

COUNCIL MEMBERS

Suzanne Hawkins Vice Mayor	Nikki Boyd	Shawn Barigar Mayor	Chris Talkington	Gregory Lanting	Don Hall	Ruth Pierce
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AMENDED AGENDA
Meeting of the Twin Falls City Council
Tuesday, January 3, 2017
City Council Chambers
305 Third Avenue East - Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CALL MEETING TO ORDER
 CONFIRMATION OF QUORUM
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
 PROCLAMATIONS: None
 GENERAL PUBLIC INPUT

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>		
1. Request to approve the Accounts Payable for 12/20/16 through 01/03/2017.	Action	Sharon Bryan
2. Request to approve the December 19, 2016, City Council Minutes.	Action	Sharon Bryan
3. Request to approve a Beer, Wine, and Liquor license transfer of ownership for 55 WindBreak LLC, 1749 Kimberly Road.	Action	Sharon Bryan
4. Request to accept the Improvement Agreement for the purpose of developing Westpark Commercial Subdivision No. 10, A PUD.	Action	Troy Vitek
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Presentation of a Public Safety Award.	Presentation	Brian Pike
2. Presentation reviewing the penalties for animal cruelty.	Presentation	Brian Pike
3. Request to adopt an ordinance for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for 0.16 (+/-) acres of undeveloped property located west of 515 Washington St N.	Action	Rene'e V. Carraway-Johnson
4. Request to accept the recommendation of the Canyon Springs Grade Ad Hoc Committee and direct staff to finish engineering and develop a funding strategy.	Action	Troy Vitek
5. Request to authorize modification of City Code sections related to driving sight obstructions.	Action	Jacqueline Fields
6. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORT/ANNOUNCEMENTS:</u>		
6:00 P.M.		
IV. <u>PUBLIC HEARINGS:</u> None		
V. <u>ADJOURNMENT:</u>		

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 Hawkins Vice Mayor	Nikki Boyd	Shawn Barigar Mayor	Chris Talkington	Gregory Lanting	Don Hall	Ruth Pierce
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MINUTES
Meeting of the Twin Falls City Council
Monday, December 19, 2016
City Council Chambers
305 Third Avenue East - Twin Falls, Idaho

3:30 P.M. - 4:45 P.M.

CONFIRMATION OF QUORUM

	Purpose	By:
<p>Attendees to include:</p> <ul style="list-style-type: none"> Members of the local Idaho Legislative Delegation City of Twin Falls Council Members City Staff Members <p align="center">Agenda</p> <ul style="list-style-type: none"> Welcome and Introductions Roundtable discussion of possible upcoming issues of the 2016 Legislative Session. Discussion of local delegation’s perspective. Final Thoughts. 	<p>Discussion</p> <p>Discussion</p>	<p>Led by City Staff Members with input from City Council Members</p> <p>Members of the Local Delegation</p>

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CALL MEETING TO ORDER
 CONFIRMATION OF QUORUM
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
 PROCLAMATIONS: None
 GENERAL PUBLIC INPUT

AGENDA ITEMS	Purpose	By:
<p>I. <u>CONSENT CALENDAR:</u></p> <ol style="list-style-type: none"> Request to approve the Accounts Payable for December 13-19, 2016. Request to approve the December 12, 2016, City Council Minutes. Request to approve the 2017 City Council Schedule of Regular Meetings & Public Hearings. Request to approve a Curb-Gutter & Sidewalk Improvement Deferral Agreement – 567 Jackson Street for Ronnie Johnson. Request by John Reitsma to approve a Parks In Lieu contribution for the Pillar Falls Plaza subdivision. Request to approve a Beer, Wine and Liquor license transfer for Paradigm Restaurants, LC dba Chili’s Grill & Bar, 1880 Blue Lakes Blvd. North. 	<p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p>	<p>Sharon Bryan</p> <p>Sharon Bryan</p> <p>Leila A. Sanchez</p> <p>Troy Vitek</p> <p>Wendy Davis</p> <p>Sharon Bryan</p>
<p>II. <u>ITEMS FOR CONSIDERATION:</u></p> <ol style="list-style-type: none"> Request to approve Monica D’Angelo to serve as a Library Trustee. Presentation to recognize a few individuals for their outstanding service; and, to recognize the achievements of Jeff Miller, Dan Gould, and Will Blanton for completing their TFFD Level II Firefighter certifications, and Driver/Operator Dave Owens for completing his Fire Officer I certification. Request to confirm the re-appointments of Dan Brizee, Gary Bond and Darren Hall to the Building Department Advisory Committee. 	<p>Action</p> <p>Presentation</p> <p>Action</p>	<p>Tara Bartley</p> <p>Fire Chief Tim Soule</p> <p>Mayor Shawn Barigar</p>

4. Request to apply for a CLG grant from the ID State Historical Society for the development of a Historical Preservation Master Plan and reprint the brochures for the historic districts in Twin Falls. 5. Presentation by Gridworks Consulting on the final draft of the Transit Development Plan for the City of Twin Falls. 6. Public input and/or items from the City Manager and City Council.	Action Presentation	Darrell Buffaloe <i>Historic Preservation Commission</i> Ross Peterson <i>Gridworks Consulting</i>
III. ADVISORY BOARD REPORT/ANNOUNCEMENTS:		
IV. <u>PUBLIC HEARINGS</u> : None 6:00 P.M.		
V. <u>ADJOURNMENT</u> :		

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.

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

Staff Present: City Manager Travis Rothweiler, Deputy City Manager Mitchel Humble, Deputy City Manager Brian Pike, Deputy City Clerk Sharon Bryan

Legislators: Bert Brackett, Stephen Hartgren, Clark Kaufman, Maxine Bell, Lance Clow

3:30 P.M. - 4:45 P.M.

CONFIRMATION OF QUORUM

Mayor Barigar opened meeting and welcomed everyone.

- Roundtable discussion of possible upcoming issues of the 2016 Legislative Session.

