computer.

Would you please help me with the justification by sending me any information that supports the advantage of a computer over a VDI? This is unbudgeted so I want to have as much information to present as possible.

Both I and the existing VDI users appreciate your help!!

Thanks,  
Kathy

## **Here are the responses:**

To Whom It May Concern:

I believe I may have been one of the first to receive a VDI box. Transiting to a new system always brings with it a little bit of a learning curve and I was prepared for that. Understanding that IS would run into unforeseeable problems during and after the installation. Those issues came as expected. In judging how things were working - I tried to differentiate between performance issues of the VDI and IS just learning how they interfaced and worked directly from the servers. Eventually all the integration issues seemed to be worked out for me and IS reached a point where the system's performance was as tuned up as it was going to be. What I found out was that the performance that was left did not allow me to complete my tasks as I had become accustomed to. It taxed the system to try and use too many excel spreadsheets at the same time and I was used to going back and forth between them, referencing information. The size of the information in an excel spreadsheet became an issue. I would have to wait for computations to complete over the course of several minutes which had previously taken less than a second. At the time I had probably worked for the City for five or six years. It was the only time I can remember making a personal request. I pleaded with my supervisor to do whatever was necessary with IS and allow me to go back my old computer. I didn't feel I had the tools/resources I needed to do my job. I was very very appreciative when the request was granted.

**Brent Hyatt**

Assistant Finance Director

City of Twin Falls

P.O. Box 1907

Twin Falls, ID 83303

208-735-7241

<mailto:bhyatt@tfid.org>

After a few weeks of trials with the VDI box Rich switched me over to a regular computer. The problems I was having were most likely related to the types of information and software that I have to use to do my job. ArcMap was the one it didn't like the most. The only VDI I am forced to use at this point is the one at our front counter used to help the customers. It is very slow, we can't use GIS and Cityworks and look up plats and other files when we are trying to use it unless we want to spend hours at the counter. When you try to print from the VDI it takes forever. Updates don't ever seem to go smoothly without have to reload all of the favorites and fix the desktop icons, which is very frustrating when you are trying to help a customer. I try very hard to avoid using the VDI if at all possible.

(Lisa Strickland)

They are horrible! You couldn't have more than two applications (excel, Outlook, Springbrook, internet, etc) open at one time or it would run horribly slow....and then crash. I think I had to have mine "reset" 5 times before I told Brent I was quitting if I didn't get switched back. I would actually run a report in Springbrook, save it, log out of SB, open Excel, and work in it. If I had to run another report (90% of the time) I would save, close excel, open SB, run/save/close. And I could never run a report out of Wells Fargo (which I did several times a week) without it crashing. And forgot about having Outlook or Messenger open. And even some "bigger" excel files would take forever to calc. I would take some of my bigger spreadsheet home on a thumb drive to work on them.

(Shayne Carpenter)

Kathy, what kind of documentation are you looking for? I know, that I am able to do the payroll much faster. I also don't have to stay late just to try a speed up the process, when no one is on the system. It is much faster to get request information for the departments. Simple because, the reports don't take as long to process!

Please just let me know, what kind of information will help your cause. I will try to do my utmost to help you out!! 😊

BL (Becky Lassen)

- They've rebuilt my VDI box a few times due to issues (would have to check my record if necessary)
- Outlook closes and reboots whenever it wants ... most of the time when I send an email.
- MS windows warning – low memory
- Computer locks up while processing and I have to wait
- It's SLOWER in responding than a computer

(Lorrie Bauer)

## **Agencies contacted to find out if they would purchase our Wyse Thin Clients:**

CSI – They use the HP Thin Clients and do not want to mix HP and Dell.

Jerome School District – They tried the Dell Thin Clients and have since gotten rid of all of them. They said “Keep them far away from here!”.

Twin Falls School District – They had a few and are no longer using them. They are not interested.

St. Luke’s – They are not interested.

Portneuf Medical Center – They are not interested.

Eli Searle – He found that they work ok locally but not at his extension sites. He is not interested. He helped by contacting a friend in Utah. They are also not interested.

Northern Arizona University – It looked like they may have used them at one time, but no one would return a phone call.

Family Health Services – They will purchase all of the devices for \$50 each. The devices have no warranty and have been used. This is the only agency found that is interested. If we do not want to sell to them, we can put them on E-Bay.

## **Email from Fritz:**

Hi Kathy: Idaho has no regulations for cities for the disposition of personal property no longer needed. All possibilities are open to you. I always advise departments to document their efforts used to determine the disposition that is in the best interests of the City.

*Fritz Wonderlich*

Wonderlich & Wakefield

P.O. Box 1907

Twin Falls, ID 83303-1907

Telephone: (208) 352-0811



**DATE** September 12, 2016 City Council Meeting

**To:** Honorable Mayor and City Council

**From:** Jon Caton, P.E., Public Works Director

---

**Request:**

A request to award the 2016 Zone Maintenance Sewer Improvement Project.

**Time Estimate:**

The presentation will take approximately 5 minutes plus time for Council Q & A.

**Background:**

In August the City formally bid a sewer replacement project as a part of the Wastewater Collections Annual Zone Maintenance Program. The design of the project was the sewer in the alley between 6<sup>th</sup> and 7<sup>th</sup> Ave from Addison to Blue Lakes Blvd. We call this length of sewer the "Clinic Line" as it is behind the old health clinic on the Corner of 6<sup>th</sup> and Shoshone. This sewer has several call outs over the years and has proven to be quite problematic. Due to the size of the project, approximately 3,400 lf of sewer, we decided to build it in two phases due to budget constraints. In August we bid half the project, from Shoshone to Addison Ave. and received three bids:

Idaho Materials & Construction	\$288,395.00
Extreme Excavation	\$388,083.00
Knife River Corp., NW	\$430,893.50
Engineer's Estimate	\$415,690.00

**Approval Process:**

Council Approval is required to award the bid.

**Budget Impact:**

This is a budgeted project to be funded from WWC's Mainline Replacement line item with \$375,000 available.

**Regulatory Impact:**

NA

**Conclusion:**

Staff recommends the award of this contract to Idaho Materials & Construction.

**Attachments:**

EHM Cover Letter

Bid Tab



September 1, 2016

To: Jon Caton, Public Works Director  
City of Twin Falls  
P.O. Box 1907  
Twin Falls, ID 83303-1907

Re.: 2016 Zone 3 Sewer Improvement Project

Dear Sir;

This transmittal is a summary of the bid opening on September 1, 2016 for the above referenced project. Three bids were received and opened per the requirements. A bid summary has been tabulated for your reference. Results of the bids and the tabulation are summarized briefly below. Please refer to the attachment for a detailed summary.

<u>Contractor:</u>	<u>Grand Total</u>
<b>Idaho Materials &amp; Construction</b>	<b>\$288,395.00</b>
<b>Extreme Excavation</b>	<b>\$388,083.00 (Corrected Total)</b>
<b>Knife River Corp., NW</b>	<b>\$430,893.50</b>

All bid packages appear to be complete with addendums and bid bonds included and Idaho Materials & Construction is the apparent low bidder. Public works licenses for IMC and all listed subcontractors were verified to be in place with the State of Idaho and active.

Our recommendation is to award the contract to Idaho Materials & Construction for the amount of **\$288,395.00 (Two Hundred Eighty Eight Thousand Three Hundred and Ninety Five Dollars)**. Please feel free to contact me at 734-4888 if you have any questions or need further information regarding the project.

Sincerely,

Tim Vawser  
EHM Engineers, Inc.

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • [208] 734-4888 • Fax [208] 734-6049  
3501 W. Elder St., Suite 100 • Boise, Idaho 83705 • [208] 386-9170 • Fax [208] 386-9076

**City of Twin Falls - 2016 Zone 3 Sewer Improvement Project  
BID SUMMARY**



City of Twin Falls  
321 Second Avenue East, Twin Falls, Id. 83301  
Bid Opening: September 1, 2016

Bid Item	Description	Quantity	Units	Engineer's Opinion of Probable Costs		IDAHO MATERIALS & CONSTRUCTION		EXTREME EXCAVATION		KNIFE RIVER CORP.		
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	
<b>BASE BID</b>												
1	Excavation (Remove Existing Roadway & Utilities)	1760	LF	\$50.00	\$88,000.00	\$53.00	\$93,280.00	\$14.30	\$25,168.00	\$15.00	\$26,400.00	
2	Grading	1760	LF	\$20.00	\$35,200.00	\$4.60	\$8,096.00	\$4.50	\$7,920.00	\$3.50	\$6,160.00	
3	Addison Avenue Patchback	1	LS	\$12,500.00	\$12,500.00	\$15,295.00	\$15,295.00	\$14,247.50	\$14,247.50	\$28,000.00	\$28,000.00	
4	Type 1 - 3/4" Aggregate - Alley Gravel Section	913	CY	\$40.00	\$36,520.00	\$37.00	\$33,781.00	\$18.25	\$16,662.25	\$36.50	\$33,324.50	
5	Plant Mix Pavement 2 1/2" Matt - Alley	918	SY	\$20.00	\$18,360.00	\$15.50	\$14,229.00	\$17.00	\$15,606.00	\$23.00	\$21,114.00	
6	Plant Mix Pavement City Street Patchbacks	198	SY	\$30.00	\$5,940.00	\$45.50	\$9,009.00	\$43.00	\$8,514.00	\$32.00	\$6,336.00	
7	Type 1 - 3/4" Aggregate - Paved Alley & Street Base	249	CY	\$40.00	\$9,960.00	\$45.50	\$11,329.50	\$18.25	\$4,544.25	\$42.00	\$10,458.00	
8	Curb and Gutter w/ Base	38	LF	\$50.00	\$1,900.00	\$51.25	\$1,947.50	\$28.00	\$1,064.00	\$110.00	\$4,180.00	
9	Thickened Sidewalk w/ Base	38	SY	\$75.00	\$2,850.00	\$78.50	\$2,983.00	\$304.00	\$11,552.00	\$110.00	\$4,180.00	
10	Addison Avenue Manhole Tie-in	1	EA	\$5,000.00	\$5,000.00	\$675.00	\$675.00	\$2,100.00	\$2,100.00	\$3,600.00	\$3,600.00	
11	Sanitary Sewer Manhole	5	EA	\$5,000.00	\$25,000.00	\$3,760.00	\$18,800.00	\$2,930.00	\$14,650.00	\$4,700.00	\$23,500.00	
12	10" Sewer Main	1752	LF	\$30.00	\$52,560.00	\$5.00	\$8,760.00	\$115.00	\$201,480.00	\$120.00	\$210,240.00	
13	Sewer Service Tie-in	73	EA	\$300.00	\$21,900.00	\$375.00	\$27,375.00	\$325.00	\$23,725.00	\$300.00	\$21,900.00	
14	Sewer Service to right of way w/ cleanout	1	EA	\$1,000.00	\$1,000.00	\$700.00	\$700.00	\$625.00	\$625.00	\$3,500.00	\$3,500.00	
15	Sewer Service to residence w/ cleanout	1	EA	\$2,500.00	\$2,500.00	\$2,000.00	\$2,000.00	\$3,125.00	\$3,125.00	\$6,600.00	\$6,600.00	
16	AC Sewer Service Tie-in and disposal	1	EA	\$1,500.00	\$1,500.00	\$2,620.00	\$2,620.00	\$2,500.00	\$2,500.00	\$1,400.00	\$1,400.00	
17	Bypass Pumping	1	LS	\$50,000.00	\$50,000.00	\$14,500.00	\$14,500.00	\$15,000.00	\$15,000.00	\$10,000.00	\$10,000.00	
18	Traffic Control	1	LS	\$15,000.00	\$15,000.00	\$7,015.00	\$7,015.00	\$7,100.00	\$7,100.00	\$10,000.00	\$10,000.00	
19	Rock Excavation	100	CY	\$300.00	\$30,000.00	\$160.00	\$16,000.00	\$125.00	\$12,500.00	\$0.01	\$1.00	
<b>TOTAL</b>					\$415,690.00		\$288,395.00		\$388,083.00		\$430,893.50	

ADDENDUMS ATTACHED (YEA (NO) YES

BID BOND INCLUDED (YES/NO) YES

CONTRACTOR AND SUB PWL IN PLACE (YES/NO) YES

MATHEMATICAL ERRORS IN BIDS HIGHLIGHTED ABOVE. ERRORS DID NOT ALTER OVERALL OUTCOME OF LOW TO HIGH BIDDERS.



**Date:** Monday, September 12, 2016  
**To:** Honorable Mayor and City Council  
**From:** Lee Glaesemann, Staff Engineer

---

**Request:**

Consideration of a request to award the 2016 South Hills Packaged Irrigation Pump Station procurement contract to HD Fowler of Twin Falls, Idaho, in the amount of \$129,900.

**Time Estimate:**

The staff presentation will take approximately 3-5 minutes.

**Background:**

Near the South Hills Middle School on 3600 North and west of Harrison Street South, the City has acquired easements and constructed infrastructure for a new Pressurized Irrigation (PI) Pumping Station.

Several residential subdivisions near the new Pump Station site have pressurized irrigation piping installed, but are currently being supplied with potable water for landscape irrigation. The new station will allow the City to convert these areas to pressurized Canal water and free up potable water for more appropriate uses.

On September 1, 2016, bids were opened for the 2016 South Hills Packaged Irrigation Pump Station procurement contract. Bids received ranged from \$129,900 to \$135,808 with the lowest coming from HD Fowler of Twin Falls.

The award of the contract will allow the City to purchase the Packaged Pumping Station for the PI pump station site.

**Approval Process:**

A majority vote of the Council to award the contract.

**Budget Impact:**

The current budget includes \$205,000 for the construction of a pressurized irrigation station.

**Regulatory Impact:**

N/A

**Conclusion:**

Staff recommends that the Council award the 2016 South Hills Packaged Irrigation Pump Station procurement contract to HD Fowler of Twin Falls Idaho, in the amount of \$129,900.

**Attachments:**

1. Vicinity Map
2. Bid Tab



BID SUMMARY  
 CITY OF TWIN FALLS  
 ENGINEERING DEPARTMENT  
 TWIN FALLS, IDAHO

PROJECT: 2016 South Hills Packaged Irrigation Pump Station	Engineers Estimate	HD Fowler 299 Eastland Dr. S. Twin Falls, ID 83301	Ferguson Waterworks 1761 Eldridge Ave Twin Falls, ID 83301	Silver Creek Supply 150 Madrona St. Twin Falls, ID 83301
Bid Open Date: September 1, 2016				

Item No.	BID ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	Unit Price	Amount Bid						
1	Pump Station Skid	1.0	EA	\$142,000.00	\$142,000.00	\$129,900.00	\$129,900.00	\$134,200.00	\$134,200.00	\$135,808.00	\$135,808.00
2											
3											
4											
5											
6											
7											
8											
9											
10											
<b>TOTAL</b>					\$142,000.00		\$129,900.00		\$134,200.00		\$135,808.00



**PUBLIC HEARING: Monday September 12, 2016**

To: Honorable Mayor and City Council

From: Jonathan Spendlove, Planner 1

**ITEM IV-**

**Request:** Request for an **Amendment to Latitude 42 PUD Agreement #272** to modify development requirements for Cheney Dr West, a collector, between Fieldstone Drive and Creekside Way, c/o Gerald Martens on behalf of Latitude 42 Partners. (app. 2803)

**Time Estimate:**

The applicant's presentation may take up to fifteen (15) minutes. Staff's presentation may take five (5) minutes.

**Background:**

<b>Applicant:</b>	<b>Status: Partner/Property Owner</b>	<b>Size: NA</b>
Latitude 42 Partners Box 6004 Twin Falls, ID 83301	<b>Current Zoning: C-1 PUD</b>	<b>Requested Zoning: An amendment to a PUD Agreement</b>
	<b>Comprehensive Plan: Commercial/Retail</b>	<b>Lot Count: NA</b>
	<b>Existing Land Use: developing commercial PUD development / platted subdivision</b>	<b>Proposed Land Use: No change</b>
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
EHM Engineers INC Gerald Martens 621 North College Rd Ste 100 83301 208-734-4888 <a href="mailto:gmartens@ehminc.com">gmartens@ehminc.com</a>	<b>North: Pole Line Rd W, R-2 AOI Agricultural</b>	<b>East: C-1PUD, Reformed Church</b>
	<b>South: R-6 PUD-WS&amp;V; Cheney Dr W-extended, developing Senior/ Assisted Living Facility</b>	<b>West: R1 VAR Aol, S/F Residential and Agricultural</b>
	<b>Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6-1.6, 10-7-3, Latitude 42 PUD #272</b>	

**Approval Process:**

As per Twin Falls City Code 10-6-1.6-procedure for conformance with a ZDA:

Final development plans, including plats, construction plans, and/or site plans, submitted for the development of the ZDA subject parcel shall conform to the approved conceptual development plan. Details on the final development plan(s) with minor variations from the conceptual development plan may be approved by the administrator, or designated city official without public hearing. If it is determined that a proposed change(s) constitutes a departure from the conceptual development plan and/or the development standards, the ZDA written commitment document shall be adequately amended using the initial approval process contained herein. ***Changes to any of the following items constitute a departure from the conceptual development plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property:***

***The permitted uses, Increase in density, Increase in building height, Increase in building coverage of the site, Reduction in the off street parking ratio, Reducing the building setbacks provided at the boundary of the site, Reduction of any open space plans, or Alteration of the overall design theme, primary architectural elements, or building materials. (Ord. 3082, 12-8-2014)***

**Budget Impact:**

Approval of this request should have no financial impact on the City budget.

**Regulatory Impact:**

After a public hearing, a recommendation from the Planning and Zoning Commission for the requested change will allow the request to proceed to the City Council for a decision.

**History:**

**October 11, 2005** the City Council approved annexation of this site with no change to the zoning designation of R-2.

**On April 28, 2009** the City Council approved a rezone from R-2 to C-1. The Declaration of Deed Restrictions was recorded on June 11, 2009 stating the conditions.

**In January 2011**, the City Council approved the request to rezone this property from C-1 to Latitude 42 C-1 PUD; subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code Requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls, and to be rebuilt, or built, to current City standards upon development of the property.
3. Subject to complete the design approval of Cheney Drive West being constructed to ½ width and per City Standards.
4. Subject to an approved and recorded PUD Agreement, to include a Master Development Plan, prior to approval and recordation of a Final Plat.

**On February 23, 2016** the Commission approved the preliminary plat of Latitude 21 Subdivision, A PUD consisting of 18 commercial lots, subject to conditions.

**In March 2016** the City Council approved The Latitude 42 PUD Agreement which was recorded on April 11, 2016.

The Latitude 42 Subdivision No 1-A PUD, a single lot plat, was approved and recorded on **March 27, 2106**.

**On July 26, 2016** a Preliminary Presentation was made to the Planning and Zoning Commission requesting an amendment to the Latitude 42 PUD Agreement.

**Analysis:**

The applicant is requesting a modification to allow Cheney Drive West, between Fieldstone and Creekside, to be constructed to a narrower width than what current code requires for Collector Streets.

The applicant has supplied a Narrative detailing their request, and proposed PUD Amendment language.

The Master Transportation Plan and Current City Code set forth requirements for certain roadways throughout the City in order to maintain and encourage adequate traffic flow and access to various parts of the City. Within this plan, a concerted effort is made to anticipate growth and demand. As part of this anticipation, and part of City Code 10-12-3-3, certain roadways are designated Arterials and Collectors. Cheney Drive was identified as such a roadway and given a designation of Collector. These roadways are planned to be wider in order to facilitate the movement of goods, services, and people as the City and traffic demand develops.

**Per City Code 10-12-3-13: Right of Way Requirements:** Collectors are identified as having sixty-four foot (64') right-of-way width. This width typically includes curb, gutter and sidewalk. The total pavement width ends up being forty-eight feet (48').

*The applicant is proposing to allow this section of Cheney Drive to be fifty foot (50') wide, with a total pavement width of thirty-nine feet (39').*

**Per City Code 10-11-5: Streets:**

(A) Adequate Access: No building shall be constructed or erected on a lot in a zoning district unless adequate access to a fifty foot (50') wide minimum standard all weather public trafficway is provided.