City Manager Rothweiler reviewed City Budget, Infrastructure, and Local Option Sales Tax.

Economic Development Director Murray spoke on the Downtown revitalization.

City Engineer Fields spoke on Storm Water issues and funding.

Police Chief Kingsbury spoke on body worn cameras policies.

Other items discussed:

Reliable nationwide body camera information

Public access to camera footage

Public Safety 911 Center

Spouse benefits – PERSI

Resort liquor licensing

Aerial fireworks regulations

Quality education

Fire fighters – PERSI benefits

PERSI System

Renew surplus eliminator.

Local Option building code

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

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Deputy City Manager Mitchel Humble, Deputy City Manager Brian Pike, Fire Chief Tim Soule, 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

I. CONSENT CALENDAR:

1. Request to approve the Accounts Payable for December 13-19, 2016.
2. Request to approve the December 12, 2016, City Council Minutes.
3. Request to approve the 2017 City Council Schedule of Regular Meetings & Public Hearings.
4. Request to approve a Curb-Gutter & Sidewalk Improvement Deferral Agreement – 567 Jackson Street for Ronnie Johnson.
5. Request by John Reitsma to approve a Parks In Lieu contribution for the Pillar Falls Plaza subdivision.
6. Request to approve a Beer, Wine and Liquor license transfer for Paradigm Restaurants, LC dba Chili's Grill & Bar, 1880 Blue Lakes Blvd. North.

MOTION:

Councilmember Talkington 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. Request to approve Monica D'Angelo to serve as a Library Trustee.

Liberian Tara Bartley asked City Council to approve Monica D'Angelo to serve as a Library Trustee.

Councilmember Talkington asked Monica D'Angelo how she would handle material that was profane, and lude and should library be a tool for censorship.

MOTION:

Vice Mayor Hawkins moved to approve the appointment of Monica D' Angelo to serve as a Library Trustee for a full term of office from January 1, 2017 through December 31, 2021. The motion was seconded by Councilmember Pierce. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0

2. Presentation to recognize a few individuals for their outstanding service; and, to recognize the achievements of Jeff Miller, Dan Gould, and Will Blanton for completing their TFFD Level II Firefighter certifications, and Driver/Operator Dave Owens for completing his Fire Officer I certification.

Fire Chief Soule recognized the achievements of Firefighters Jeff Miller, Dan Gould, and Will Blanton for completing their Twin Falls Fire Department Firefighter Level II Certification, and Driver/Operator Dave Owens for completing his Fire Officer I Certification.

Mayor Barigar presented Firefighters with their certificates.

Chief Soule took this opportunity to recognize Deputy City Manager Brian Pike, Administrative Assistance Danielle Kolb, Battalion Chiefs Mitch Brookes, Ron Aguire, and Brian Cunningham for their outstanding service to the Department by presenting them with the Fire Chief's challenge coin.

3. Request to confirm the re-appointments of Dan Brizee, Gary Bond and Darren Hall to the Building Department Advisory Committee.

Mayor Barigar asked City Council to confirm the re-appointments of Dan Brizee, Gary Bond and Darren Hall to the Building Department Advisory Committee.

MOTION:

Councilmember Talkington moved to approve re-appointments of Dan Brizee, Gary Bond and Darren Hall to the Building Department Advisory Committee. The motion was seconded by Councilmember Hall. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

4. Request to apply for a CLG grant from the ID State Historical Society for the development of a Historical Preservation Master Plan and reprint the brochures for the historic districts in Twin Falls.

Darrell Buffaloe, Historic Preservation Commission, asked to apply for a CLG grant from the ID State Historical Society for the development of a Historical Preservation Master Plan and reprint the brochures for the historic districts in Twin Falls.

MOTION:

Councilmember Pierce moved to approve the request to apply for a CLG grant from the ID State Historical Society for the development of a Historical Preservation Master Plan and reprint the brochures for the historic districts in Twin Falls in the amount of \$10,000. 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. Presentation by Gridworks Consulting on the final draft of the Transit Development Plan for the City of Twin Falls.

Ross Peterson, Gridworks Consulting presented the final draft of the Transit Development Plan for the City of Twin Falls.

City Council discussion ensued on the following:

Lack of parking.

Twenty-four-hour transit for high density employers.

Groundwork that needs to be done before transit system can be developed.

Hospital, Walmart & Winco where areas people would like transit system.

City Manager Rothweiler will take these recommendations to the Strategic Plan Committee.

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

Eric Smallwood, Twin Falls, addressed concerns he has with the newly developed URA parking lot use.

City Manager Rothweiler reminded City Council that tomorrow from 3:30 to 6:30 at the City Council Chambers City will be handing out hams and turkeys to Employees.

City Manager Rothweiler said that there is not a City Council meeting scheduled for Monday, December 26, 2016 and City Hall will be closed the next two Mondays.

III. ADVISORY BOARD REPORT/ANNOUNCEMENTS:

Vice Mayor Hawkins reported on the Twin Falls Library activities.

Deputy City Manager Brian Pike reported on the results of the Blue vs. Red competition at Walmart fund raiser for Salvation Army.

IV. PUBLIC HEARINGS: None

V. ADJOURNMENT:

The meeting adjourned at 6:13 PM

Sharon Bryan, Deputy City Clerk

http://twinfalls.granicus.com/MediaPlayer.php?view_id=2&clip_id=615



Date January 3, 2016 City Council Meeting

To: Honorable Mayor and City Council

From: Sharon Bryan, Deputy City Clerk

Request: Approval of a Beer, Wine and Liquor license transfer of ownership for 55 WindBreak LLC, 1749 Kimberly Road

Time: Consent Calendar

Background: Application to serve on premise beer, wine and liquor.

Budget Impact: N/A

Regulatory Impact: City and State Code Compliance

Conclusion: Staff recommends approval of the license on the condition they get there permanent State alcohol license.

Attachments: License Application.