*The request by the applicant does meet this minimum access requirement.*

**Possible Impacts:**

City Staff is tasked with planning for the orderly and adequate growth of public infrastructure to accommodate the development of properties. It would be negligent for City Staff to ignore the possibility that the proposed fifty-foot ROW may be inadequate in the far future Staff does not have the luxury of ignoring future growth or possibilities which could happen twenty years from now.

However, the projects declared as of today will not constitute a need for a larger right of way, and it is not anticipated that projects in the near future will constitute a need for a larger right-of way.

As such, Staff supports the right of way dedication of 50' (25' per side) for the currently proposed and approved projects along Cheney Drive West. This support only extends Field Stream Way to the beginning of the intersection at Creekside way, it does not include that intersection.

As a condition of support, and with the future in mind, staff requests a condition be added which would allow City Code 10-10-5 to remain in force for this PUD.

10-10-5(A) - In all districts building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the city engineer or designated representative.

1. Where projected volumes of traffic entering or leaving the developments are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right of way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the landowner in order to reduce such interference. Projections of traffic shall be based on analysis performed by the city engineer or designated official.

On August 9, 2016 the Planning & Zoning Commission held a public hearing on this request. At the conclusion of the applicant presentation and staff presentation the Commission opened the public hearing. One person spoke against the reduced width of Cheney Drive West. Upon conclusion of deliberations by the Commission Commissioner Tatum made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

**Recommended for Approval to City Council, As Presented, With Staff Recommendations**

1. Subject to the fifty (50) foot ROW width only being applied for that section of Cheney Drive from Field Stream way to Creekside way, not including any part of the intersection of Cheney and Creekside.
2. Subject to City Code 10-10-5 still being enforced on that smaller section of Cheney Drive as described above.

**Attachments:**

1. Narrative
2. Zoning Vicinity Map
3. Future Land Use Map
4. Proposed PUD Amendment
5. Aug 9, 2016 P&Z minutes



**El-IM Engineers, Inc.**  
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE

### Latitude 42 - PUD Amendment Narrative

El-IM Engineers, Inc. has been retained to represent the owners of the Latitude 42 development and to prepare this PUD Amendment Request. The Latitude PUD included language which is very standard and common place which was issued by City Council as a condition of approval reads, "Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls, and to be rebuilt, or built, to current City Standards upon development of the property." This standard condition of approval differs from the Master Development Plan and the planning negotiations and development plans prepared for the development and was not identified at the time of approval of the PUD Agreement.

The standard condition was applied to the original PUD Agreement prior to development of final plats and construction plans for the subject property and surrounding properties. However, as part of the development process negotiations and discussions with City Staff and the property owners of the subject property and surrounding properties have resulted in a design for Cheney Drive West extended which differs from the Master Transportation Plan collector street and right of way width(s).

At the connection to Grandview Dr. N. the available width is limited to 38 feet. The extension of Cheney Dr. W. has been a point of emphasis with the surrounding property owners and City Staff as increased traffic volumes have been experienced on North College Road West. Therefore, the surrounding property owners have entered into an agreement amongst themselves to get Cheney Dr. W. built and constructed to Creekside Way. As part of this agreement roadway design plans have been developed and approvals have been granted by the City of Twin Falls for a roadway width of 38 feet for Cheney Dr. W. These approvals are applicable to Fieldstone Professional Subdivision, WS & V Subdivision, and the first phase final plat of Latitude 42 Subdivision. Additionally, final plats have been prepared, reviewed, approved and recorded on those properties to the east and to the south of the remaining portion of Latitude 42 with the roadway right of way and collector street widths differing from the Master Transportation Plan.

Presently, an agreement among landowners, negotiations with City Staff, and approved plan sets all reflect the understanding of a modified street width through this section of Cheney Dr. West. However, it has been brought to our attention that the conditions to the approval of the PUD agreement for Latitude 42 include language which specifically states that arterials and collector streets will be constructed in accordance with City Standards. The request before you is to grant an amendment to the Latitude 42 PUD Agreement for the development of Cheney Dr. West to continue to Creekside Way after the manner and fashion previously approved and slated for constructed this season with a modified street width. This request will allow for a uniform right of way and roadway width through these developments and come in alignment with what was originally understood as acceptable.

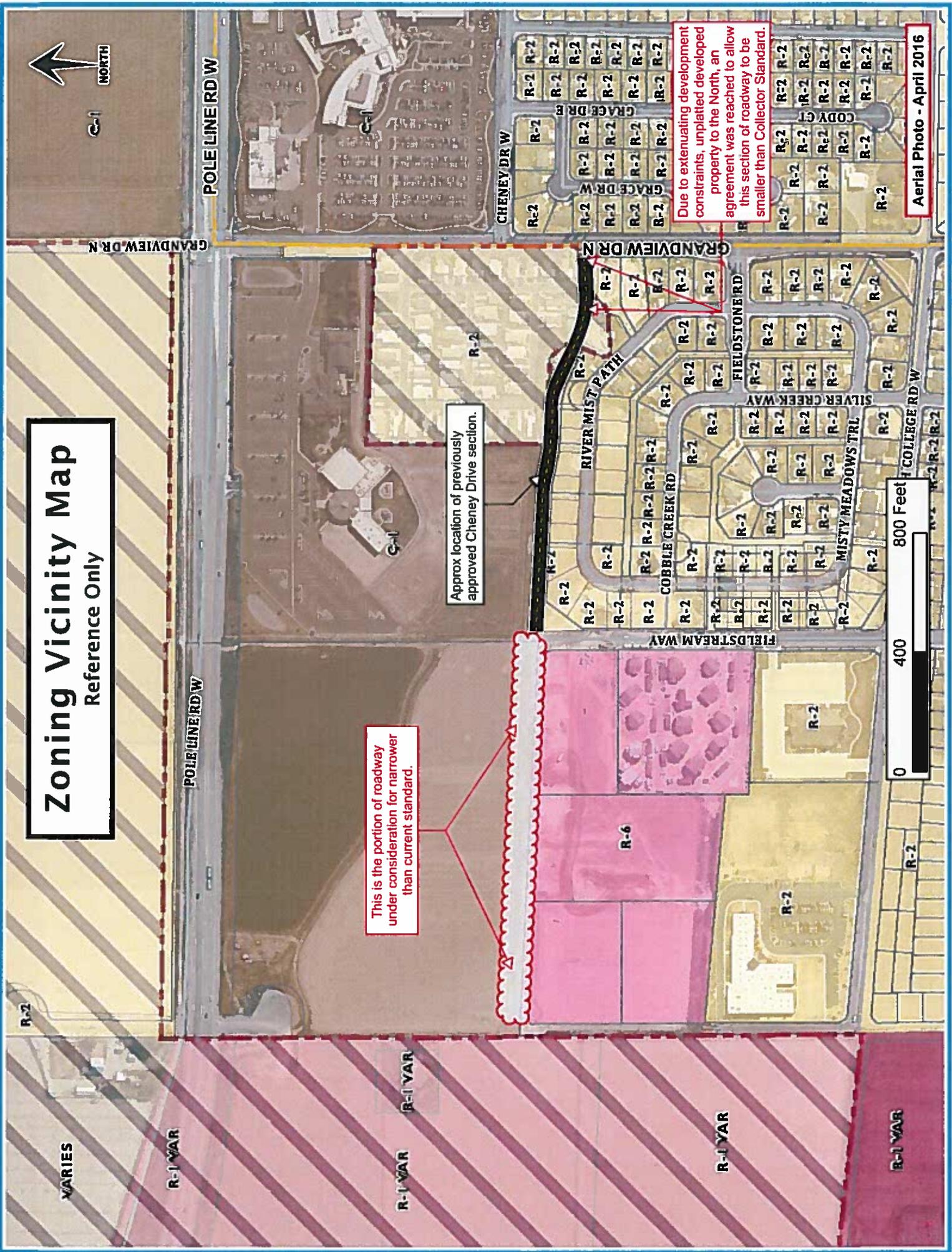
621 North College Rd., suite 100 O Twin Falls, Idaho 83301 O [2081 734-4888 e Fax [2081 734-6049  
3501 W. Elder st., suite 100 Boise, Idaho 83705 • [2081 386-9170 Fax [208] 386-9076

IN THE FIELDS OF:  
PLANNING.

HIGHWAYS. WATER. SEWAGE. STRUCTURAL. SUBDIVISIONS. BRIDGES ENVIRONMENTAL. QUALITY CONTROL. CONSTRUCTION MGMT.

# Zoning Vicinity Map

Reference Only



This is the portion of roadway under consideration for narrower than current standard.

Approx location of previously approved Cheney Drive section.

Due to extenuating development constraints, unplatted developed property to the North, an agreement was reached to allow this section of roadway to be smaller than Collector Standard.

Aerial Photo - April 2016

# Future Land Use Map Reference Only



Commercial/Retail Designation

Urban Village/Infill Designation

Approx location of previously approved Cheney Drive section.

This is the portion of roadway under consideration for narrower than current standard.

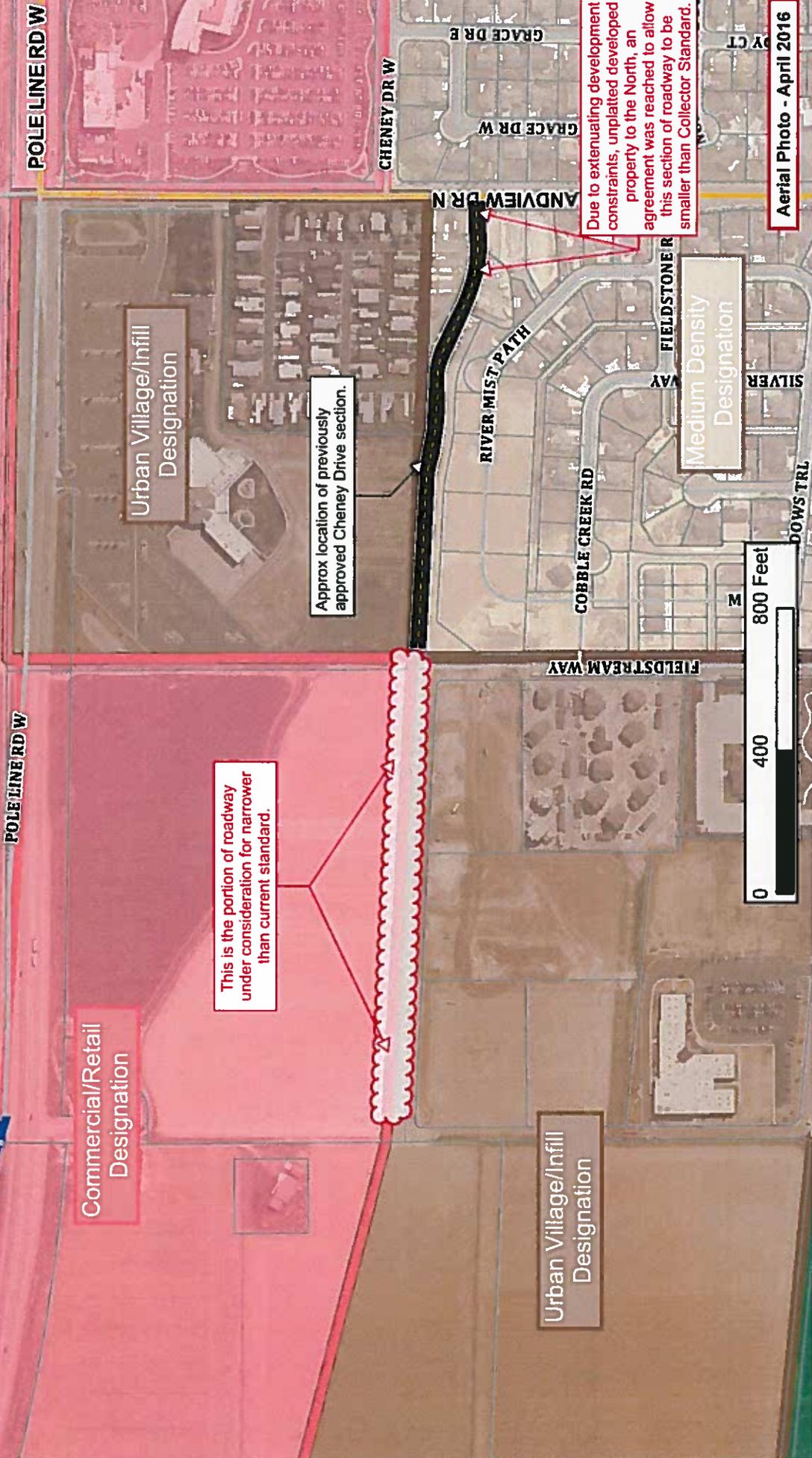
Commercial/Retail Designation

Urban Village/Infill Designation

Medium Density Designation

Due to extenuating development constraints, unplatted developed property to the North, an agreement was reached to allow this section of roadway to be smaller than Collector Standard.

Aerial Photo - April 2016



AMENDMENT TO C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

LATITUDE 42, PUD

The Amendment to the Agreement is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the CITY OF TWIN FALLS, a Municipal Corporation (hereinafter called "City") and James and Anna McCormick, Gary Nelson, Blass, Inc., Gary Slette, Gerald Martens, Evan Robertson, Dirk Gibson, Daniel Konen, Stephen George, Kirby Dahl (hereinafter called "Developer"), whose address is PO Box 6004, Twin Falls, Idaho 83303-6004.

RECITALS:

WHEREAS, the City and Developer entered into a C-1 Planned Unit Development Agreement for the development of Latitude 42, PUD. dated March 28, 2016;

WHEREAS, the C-1 Planned Unit Development agreement identifies areas to be developed within Latitude 42, PUD;

WHEREAS, the parties hereto desire to amend the above referenced C-1 Planned Unit Development agreement in regards to the development of Cheney Drive West on the south boundary of the Developer's property in Latitude 42, PUD;

NOW, THEREOF, the parties hereto, agree to amend the PUD agreement as follows:

1. Cheney Drive West is to be constructed to a total width of 38 feet, measured from the face of curb to face of curb with half that width defined as 19 feet from the centerline of the Cheney Drive West roadway to the face of curb. Right of way for Cheney Drive West will be a total width of 50 feet, measured 25 feet each side of centerline.
2. Notwithstanding anything to the contrary in the PUD Agreement, the language herein contained shall control the width of Cheney Drive West along the entire southern boundary of the Developer's property.

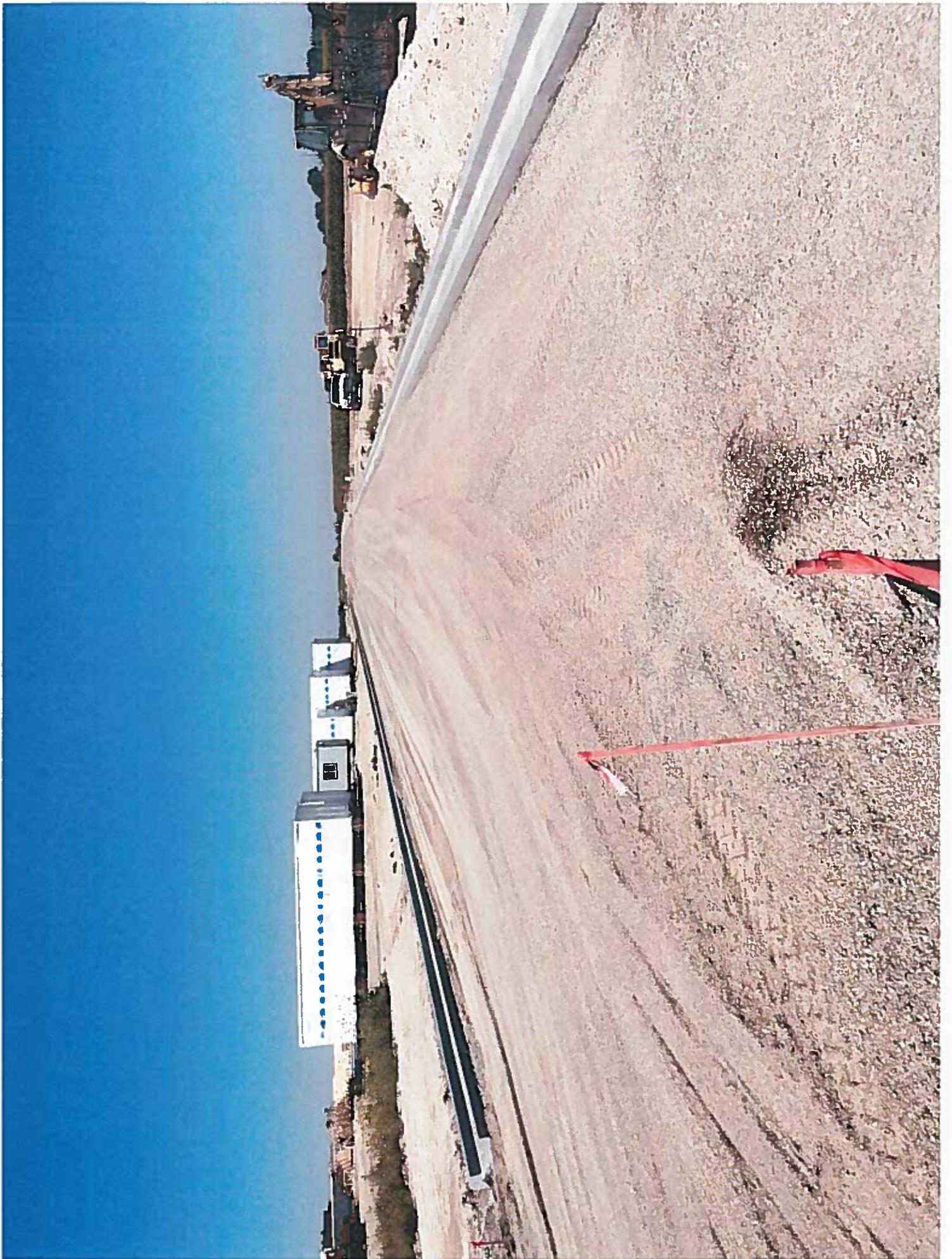
IN WITNESS WHEREOF, this Amendment Agreement has been executed on the day and year first above written.

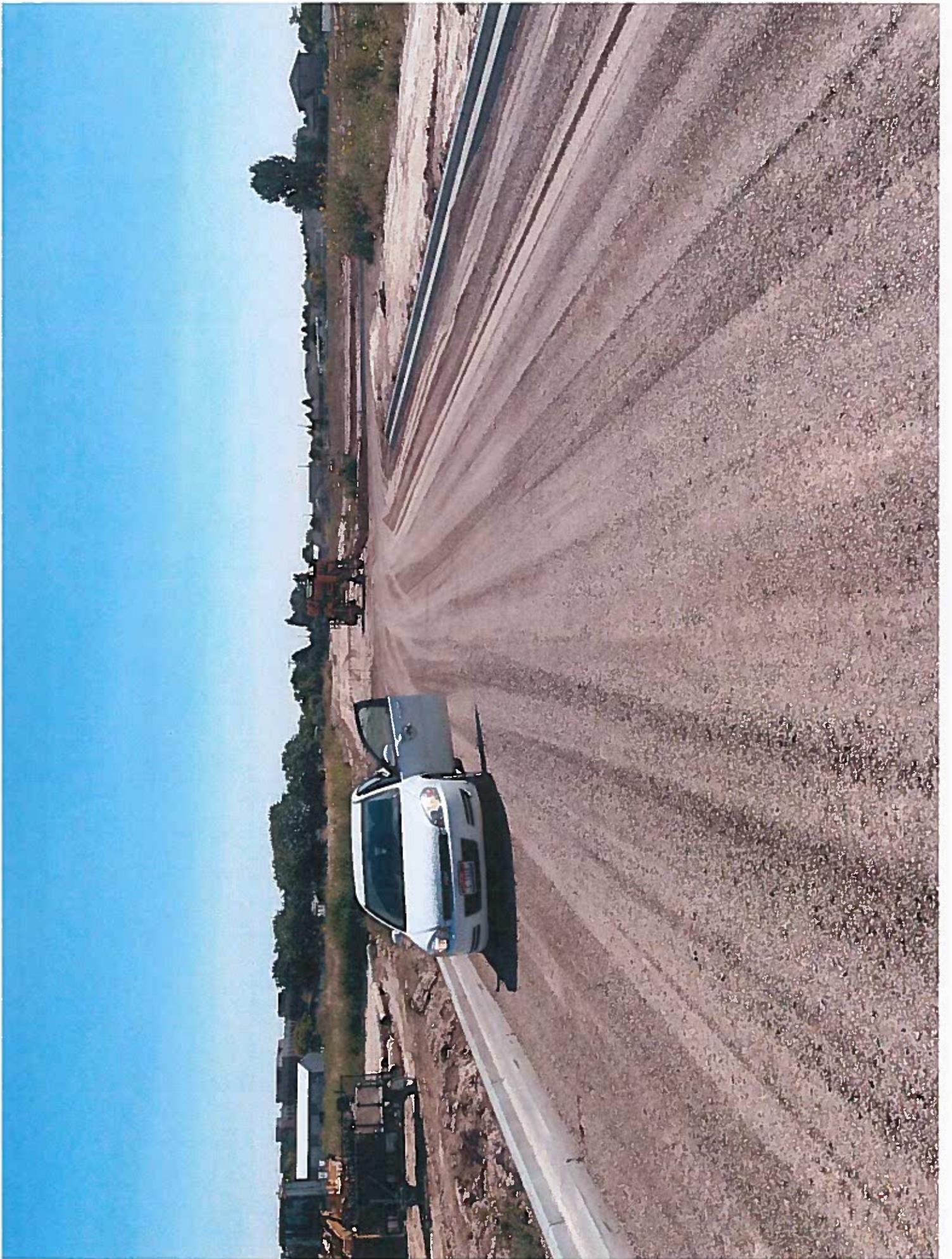
City of Twin Falls,  
a Municipal Corporation

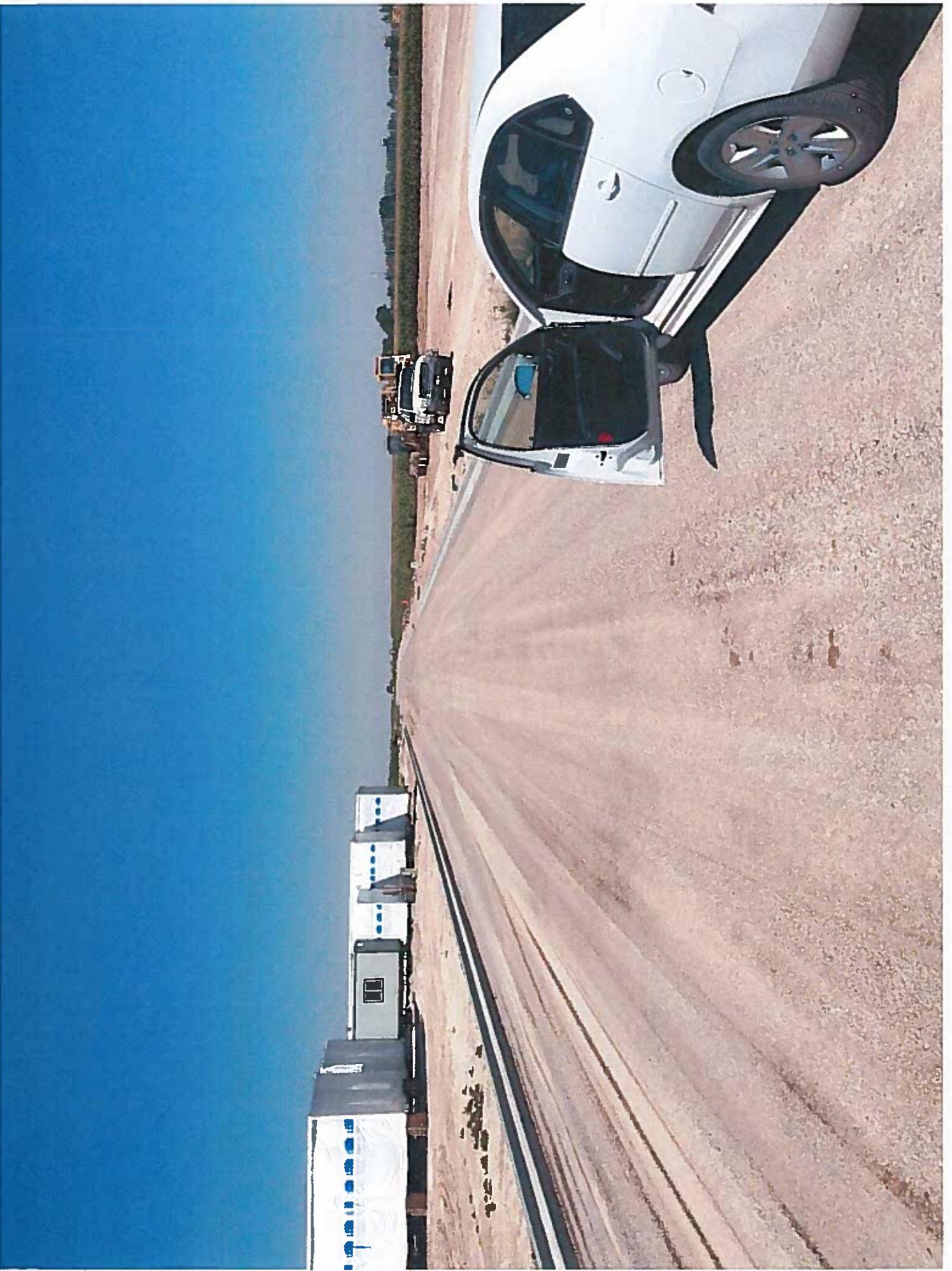
Developer,

By: \_\_\_\_\_  
Shawn Barigar, Mayor

By: \_\_\_\_\_  
Gerald Martens, Managing Member











PUD 272

TWIN FALLS COUNTY

Recorded for:

TWIN FALLS, CITY OF  
3:02:06 PM 04-11-2016

2016-005648

No. Pages: 40 Fee: \$  
KRISTINA GLASCOCK  
County Clerk

Deputy: BHUNTER

**LATITUDE 42 PUD**  
**C-1 PLANNED UNIT DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made and entered into this 28<sup>th</sup> day of March, 2016 by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and James & Anna McCormick, Gary Nelson, Blass, Inc., Gary Slette, Gerald Martens, Evan Robertson, Dirk Gibson, Daniel Konen, Stephen George, Kirby Dahl (hereinafter called "Developer"), whose address is PO Box 6004, Twin Falls, Idaho 83303-6004.

**RECITALS**

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A", attached hereto, (the "Property") which Property is at the southeast intersection of Pole Line Road West and Creekside Way.

WHEREAS, Developer intends to develop all or portions of the property from time to time; and

WHEREAS, Developer has made request of the City to develop a planned commercial center (the "Project") on the Property and has submitted to the City a Master Development Plan (Exhibit "B") thereof which has been submitted for approval for development as a "C-1 PUD by the Planning and Zoning Commission of the City; and

WHEREAS, on January 10, 2011 the City Council approved the request to rezone the property, more particularly described in Exhibit "A", attached hereto, from C-1 to C-1 PUD, as presented and subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls, and to be rebuilt, or built, to current City standards upon development of the property.
3. Subject to complete the design approval of Cheney Drive West being constructed to ½ width and per City Standards.
4. Subject to an approved and recorded PUD Agreement, to include a Master Development Plan, prior to approval and recordation of a Final Plat.

WHEREAS, the proposed development of said Project within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this Agreement.

#### COVENANTS

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

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

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

A. Uses.

1. Except as provided herein, the uses for the area more than 150 feet from the southern boundary, aka Cheney Dr W, shall be limited to those allowed in the C-1 zone (Code Section 10-4-8.2) as amended and attached hereto as "Exhibit C".
2. Uses within 150 feet of the southern boundary, aka Cheney Dr W, shall be limited to uses as identified in the C-1 zone (Code Section 10-4-8.2) as amended and attached hereto as "Exhibit D".
3. Parking structures providing parking for uses within the Latitude 42 PUD.

B. Building Size. There is no limitation to building size provided buildings conform to the IBC.

C. Hours of Operation. Hours of operation for all buildings and uses shall be restricted from 7:00 am to 10:00 pm unless extended hours of operation are permitted with an approved special use permit.

D. Phasing of Development.

1. Developer shall be permitted to develop the property in phases, so long as those phases are in compliance with the Master Development Plan and this PUD Agreement. Approval for each phase may be obtained by submission to the City Engineer of technically correct designs and improvement plans for necessary construction. The designation and location of specific uses on the Master Development Plan are conceptual and changes therefrom shall not provide basis for disapproval of any phase. There shall be no minimum or maximum limit between phases.

**III. STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS.**

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

A. Improvement Plans. Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for that development phase, showing all improvements contemplated within that phase of development (hereinafter "Improvement Plans"). The Improvement Plans and all improvements shall thereon meet the approval of the City, which approval shall be given if such plans conform to established City requirements, the Master Development Plan and this PUD Agreement.

B. Improvement Design and Construction. Developer, at its expense, shall cause all Improvements shown on the Improvement Plan to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise

provided herein. Notwithstanding the foregoing, nothing in this Agreement shall prohibit City, State or Federal participation in the cost or financing of Improvements on the Property if mutually agreed by the parties hereto.

- C. Phased Construction. Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.
- D. Non-Compliance. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will require in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the right of the parties are preserved at law and equity.
- E. Fees. Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement

Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.

- F. Maintenance of Improvements. City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.

**IV. PLATS.**

- A. Developer agrees to file with City preliminary plat, or plats in phases, prepared by a registered professional engineer, of the real property, which is the subject of this agreement. Preliminary and final plats for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-ways the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the City.

- V. PARCEL DEVELOPMENT CRITERIA. The Property or any portion thereof shall be developed in accordance with the criteria set forth in this Section 5.

- A. Approval and Construction. All Improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.

- B. Landscaping and Planting. Landscaping buffer along bordering and interior streets shall be required to be installed on each parcel of the Property and may be in the public right-of-way adjacent thereto at the time site and building improvements are completed thereon. Such landscaped buffer shall be installed from the back of the curb or future curb in the public right-of-way and shall be extended to the dimensions set forth below.

1. A 35-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb or future curb, will be constructed along Pole Line Road West.

2. A 20-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the back of curb or future curb, will be constructed along Cheney Drive West, Fieldstream Way and Creekside Way.

3. The Developer will maintain all landscaping and common parking areas (if any) in a uniform manner. The Property landscaping will utilize a pressure irrigation system constructed in compliance with applicable standards.

C. Landscaping Plan. For each buffer area, as per 5B above, at the time of development, each parcel shall be landscaped to include the following:

1. Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height. The landscape buffer shall be planted with a minimum of one tree per five-hundred (500) square feet of landscaped area and a minimum of one shrub per one-hundred (100) square feet of landscaped area. At least fifty percent (50%) of all trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from groups last approved by the Tree Commission through its Tree Selection Guide. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet (4') when planted.

2. The use of planters and landscaped islands within parking lots will be used to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. The area adjacent to residential areas shall be landscaped with coniferous and deciduous trees with shrubs, and berms to create a dense buffer in a relatively short period of time.

3. In all cases, landscaping will meet or exceed the minimum requirements of the City of Twin Falls Title 10; Zoning and Subdivision Regulations.

4. Nothing herein shall preclude the City from evaluating the landscape on a project basis when such evaluation can be shown to provide a more uniform and aesthetically desirable landscaping.

D. Building Standards. Buildings and improvements shall comply with the following standards.

1. Architectural Standards.

a) All buildings shall be constructed of architectural masonry, stone, stucco or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces. Where building parapets cannot effectively screen roof top equipment the equipment shall be screened with equipment obscuring screens of material of a color and texture to minimize observation. Basic building colors shall be neutral earth tones.

b) Height Limitations. No occupied floor shall be greater than 35' in height except as provided by Section 10-7-3 of City Code.

c) Building Siting. Buildings will be located in a manner that optimizes the appearance of the building to adjacent streets and other public areas. Where possible, buildings shall be utilized to screen or break up large parking areas. Buildings shall also be located in a manner that preserves, to the extent possible, the aesthetics and appearance of existing buildings. All building lighting shall be located in soffit areas or shielded to preclude the light source from being seen from adjacent properties or any residential areas, unless such lighting is deemed by the developer as necessary for the safe operation of hospital and its functions, or for the safety of staff, patients, or visitors.

d) Building Landscaping. Building plans shall include detailed landscape plans. The landscaping shall be designed to complement the building, and provide further screening for large uniform building surfaces.

2. Outside Storage / Loading Docks/Trash Containers. Loading docks, trash containers, medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City code. Screening may consist of landscaping, masonry walls, buildings or fencing. No outside storage is allowed.

3. Utilities. All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material.

4. Sign Plan. All signage shall conform to City of Twin Falls Sign Regulations Ordinance subject to the following:

a) Building signage shall be limited to wall mounted signs or monument type signs with a maximum height of twenty feet (20') measured above the adjacent curb.

b) Illumination. Signs shall be internally illuminated, or lighted with exterior fixtures provided with shielding to preclude the light source from being visible from adjacent properties.

5. Pedestrian / Bicycle Facilities. Development plans for each project phase and each building shall include facilities that will accommodate pedestrian and bicycle access to the project interior streets, adjacent neighborhood and collector streets and the adjacent arterial streets. Where reasonably feasible the pathways shall be separated from the interior streets by landscaping or other features to encourage use of pedestrian/bicycle facilities.

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

**VII. GENERAL PROVISIONS.**

- A. Cooperation. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications and working drawings required by the City.
- B. Entire Agreement. This Agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this Agreement shall be valid or effective unless reduced to writing and signed by the parties.
- C. Applicable Law. This Agreement shall be construed in accordance with the laws of the State of Idaho.
- D. Notices. If notices from one party to the other are desired or required hereunder such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy- two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested".
- E. Successors and Assigns. This Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this Agreement with respect to said transferred property.
- F. Severability. In the event any portion of this Agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining portions thereof shall not be affected.

- G. Signatories. Each of the persons executing this Agreement hereby warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this Agreement is binding on, and enforceable against, such entity.
- H. Effective Date. This Agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.
- I. Attorney Fees. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails, shall be entitled to a reasonable attorney's fee.
- J. Construction. Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.
- K. Attachment. All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.
- L. Captions. The captions, sections and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this Agreement.

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

CITY OF TWIN FALLS

ATTEST: *Tracie A Sanchez* BY: *Sharon A Bandy*  
Mayor

DEVELOPER

ATTEST: *Margo Williams* BY: *Paul Kuntz*  
Managing Member

ACKNOWLEDGEMENTS

EXHIBIT A – LEGAL DESCRIPTION

TWIN FALLS COUNTY

RECORDED FOR:

TWIN FALLS, CITY OF  
9:51:45 am 05-20-2011

2011-009718

NO. PAGES: 4 FEE: \$

KRISTINA GLASCOCK  
COUNTY CLERK  
DEPUTY: BRUNYER

ORDINANCE NO. 3004

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

WHEREAS, JAMES & ANNA McCORMICK, GARY NELSON, BLASS, INC., GARY SLETTE, GERALD MARTENS, EVAN ROBERTSON, DIRK GIBSON, DANIEL KONEN, STEPHEN GEORGE, AND KIRBY DAHL had made application for a rezone of property located on the south side of the 1200 & 1300 blocks of Pole Line Road West; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 14<sup>th</sup> day of December, 2010, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon a REZONE of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing to consider the same matter on the 10th day of January, 2011.

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

SECTION 1. That the following described real property located on the south side of the 1200 & 1300 blocks of Pole Line Road West is the subject of a Zoning District Change and Zoning Map Amendment from C-1 to C-1 PUD:

See Attachment "A"

SECTION 2. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The zoning of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

SECTION 3. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the rezoning of the real property above described.

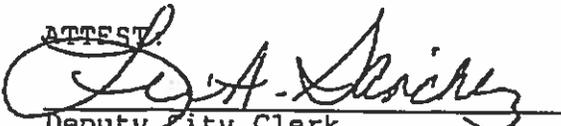
0-3004

PASSED BY THE CITY COUNCIL  
SIGNED BY THE MAYOR

May 9, 2011

May 12, 2011

  
\_\_\_\_\_  
Mayor

ATTEST  
  
\_\_\_\_\_  
Deputy City Clerk

PUBLISH: Thursday, May 19, 2011

ATTACHMENT "A"

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho

Section 6: Government Lot 2, EXCEPTING therefrom the following described parcels:

A parcel of land located in Government Lot 2 of Section 6, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho and more particularly described as follows:

COMMENCING at the North Quarter Corner of said Section 6, from which the Northeast corner of said Section 6 bears S 89°29'35" E 2658.72 feet, said North Quarter Corner being the TRUE POINT OF BEGINNING;

THENCE S 89°29'35" E along the North boundary of the NE ¼ of said Section 6 for a distance of 355.00 feet;

THENCE S 00°30'35" W for a distance of 178.42 feet;

THENCE N 89°29'35" W parallel with the North boundary of the NE ¼ of said Section 6 for a distance of 71.57 feet to the point of curvature of a curve right;

THENCE Northwesterly along the arc of the curve right for a distance of 280.70 feet to a point on the West boundary of the NE ¼ of said Section 6, said arc having a radius of 5,351.04 feet and a long chord bearing and distance of N 87°59'20" W 280.67 feet;

THENCE N 00°27'06" W along the West boundary of the NE ¼ of said Section 6 for a distance of 171.07 feet to the TRUE POINT OF BEGINNING.

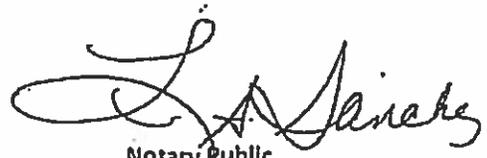
AND EXCEPTING the portion deceded to the Idaho Transportation Department in Deed recorded as Instrument No. 2004018072, and re-recorded as Instrument No. 2006001420 and described as Parcel 3, Parcel I.D. No. 0041443, according to the Right of Way Plat of Project No. DHP-NH-F-22390(104) filed for record in the office of the County Recorder of Twin Falls County, Idaho on the 9<sup>th</sup> day of August 2004 under Instrument No. 2004017039, and modified by Affidavit Authorizing Change on Urban Phase of Twin Falls Alternate Route Right of Way Plats, recorded June 2, 2006 as Instrument No. 2005011669: Being a portion of the (NW ¼ NE ¼ Government Lot 2) of Section 6, Township 10 South, Range 17 East of the Boise Meridian.

Containing approximately 28.96 acres.

0-3004

State of Idaho )  
                          ) ss  
Twin Falls        )

On this 12th day of May, before me a notary public in and for said State, personally appeared Don Hall known to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.