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

Print Form

Alcohol License

Please attach a copy of your state license

Business Name: 55 Windbreak LLC State License # 3850

Doing Business As: 55 WINDBREAK

Physical Address: 1749 Kimberly Rd City, State, Zip Twin Falls, ID. 83316

Legal Description of Place of Business Lot _____ Block _____ Subdivision _____

Mailing Address: 951 Wirsching Ave. West City, State, Zip: Twin Falls, ID. 83301

Contact Person: L & Andrea / Brandee Groo Phone # 208.736.2427

- Beer:**
 - Bottled for consumption off the premises only (\$ 50.00)
 - Bottled for consumption on premises (\$150.00)
 - Bottled for Draught for consumption on premises (\$200.00)
- Wine:**
 - Retailed Sales for consumption off premises only (\$200.00)
 - Wine by the Drink for consumption on premises only (\$200.00)
- Liquor:**
 - Liquor license & fees cover wine license and fees (\$562.50)

License expires June 30th

Total Fee \$ 55.⁰⁰

Applicant is an: Individual Partnership Corporation

If a partnership, name all partners:

Name: L & Andrea Residence: 951 Wirsching Ave. West, Twin Falls, ID 83301

Name: Brandee Groo Residence: 698 MAIROK Apt. E., Twin Falls, ID 83301

Name: _____ Residence: _____

If a corporation or association, name all officers:

Name: L & Andrea Address: _____

Title: Owner / Operating Manager

Name: Brandee Groo Address: _____

Title: Owner / Operating Manager

Name: _____

Address: _____

Title: _____

Name: _____

Address: _____

Title: _____

Date of incorporation or organization: 10/24/2016 Place of incorporation or organization: Twin Falls

Principal place of business in Idaho: 1749 Kimberly Rd - Twin Falls

Owner of premises: Pressbox Property & Equipment Co.

Name of person who will manage business of selling beer at retail: LK Andrea & Brandee Groo

(If a partnership, all partners must sign)

Signature of applicant [Signature]

Name: LK Andrea

Residence of applicant: _____

Length of residence in Idaho: 2.6 months

Signature of applicant [Signature]

Name: Brandee Groo

Residence of applicant: _____

Length of residence in Idaho: 3 years

Signature of applicant _____

Name: _____ Birth date: _____

Residence of applicant: _____

Length of residence in Idaho: _____

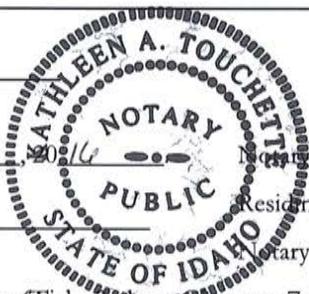
Signature of applicant _____

Name: _____ Birth date: _____

Residence of applicant: _____

Length of residence in Idaho: _____

Subscribed and sworn to before me this 19th day of December, 2016
Kathleen A. Touchette
Notary Public for Idaho
Residing at: TWIN FALLS ID
Notary Expiration Date: 10-28-21





State of Idaho

Idaho State Police

Temporary Alcohol Beverage License

Cycle Tracking Number: 90534
ISLC ID: 8009

Alcohol Beverage License Number (current): 3850

Premise Number (current): 2T-66

This is to certify that the above listed license is in the process of being transferred or processed by Alcohol Beverage Control. This permit authorizes:

Applicant: 55 Windbreak LLC dba: 55 Windbreak

At: 1749 Kimberly Rd City: Twin Falls

to operate until this permit expires. (Director regulation 012.04). The permit holder, in accepting the temporary permit, shall be responsible for complying with all statutes and rules pertinent to the sale of alcoholic beverages.

- Liquor Yes
- Beer Yes
- On-premise consumption Yes
- Keqs to go No
- Restaurant Yes
- Wine by the bottle Yes
- Wine by the glass Yes
- Multipurpose arena No
- Growlers No

55 WINDBREAK LLC
 55 WINDBREAK
 951 WIRSCHING AVE WEST
 TWIN FALLS, ID 83301
 Mailing Address

Dated: 11/29/2016

Permit Expires: 12/29/2016

Bureau Chief, Alcohol Beverage Control

Zusaidi Mether



Date: Monday, January 3, 2017
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Consideration of a request to accept the Improvement Agreement for the purpose of developing **Westpark Commercial Subdivision No. 10, A PUD.**

Time Estimate:

The staff presentation will take approximately 2 minutes.

Background:

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

Approval Process:

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

Budget Impact:

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

Regulatory Impact:

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

Conclusion:

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

Attachments:

1. Improvement Agreement.

IMPROVEMENT AGREEMENT

for

DEVELOPMENTS

This Agreement made and entered into this 11 day of Oct., 2016, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and Westpark Partners hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development Westpark Commercial Subdivision No. 10, a PUD.

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

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

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

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

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

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

WITNESSETH

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

I.

City agrees: (1) to operate and maintain all approved streets, alleys, service and roads, excluding state highways, constructed under the terms of this Agreement in any public rights-of-way

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

II.

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

- a. Surety Bond
 1. Accrual - The Bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement.
 2. Amount - the bond shall be in an amount equal to one hundred percent (100%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the Developer's Engineer and approved by the City Engineer.
 3. Term Length - The term length in which the bond is in force, for the duration of that phase of the project, shall be until completed and accepted by the City Engineer.
 4. Bonding for Surety Company - The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the Council.
 5. The escrow agreement shall be drawn and furnished by the subdivider to the satisfaction of the Council.
- b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.

1. Treasurer, Escrow Agent or Trust Company - A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit such surety acceptable by the Council, shall be deposited with an escrow agent or trust company.
2. Dollar Value - The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred percent (100%) of the estimated cost of construction for the specific public improvements, as estimated by Developer's Engineer and approved by the City Engineer.
3. Escrow Time - The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until all required improvements are completed and accepted by the City Engineer.
4. Progressive Payment - In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

III.