Notary Public  
Residing at Twin Falls, Idaho  
My Commission Expires:

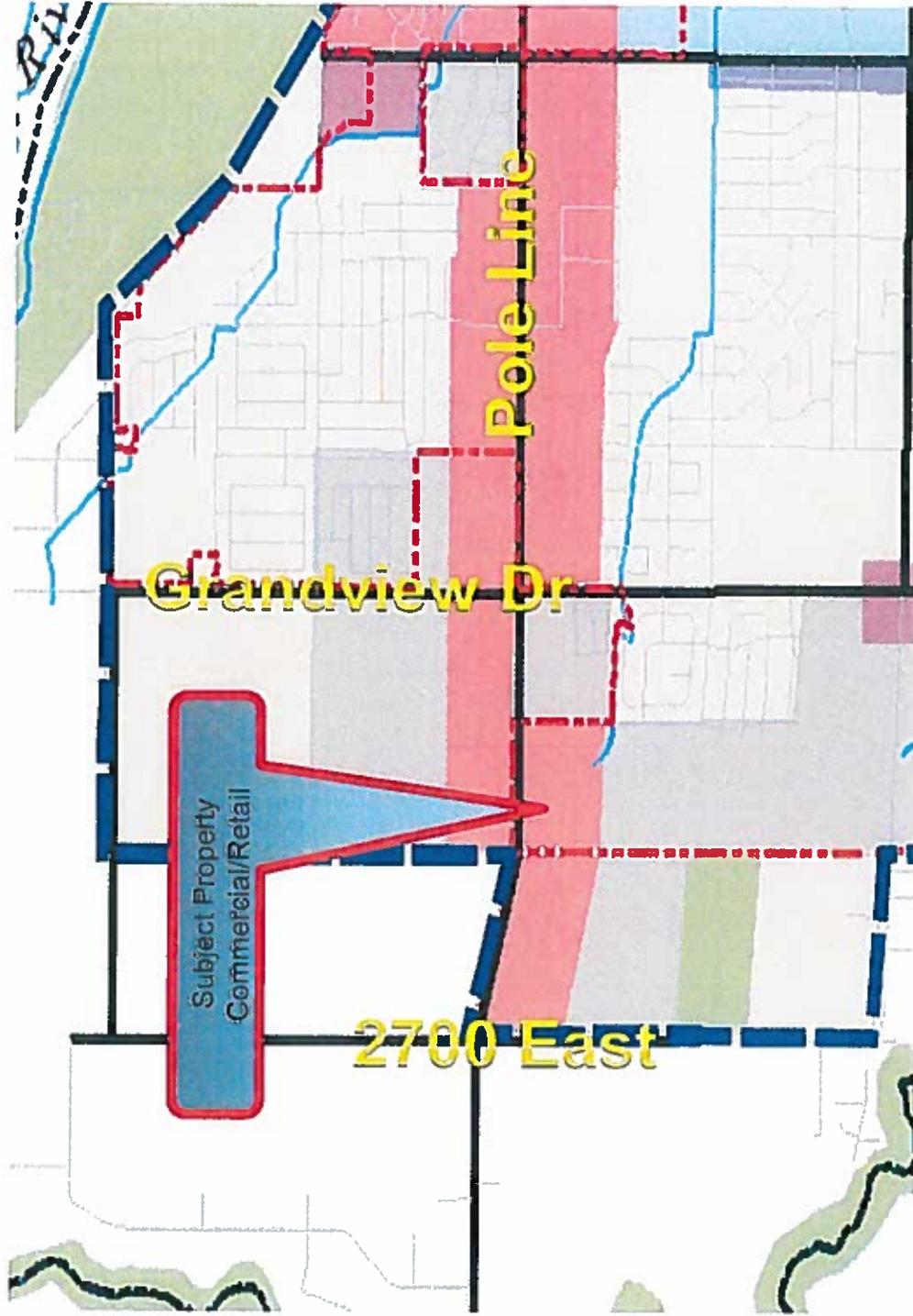
LEILA A. SANCHEZ  
NOTARY PUBLIC  
STATE OF IDAHO

EXHIBIT B – MASTER DEVELOPMENT PLAN





# COMP PLAN MAP



## EXHIBIT C

***Uses specified below are for the area more than 150' from southern boundary/Cheney Drive West to Pole Line Road West:***

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

1. Communications And Utilities:

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

~~2. Cultural Facilities:~~

- ~~a. Botanical gardens and arboreta.~~
- ~~b. Historic sites and monuments.~~
- ~~c. Libraries, museums and art galleries.~~
- ~~d. Planetariums and aquariums.~~

3. Governmental Facilities:

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

4. Medical Facilities:

- a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
- b. Ambulance service.
- c. Doctors' offices. Offices for health care professionals
- d. Drug and alcohol treatment centers.
- e. Hospitals and clinics.
- f. Rehabilitation services.
- g. Assisted living facilities
- h. Extended care facilities
- i. Nursing homes

5. Parks:

- a. Open space.
- ~~b. Park concessions.~~
- c. Private parks and playgrounds without crowd attracting facilities.
- ~~d. Public parks and playgrounds without crowd attracting facilities.~~
- ~~e. Public parks and playgrounds with crowd attracting facilities.~~

6. Public Assembly:

- a. Auditoriums.
- b. Funeral chapels.
- c. Religious facilities.
- d. Schools - private, single purpose.
- e. Schools - private, vocational and/or academic.
- ~~f. Schools - public.~~
- g. Theaters - indoor.
- ~~h. Wedding chapels and/or reception halls.~~

7. Residential:

- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
- ~~b. Bed and breakfast facilities.~~
- c. Dwellings - multiple household (5 units or more).
- ~~d. Home occupations.~~
- ~~e. Household units existing at the time this title was adopted.~~
- f. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
- g. Household units in upper floor of commercial or professional buildings.
- h. Nursing homes and rest homes.
- i. Residence halls, residence hotels, rooming houses.

8. Retail Trade:

- a. Alcoholic beverages when consumed on premises where sold and if located three hundred feet (300') or more from residential property.
- b. Apparel and accessories.
- c. Automobile parts store.
- d. Bakery.
- e. Bookstore.
- ~~f. Commercial greenhouses.~~
- g. Craft shop, in conjunction with retail business.
- h. Eating places and the sale of alcohol when consumed on the premises where sold if located three hundred feet (300') or more from residential property.
- i. Farm and garden supplies.
- j. Florist shop.
- k. Food, drugs, etc.
- l. General merchandise.

- m. Hardware Store.
  - n. Hobby and toy store.
  - o. Home furnishings and equipment.
  - p. Ice cream store.
  - q. Import store.
  - ~~r. Laundering and dry cleaning.~~
  - ~~s. Laundromats.~~
  - t. Lumber, plumbing and/or electrical supply stores.
  - u. Music store.
  - ~~v. Pawnshop.~~
  - ~~w. Pet shop.~~
  - x. Sporting goods store.
  - ~~y. Taxidermy studio.~~
  - z. Temporary automobile, truck and recreational vehicle sales permitted with staff approval, provided that there shall be state approval, no parking or display of vehicles in landscaped areas, and no sight obstructions.
9. Services:
- a. Advertising.
  - b. Apparel repair and alteration.
  - c. Beauty and barber shops.
  - d. Building care contracting offices.
  - e. Business associations.
  - f. Civic, social and fraternal organizations.
  - g. Construction trade offices.
  - h. Consumer credit collection offices.
  - i. Copy center - self-service.
  - j. Daycare services.

- k. Dog grooming and/or kennels.
- l. Duplicating and stenographic offices.
- m. Employment agency.
- n. Finance and investment offices.
- ~~o. Horticultural services.~~
- ~~p. In-home daycare services.~~
- q. Insurance and related business.
- r. Labor unions and organizations.
- s. Photography studios.
- t. Professional organizations.
- u. Professional services.
- v. Real estate and related business.
- w. Tourist information center.
- x. Welfare and charitable facilities.

~~10. Sports Facilities:~~

- ~~a. Athletic areas.~~
- ~~b. Miniature golf courses.~~
- ~~c. Outdoor, public and commercial ice and roller skating facilities.~~
- ~~d. Outdoor, public and commercial swimming pools.~~
- ~~e. Outdoor, public and commercial tennis courts.~~

11. Transportation:

- a. Bus facilities, including pick up shelters.
- b. Open parking lot or garage for automobiles. *Parking structures providing parking for uses within the Latitude 42 PUD.*
- c. Taxicab office.
- d. Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2786, 6-1-2004; amd. Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2958, 12-22-2008)

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

1. Communications And Utilities:
  - a. Radio and television stations with wireless communications facilities.
2. Cultural Facilities:
  - a. Cemeteries.
  - b. Zoos.
- ~~2. Governmental Facilities:~~
  - a. Jails, detention centers, work-release centers.
  - b. Water treatment plants.
4. Manufacturing:
  - a. Handcrafted furniture.
5. Medical Facilities:
  - a. Animal hospital—large animals.
  - b. Animal hospital—small animals.
  - c. Prosthetics - sales, service and/or construction.
6. Miscellaneous:
  - a. Any facility with drive-through service.
- ~~7. Parks:~~
  - a. Amusement parks.
- ~~8. Public Assembly:~~

- ~~a. Exhibition halls.~~
- ~~b. Fairgrounds.~~
- ~~c. Sports arena.~~
- ~~d. Theaters outdoor.~~

9. Residential:

- ~~a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.~~
- b. Motels and transient hotels.
- ~~c. RV and camping parks.~~
- ~~d. Shelter homes.~~

10. Retail Trade:

- a. Alcoholic beverages when consumed on the premises where sold if located less than three hundred feet (300') from residential property.
- b. Automobile and recreational vehicle rental/storage yard.
- c. Automobile and truck sales and/or rentals.
- d. Car wash facilities.
- e. Equipment rental.
- ~~f. Fuel sales (bulk).~~
- g. Gasoline service stations.
- ~~h. Large implement and heavy equipment sales and/or rentals.~~
- i. Manufactured/mobile home sales and/or rentals.
- j. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M
- k. Sporting vehicles and motorcycles - sales and/or rentals.
- l. Storage unit rentals.
- ~~m. Tire shops.~~

11. Services:

- a. Appliance repair.
- ~~b. Auctions and/or public sales.~~

- c. Automobile and truck service and/or repair.
- d. Furniture repair/upholstery.
- e. Publishing and printing business.
- f. Sporting vehicles and motorcycles - service and repair.
- g. ~~Tattoo parlors or demographic studios approved by the South-Central district health department or other state regulatory agency.~~
- h. Testing laboratories.

~~12. Sports Facilities:~~

- a. ~~Go cart tracks.~~
- b. ~~Golf courses and country clubs.~~
- c. ~~Golf driving ranges.~~
- d. ~~Indoor recreation facility.~~

~~13. Transportation:~~

- a. ~~Freight transfer points.~~
- b. ~~Open parking lot or garage for trucks and buses.~~
- c. ~~Packing and crating.~~
- d. ~~Trucking facilities.~~

14. Wholesale:

- a. Wholesale distribution and warehousing, but excluding H-1 facilities.  
(Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006)

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

## EXHIBIT "D"

**Within 150 feet of the South boundary/Cheney Drive West uses are limited as follows:**

### **10-4-8.2: USE REGULATIONS:**

Hours of operation for all buildings located within 150 feet of the Southern boundary shall be restricted to 7:00 am to 10:00 pm unless extended hours of operation are permitted with an approved special use permit.

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

1. Communications And Utilities:

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

2. ~~Cultural Facilities:~~

- a. ~~Botanical gardens and arboretums.~~
- b. ~~Historic sites and monuments.~~
- c. ~~Libraries, museums and art galleries.~~
- d. ~~Planetariums and aquariums.~~

3. Governmental Facilities:

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

4. ~~Manufacturing:~~

- a. ~~Business park PUD only~~

5. Medical Facilities:

- a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
- b. Ambulance service.
- c. Offices for health care facilities.
- d. ~~Hospitals and clinics.~~
- e. Rehabilitation services.
- f. Assisted living facilities.
- g. Extended care facilities.
- h. Nursing homes.

6. Parks:

- a. Open space.
- b. ~~Park concessions.~~
- c. ~~Private parks and playgrounds without crowd attracting facilities.~~
- d. ~~Public parks and playgrounds without crowd attracting facilities.~~
- e. ~~Public parks and playgrounds with crowd attracting facilities.~~

7. Public Assembly:

- a. ~~Auditoriums.~~
- b. Funeral chapels.
- c. Religious facilities.
- d. Schools - private, single purpose.
- e. Schools - private, vocational and/or academic.
- f. ~~Schools - public.~~
- g. ~~Theaters - indoor.~~
- h. ~~Wedding chapels and/or reception halls.~~

8. Residential:
  - a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
  - b. Bed and breakfast facilities.
  - c. Dwellings - multiple household (5 units or more).
  - ~~d. Home occupations.~~
  - ~~e. Household units existing at the time this title was adopted.~~
  - f. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
  - g. Household units in upper floor of commercial or professional buildings.
  - h. Nursing homes and rest homes.
  - i. Residence halls, residence hotels, rooming houses.
9. Retail Trade:
  - a. Alcoholic beverages when consumed on premises where sold and if located three hundred feet (300') or more from residential property.
  - b. Apparel and accessories.
  - ~~c. Automobile parts store.~~
  - d. Bakery.
  - e. Bookstore.
  - ~~f. Commercial greenhouses.~~
  - ~~g. Craft shop, in conjunction with retail business.~~
  - h. Eating places.
  - ~~i. Farm and garden supplies.~~
  - j. Florist shop.
  - ~~k. Food, drugs, etc.~~
  - ~~l. General merchandise.~~
  - ~~m. Hardware store.~~
  - n. Hobby and toy store.
  - o. Home furnishings and equipment.

- p. Ice cream store.
- ~~q. Import store.~~
- r. Laundering and dry cleaning.
- s. Laundromats.
- ~~t. Lumber, plumbing and/or electrical supply stores.~~
- u. Music store.
- ~~v. Pawnshop.~~
- ~~w. Pet shop.~~
- ~~x. Sporting goods store.~~
- ~~y. Taxidermy studio.~~
- ~~z. Temporary automobile, truck and recreational vehicle sales permitted with staff approval, provided that there shall be state approval, no parking or display of vehicles in landscaped areas, and no sight obstructions.~~

10. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- ~~c. Beauty and barber shops.~~
- d. Building care contracting offices.
- e. Business associations.
- f. Civic, social and fraternal organizations.
- g. Construction trade offices.
- h. Consumer credit collection offices.
- i. Copy center - self-service.
- j. Daycare services.
- k. Dog grooming
- l. Duplicating and stenographic offices.
- m. Employment agency.
- n. Finance and investment offices.
- ~~o. Horticultural services.~~

- ~~p. In-home daycare services.~~
  - q. Insurance and related business.
  - r. Labor unions and organizations.
  - s. Photography studios.
  - t. Professional organizations.
  - u. Professional services.
  - v. Real estate and related business.
  - ~~w. Tourist information center.~~
  - x. Welfare and charitable facilities.
11. Sports Facilities:
- ~~a. Athletic areas.~~
  - ~~b. Miniature golf courses.~~
  - ~~c. Outdoor, public and commercial ice and roller skating facilities.~~
  - ~~d. Outdoor, public and commercial swimming pools.~~
  - ~~e. Outdoor, public and commercial tennis courts.~~
12. Transportation:
- ~~a. Bus facilities, including pick-up shelters.~~
  - ~~b. Open parking lot or garage for automobiles.~~
  - c. Taxicab office.
  - ~~d. Ticket and arrangement facilities.~~

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2786, 6-1-2004; amd. Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2958, 12-22-2008)

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

1. Communications And Utilities:

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

~~2. Cultural Facilities:~~

- ~~a. Cemeteries.~~

- ~~b. Zoos.~~

~~3. Governmental Facilities:~~

- ~~a. Jails, detention centers, work release centers.~~

- ~~b. Water treatment plants.~~

~~4. Manufacturing:~~

- ~~a. Handcrafted furniture.~~

5. Medical Facilities:

- ~~a. Animal hospital—large animals.~~

- ~~b. Animal hospital—small animals.~~

- c. Prosthetics - sales, service and/or construction.

6. Miscellaneous:

- a. Any facility with drive-through service.

~~7. Parks:~~

- ~~a. Amusement parks.~~

~~8. Public Assembly:~~

- ~~a. Exhibition halls.~~

- ~~b. Fairgrounds.~~

- ~~c. Sports arena.~~

- ~~d. Theaters—outdoor.~~

9. ~~Residential:~~

- ~~a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.~~
- ~~b. Motels and transient hotels.~~
- ~~c. RV and camping parks.~~
- ~~d. Shelter homes.~~

10. Retail Trade:

- a. Alcoholic beverages when consumed on the premises where sold if located less than three hundred feet (300') from residential property.
- ~~b. Automobile and recreational vehicle rental/storage yard.~~
- ~~c. Automobile and truck sales and/or rentals.~~
- ~~d. Car wash facilities.~~
- ~~e. Equipment rental.~~
- ~~f. Fuel sales (bulk).~~
- ~~g. Gasoline service stations.~~
- ~~h. Large implement and heavy equipment sales and/or rentals.~~
- ~~i. Manufactured/mobile home sales and/or rentals.~~
- j. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- ~~k. Sporting vehicles and motorcycles sales and/or rentals.~~
- l. Storage unit rentals.
- ~~m. Tire shops.~~

11. Services:

- a. Appliance repair.
- ~~b. Auctions and/or public sales.~~
- ~~c. Automobile and truck service and/or repair.~~
- d. Furniture repair/upholstery.
- e. Publishing and printing business.

- ~~f. Sporting vehicles and motorcycles—service and repair.~~
- ~~g. Tattoo parlors or demographic studios approved by the South Central district health department or other state regulatory agency.~~

h. Testing laboratories.

~~12. Sports Facilities:~~

- ~~a. Go cart tracks.~~
- ~~b. Golf courses and country clubs.~~
- ~~c. Golf driving ranges.~~
- ~~d. Indoor recreation facility.~~

~~13. Transportation:~~

- ~~a. Freight transfer points.~~
- ~~b. Open parking lot or garage for trucks and buses.~~
- ~~c. Packing and crating.~~
- ~~d. Trucking facilities.~~

~~14. Wholesale:~~

- ~~a. Wholesale distribution and warehousing, but excluding H-1 facilities. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006)~~

## **LATITUDE 42 C-1 PUD AGREEMENT - PROPERTY DEVELOPMENT STANDARDS:**

The following property development standards shall apply to all land and buildings in the Latitude 42 C1 PUD District:

### **(A) Lot Area:**

1. **Commercial Uses:** The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. **Residential Uses:** Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

### **(B) Lot Occupancy:**

1. **Commercial Uses:** No requirement.
2. **Residential Uses:** Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.
- **Building Height:** No building shall exceed thirty five feet (35') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

### **(C) Yards:** Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. **Commercial Uses And Residential Uses With Five Or More Units Per Building:** No property line setbacks are required on side yard or rear yard. A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:
  - a. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five feet (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
  - b. Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of twenty feet (20') or the minimum

required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission. (Ord. 2981, 12-7-2009)

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district.

(D) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

- **Development plans for each phase and building shall include facilities that will accommodate pedestrian and bicycle access to the interior streets, adjacent neighborhood and collector streets, and the adjacent arterial streets. Where reasonably feasible the pathways shall be separated from the interior streets by landscaping or other features to encourage use of pedestrian/bicycle facilities.**

(E) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater.
2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area.

3. **Additional Landscaping Requirements for this PUD:**

**A landscaping buffer along bordering and interior streets shall be required on each property and in public right-of-way at time of site and building improvements.**

- **A 35-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb, will be constructed along Pole Line Road.**
- **A 20-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb, will be constructed along Cheney Drive and Creekside Way.**
- **Developer will maintain all landscaping and common areas in a uniform manner. Property landscaping will utilize a pressure irrigation system.**
- **For each buffer area 50% of the lineal footage shall have berms with a ridge of at least 18" in height with 50% of berming at a minimum of 30".**

- The use of planters and landscaped islands in parking lots will be used to reduce visual impact of large paved areas.
- Area adjacent to residential areas shall to be landscaped to create a dense buffer in a relatively short period of time.

(F) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.
2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(G) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

1. Additional Development Requirements for this PUD:

- Loading docks, trash containers, medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties to the extent possible. Screening may consist of landscaping, masonry walls, buildings or fencing.
- Pedestrian/Bicycle Facilities: each project phase shall include facilities to accommodate pedestrian and bicycle access to interior streets, adjacent neighborhood and collector streets and adjacent arterial streets.
- All buildings shall be constructed of architectural masonry, stone, stucco or architectural steel. Building faces shall include windows setbacks, awnings, parapet variations, material variations, color variations, and other architectural treatments to break up large uniform surfaces.
- Basic building colors shall be neutral earth tones.
- Lighting: All building lighting shall be located in soffit areas or shielded to preclude the light source from being seen from adjacent properties or any residential areas.