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

- a. Prepare a master utility plan showing the location of all existing and proposed utility lines to include but not be limited to sewer, water, gas, electricity, telephone, irrigation, pressure irrigation and storm sewer.
- b. Prepare detailed plans and specifications for construction of all improvements required by this Agreement and shall include but not be limited to a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All

- construction plans shall be prepared in accordance with the public agencies' standards and specifications.
- c. Perform construction surveying, staking, testing, inspection and administer the construction of all facilities required by this contract.
 - d. Submit all test reports, inspection reports, change orders and construction diaries to the City Engineer every week during the construction of the development or subdivision.
 - e. Prepare and submit an updated copy of the enclosed development and subdivision checklist to the City Engineer every week during the construction of the development or subdivision, and also upon completion of the project.
 - f. Submit to the City Engineer the final plans, and master utility plan for the City records showing any approved changes to the original plans and specifications. A permanent drawing in ink on approved transparent polyester drafting film and an electronic media copy of the plans in ACAD 2000 using City standard format shall be provided within thirty (30) days after completion of the project.
 - g. Submit a letter upon completion of construction stating that the work has been constructed in conformance to the plans and specifications, with the certification by the Developer's Engineer that improvements were constructed to the lines and grades shown.

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

The City agrees to provide asphalt pavement testing for conformance with City standards, but it shall be the responsibility of Developer's Engineer to provide all necessary quality control during construction. All tests shall be taken at a frequency based upon City of Twin Falls Standard Specifications.

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

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

IV.

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

V.

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

VI.

The Developer hereby agrees and petitions the City to annex into the corporate limits of said City, the above described real property that is contiguous with the same or becomes contiguous to said City limits. Developer agrees to annexation of said real property by the City upon the terms and conditions as shall be set forth by said City.

VII.

The Developer and the City agree that the improvements listed herein are required unless specifically waived by action of the City Council and that said improvements will be constructed on any public rights-of-way or easements approved and accepted by the City Council all as designed by the Developer's Engineer and approved by the City Engineer and in accordance with standards established by the City Engineer and that all required improvements will be completed in a timely manner. If improvements are not completed in a timely manner, the Developer shall provide an updated, current version of the developer's agreement and financial guarantee for City Council consideration.

VIII.

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

IX.

Developer agrees to pay the total extra cost of all additional materials, labor and equipment necessary to construct any streets the City requires to be wider or deeper than a standard street or any water or sewer lines the City requires to be larger than the size required to properly serve the

development. The requirement for wider and deeper streets shall be based on the City Master Street Plan. Requirements for larger water and sewer lines shall be based on the citywide sewer and water system sizing guidelines.

X.

The City shall provide no compensation for the cost of an oversize water or sewer line. In the case of water or sewer lines extended adjacent to or outside the limits of development, the Developer shall be eligible for payback from adjacent property owners pursuant to Resolution No. 1182. The Developer shall also be eligible for compensation when a private developer extends or connects to any water or sewer system previously installed by private developer, pursuant to Resolution 1651.

XI

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

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

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

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

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

The Developer shall be responsible for any damage to any existing public improvements and shall repair or replace any such damage as required by the City Engineer, during or after completion of this project.

XII.

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

PUBLIC WAYS

(a) Required Improvements

- (1) Curb, gutter and sidewalk on all public street rights-of-way.
- (2) A standard residential street thirty six feet (36') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course on all public street rights-of-way serving residential use property.
- (3) Minor residential and private streets as specified in the City of Twin Falls Standard Drawings.
- (4) A standard commercial or collector street forty eight feet (48') wide with an eleven inch (11") gravel course and three inch (3") asphaltic concrete surface course on all public street rights-of-way serving commercial use property or as a collector street. Whenever a street serves an industrial use property the City Engineer will determine the appropriate structural section.
- (5) A service-road twenty four feet (24') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course and with concrete curb-gutter or curb and valley-gutter on all public service road rights-of-way.
- (6) A sidewalk five feet (5') wide minimum on all public pedestrian rights-of-way. Four foot (4') sidewalks by special permission of the City Council are allowed by City of Twin Falls Standard Drawings for minor residential streets under certain conditions.

- (7) Landscaping and sidewalk placement required adjacent to arterial and collector streets: A tract of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets. Within that tract the developer shall install landscaping six feet (6') in depth with a sprinkler system and with grass and trees behind the curb line and shall also install a five foot (5') sidewalk. The landscaping will be maintained by the city and funded through a fee added to the water bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. TFCC §10-12-4.2(O).
 - (8) Street signs and traffic control devices on all public streets.
 - (9) Street lights as determined by City policy for street light installation.
- (b) City Costs
- (1) The cost of any street signs or traffic control devices installed by the City on new or existing streets.
 - (2) The cost of any required street lights (standard luminaires mounted on a wood pole). The Developer shall pay the extra cost of any decorative luminaries or poles. Prior approval will be required, and the cost of maintenance, replacement and power usage will be considered.
- (c) Required Inspections and Testing
- (1) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

WATER SYSTEM

- (a) Required Improvements
- (1) Pursuant to City Code Section 7-8-3, 7-8-10 and 10-12-4.2 water line and fittings six inch (6") minimum diameter that will transport a flow of water, which will satisfy fire, domestic, other water demands of the development, based upon the City water pipe sizing plan and computer water model. Water line extension shall include connection from the existing City Water System to each building site and fire hydrants and then loop back to the City System in a manner that will provide a properly functioning system approved by the City Engineer, Water Superintendent and Fire

Chief. If the development is to be constructed in phases, the water system shall be looped back to the City system during the first phase. No dead-end lines will be allowed during any phase of the project.

- (2) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City water distribution network in accordance with existing sizing guidelines.
- (3) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users or creating a critical situation in the suppression of fires.
- (4) Fire hydrant connections and fire hydrants spacing to substantially comply with the minimum standards suggested by the Fire Rating Bureau and American Water Works Association. Fire hydrants are required in all developments.
- (5) One water service line shall be constructed to each building site at the time the water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way.

During construction of the curb the letter W shall be stamped into the top or face of the curb directly in front of the water meter box. The impression shall be not less than one and one half inches (1½") high. Meters shall be grouped at adjacent side lot lines when possible or at another location if requested by the Developer and approved by the City Engineer and Water Superintendent.

Water meter boxes will not be allowed in driveway approaches. Any cost associated in relocating meters from driveway approaches will be the responsibility of the Developer or Lot Owner. Temporary address or lot number signs shall be staked at the location where the water meter box is to be installed. The City may install multiple water meters in a single water meter box.

The City will make the water line tap only after all appropriate tap fees for a Water Connection General Permit have been received and permits issued. All new water service line and connections made from existing water service mains to service any new development will be the responsibility of the

Developer. The City will make the necessary service line tap after payment of the required water connection general permit fees.

- (6) One water service line tap, meter box, and service line shall be constructed for each building connected to the City water system. It is understood and agreed that the City will make all service line taps and install all meter boxes and that the fee paid by the developer for a Water Connection General Permit will reimburse the City for such work.
- (7) It is further understood and agreed that the City will make all connections to the existing water system. The City will disinfect the new water system at the developer's expense.

(b) City Costs

- (1) None.

(c) Required Inspections

- (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-7-4, 7-7-11 and 10-12-4.2 a waste water collection system (eight-inch (8") minimum diameter) that will transport a flow of waste water, under conditions of maximum and minimum discharge from the development, to the existing City waste water system.
- (2) Waste water sewer lines adjacent to or internal to the development will be sized to continue the orderly expansion of the City Waste Water Collection System in accordance with existing sizing guidelines and computer sewer model.
- (3) Manholes to provide access for maintenance and cleaning of the sewer lines located at any change of grade or alignment of the sewer, at the end of each sewer and spaced not more than four hundred feet (400') apart.
- (4) During construction of the curb the letter S shall be stamped into the top or face of the curb directly in front of the sewer service line location. The impression shall be not less than one and one half inches (1½") high.

(b) City Costs

(1) None.

(c) Required Inspections and Testing

(1) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

DRAINAGE SYSTEM

(a) Required Improvements

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

(2) Any catch basin, storm sewer and other sub-surface drainage facilities necessary to convey any storm run-off, originating from or traversing across the proposed development, to a point of retention, detention or discharge approved by the City Engineer, that cannot, in the City Engineer's opinion, be conveyed over the land surface without causing damage to public or private property or without being an unreasonable inconvenience or hazard to a private individual, a group of individuals or the general public.

(b) City Costs

(1) None.

(c) Required Inspections and Testing

(1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

GRAVITY IRRIGATION SYSTEM

(a) Required Improvements

(1) Any pipe, boxes or other appurtenances necessary to convey all irrigation water in underground pipe across the development and any adjacent public property. Irrigation facilities outside an established City irrigation district shall be constructed in an irrigation easement on private property except where it is necessary for irrigation water to cross the public right-of-way and all such crossings shall be perpendicular to the center line of said right-of-way unless otherwise approved by the City Engineer due to some unusual condition.

- (b) City Costs
 - (1) None.
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

PRESSURE IRRIGATION SYSTEM

- (a) Required Improvements
 - (1) Pursuant to Section 7-8-3 of the City Code, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or PUD, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or PUD. One (1) share of Twin Falls Canal Company Water for each acre of property within the subdivision shall be deeded to the City of Twin Falls before the filing of the final plat for use in the City's pressurized irrigation system.
 - (2) Pressure irrigations water line and fittings shall be four inch (4") minimum diameter or larger that will transport a flow of water, which will satisfy all irrigation water demands of the development, based upon the computer irrigation water model that the developer's engineer has prepared.
 - (3) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City Pressure Irrigation water distribution network in accordance with existing sizing guidelines.
 - (4) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users. One pressure irrigation water service line shall be constructed to each subdivision

lot site at the time the pressure irrigation water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way. One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each subdivision lot connected to the City pressure irrigation water system.

- (5) The Developer shall be responsible for all costs incurred in designing and installing the pressure irrigation station. This includes the land, pumps, motors, filters, buildings, delivery system to the station from the TFCC head gate, storage pond, Supervisory Control and Data Acquisition (SCADA) system, and power to the station.
 - (6) All pressure irrigation system plans must be prepared by the Developer's engineer shall be according to the City's standard specifications and drawings. Plans submitted to the City shall be signed by a Professional Engineer for review and final approval, before the City Engineer will sign the plat or approve construction plans.
 - (7) The Pressure Irrigation System shall be located with in easements, right of ways and/or property deeded to the City of Twin Falls.
- (b) City Cost.
- (1) None
- (c) Required Inspections and Testing
- (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

SPECIAL FEATURES

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

a) Required Improvements

b) City Costs

- (1) None.

XIII.

The City and the Developer agree that the sequence of construction shall be as follows unless special approval in writing is obtained from the City Engineer:

1. Erosion and sedimentation controls.
2. Stormwater retention and detention facilities.
3. Waste water sewers and service connections.
4. Waste water manholes.
5. Storm sewers and catch basins.
6. Gravity irrigation pipes and boxes.
7. Pressure irrigation lines, service connections, etc.
8. Water lines and service connections.
9. Gas lines, power lines, telephone lines and cablevision lines.
10. Any other underground improvements that are required.
11. Sub-base preparation for public ways.
12. Gravel base course for public ways.
13. Curb-gutter, valley-gutter and sidewalk.
14. Gravel leveling course.
15. Asphalt paving.
16. Special Features.

XIV.

The Development may be phased as indicated on the attached development plan submitted by the Developer and approved by the City Engineer.

The terms of the basic agreement shall apply individually to each phase shown on the attached plan as though each phase were a separate and independent development providing each phase is begun in the sequence indicated on the development plan.