**unless such lighting is deemed by the developer as necessary for the safe operation of hospital and its functions, or for the safety of staff, patients, or visitors.**

TWIN FALLS COUNTY

RECORDED FOR  
TITLEFACT

2:31:20 pm 07-07-2009

2009-015548

NO. PAGES: 8 FEE: \$24.00

KRISTINA GLASCICK  
COUNTY CLERK

DEPUTY: SWRIGHT

DECLARATION OF DEED RESTRICTION TB

THIS DECLARATION OF DEED RESTRICTION ("Declaration") is made this 11<sup>th</sup> day of June, 2009, by GARY N. NELSON, a married man; BLASS, INC., an Idaho Corporation; GARY D. SLETTE, a married man; GERALD MARTENS, a married man; J. EVAN ROBERTSON, a married man; DIRK D. GIBSON, a married man; DANIEL J. KONEN, a single man; STEPHEN E. GEORGE, a married man; KIRBY LANE DAHL, a single man; and JAMES J. MCCORMICK and ANNA L. MCCORMICK, husband and wife, all of whom are hereinafter collectively referred to as "Declarants".

RECITALS:

- A. The Declarants are the owners of the property described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"), located in Twin Falls County, Idaho.
- B. The City of Twin Falls has approved the C-1 zoning of the Property in the city of Twin Falls, provided that the Declarants adopt the Declaration as hereinafter set forth.

DECLARATION

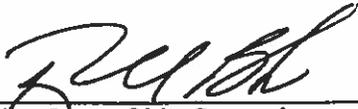
Declarants hereby declare that the Property shall be held, conveyed, encumbered, and developed subject to the terms hereinafter set forth, which terms shall run with title to the land, and shall be binding upon the Declarants, and their successors in interest.

TERMS

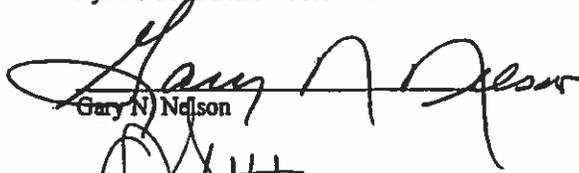
1. The Property may not be developed until a Planned Unit Development ("PUD") agreement has been approved by the City of Twin Falls through its normal PUD approval process.
2. The approval of any final PUD will be subject to arterial and collector streets within or adjacent to the Property being built or rebuilt to current City of Twin Falls standards upon development of the Property.
3. This Declaration may be enforced by a successor of the Declarants, and may also be enforced by the City of Twin Falls. The Declarants acknowledges that the right of enforceability of this Declaration by the City of Twin Falls is a condition of the C-1 zoning of the Property, and that this Declaration must be approved by the City of Twin Falls prior to adoption of the rezoning ordinance and recordation of this Declaration.

IN WITNESS WHEREOF, the Declarants have executed this document on the day and year first written above.

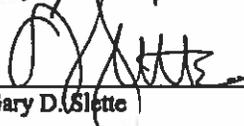
"DECLARANTS"

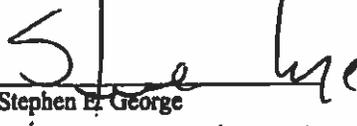
  
Blass, Inc., an Idaho Corporation  
By: R. Todd Blass - President

Dirk D. Gibson

  
Gary N. Nelson

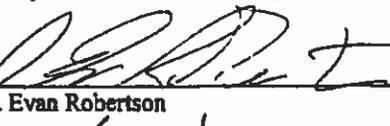
Daniel J. Konen

  
Gary D. Slette

  
Stephen E. George

  
Kirby Lane Dahl

  
James J. McCormick

  
J. Evan Robertson

  
Anna L. McCormick

  
Gerald Martens

STATE OF IDAHO )  
County of Twin Falls )  
ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2009, before me, a Notary Public for said County and State, personally appeared Dirk D. Gibson, known or identified to me, to be the person whose name is subscribed to the within instrument, 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 FOR IDAHO  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

IN WITNESS WHEREOF, the Declarants have executed this document on the day and year first written above.

"DECLARANTS"

Blass, Inc., an Idaho Corporation  
By: R. Todd Blass - President

*Dirk D. Gibson*  
Dirk D. Gibson

Gary N. Nelson

*Daniel J. Konen*  
Daniel J. Konen

Gary D. Slette

Stephen E. George

*Kirby Lane Dahl*  
Kirby Lane Dahl

James J. McCormick

*J. Evan Robertson*  
J. Evan Robertson

Anna L. McCormick

Gerald Martens

STATE OF ~~IDAHO~~ <sup>MONTANA</sup> )  
County of ~~Twin Falls~~ <sup>Cascade</sup> ) ss.

On this 11 day of June, 2009, before me, a Notary Public for said County and State, personally appeared Dirk D. Gibson, known or identified to me, to be the person whose name is subscribed to the within instrument, 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.



*Laura E. Walker*  
NOTARY PUBLIC FOR ~~IDAHO~~ <sup>Montana</sup>  
Residing at Great Falls, Montana  
My commission expires 09-08-2010



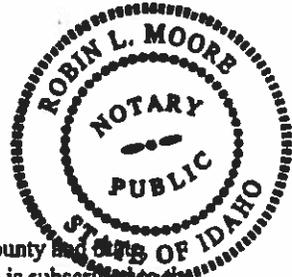
STATE OF IDAHO )

)  
ss.

County of Twin Falls )

On this 16<sup>th</sup> day of June, 2009, before me, a Notary Public for said County and State of IDAHO personally appeared Gary D. Slette, known or identified to me, to be the person whose name is subscribed to the within instrument, 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.



Robin L. Moore  
NOTARY PUBLIC FOR IDAHO  
Residing at Idaho  
My commission expires 12-24-12

Texas  
STATE OF IDAHO )

)  
ss.

Harris  
County of Twin Falls )

On this 11 day of June, 2009, before me, a Notary Public for said County and State, personally appeared Stephen E. George, known or identified to me, to be the person whose name is subscribed to the within instrument, 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.

Leena Ashley Norwood  
NOTARY PUBLIC FOR IDAHO  
Residing at Houston, Texas  
My commission expires 7/9/11

STATE OF ~~IDAHO~~ Texas )

)  
ss.

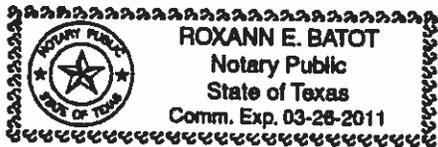
County of ~~Twin Falls~~ Guadalupe

On this 15<sup>th</sup> day of June, 2009, before me, a Notary Public for said County and State, personally appeared Kirby Lane Dahl, known or identified to me, to be the person whose name is subscribed to the within instrument, 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.



Roxann E. Batot  
NOTARY PUBLIC FOR IDAHO Texas  
Residing at Seguin, TX  
My commission expires 3-26-2011



STATE OF IDAHO )

ss.

County of Twin Falls )

On this 16<sup>th</sup> day of June, 2009, before me, a Notary Public for said County and State, personally appeared J. Evan Robertson, known or identified to me, to be the person whose name is subscribed to the within instrument, 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.



Robin L. Moore  
NOTARY PUBLIC FOR IDAHO  
Residing at Jerome  
My commission expires 12-29-12

STATE OF IDAHO )

ss.

County of Twin Falls )

On this 16<sup>th</sup> day of June, 2009, before me, a Notary Public for said County and State, personally appeared Gerald Martens, known or identified to me, to be the person whose name is subscribed to the within instrument, 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.



R. T. Blum  
NOTARY PUBLIC FOR IDAHO  
Residing at Twin Falls  
My commission expires 10-19-2011

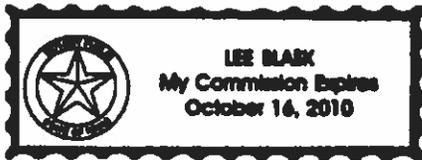
Texas  
STATE OF ~~IDAHO~~ )

ss.

Harris  
County of ~~Twin Falls~~ )

On this 10<sup>th</sup> day of June, 2009, before me, a Notary Public for said County and State, personally appeared James J. McCormick, known or identified to me, to be the person whose name is subscribed to the within instrument, 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.

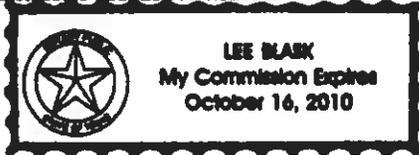


Lee Blank  
NOTARY PUBLIC FOR ~~IDAHO~~ Texas  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

STATE OF ~~IDAHO~~ <sup>Texas</sup> )  
County of ~~Twin Falls~~ <sup>Harris</sup> )  
ss. )

On this 10<sup>th</sup> day of June, 2009, before me, a Notary Public for said County and State, personally appeared Anna L. McCormick, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.



Lee Blank  
NOTARY PUBLIC FOR ~~IDAHO~~ <sup>Texas</sup>  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

STATE OF TEXAS )  
County of Harris )  
ss. )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2009, before me, a Notary Public for said County and State, personally appeared Stephen E. George, known or identified to me, to be the person whose name is subscribed to the within instrument as the attorney in fact of Dirk D. Gibson, and acknowledged to me that he subscribed the name of Dirk D. Gibson thereto as principal, and his own name as attorney in fact.

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 TEXAS  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

STATE OF TEXAS )  
County of Harris )  
ss. )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2009, before me, a Notary Public for said County and State, personally appeared Stephen E. George, known or identified to me, to be the person whose name is subscribed to the within instrument as the attorney in fact of Daniel J. Koenen, and acknowledged to me that he subscribed the name of Daniel J. Koenen thereto as principal, and his own name as attorney in fact.

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 TEXAS  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

lrim\realst\CCR\deed restriction\_30 acres

**EXHIBIT A  
T070057**

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho

Section 6: Government Lot 2, excepting therefrom the following described parcels:

A parcel of land located in Government Lot 2 of Section 6, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho and more particularly described as follows:

COMMENCING at the North Quarter Corner of said Section 6, from which the Northeast corner of said Section 6 bears S 89°29'35" E 2658.72 feet, said North Quarter Corner being the TRUE POINT OF BEGINNING;

THENCE S 89°29'35" E along the North boundary of the NE¼ of said Section 6 for a distance of 355.00 feet;  
THENCE S 00°30'35" W for a distance of 178.42 feet;

THENCE N 89°29'35" W parallel with the North boundary of the NE¼ of said Section 6 for a distance of 71.57 feet to the point of curvature of a curve right;

THENCE Northwesterly along the arc of the curve right for a distance of 280.70 feet to a point on the West boundary of the NE¼ of said Section 6, said arc having a radius of 5,351.04 feet and a long chord bearing and distance of N 87°59'20" W 280.67 feet;

THENCE N 00°27'06" W along the West boundary of the NE¼ of said Section 6 for a distance of 171.07 feet to the TRUE POINT OF BEGINNING.

AND EXCEPTING the portion deeded to the Idaho Transportation Department in Deed recorded as Instrument No. 2004018072, and re-recorded as Instrument No. 2006001420 and described as Parcel 3, Parcel I.D. No. 0041443, according to the Right of Way Plat of Project No. DHP-NH-F-22390(104) filed for record in the office of the County Recorder of Twin Falls County, Idaho on the 9th day of August 2004 under Instrument No. 2004017039, and modified by Affidavit Authorizing Change on Urban Phase of Twin Falls Alternate Route Right-of-Way Plats, recorded June 2, 2006 as Instrument No. 2005011669: Being a portion of the (NW¼/NE¼ Government Lot 2) of Section 6, Township 10 South, Range 17 East of the Boise Meridian.



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**August 9, 2016 6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Danielle Dawson   Tom Frank   Kevin Grey   Gerardo "Tato" Muñoz   Ed Musser   Christopher Reid   Jolinda Tatum  
    Chairman     Vice-Chairman

**AREA OF IMPACT:**

Ryan Higley   Steve Woods

**ATTENDANCE**

**CITY LIMIT MEMBERS**

**AREA OF IMPACT MEMBERS**

**PRESENT**

**ABSENT**

**PRESENT**

**ABSENT**

Dawson  
 Frank  
 Grey  
 Muñoz  
 Musser  
 Tatum

Reid

Higley  
 Woods

**CITY STAFF:** Carraway-Johnson, Spendlove, Strickland, Vitek

**I. CALL MEETING TO ORDER:**

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

**II. CONSENT CALENDAR:**

1. Approval of Minutes from the following meeting(s): July 26, 2016
2. Approval of Findings of Fact and Conclusions of Law: **None**

**Motion:**

Commissioner Munoz made a motion to approve the consent calendar, as presented. Commissioner Higley seconded the motion.

**Unanimously Approved**

.....

3. Request for the Commission's recommendation on an **Amendment to Latitude 42 PUD Agreement #272** to modify collector and arterial development requirements on Cheney Drive West between Field Stream Way and Creek Side Way. **c/o Gerald Martens (app. 2803)**

**Applicant Presentation:**

Gerald Martens, EHM Engineers, Inc. representing Latitude 42 development. The purpose of the request is to bring a PUD Agreement into conformance with agreements that have been developed between adjacent property owners and the City to facilitate the development of Cheney Drive West eastwards between Grandview Drive West and Creekside Way. Creekside Way currently does not exist however in the future it will be a north south connection to Pole Line Road West. Since 2011 there have been multiple meetings between a mobile home park that precluded the alignment of Cheney Drive West construction, the owner of the mobile home park, the Reform Church, Canyon Retirement, Fieldstone Subdivision and Latitude 42 have collectively been negotiating a way to develop Cheney Drive West. This negotiation included relocating a pump station to allow for roadway development. The roadway is currently under construction, portions of the road have been

**Planning & Zoning Commission Minutes  
August 9, 2016**

platted, portions have been developed and all of it is under agreement to be constructed and completed by the end of this year. Along the way property has been platted to the south and at the northwest corner of Cheney Drive West and Fieldstream Way. They have worked diligently with the Reform Church to relocate some irrigation. They believe that the end result is a roadway design that fits all of the restrictions and limitations but is somewhat less than what is required in the Master Transportation Plan. Cheney Drive West's terminus will be just east of Rock Creek Canyon. Creekside will be built to the width required in the Master Transportation Plan and will connect to Pole Line Road West. The uses that are planned for the area have for the most part been identified, some are under construction and most have turned out to be senior type housing, assisted living or other ancillary services due to the proximity of the hospital, and with these types of used the proposed roadway width is appropriate.

**PZ Questions/Comments:**

- Commissioner Woods asked what the paved width will be.
- Mr. Martens explained there will be a lane each way with a center turn lane in the middle of the 39 ft. width. The lane configuration is dictated by the Street Department or City Engineer this can change as development occurs and access to properties area designed. Ultimately there will be three through lanes.
- Commissioner Grey asked about access to the uses along this section of the road.
- Mr. Martens explained there could be some accesses on to Cheney Drive West from the surrounding developments. The building that is constructed now "Serenity Housing" access from Cheney Drive West.

**Staff Presentation:**

Planner I Spendlove reviewed the request and stated the history for this property is extensive starting in 2006 to just recently in July 2016. Originally it was annexed into the City as R-2 zoned property, later it was rezoned to C-1 PUD. The amendment request is specifically related to the second condition listed in the Latitude 42 PUD Agreement states "Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls, and to be rebuilt, or built, to current City standards upon development of the property". Staff has added a condition with this amendment will exclude the intersection of Cheney Drive West and Creekside Way.

**Per City Code 10-12-3-13: Right of Way Requirements:**

Collectors are identified as having sixty-four foot (64') right-of-way width. This width typically includes curb, gutter and sidewalk. The total pavement width ends up being forty-eight feet (48'). The applicant is proposing to allow this section of Cheney Drive to be fifty foot (50') wide, with a total pavement width of thirty-nine feet (39'). The end result is one lane traveling each way with a center turn lane and each lane being approximately 12 ft. wide.

**Per City Code 10-11-5: Streets:**

- (A) Adequate Access: No building shall be constructed or erected on a lot in a zoning district unless adequate access to a fifty foot (50') wide minimum standard all weather public traffic way is provided.

*The request by the applicant does meet this minimum access requirement.*

City Staff is tasked with planning for the orderly and adequate growth of public infrastructure to accommodate the development of properties. It would be negligent for City Staff to ignore the possibility that the proposed fifty-foot ROW may be inadequate in the far future Staff does not have the luxury of ignoring future growth or possibilities which could happen twenty years from now.

However, the projects declared as of today will not constitute a need for a larger right of way, and it is not anticipated that projects in the near future will constitute a need for a larger right-of way. As such, Staff supports the right of way dedication of 50' (25' per side) for the currently proposed and approved projects along Cheney Drive. This support only extends to the beginning of the intersection at Creekside way, it does not include that intersection.

As a condition of support, and with the future in mind, staff requests a condition be added which would allow City Code 10-10-5 to remain in force for this PUD.

(A) In all districts building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the city engineer or designated representative.

1. Where projected volumes of traffic entering or leaving the developments are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right of way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the landowner in order to reduce such interference. Projections of traffic shall be based on analysis performed by the city engineer or designated official.

A public hearing regarding this request will be heard at a regularly scheduled City Council public meeting in the near future.

Planner I Spendlove stated upon conclusion should the Commission find the proposed request appropriate of a positive recommendation, staff proposes the following conditions:

1. Subject to the fifty (50) foot ROW width only being applied for that section of Cheney Drive from Field Stream way to Creekside way, not including any part of the intersection of Cheney and Creekside.
2. Subject to City Code 10-10-5 still being enforced on that smaller section of Cheney Drive as described above.

**PZ Questions/Comments:**

- Commissioner Higley asked if there are any physical limitation that would prevent the road from being built according to city standards.
- Planner I Spendlove stated the limitation currently is that the south side of the road has been platted but the north side of the road has not been platted.
- Commissioner Frank asked if this was platted as a collector.
- Zoning & Development Manager Carraway-Johnson explained there is long history along this corridor west of Grandview Drive West. There has been a lot of discussion with trying to bypass the mobile home park and trying to create a connection for the residential subdivision. Part of the final decision was that Cheney Drive West would be reduced in size to allow it to be built north of the residential

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subdivision through to Field Stream Way making the development consistent with what was agreed upon between the Fieldstone Suidivision, The Reform Church and the Mobile Home Park; this would just allow and extension of the agreement westward to allow for a consistent roadway.

- Commissioner Frank clarified that the consistency of the roadway would extend to Creekside Way. Looking 20 years down the line he is trying to prevent setting a precedence for the future development that could occur further west.
- Assistant City Engineer Vitek clarified that this request only applies to the section that extends to Creekside Way. He stated he believes the traffic maneuvers differently through this area and will go north on Creekside Way to Pole Line Road West or go south to North College Road West.
- Commissioner Higley asked again if there are any physical limitations that would prevent the road from being built according to city standards.
- Planner I Spendlove stated staff is not aware of any physical limitations.
- Commissioner Woods asked with this street being narrower by 9 ft. is on street parking allowed.
- Assistant City Engineer Vitek stated it will be signed no parking.
- Commissioner Musser asked if there is a provision in the future to widen the narrower portion of the road.
- Assistant City Engineer Vitek stated not the entirety of the road and it would require the City to acquire property from the Reform Church and go through the Mobile Home Park to widen that portion of Cheney Drive West. If these two properties were to develop or the plat that could be addressed, however until that occurs the roadway will remain narrower in this location.
- Commissioner Frank asked about a deceleration lane in the future and how would it be developed.
- Planner I Spendlove stated the condition siting 10-10-5 would allow this to be addressed in the future.
- Assistant City Engineer Vitek explained in the future if a big box type retail store went in at this location they would have to provide a means for uniform traffic movement and put in a deceleration lane.
- Commissioner Frank stated his concern for the future is that concessions will be made and the lane will not be installed because things are already built. It seems this should be addressed now instead of later.
- Commissioner Munoz asked what would trigger would be for City Code 10-10-5 to be enforced.
- Assistant City Engineer Vitek stated the use itself, when building plans are submitted staff would review for issues related to City Code 10-10-5.
- Planner I Spendlove stated the motivating factor is traffic volume and safety.
- Commissioner Munoz asked if a change of use would trigger this code.
- Planner I Spendlove explained a change of use would require a building permit/review and the impacts from the change would be reviewed to determine whether or not the deceleration lane would be required.

**Public Hearing: Opened**

John Kapeleris, 1231 Sunburst St, is on the Board of Directors for Xavier Charter School and they are concerned with public safety and would like for this street to be required width. Traffic patterns are going to change once Creekside Way is complete and would ask that the Commission vote in favor of a wider street.