The two (2) year time limit, (indicated in Section VII of the Agreement) for completing the required improvements shall begin for each phase when the Developer sells a lot or an application or a building permit to construct a building within the phase has been received by the City.

The Developer may cease further development after completing any phase and before beginning the next phase and the basic agreement shall terminate in accordance with Section XVI, of the basic agreement for any undeveloped phases of the development originally proposed in the basic agreement.

XV.

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



Date: Monday, January 3, 2016
To: Mayor and City Council
From: Brian Pike, Deputy City Manager

Request

A presentation of the City Manager's Office reviewing the penalties for animal cruelty.

Time Estimate

The estimated amount of time this item will take is 15 minutes plus time to answer questions.

Background

The City Council listened to a presentation from a student group regarding the issue of animal cruelty. During the presentation, one of the students suggested the City of Twin Falls should have a progressive or tiered penalty system for animal cruelty violations.

Our City code provides one penalty for animal cruelty (6-2-4). It reads, "violation of the provisions of this section is a misdemeanor punishable by a fine of up to three hundred dollars (300.00) and/or six (6) months in jail, or both. Although our code allows for one level of penalty, the Idaho Statutes provide for several additional levels of penalty based upon number of violations within a set time frame.

Idaho Code, Title 25, Chapter 35, provides a tiered level of penalty based upon the number of violations within a set time frame. The code reads:

25-3520A. PENALTY FOR VIOLATIONS – TERMINATION OF RIGHTS. (1) Unless otherwise specified in this chapter, any person convicted of a first violation of a provision of this chapter shall be punished for each offense by a jail sentence of not more than six (6) months or by a fine of not less than one hundred dollars (\$100) or more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

(2) Unless otherwise specified in this chapter, any person convicted of a second violation of a provision of this chapter within ten (10) years of the first conviction shall be punished for each offense by a jail sentence of not more than nine (9) months or a fine of not less than two hundred dollars (\$200) or more than seven thousand dollars (\$7,000), or by both such fine and imprisonment.

(3) (a) Unless the penalty is otherwise specified in this chapter, any person convicted of a third or subsequent violation of any of the provisions of this chapter within fifteen (15) years of the first conviction shall be guilty of a misdemeanor and punished for each offense by a jail sentence of not more than twelve (12) months or a fine of not less than five hundred dollars (\$500) or more than nine thousand dollars (\$9,000), or by both such fine and imprisonment.

(b) Any person convicted of section [25-3504A](#)(3) or (4), Idaho Code, or any person convicted of a third or subsequent violation who previously has been found guilty of or has pled guilty to two (2) violations of section [25-3504](#), Idaho Code, provided the violations were for conduct as defined by section [25-3502](#)(5)(a) or (b), Idaho Code, within fifteen (15) years of the first conviction, shall be guilty of a felony and punished for each offense by a jail sentence of not more than twelve (12) months or a fine of not less than five hundred dollars (\$500) or not more than nine thousand dollars (\$9,000), or by both such fine and imprisonment. All other violations of section [25-3504](#), Idaho Code, for conduct as defined by paragraph (c), (d) or (e) of section [25-3502](#)(5), Idaho Code, shall constitute misdemeanors and shall be punishable as provided in paragraph (a) of this subsection.

(c) Each prior conviction or guilty plea shall constitute one (1) violation of this chapter regardless of the number of counts involved in the conviction or guilty plea. Practices described in section [25-3514](#), Idaho Code, are not animal cruelty.

(4) If a person pleads guilty or is found guilty of an offense under this chapter, the court may issue an order terminating the person's right to possession, title, custody or care of an animal that was involved in the offense or that was owned or possessed at the time of the offense. If a person's right to possession, title, custody or care of an animal is terminated, the court may award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals, or may award the animal to a law enforcement agency or animal care and control agency. The court's award of custody or care of an animal will grant to the organization or agency the authority to determine custody, adoption, sale or other disposition of the animal thereafter.

(5) Prior to sentencing pursuant to the provisions of this chapter, the court may in its discretion order a presentence psychological evaluation. If the prosecutor requests a presentence psychological evaluation prior to sentencing, the court shall determine whether a presentence psychological evaluation is warranted.

History:

[25-3520A, added 1996, ch. 229, sec. 14, p. 749; am. 2006, ch. 170, sec. 7, p. 527; am. 2012, ch. 262, sec. 3, p. 729; am. 2016, ch. 190, sec. 3, p. 524.]

As you can see, our first violation is comparable with State Code. What we are missing in our City Code is the ability to increase the penalty for subsequent violations; however, as we have utilized in other areas of criminal code, we could simply apply the State Code to subsequent violations of animal cruelty within the City thus utilizing the more severe penalties.

As we have done in the past with other criminal violations, we would recommend utilizing the State Code for this option and not duplicating the language in our City Code. This provides a clear direction to our citizens and staff in the education and enforcement of these provisions.

Approval

No action required.

Budget Impact:

No impact on our budget

Regulatory Impact:

There is no regulatory impact.

Attachments: None

Idaho State Legislature

legislature.idaho.gov/statutesrules/idstat/Title25/T25CH35/SECT25-3520A/



Idaho Statutes

TITLE 25
ANIMALS
CHAPTER 35
ANIMAL CARE

25-3520A. Penalty for violations — Termination of rights. (1) Unless otherwise specified in this chapter, any person convicted of a first violation of a provision of this chapter shall be punished for each offense by a jail sentence of not more than six (6) months or by a fine of not less than one hundred dollars (\$100) or more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

(2) Unless otherwise specified in this chapter, any person convicted of a second violation of a provision of this chapter within ten (10) years of the first conviction shall be punished for each offense by a jail sentence of not more than nine (9) months or a fine of not less than two hundred dollars (\$200) or more than seven thousand dollars (\$7,000), or by both such fine and imprisonment.

(3) (a) Unless the penalty is otherwise specified in this chapter, any person convicted of a third or subsequent violation of any of the provisions of this chapter within fifteen (15) years of the first conviction shall be guilty of a misdemeanor and punished for each offense by a jail sentence of not more than twelve (12) months or a fine of not less than five hundred dollars (\$500) or more than nine thousand dollars (\$9,000), or by both such fine and imprisonment.

(b) Any person convicted of section [25-3504A](#)(3) or (4), Idaho Code, or any person convicted of a third or subsequent violation who previously has been found guilty of or has pled guilty to two (2) violations of section [25-3504](#), Idaho Code, provided the violations were for conduct as defined by section [25-3502](#)(5)(a) or (b), Idaho Code, within fifteen (15) years of the first conviction, shall be guilty of a felony and punished for each offense by a jail sentence of not more than twelve (12) months or a fine of not less than five hundred dollars (\$500) or not more than nine thousand dollars (\$9,000), or by both such fine and imprisonment. All other violations of section [25-3504](#), Idaho Code, for conduct as defined by paragraph (c), (d) or (e) of section [25-3502](#)(5), Idaho Code, shall constitute misdemeanors and shall be punishable as provided in paragraph (a) of this subsection.

(c) Each prior conviction or guilty plea shall constitute one (1) violation of this chapter regardless of the number of counts involved in the conviction or guilty plea. Practices described in section [25-3514](#), Idaho Code, are not animal cruelty.

(4) If a person pleads guilty or is found guilty of an offense under this chapter, the court may issue an order terminating the person's right to possession, title, custody or care of an animal that was involved in the offense or that was owned or possessed at the time of the offense. If a person's right to possession, title, custody or care of an animal is terminated, the court may award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals, or may award the animal to a law enforcement agency or animal care and control agency. The court's award of custody or care of an animal will grant to the organization or agency the authority to determine custody, adoption, sale or other disposition of the animal thereafter.

(5) Prior to sentencing pursuant to the provisions of this chapter, the court may in its discretion order a presentence psychological evaluation. If the prosecutor requests a presentence psychological evaluation prior to sentencing, the court shall determine whether a presentence psychological evaluation is warranted.

History:

[25-3520A, added 1996, ch. 229, sec. 14, p. 749; am. 2006, ch. 170, sec. 7, p. 527; am. 2012, ch. 262, sec. 3, p. 729; am. 2016, ch. 190, sec. 3, p. 524.]

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Idaho State Legislature

 legislature.idaho.gov/statutesrules/idstat/Title25/T25CH35/SECT25-3504/



Idaho Statutes

TITLE 25
ANIMALS
CHAPTER 35
ANIMAL CARE

25-3504. Committing cruelty to animals. Every person who is cruel to any animal, or who causes or procures any animal to be cruelly treated, or who, having the charge or custody of any animal either as owner or otherwise, subjects any animal to cruelty shall, upon conviction, be punished in accordance with section [25-3520A](#), Idaho Code. Any law enforcement officer or animal care and control officer, subject to the restrictions of section [25-3501A](#), Idaho Code, may take possession of the animal cruelly treated, and provide care for the same, until final disposition of such animal is determined in accordance with section [25-3520A](#) or [25-3520B](#), Idaho Code.

History:

[(25-3504) Cr. & P. 1864, sec. 143; R.S. & R.C., sec. 7153; am. 1909, p. 175, sec. 1; reen. C.L., sec. 7153; C.S., sec. 8542; I.C.A., sec. 17-4202; reen. 1972, ch. 336, sec. 1, p. 884; am. 1979, ch. 183, sec. 1, p. 537; am. and redesig. 1994, ch. 346, sec. 4, p. 1092; am. 1996, ch. 229, sec. 3, p. 745; am. 2006, ch. 170, sec. 4, p. 526; am. 2008, ch. 47, sec. 1, p. 119; am. 2012, ch. 262, sec. 1, p. 729.]

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Public Meeting: **TUESDAY, JANUARY 03, 2017**

To: Honorable Mayor and City Council

From: Rene'e V. Carraway-Johnson, Zoning & Development Manager

ITEM II-

Request: For the City Council's consideration to adopt an ordinance [for a Zoning District Change and Zoning Map Amendment](#) from R-4 to C-1 for 0.16 (+/-) acres of undeveloped property located west of 515 Washington St N. c/o Dave Thibault/EHM Engineers, Inc. on behalf of Dan Willie/Oasis Stop-n-Go. (app.2823)

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

Background:

In the Spring of 2016 EHM approached the City on behalf of Dan Willie/Oasis Stop-n-Go to expand the parking area adjacent to the existing gas station/convenience store at 515 Washington St N. It was determined as the undeveloped parcel was zoned R-4 to expand the commercial use would require approval of a rezone to C-1 and a Special Use Permit. The Special Use Permit was granted on November 8, 2016 subject to conditions.

On **November 8, 2016** the Commission held a public hearing and was asked to make a recommendation to the City Council on a request [for a Zoning District Change and Zoning Map Amendment](#) from R-4 to C-1 for this site. The adjacent property owner to the west expressed some development concerns. Those concerns were addressed and conditions added to the special use permit, to be applied at the time of development. Upon conclusion of the public hearing and Commission discussion Commissioner Tatum made a motion to recommend approval of this request to the City Council, as presented. Commissioner Grey seconded the motion and All members present voted in favor of the motion.

On **December 12, 2016** The City Council held a public hearing on this request. There was no public comment and upon conclusion of the public hearing and deliberation Councilmember Lanting moved approval to rezone 0.16 (+/-) acres of undeveloped property located west of 515 Washington St North, as presented. Councilmember Boyd seconded the motion. The motion was approved 6 for and 0 against.

Conclusion:

As Directed By The Council, Staff Has Prepared An Ordinance For Your Consideration. Staff Recommends The City Council Adopt The Ordinance by a 3rd and Final motion So It Can Be Published And Codified.