**Public Hearing: Closed**

**Closing Statement:**

Mr. Martens responded to the question as to whether or not there are any physical limitations that would preclude the road from being built to the required width. He explained that the curb and gutter has been installed under an approved set of construction plans. The road is going to be built to that width all the way from Grandview Drive West past Serenity Assisted Living and on the south side of the road Canyon Retirement is under construction. There is a lot of investments and construction in progress, water lines, fire hydrants and other utilities in place. Turn lanes would be driven by a user and if a big box retail store went into this location they would want the turn lane for their business, it would be built as part of the permitting process in the right location to accommodate the traffic at the time it gets built. As for approaches into the developments they have already agreed and will work towards shared approaches. This is a piece of a large agreement and the developers on the west end have helped fund the improvements on the east end for the property owners who were not obligated to invest in developing the road, while the City has built a section also to assist in making this project possible. It is a big agreement with a lot of cost sharing worked out, they are too far in the process to stop construction on a set of plans that have been approved.

**Deliberations Followed:**

- Commissioner Higley clarified that water and sewer have already been constructed in the area.
- Mr. Martens explained that water and sewer lines are in, fire hydrants have been set, curb and gutter have been installed on both sides of the street, they stopped short of Creekside Way because it will be built to the full width. The south side is substantially done all the way through, the irrigation piping is being installed and all of this was based upon a street width that is driven near as much by the cost of asphalt as much as the availability of land. If this entire street were to be widened it would not happen this year.
- Commissioner Higley asked how all of this occurred and why is this being requested after the fact.
- Commissioner Munoz stated this area has a long history with regards to the church and the mobile home park. Having a road that is not consistent in width all the way through can create bigger issues.
- Commissioner Higley stated that is a different section of road than what is being discussed now. He thinks that screwing up in one spot and letting it continue to another section of road for consistency doesn't make sense.
- Commissioner Musser stated his concern is approving something that has already been done.
- Commissioner Frank asked why wasn't this addressed before infrastructure was constructed.
- Assistant City Engineer Vitek explained that everything east of Field Stream Way came about through agreement between the City, the developers, the mobile home park and the church. The property on the west side of Field Stream Way and south of Cheney Drive West does have approved construction plans as part of the WS&V plat. A certain size roadway is needed to develop and provide for traffic to this property, the developer was required to construct 24 ft. and has over widened it to 39 ft. The north side of Cheney Drive West is a different part of the discussion, that property came through for platting with a reduced road section, which is why this discussion is occurring now. The entire south side of the road has been developed.
- Commissioner Grey stated that the applicant has indicated that the northeast corner has also been developed.
- Zoning & Development Manager Carraway-Johnson stated that corner is a recorded plat and development has begun.
- Commissioner Higley doesn't understand how this was approved to meet code and be 50 ft. wide but was built to 39 ft. If code says 50 ft. and things are platted per code how did it get built at 39 ft.

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- Commissioner Frank stated that it was understood that things were platted according to code and now we are being told it is not being built to code.
- Commissioner Higley clarified the south side of Cheney Drive West is ready to be paved, however the north side of the road has not been developed.
- Mr. Martens stated no that is not correct both sides of the road have been developed with curb, gutter, and utilities.
- Commissioner Grey clarified the curb and gutter has been installed the entire length of the road all the way out to Creekside, he asked what portion of the north side of the road has been platted.
- Planner I Spendlove explained the northeast corner has been platted.
- Commissioner Woods asked if the work was done off of an approve permit from the City.
- Mr. Martens stated yes, approved plans, they do not have an approved plat, the right of way has not been dedicated, but it is again part of the agreement. They property owners to the south built their portion of the road out to 19 ft. and he built his portion of 19 ft. in cooperation with them otherwise the property owners to the south would have to build a 24 ft. portion which would have resulted in a 24 ft street. He thought he was doing a good thing by making it 39 ft. wide and having the road built with curb and gutter all at one time.
- Commissioner Grey clarified that an assumption was made by the applicant that this would be ok and that the requirement wouldn't be made beyond that point.
- Mr. Martens stated they submitted a set of plans and built according to an approved set of plans and the City has been out doing inspections.
- Commissioner Woods stated the logic in this is that the area east of Field Stream Way is built at 39 ft what is to be gained by redoing all of infrastructure to west of Field Stream Way just to get a little wider road for ¼ mile.
- Commissioner Grey stated his concern is that the east side of Field Stream Way set this in motion, but he doesn't want to see the assumption made again that the only thing that is important is the road is finished.
- Commissioner Munoz stated he understands both sides but it is already in place making it hard to change at this point. Is there any way to create a condition that City Code 10-10-5 will trigger a traffic evaluation once a building is already in place?
- Commissioner Frank asked if all of the roads in the Master Transportation Plan has to be built to certain city standards if the Commission approves this, because they have always been told they can't override City Code.
- City Attorney Wonderlich stated this is not an amendment to City Code this is an amendment to a PUD Agreement.
- Planner I Spendlove clarified that within City Code with PUD Zoning it allows the applicant to request variations from the code, including roads.
- Commissioner Grey stated he does understand the expense but was done knowing that it should have been done differently. This was not done correctly and he wants to make sure that this does not occur again.
- City Attorney Wonderlich stated that if you look at the map you can see where they were able to negotiate a 39 ft. road width east of Field Stream Way. The idea is that the property to the south is already developed so we will never get arterial width through on the west side of Field Stream Way. As for the deceleration lane, staff has already explained that traffic counts will be looked at if a big box building is built in this area or if there is a change of use with a different traffic pattern a deceleration lane will be required.

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**Motion:**

Commissioner Tatum made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

**Recommended for Approval to City Council, As Presented, With Staff Recommendations**

1. Subject to the fifty (50) foot ROW width only being applied for that section of Cheney Drive from Field Stream way to Creekside way, not including any part of the intersection of Cheney and Creekside.
2. Subject to City Code 10-10-5 still being enforced on that smaller section of Cheney Drive as described above.

**Scheduled for City Council Public Hearing September 12, 2016**



**III. GENERAL PUBLIC INPUT: None**

**IV. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:**

- Zoning & Development Manager Carraway-Johnson thanked everyone who attended the last Planning & Zoning Work Session. There will be updates made from that discussion and there will be a final draft review at the next Planning & Zoning Work Session on September 7, 2016 at 12:00 pm.

**V. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)**

1. Public Hearing- **August 23, 2016**
2. Work Session-**Wed, September 7, 2016**

**VI. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 8:40 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department



Planning and Zoning Public Hearing: TUESDAY, August 9, 2016

**CITY COUNCIL PUBLIC HEARING: Monday, September 12, 2016**

TO: Honorable Mayor and City Council

From: Jonathan Spendlove, Planner 1

**AGENDA ITEM IV-\_\_**

**Request:** A request for **Annexation and A Zoning District Change and Zoning Map Amendment** from SUI Aol to R2, R6 and C-1 CRO ZDA (Zoning Development Agreement) for approximately 28.84 (+/-) acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East c/o EHM Engineers, Inc on behalf of Notch Butte Farms, LLC (app. 2804)

**Time Estimate:**

The applicant's presentation may take up to fifteen (15) minutes. There is no Staff presentation this evening.

**Background:**

<b>Applicant:</b>	<b>Status:</b> Partner/Property Owner	<b>Size:</b> 28.8 (+/-) acres
Notch Butte Farms LLC 136 Bridon Way Jerome, ID 83338	<b>Current Zoning:</b> SUI - AOI	<b>Requested Zoning:</b> C-1 CRO ZDA, R-2 ZDA, R-6 ZDA
	<b>Comprehensive Plan:</b> Commercial/Retail & Urban Village/Infill	<b>Lot Count:</b> 7 Lots/Parcels
	<b>Existing Land Use:</b> Un-platted Residential/Pasture land/ Undeveloped Parcels	<b>Proposed Land Use:</b> ZDA with Commercial, Office, and Residential Elements
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
EHM Engineers INC Dave Thibault 621 North College Rd Ste 100 83301 208-734-4888 <a href="mailto:dthibault@ehminc.com">dthibault@ehminc.com</a>	<b>North:</b> OS in Area of Impact; Snake River Canyon	<b>East:</b> SUI in Area of Impact; residential
	<b>South:</b> C-1 PUD and R-4 PUD, Pole Line Rd E - Undeveloped Agricultural	<b>West:</b> C-1, Bridgeview Estates -Assisted Living / Senior Housing
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-4, 10-4-6, 10-4-8, 10-4-19, 10-6-1.6, 10-7-3	

**Approval Process:**

As per Twin Falls City Code 10-6-1.6-procedure for conformance with a ZDA:

Final development plans, including plats, construction plans, and/or site plans, submitted for the development of the ZDA subject parcel shall conform to the approved conceptual development plan. Details on the final development plan(s) with minor variations from the conceptual development plan may be approved by the administrator, or designated city official without public hearing. If it is determined that a proposed change(s) constitutes a departure from the conceptual development plan and/or the development standards, the ZDA written commitment document shall be adequately amended using the initial approval process contained herein. ***Changes to any of the following items constitute a departure from the conceptual development plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property:***

***The permitted uses, Increase in density, Increase in building height, Increase in building coverage of the site, Reduction in the off street parking ratio, Reducing the building setbacks provided at the boundary of the site, Reduction of any open space plans, or Alteration of the overall design theme, primary architectural elements, or building materials. (Ord. 3082, 12-8-2014)***

**Budget Impact:**

Approval of this request may have a financial impact on the City budget as commercial development could bring in additional tax revenue.

**Regulatory Impact:**

A public hearing and a recommendation from the Planning and Zoning Commission for the requested change will allow the request to proceed to the City Council for a decision.

**History:**

Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. In 2004 there was an amendment to the Area of Impact Agreement at which time the Rural Residential and the R-1 43,000 zoning districts became AG and SUI.

This group of properties is currently located outside the City Limits and has no further zoning history.

A preliminary presentation was conducted for the Planning and Zoning Commission on July 26, 2016. No one spoke during the public testimony portion of the meeting. During that meeting the Commission asked the applicant for additional information and elevations regarding a height analysis with other locations nearby. As of the staff report publishing date, (Thursday August 4, 2016) this information has not been provided.

**Analysis:**

This is a request for **Annexation and A Zoning District Change and Zoning Map Amendment** from SUI Aol to R2, R6 and C-1 CRO ZDA (Zoning Development Agreement) for approximately 28.84 (+/-) acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East. The requested Zoning is for a ZDA; Zoning Development Agreement, consisting of various Residential and Commercial land uses identified on the submitted Rio Vista Conceptual Master Development Plan.

The applicant has supplied the required Written Commitments or MOU's for the Areas to be distinctly zoned. These MOU's detail the variants from the base zoning code they are requesting. It should be noted; the Canyon Rim Overlay applies to a large portion of this property as depicted on the Zoning Vicinity Map (Attachment #2 of this report).

**Per City Code 10-6: Zoning Development Agreements:** The applicant is tasked with providing a Conceptual Development Plan, and associated written commitments to adequately describe the project. These items have been provided by the applicant.

The following items shall be included or addressed with the **Conceptual Development Plan (the Plan)** or associated text materials:

1. Land Use
  - a. *The proposed land uses have been identified into 4 Areas on the Plan and the specific land uses are described in detail within the written Text.*
2. Topography and Boundary
  - a. *The Boundary of the ZDA has been identified, the topography was not identified on the Conceptual Plan.*
3. Size, Type and location of buildings and sites
  - a. *The Plan does show some typical buildings and sites as a concept development pattern. All buildings are further regulated by the Zoning Development standards found in each base Zoning District assigned on the Plan. These specific locations and sizes can fluctuate as outlined in City Code 10-6-1.6.*

4. Proposed Ingress and Egress
  - a. *The Plan identifies public and private access into and out of the proposed property.*
5. Physical features
  - a. *The Plan has identified the major existing physical features.*
6. Existing streets
  - a. *The Plan shows Pole Line as the adjacent existing roadway to the south.*
7. Stormwater management
  - a. *The applicant is not requesting changes to the standards procedure found in current City Code.*
8. Alleys and easements
  - a. *No alleys are requested; the applicant is not requesting changes to the standard procedure for easement placement found in current City Code.*
9. Future public facilities
  - a. *The applicant is not requesting changes to the standard procedure for public facilities found in current City Code.*
10. Multi-use transportation access and pathways
  - a. *The plan shows access to the existing Canyon Rim Trail network. The appropriate areas for connection will be determined during the Platting Process.*
11. Density
  - a. *The applicant is not requesting changes to the permitted density listed in the identified base Zoning Districts shown on the Plan.*
12. Parking
  - a. *The applicant is not requesting changes to the standard Parking Requirements found in current City Code.*
13. Landscaping
  - a. *The applicant is not requesting changes to the standard Landscaping Requirements found in current City Code.*
14. Screening
  - a. *The applicant is not requesting changes to the standard Screening Requirements found in current City Code*
15. Project Scheduling
  - a. *The applicant lists a maximum five (5) year time limit between Final Plat Phases unless an extension of time is granted by the City Council.*
16. Preliminary Lot Arrangements
  - a. *The Plan shows preliminary arrangements for lots and uses. All the property will undergo Preliminary and Final Platting that may adjust these arrangements per City Code 10-6-1.6*
17. Parks and Open Space
  - a. *The Plan shows some potential parks and open space within the boundary. The applicant is not requesting changes to the standard procedure for dedicating Parks and Open Space.*
18. Other Standards
  - a. Hours of Operation: *The applicant has requested no limit for Areas 1 and 4. Areas 2 and 3 will be limited to 7:00 AM – 10:00 PM, extended hours may be granted through a Special Use Permit process.*
  - b. Extra Height - Canyon Rim Overlay – Area #4: *The applicant is requesting a change to the CRO base code by introducing a mechanism to allow extra height within Area #4 through a Special Use Permit to the Planning and Zoning Commission. This extra height variant would be limited to “Hotel/Convention Centers” as defied within current City Code.*

- c. **Architectural Standards:** *The applicant has requested building faces include windows, awnings, parapet – material – color variations to break up large uniform spaces. The applicant has supplied some visual examples of materials and architectural features to be required within the development.*

**Possible Impacts and Mitigation:** The full impact of this project will not be immediately felt by the community.

This size of project takes multiple years to fully construct and implement. As such, the impacts generally seep into the community over a period of time rather than abruptly show up on a pre-set date.

Furthermore, since the time frame is over multiple years it can be difficult to discern if the impacts are occurring due to this one project or to an overall growth of the community. In any case, staff has attempted to address the most common and impactful items this project may produce.

**Land Use -** The Conceptual Plan shows a Mixed Use Development complete with Commercial Zones and two types of Residential Zones. The Zoning along Pole Line and the Snake River Canyon Rim are proposed as C-1, with limitations. The actual users are not known at this time, however, the Master Development Plan identifies a Convention Center/Hotel along the Snake River Canyon Rim area. *The CRO has different land uses and development requirements than the C-1 Zone.*

The two residential areas are proposed to be R-2 and R-6 respectively. No deviations from current City Code are being sought for these residential areas. The end product could be a number of mixed housing types, (single family, duplex, apartments, etc.) as are permitted in the R-2, R-6, and CRO (where applicable) Zoning Districts or the end product could be a standard residential subdivision. These areas will be developed per the standards set forth in current City Code and the ZDA as approved.

With the mixed use development pattern being a relatively new concept to Twin Falls, it is difficult to identify potential impacts associated with the Land Use. In theory, mixed use developments provide an area where residents can live, work and play in the same vicinity without requiring them to travel long distances for necessities. Although, we do not have actual business names or building plans, these areas will be developed as permitted in current City Code. The impacts of this type of Land Use would generally be a positive one.

The Council should review the proposed Zoning Designations and propose mitigating conditions to possible impacts if it deems necessary.

**Canyon Rim –** The Canyon Rim will be most impacted in a visual way by having new buildings on land previously used for pasture and fallow farm ground. The Conceptual Plan and the associated documents depict commercial type uses closest to the Rim. This is not unlike most other locations near the Rim that have developed Commercially. The request to deviate from the Canyon Rim Overlay Code for height should be considered carefully. As proposed, the provision for additional height would only be permitted for a “Convention Center” as defined in current City Code; 10-4-19.4C4 – Building height exception: Notwithstanding the foregoing:

*a. Additional building height beyond one hundred feet (100') from the canyon rim may be allowed for hotel/convention centers, through the ZDA process, in the canyon rims overlay zone within one thousand feet (1,000') of state administered highways serving as gateway arterials, as defined in section 10-7-12 of this title. For purposes of this section, the term "hotel/convention center" shall be defined as a full service hotel with a convention center designed to accommodate a minimum of five hundred (500) convention attendees. A citizens' design review committee, appointed by the mayor, shall make recommendations to the planning and zoning commission for any building higher than thirty-five feet (35').*

A positive addition to the Canyon Rim will be public access points and potentially other amenities. These access points and or amenities will be coordinated with the Parks Director and the developer in order to optimize

the best locations along the trail. These additional access points will make the trail more accessible to residents who are part of this development, and patrons of the commercial businesses.

Expanding public access to the Canyon Rim, and providing potential services to patrons and visitors will enhance the viability of the Trail network currently established.

It should be noted; City Code does not address aesthetic or design guidelines. It is reasonable to link Canyon Rim impacts with visual aesthetics. However, since City Code does not have regulations of this type, staff will not address the aesthetics of the project.

The Council should review the proposed Master Development Plan and proposed zoning designations and propose any mitigating conditions to any possible impacts it may deem necessary.

### **Traffic/Access Impact**

Due to the location of this project along Pole Line and the proximity of Blue Lakes Blvd N, this project will have an impact on the local road network. Due to the natural barrier of the Snake River Canyon Rim, access to the overall street network is limited to Pole Line Road. The proposal does not show access to Bridgeview Blvd, or any other local roadway. This will funnel all traffic to Pole Line Road to the south.

With Pole Line being an overloaded arterial in its current underdeveloped state, the increased traffic and access to this particular stretch will create a significant impact. As previously stated, this project is anticipated to be constructed over multiple years. So the full impact will not manifest immediately. However, it would be careless for Staff to ignore the issues of the Future while discussing currently proposed projects. A widening of the roadway and potential drop lanes to service this project may be needed in order to mitigate the increase of traffic on an already congested roadway.

### **Conclusion:**

During the August 9<sup>th</sup> Meeting of the Planning and Zoning Commission, a favorable recommendation was forwarded to the City Council by a vote of 8 in favor and 0 opposed with the following Conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to Pole Line Road widening and possible drop lanes being designed and constructed per City Engineer approval.
3. Subject to length of Public Roadway designated on Conceptual Development Plan to be determined by City Engineer.

**Staff Concurs with the Planning and Zoning Commissions Recommendation and Conditions.**

### **Attachments:**

1. Narrative
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Conceptual Development Plan – with Staff comments
5. Memorandum of Understanding for Areas 1-4
6. Pictures of Site
7. Portion of Minutes from the Aug. 9<sup>th</sup> PZ Public Hearing

Rio Vista  
Supplemental Information

The subject property is proposed for annexation into the City Limits of the City of Twin Falls and therefore a zoning designation is required to be assigned to the property. The property is proposed to be included within a "mixed-use" development with an associated ZDA zoning and development agreement.

The comprehensive plan encourages land use to include "mixed-use" developments.

Additionally, neighborhood centers and similar destinations should be encouraged within new residential neighborhoods as part of these projects. The proposed ZDA development is exactly a mix of residential, neighborhood commercial, and destination establishments. The Future Land Use Map developed and adopted by the City of Twin Falls anticipates the land to be used for commercial/retail and urban village/urban infill. The proposed development project will include each of these anticipated land uses.

The subject property is immediately adjacent to the Bridgeview Estates and Sportsman's

Warehouse which border the subject property along the west boundary. Properties to the south and to the east of the subject property include single family residences and undeveloped/vacant ground. The subject property is located along the south side canyon rim of the Snake River Canyon. The subject property surrounds the currently developed and established YMCA facility along Pole Line Road East.

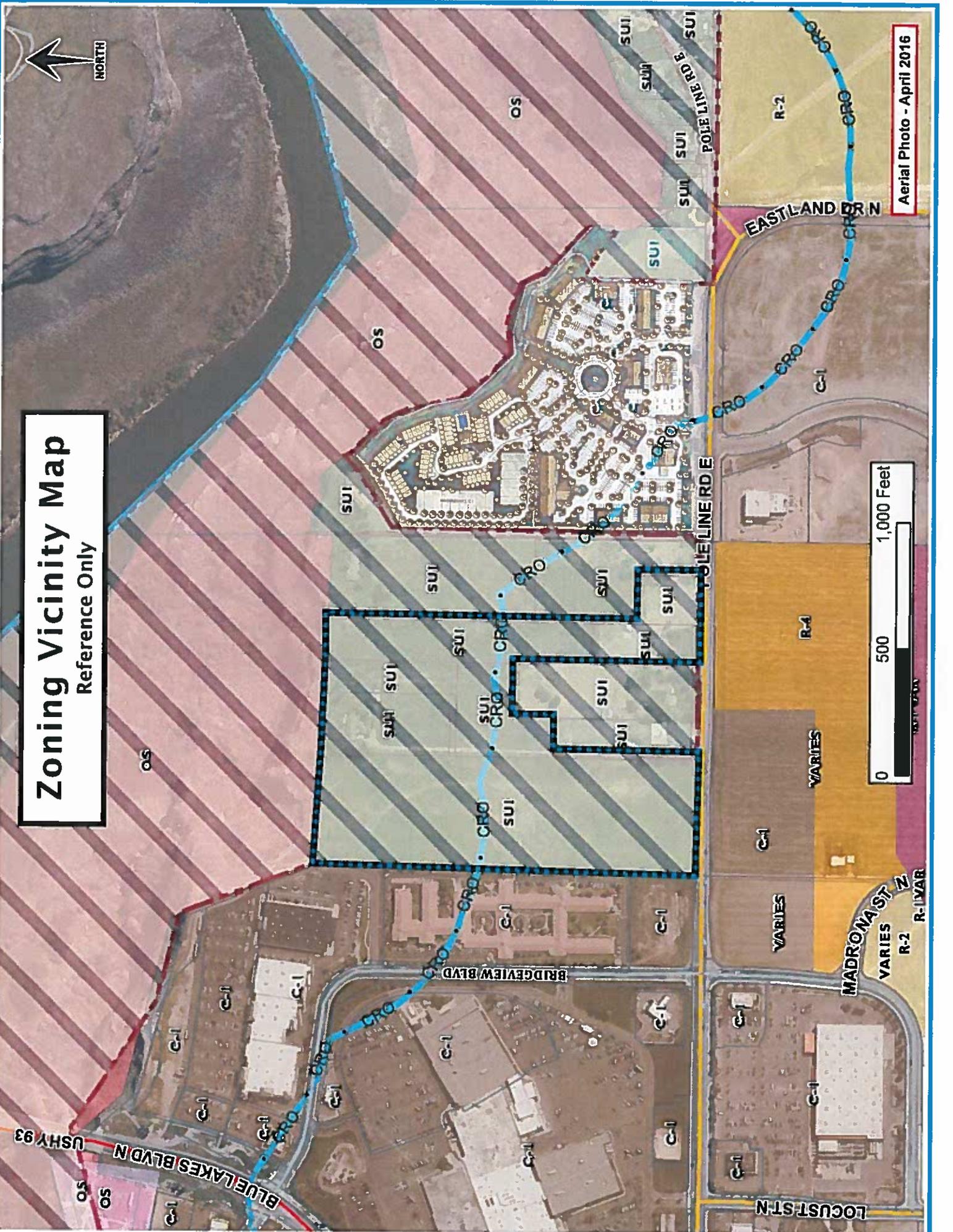
The proposed development of the property includes the following:

- Property adjacent to Pole Line Road East will be reserved primarily for commercial/retail/office use and development.
- The center of the project localized to the western edge will be designated for mixed-use residential including townhomes, condominiums, and multi-family residential uses. ➤ The center of the project localized to the eastern edge will be designated for single family residential development with gated access.
- The northern edge of the property along the canyon rim will be used for hospitality/retail/restaurant uses and may include residential development.
- Lands immediately adjacent to the canyon rim and abutting the proposed site development and desired natural landscaping will be reserved for connection of the Twin Falls Trail System and open space.

The sequence of construction for this proposed development is anticipated to be in accordance with the following: underground utilities and service line extensions will be installed, followed by roadway and drainage facility construction, with the proposed building structures developed in conjunction with the associated parking lots of each pad.

# Zoning Vicinity Map

Reference Only



Aerial Photo - April 2016



USHY 93  
OS  
OS

BLUELAKES BLVD N

BRIDGEVIEW BLVD

LOCUST ST N

MADRONA ST N  
VARIES  
R-2  
R-1VAR

C-1

VARIES

R-4

VARIES

C-1

EASTLAND DR N

C-1

CRO

SUI

OS

OS

OS

SUI

R-2

C-1

NORTH



# Aerial Photo Map

Reference Only

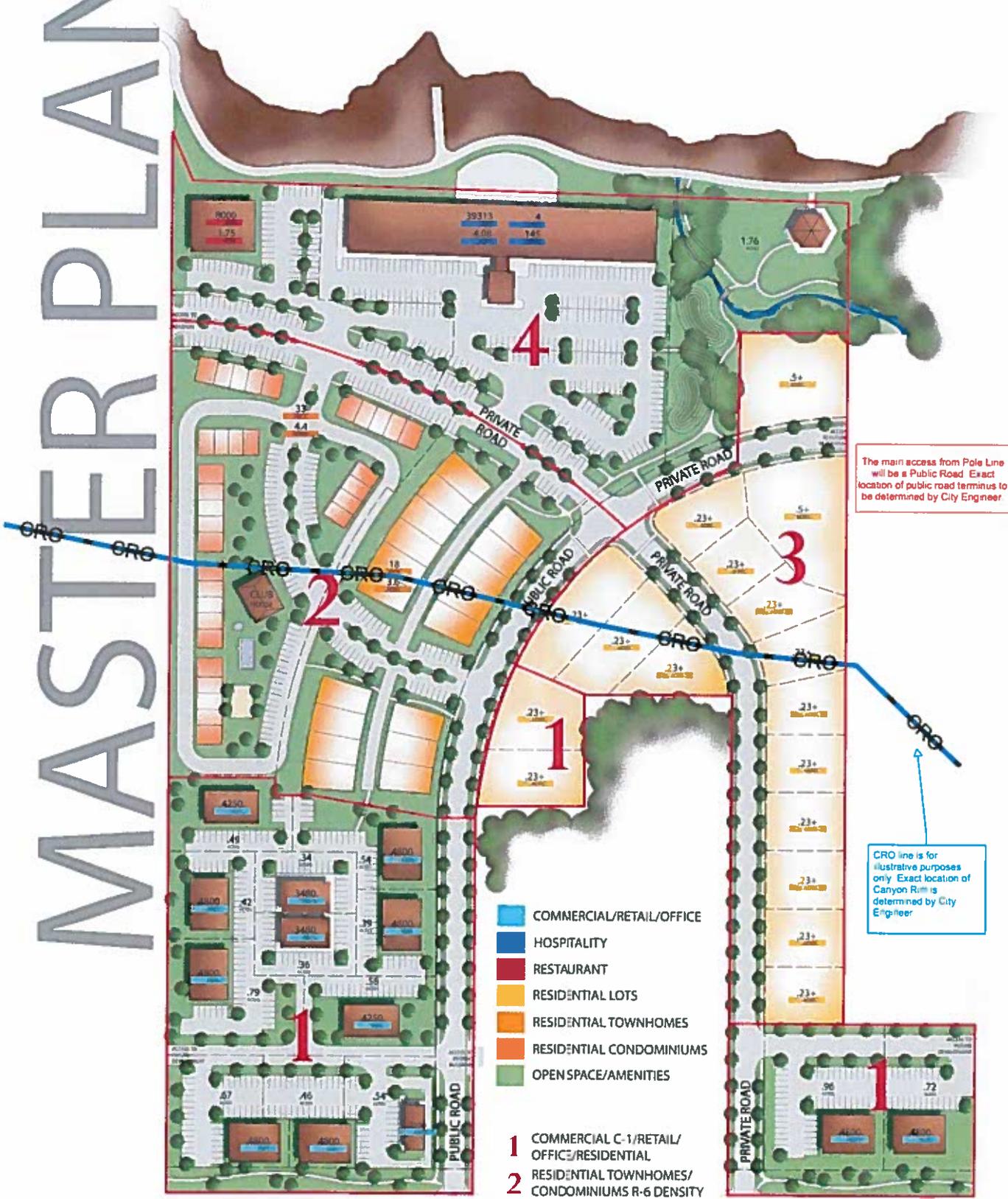


BRIDGEVIEW BLVD

POLE LINE RD E

Aerial Photo - April 2016

# MASTER PLAN



The main access from Pole Line will be a Public Road. Exact location of public road terminus to be determined by City Engineer.

CRO line is for illustrative purposes only. Exact location of Canyon Rim is determined by City Engineer.

- COMMERCIAL/RETAIL/OFFICE
- HOSPITALITY
- RESTAURANT
- RESIDENTIAL LOTS
- RESIDENTIAL TOWNHOMES
- RESIDENTIAL CONDOMINIUMS
- OPEN SPACE/AMENITIES

- 1** COMMERCIAL C-1/RETAIL/OFFICE/RESIDENTIAL
- 2** RESIDENTIAL TOWNHOMES/CONDOMINIUMS R-6 DENSITY
- 3** RESIDENTIAL LOTS - GATED ACCESS R-2 DENSITY
- 4** HOSPITALITY/RESTAURANT/OFFICE/RESIDENTIAL

# USE INFORMATION PLAN A



## COMMERCIAL/RETAIL/OFFICE

THIS PLAN PROVIDES:

4 LOTS  
 4,800 SQ. FT. BLDGS. 1 STALL 19 PARKING REQUIRED PER LOT  
 .46-1 ACRE LOTS 250 SQ. FT. 23-48 RANGE OF PARKING PROVIDED PER LOT



## HOSPITALITY

THIS PLAN PROVIDES:

4.12 ACRES  
 40,000 SQ. FT. BLDG. 182 PARKING PROVIDED 159 PARKING REQUIRED

WITH THE PERFECT SPOT FOR VIEWS OF THE BRIDGE AND PILLAR FALLS, THIS HOTEL LOCATION WILL BE A LUXURIOUS ADDITION TO THIS AREA OF TWIN FALLS PROVIDING A GREAT LOCATIONS FOR WEDDINGS, MEETINGS, AND REUNIONS.



## RESTAURANT

THIS PLAN PROVIDES:

2 LOTS  
 2,100 SQ. FT. BLDG. 22 PARKING PROVIDED 21 PARKING REQUIRED  
 10,000 SQ. FT. BLDG. 133 PARKING PROVIDED 133 PARKING REQUIRED

WITH THE PERFECT SPOT FOR VIEWS OF THE BRIDGE AND PILLAR FALLS, THIS HOTEL LOCATION WILL BE A LUXURIOUS ADDITION TO THIS AREA OF TWIN FALLS PROVIDING A GREAT LOCATIONS FOR WEDDINGS, MEETINGS, AND REUNIONS.



# USE INFORMATION

## PLAN A

### RESIDENTIAL LOTS

THIS PLAN PROVIDES:

2 .5 ACRE+ LOTS

16 .23 ACRE+ LOTS

HAVING THESE LOTS ON THE EAST SIDE OF THE PROPERTY ALLOWS FOR A SMOOTH TRANSITION INTO WHAT THE NEXT ADJACENT PROPERTY PLAN COULD EVENTUALLY INCLUDE. THE HALF ACRE LOTS WOULD BE GATED AND SECURE WITH THE QUARTER ACRE LOTS PROVIDING GREAT CONNECTIONS TO SHOPPING AND AMENITIES IN THIS URBAN INFILL AREA.



### RESIDENTIAL TOWNHOMES

THIS PLAN PROVIDES:

7.5 ACRES

43 UNITS

112 PARKING PROVIDED 86 PARKING REQUIRED

THESE 2000 SQ. FT. TOWNHOMES OFFER A TWO STORY, 3 BEDROOM, 3.5 BATH HOME WITH A 2 CAR GARAGE THAT CAN TAPER WITH THE TOPOGRAPHY OF THE LAND TO PROVIDE SEPERATION BETWEEN HOMES. THERE IS A SHARED CLUBHOUSE WITH AMENITIES FOR RESIDENTS.



### RESIDENTIAL CONDOS

THIS PLAN PROVIDES:

4.4 ACRES

32 UNITS

118 PARKING PROVIDED 80 PARKING REQUIRED

WITH THREE FLOORPLAN OPTIONS, THESE CONDOS ARE BETWEEN 2,200 - 2,600 SQ. FT. WITH 3 BEDROOMS, 2.5 BATHS, AND A 2 CAR GARAGE WITH ACCESS ON THE BACK ALLEY. THERE IS A SHARED CLUBHOUSE WITH AMENITIES FOR RESIDENTS.



### OPEN SPACE/AMENITIES

THIS PLAN PROVIDES:

1.53 ACRES

PARK AREA FOR DRAINAGE, RETENTION, NATURAL WATERWAYS, AND NATURAL FOLLIAGE. THIS AREA COULD CONTAIN A PAVILION WITH EXQUISITE VIEWS OF THE BRIDGE AND PILLAR FALLS. THROUGH THE SITE THERE ARE WALKWAYS CONNECTING ALL AREAS TO THE EXISTING PATHWAY ALONG THE CANYON RIM.



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JUN 20 2016

Rio Vista – Mixed Use Residential & Commercial Development

CITY OF TWIN FALLS  
PLANNING

**Memorandum of Understanding**  
**Pursuant to Area 1 of the Planning Exhibit**

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Development and Improvements shall conform to the following standards and regulations:

**(1) USE REGULATIONS**

Development shall meet the requirements of the City's Commercial Highway District (C-1) zone of City Code and may include multi-family residential uses as provided in Twin Falls City Code (10-4-8.2) as codified for all uses and property development standards, except as provided herein:

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

1. No Change Requested

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

1. No Change Requested

**(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination is made that the use is similar enough to a use listed above that distinction between them is of little consequence.**

1. Amusement Parks
2. Animal Hospital – Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Judicial Facilities
10. Outdoor Theaters
11. RV and Camping Parks
12. Shelter Homes and/or Facilities
13. Stand Alone Drug and Alcohol Treatment
14. Tattoo Parlors
15. Zoos

**(2) PROPERTY DEVELOPMENT STANDARDS**

## AREA 1

The following property development standards shall apply to all land and buildings in the C-1 district of City Code:

**(A) Lot Area**

1. No Change Requested

**(B) Lot occupancy**

1. No Change Requested

**(C) Building Height**

1. No Change Requested

**(D) Yards**

1. No Change Requested

**(E) Access**

1. No Changed Requested

**(F) Landscaping**

1. No Change Requested

**(G) Parking**

1. Off Street Parking
  - a. No Change Requested
2. Parking Areas
  - a. No Change Requested

**(H) Signage**

1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

**(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping**

1. No Change Requested

**(3) OTHER SITE DEVELOPMENT CRITERIA - IF APPLICABLE**

**(A) Pathways**

1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

**(B) Screening**

1. No Change Requested

**(4) ARCHITECTURAL STANDARDS**

**(A) Architectural Standards:** All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces

**(B) Architectural standards** shall be approved through the ZDA process for buildings within the business park.

**(C) All on-site utility service lines** located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

## Area 1

**(5) MANAGEMENT ASSOCIATIONS**

**(A)** A management association may be implemented at the Developer's discretion.

**(6) HOURS OF OPERATION**

**(A)** Hours of Operation

1. The hours of operation for all activity within Area 1 shall not be limited.

**(7) PROJECT PHASING**

**(A)** The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase

**(B)** Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council

JUN 20 2016

**Rio Vista – Mixed Use Residential & Commercial Development****Memorandum of Understanding  
Pursuant to Area 2 of the Planning Exhibit**

The Canyon Rims Overlay District zone may affect a portion of the property identified as Area 2. The requirements of the CRO will remain in effect where applicable.

Development and Improvements shall conform to the following standards and regulations:

**(1) USE REGULATIONS**

Development shall meet the requirements of the City's Residential Multi-Household District (R-6) zone and may include multi-family residential uses as provided in (10-4-6.2) of City Code for all uses and property development standards, except as provided herein:

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

1. Sanitary sewers lift stations and appurtenances, buildings, and facilities.
2. Pressurized irrigation pump stations and appurtenances, buildings, and facilities.

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

1. No Change Requested

**(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination City Code is made that the use is similar enough to a use listed above that distinction between them is of little consequence.**

1. Amusement Parks
2. Animal Hospital – Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Outdoor Theaters

Area 2

10. RV and Camping Parks
11. Shelter Homes and/or Facilities
12. Stand Alone Drug and Alcohol Treatment
13. Tattoo Parlors
14. Zoos

**(2) PROPERTY DEVELOPMENT STANDARDS**

The following property development standards shall apply to all land and buildings in the R6 district except as provided by section 10-12-5-6 of City Code for zero lot line subdivisions:

**(A) Use of Lots**

1. No Change Requested

**(B) Lot Area**

1. No Change Requested

**(C) Lot occupancy**

1. No Change Requested

**(D) Building Height**

1. No Change Requested

**(E) Yards**

1. No Change Requested

**(F) Access**

1. No Change Requested

**(G) Landscaping**

1. No Change Requested

**(H) Parking**

1. Off Street Parking
  - a. No Change Requested
2. Parking Areas
  - a. No Change Requested

**(I) Signage**

1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

**(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping**

1. No Change Requested

**(3) OTHER SITE DEVELOPMENT CRITERIA - IF APPLICABLE**

**(A) Pathways**

1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

**(B) Screening**

1. No Change Requested

Area 2

**(4) ARCHITECTURAL STANDARDS**

- (A)** Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces
- (B)** Architectural standards shall be approved through the ZDA process for buildings within the business park. (Ord. 3082, 12-8-2014)
- (C)** All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

**(5) MANAGEMENT ASSOCIATIONS**

- (A)** A management association may be implemented at the Developer's discretion.

**(6) HOURS OF OPERATION**

- (A)** Residential and residential support facilities shall not be limited. The hours of operation for all other activities within Area 2 shall be between the hours of seven o' clock (7:00) A.M. to ten o' clock (10:00) P.M. unless otherwise authorized by the City of Twin Falls through the Special Use Permit Process for extended hours of operations.

**(7) PROJECT PHASING**

- (A)** The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase
- (B)** Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council

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Rio Vista - Mixed Use Residential & Commercial Development

CITY OF TWIN FALLS  
PLANNING

**Memorandum of Understanding**  
**Pursuant to Area 3 of the Planning Exhibit**

The Canyon Rims Overlay District zone may affect a portion of the property identified as Area 3. The requirements of the CRO will remain in effect where applicable.

Development and Improvements shall conform to the following standards and regulations:

**(1) USE REGULATIONS**

Development shall meet the requirements of the City's Residential Single Household or Duplex District (R-2) zone of City Code for all uses and property development standards

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

1. No Change Requested

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

1. No Change Requested

**(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination of City Code is made that the use is similar enough to a use listed above that distinction between them is of little consequence.**

1. Amusement Parks
2. Animal Hospital - Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Judicial Facilities
10. Outdoor Theaters
11. RV and Camping Parks
12. Shelter Homes and/or Facilities
13. Stand Alone Drug and Alcohol Treatment
14. Tattoo Parlors

Area 3

15. Zoos

**(2) PROPERTY DEVELOPMENT STANDARDS**

The following property development standards shall apply to all land and buildings in the R2 district except as provided by section 10-12-5-6 of City Code for zero lot line subdivisions:

**(A) Use of Lots**

- 1. No Change Requested

**(B) Lot Area**

- 1. No Change Requested

**(C) Lot occupancy**

- 1. No Change Requested

**(D) Building Height**

- 1. No Change Requested

**(E) Yards**

- 1. No Change Requested

**(F) Access**

- 1. No Change Requested

**(G) Landscaping**

- 1. No Change Requested

**(H) Parking**

- 1. Off Street Parking
  - a. No Change Requested
- 2. Parking Areas
  - a. No Change Requested

**(I) Signage**

- 1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

**(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping**

- 1. No Change Requested

**(3) OTHER SITE DEVELOPMENT CRITERIA - IF APPLICABLE**

**(A) Pathways**

- 1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

**(B) Screening**

- 1. Screening Required:
  - a. No Change Requested

**(4) ARCHITECTURAL STANDARDS**

- (A) Architectural Standards:** All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces

## Area 3

- (B) Architectural standards shall be approved through the ZDA process for buildings within the business park.
- (C) All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

### (5) MANAGEMENT ASSOCIATIONS

- (A) A management association may be implemented at the Developer's discretion.

### (6) HOURS OF OPERATION

- (A) Residential and residential support facilities shall not be limited. The hours of operation for all other activities within Area 3 shall be between the hours of seven o' clock (7:00) A.M. to ten o' clock (10:00) P.M., unless otherwise authorized by the City of Twin Falls through the Special Use Permit Process for extended hours of operation

### (7) PROJECT PHASING

- (A) The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase
- (B) Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council

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JUN 20 2016

Rio Vista – Mixed Use Residential & Commercial Development

CITY OF TWIN FALLS

Memorandum of Understanding

Pursuant to Area 4 of the Planning Exhibit

The Canyon Rims Overlay District zone may affect a portion of the property identified as Area 4. The requirement of the CRO will remain in effect where applicable.

Development and Improvements shall conform to the following standards and regulations:

**(1) USE REGULATIONS**

Development shall meet the requirements of the City's Commercial Highway District (C-1) zone of City Code and may include multi-family residential uses as provided in Twin Falls City Code (10-4-8.2) for all uses and property development standards, except as provided herein:

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

1. Sanitary sewer lift stations and appurtenances, buildings, and facilities
2. Pressurized irrigation pump stations and appurtenance, buildings, and facilities

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

1. No Change Requested

**(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination of City Code is made that the use is similar enough to a use listed above that distinction between them is of little consequence.**

1. Amusement Parks
2. Animal Hospital – Large Animal
3. Bulk Fuel Sales
4. In Home Day Care Centers
5. Cemeteries
6. Fairgrounds
7. Go Cart Tracks
8. Jails, Detention Centers, or Work Release Centers
9. Judicial Facilities
10. Outdoor Theaters
11. RV and Camping Parks
12. Shelter Homes and/or Facilities

# Area 4

- 13. Stand Alone Drug and Alcohol Treatment
- 14. Tattoo Parlors
- 15. Zoos

## (2) PROPERTY DEVELOPMENT STANDARDS

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

### (A) Lot Area

- 1. No Change Requested

### (B) Lot occupancy

- 1. No Change Requested

### (C) Building Height

- 1. Buildings located within the CRO designated portion of property within this ZDA which are "hotel/convention centers" uses as defined in city code shall be permitted height beyond 35' by request of special use permit and application to Planning and Zoning Commissions.

### (D) Yards

Front yards shall conform to the following standards:

- 1. No Change Requested

### (E) Access

- 1. No Change Requested

### (F) Landscaping

- 1. No Change Requested

### (G) Parking

- 1. Off Street Parking
  - a. No Change Requested
- 2. Parking Areas
  - a. No Change Requested

### (H) Signage

- 1. Signs shall comply with the requirements and General Sign provisions contained in Chapter 9 of City Code

### (I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping

- 1. No Change Requested

## (3) OTHER SITE DEVELOPMENT CRITERIA - IF APPLICABLE

### (A) Pathways

- 1. Internal connections to the existing Canyon Rim Trail may be provided as part of the development. Connection locations to be agreed upon by the developer and the City during the Platting Process in order to coordinate the most appropriate location for current and future needs.

### (B) Coverage

- 1. No Change Requested

### (C) Screening

- 1. Screening Required:

Area 4

- a. No Change Requested
- 2. Minimum Standards:
  - a. No Change Requested

**(4) ARCHITECTURAL STANDARDS**

- (A)** Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces
- (B)** Architectural standards shall be approved through the ZDA process for buildings within the business park.
- (C)** All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from view from streets, with screening material such as landscaping or another approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located along Pole Line Road East

**(5) MANAGEMENT ASSOCIATIONS**

- (A)** A management association may be implemented at the Developer's discretion.

**(6) HOURS OF OPERATION**

- (A)** Hours of Operation
  - 1. The hours of operation for all activity within Area 4 shall not be limited

**(7) PROJECT PHASING**

- (A)** The improvements shall be installed in phases as the developer chooses based upon market demand and the discretion of the developer. The developer shall provide the City with written notification of the timing and scope of each phase or phases contemplated for development. No phase shall be constructed without first meeting the approval of the City for inter-connection of utilities and/or construction of temporary facilities required to accommodate a particular phase
- (B)** Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum time and a five (5) year maximum time limit between phases unless an extension of time is granted by the Twin Falls City Council



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**August 9, 2016 6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Danielle Dawson   Tom Frank   Kevin Grey   Gerardo "Tato" Muñoz   Ed Musser   Christopher Reid   Jolinda Tatum  
    Chairman     Vice-Chairman

**AREA OF IMPACT:**

Ryan Higley   Steve Woods

**ATTENDANCE**

**CITY LIMIT MEMBERS**

**AREA OF IMPACT MEMBERS**

**PRESENT**

**ABSENT**

**PRESENT**

**ABSENT**

Dawson  
 Frank  
 Grey  
 Muñoz  
 Musser  
 Tatum

Reid

Higley  
 Woods

**CITY STAFF:** Carraway-Johnson, Spendlove, Strickland, Vitek

**I. PUBLIC HEARINGS:**

**PAUSED FOR 5 MINUTE BREAK**

4. Request for the Commission's recommendation for an **Annexation with a Zoning District Change and Zoning Map Amendment** from SUI to R2, R6 and C-1 CRO ZDA (Zoning Development Agreement) to allow a planned multi-use development on 28.84 +/- acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East. c/o EHM Engineers, Inc. on behalf of Notch Butte Farms, LLC (app. 2804)

**Applicant Presentation:**

David Thibault, EHM Engineers, Inc., representing the applicant Notch Butte Farms, LLC, stated this is a request for a rezone and annexation request with the ZDA process. The plan is to have a mixed use development with retail, restaurant, office, hotel and residential areas. He reviewed the master development plan on the overhead explain each designation on the plan. A portion of this property is in the Canyon Rim Overlay and has been shown on the plan. The property boundary line is roughly 125 ft. from the canyon rim to the northern most property line, 65 ft. on the east side and approximately 100 ft. on the west side. This is relevant because they are asking for some consideration with the portion of the property that they anticipate to be a hotel or hotel type use (Area 4). They ask for some language within the ZDA to allow for a change in the height to be consistent with City Code 10-4-19.4 c 4. which allows for additional building height beyond one hundred feet from the canyon rim overlay within one thousand feet of state administered highways serving as gateway arterials and those properties that have a hotel/convention center designed to accommodate a minimum of five hundred convention attendees. This property is beyond the 1000 ft. state administered highway. The canyon rim setback precludes anything from being built within 50 ft. of the rim, the property that lies between 50 ft. and 100 ft. of the rim has a height restriction of 25 ft. at the 50 ft. mark and rises evenly to 35 ft. at the 100 ft. mark. and is restricted to 35 ft. for the area behind the 100 ft. but still within the Canyon Rim Overlay. The distance adjustment would be for a specific use would be located within the Canyon Rim Overlay. Other buildings

along the Canyon Rim range from 28 ft. to approximately 33 ft. with similar setback requirements. In order to proceed with development, the property needs to be annexed into the city limits. As part of the annexation a zoning designation is required and because of the Canyon Rim Overlay a ZDA process is required.

**PZ Questions/Comments:**

- Commissioner Woods asked if the amendment for additional height could be more specific, the request is fairly general.
- Mr. Thibault, explained buildings located within the CRO designated portion of property within the ZDA which are hotel/convention centers uses as defined in the city code shall be permitted height beyond 35' by request of special use permit and application to Planning & Zoning Commissions. In the event that an identified user would like to have a taller building he wants to provide language within the document that would allow that specific user to come back through and request additional building height through a Special Use Permit process.
- Commissioner Woods asked about the road issues going between this property and the Bridgeview Development to the west.
- Mr. Thibault explained they have to provide extension to their property along the west boundary, they have begun to have discussion with the property to the west and they anticipate that someday in the future there will be some connectivity, however the roadway alignment may not be exact depending on future development.
- Commissioner Woods asked about the sewer system options.
- Mr. Thibault stated they are trying to develop a plan for sewer and pressurized irrigation. Based on preliminary surveys a lift station is likely going to be required in order to discharge into the municipal system.
- Commissioner Grey asked how the approach east of Bridgeview would be designed.
- Mr. Thibault stated he would like to have the issue resolved prior to platting, currently he is showing a landscape buffer in this area and anticipates an easement will be extended along this area so that utilities can be connected.
- Commissioner Frank asked about access along Pole Line Road East.
- Mr. Thibault stated the property in front of the YMCA they do not own, but he is hopeful with the current directorship they can make some headway with the drop lanes listed in the conditions.
- Assistant City Engineer Vitek explained that Pole Line Road East is a two lane road along this section and exiting the YMCA is very difficult. The concern is traffic trying to stop immediately to enter the development.
- Commissioner Munoz asked about a deceleration lane along the frontage that they own on the east side of the Master Plan.

**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. In 2004 there was an amendment to the Area of Impact Agreement at which time the Rural Residential and the R-1 43,000 zoning districts became AG and SUI.

A preliminary presentation was conducted for the Planning and Zoning Commission on July 26, 2016. No one spoke during the public testimony portion of the meeting. During that meeting the Commission asked for additional information regarding a height analysis with other locations nearby. It was Staff's understanding this information was requested of the Applicant. As of the staff report publishing date, (Thursday August 4, 2016) this information has not been provided.

**Planning & Zoning Commission Minutes  
August 9, 2016**

This is a request to make a recommendation on an appropriate Zoning Designation for property being requested to be Annexed. The requested Zoning is for a ZDA; Zoning Development Agreement consisting of various Residential and Commercial land uses identified on the submitted Rio Vista Conceptual Master Development Plan.

The applicant has supplied the required Written Commitments or Memorandum of Understanding for the Areas to be distinctly zoned. These Memorandum of Understanding detail the variants from the base zoning code they are requesting. It should be noted; the Canyon Rim Overlay applies to a large portion of this property as depicted on the Zoning Vicinity Map (Attachment #2 of this report).

**Per City Code 10-6: Zoning Development Agreements:**

The applicant is tasked with providing a Conceptual Development Plan, and associated written commitments to adequately describe the project. These items have been provided by the applicant.

The following items shall be included or addressed with the **Conceptual Development Plan (the Plan)** or associated text materials:

1. Land Use

*a. The proposed land uses have been identified into 4 Areas on the Plan and the specific land uses are described in detail within the written Text.*

2. Topography and Boundary

*a. The Boundary of the ZDA has been identified, the topography was not identified on the Conceptual Plan.*

3. Size, Type and location of buildings and sites

*a. The Plan does show some typical buildings and sites as a concept development pattern. All buildings are further regulated by the Zoning Development standards found in each base Zoning District assigned on the Plan. These specific locations and sizes can fluctuate as outlined in City Code 10-6-1.6.*

4. Proposed Ingress and Egress

*a. The Plan identifies public and private access into and out of the proposed property.*

5. Physical features

*a. The Plan has identified the major existing physical features.*

6. Existing streets

*a. The Plan shows Pole Line as the adjacent existing roadway to the south.*

7. Stormwater management

*a. The applicant is not requesting changes to the standards procedure found in current City Code.*

8. Alleys and easements

*a. No alleys are requested; the applicant is not requesting changes to the standard procedure for easement placement found in current City Code.*

*b.*

9. Future public facilities
  - a. *The applicant is not requesting changes to the standard procedure for public facilities found in current City Code.*
10. Multi-use transportation access and pathways
  - a. *The plan shows access to the existing Canyon Rim Trail network. The appropriate areas for connection will be determined during the Platting Process.*
11. Density
  - a. *The applicant is not requesting changes to the permitted density listed in the identified base Zoning Districts shown on the Plan.*
12. Parking
  - a. *The applicant is not requesting changes to the standard Parking Requirements found in current City Code.*
13. Landscaping
  - a. *The applicant is not requesting changes to the standard Landscaping Requirements found in current City Code.*
14. Screening
  - a. *The applicant is not requesting changes to the standard Screening Requirements found in current City Code*
15. Project Scheduling
  - a. *The applicant lists a maximum five (5) year time limit between Final Plat Phases unless an extension of time is granted by the City Council.*
16. Preliminary Lot Arrangements
  - a. *The Plan shows preliminary arrangements for lots and uses. All the property will undergo Preliminary and Final Platting that may adjust these arrangements per City Code 10-6-1.6*
17. Parks and Open Space
  - a. *The Plan shows some potential parks and open space within the boundary. The applicant is not requesting changes to the standard procedure for dedicating Parks and Open Space.*
18. Other Standards
  - a. Hours of Operation: *The applicant has requested no limit for Areas 1 and 4. Areas 2 and 3 will be limited to 7:00 AM – 10:00 PM, extended hours may be granted through a Special Use Permit process.*
  - b. Extra Height - Canyon Rim Overlay – Area #4: *The applicant is requesting a change to the CRO base code by introducing a mechanism to allow extra height within Area #4 through a Special Use Permit to the Planning and Zoning Commission. This extra height variant would be limited to “Hotel/Convention Centers” as defined within current City Code.*
  - c. Architectural Standards: *The applicant has requested building faces include windows, awnings, parapet – material – color variations to break up large uniform spaces. The applicant has supplied some visual examples of materials and architectural features to be required within the development.*

**PZ Questions/Comments:**

- Commissioner Grey asked if the extra height provision overrides the CRO base code.
- Planner I Spendlove stated it is different from what is in the base code
- Commissioner Munoz asked if the Hotel could be moved closer to the residential area.
- Planner I Spendlove stated they can move things as long as it doesn't substantially change the Master Development Plan. They would develop per the zoning code and per the ZDA Master Development Plan.
- Commissioner Tatum asked if a recommendation of approval went forward to the City Council development of a Hotel could occur in this area without any other process.
- Planner I Spendlove explained that the Canyon Rim Overlay requires that a hotel be approved through a Special Use Permit process no matter the size.

**Staff Presentation Continued:**

Planner I Spendlove continued the presentation and stated the full impact of this project will not be immediately felt by the community. This size of project takes multiple years to fully construct and implement. As such, the impacts generally seep into the community over a period of time rather than abruptly show up on a pre-set date. Furthermore, since the time frame is over multiple years it can be difficult to discern if the impacts are occurring due to this one project or to an overall growth of the community. In any case, staff has attempted to address the most common and impactful items this project may produce.

The Conceptual Plan shows a Mixed Use Development complete with Commercial Zones and two types of Residential Zones. The Zoning along Pole Line and the Rim are proposed as C-1, with limitations. The actual users are not known at this time, but the potential Land Uses and development standards are no different from our current C-1 Zoning Code. *The CRO land uses are different than the C-1 and are not adhered to within the developers' proposal.*

The two residential areas are proposed to be R-2 and R-6 respectively. No deviations from current City Code are being sought for these residential areas. The end product could be a number of mixed housing types, (single family, duplex, apartments, etc.) as are permitted in the R-2, R-6, and CRO (if applicable) Zoning Districts or the end product could be a standard residential subdivision. These areas will be developed per the standards set forth in current City Code.

With the mixed use development pattern being a new concept to Twin Falls, it is difficult to identify potential impacts associated with the Land Use. In theory, mixed use developments provide an area where residents can live, work and play in the same vicinity without requiring them to travel long distances for necessities. Although, we do not have actual business names or building plans, these areas will be developed as permitted in current City Code. The impacts of this type of Land Use would generally be a positive one.

The Commission should review the proposed Zoning Designations and propose mitigating conditions to possible impacts if it deems necessary.

The Canyon Rim will be most impacted in a visual way by having new buildings on land previously used for pasture and fallow farm ground. The Conceptual Plan and the associated documents depict commercial type uses closest to the Rim. This is not unlike most other locations near the Rim that have developed Commercially. The request to deviate from the Canyon Rim Overlay Code for height should be considered carefully. The provision for additional height would only be permitted for a "Hotel/Convention Center" as defined in current City Code. This restriction would make every other commercial project follow the CRO as it is written in City Code.

Due to the location of this project along Pole Line and the proximity of Blue Lakes Blvd, this project will have an impact on the local road network. Due to the natural barrier of the Canyon Rim, access to the overall street network is limited to Pole Line Road. The proposal does not show access to Bridgeview Boulevard, or any other local roadway. This will funnel all traffic to Pole Line Road to the south.

With Pole Line being an overloaded arterial in its current underdeveloped state, the increased traffic and access to this particular stretch will create a large impact. As previously stated, this project is anticipated to be constructed over multiple years. So the full impact will not manifest immediately. However, it would be negligent for Staff to ignore the issues of the Future while discussing currently proposed projects. A widening of the roadway and potential drop lanes to service this project may be needed in order to mitigate the increase of traffic on an already congested roadway.

The Commission should review the proposed Zoning Designations and propose mitigating conditions to possible impacts if it deems necessary.

The Commission is tasked with making a recommendation on the Zoning Designation for this area being proposed for annexation.

Planner I Spendlove stated upon conclusion if the Commission finds the Notch Butte-Rio Vista ZDA, as presented, is appropriate as the proposed Zoning Designation, Staff proposes the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to Pole Line Road widening and possible drop lanes being designed and constructed per City Engineer approval.
3. Subject to length of Public Roadway designated on Conceptual Development Plan to be determined by City Engineer.

**Public Hearing: Opened**

David Sparks, 1999 Pole Line Road East, stated he owns the residential to the east of this proposed development. He has been in discussions with the applicants and as long as it is constructed and there is access to the canyon trail he has no issues. He explained there may be a need to have a sewer line that extends through his property and he has no issues with that either.

**Public Hearing: Closed**

**Closing Statements:**

David Thibault, explained they have hired a wetlands professional. He also clarified that the request for additional height is to allow an avenue to request it through a Special Use Permit for additional height. He is hopeful they will get a favorable recommendation.

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**P&Z Deliberations Followed:**

- Commissioner Woods asked for clarification on the Notch Butte Farms, LLC and Rio Vista.
- Mr. Thibault explained Notch Butte Farms, LLC is the group of property owners, the ZDA will be called the Rio Vista.
- Commissioner Munoz asked about public access to the trail.
- Planner I Spendlove explained yes, there will be public access to the trail and coordinated with the Parks Director through the platting process.
- Commissioner Frank stated he is for the ZDA however traffic is still a concern. He predicts that the main entrance to this property is going to come from the Perrine Bridge down Bridgeview Boulevard and through the access between Bridgeview Care Center and Canyon Park East. He thinks that is where a GPS system will lead someone to enter.

**Motion:**

Commissioner Dawson made a motion to recommend approval of the request, as presented, to the City Council. Commissioner Musser seconded the motion. All members present voted in favor of the motion.

**Recommended to the City Council the zoning designation of R2, R6 and C-1 CRO ZDA, As Presented, With Staff Recommendations, is appropriate:**

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to Pole Line Road widening and possible drop lanes being designed and constructed per City Engineer approval.
3. Subject to length of Public Roadway designated on Conceptual Development Plan to be determined by City Engineer.

**Scheduled for City Council Public Hearing September 12, 2016**

**1. GENERAL PUBLIC INPUT: None**

**2. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:**

- Zoning & Development Manager Carraway-Johnson thanked everyone who attended the last Planning & Zoning Work Session. There will be updates made from that discussion and there will be a final draft review at the next Planning & Zoning Work Session on September 7, 2016 at 12:00 pm.

**3. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)**

- a. Public Hearing- **August 23, 2016**
- b. Work Session-**Wed, September 7, 2016**

**4. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 8:40 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department