Attachments:

1. Ordinance & Attachments (2)
2. Map of Area (2)

ORDINANCE NO. _____

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

WHEREAS, Dan & Troy Willie on behalf of Jacksons Food Stores, Inc. aka Oasis Stop N Go had made application for a Zoning District Change & Zoning Map Amendment for properties located on Filer Ave West and is west of 515 Washington Street North City of Twin Falls, and an amendment of the Revised Area of Impact and Zoning District Map; 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 8th day of November, 2016, to consider the Zoning Designation, necessary Zoning and Planning Map amendment upon a REZONE of the real property below described, and an amendment to the Revised Area of Impact and Zoning District Map; 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 12th day of December, 2016.

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 at on Filer Ave West and is west of 515 Washington Street North is the subject of a Zoning District Change and Zoning Map amendment from R-4 to C-1;

See Attachment: Exhibit "A"

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

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

ATTACHMENT "A"

That part of Lot 5 of Picketts Subdivision, Twin Falls County, Idaho, according to the plat thereof recorded in Volume 5 of Plats, page 13, records of said County, which is described as follows:

BEGINNING at a point on the South boundary of Lot 5, which is 25 feet East of the West boundary of the subdivision;

THENCE South $87^{\circ}09'43''$ East 80.00 feet along the South boundary to the REAL POINT OF BEGINNING;

THENCE North 100.00 feet;

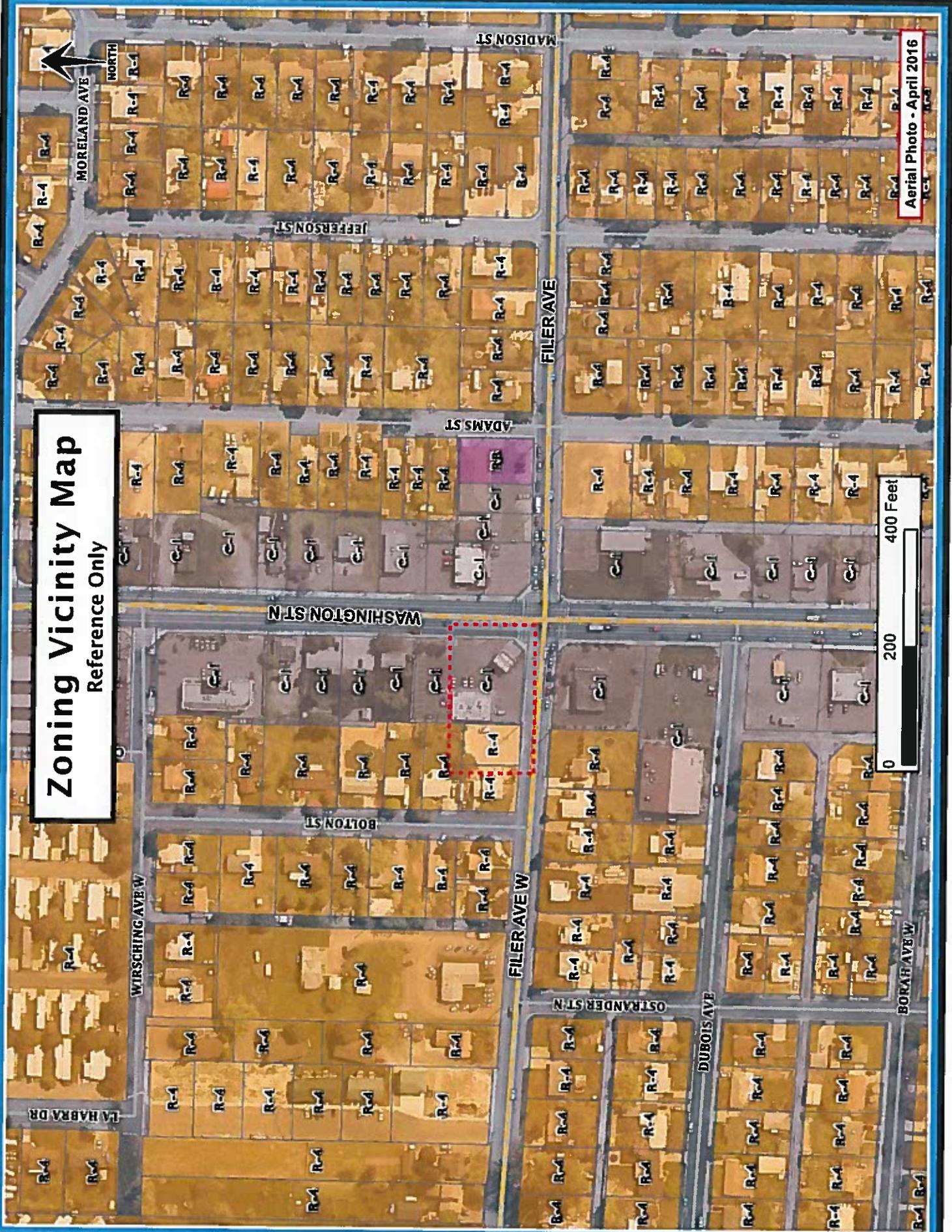
THENCE South $87^{\circ}09'43''$ East 69.18 feet;

THENCE South 100.00 feet;

THENCE North $87^{\circ}09'43''$ West 69.18 feet along the South boundary to the REAL POINT OF BEGINNING.

Zoning Vicinity Map

Reference Only



Aerial Photo - April 2016

Aerial Photo Map Reference Only

556 WASHIN

NORTH

532 WASHIN

111 FILER

FILER AVE

492 WASHIN

Aerial Photo - April 2016

WASHINGTON ST N

533 WASHIN

525 WASHIN

515 WASHIN

483 WASHIN

100 Feet

50

0

FILER AVE W

548 BOLTON

538 BOLTON

528 BOLTON

510 BOLTON

137 FILER

BOLTON ST

145 FILER

157 FILER

535 BOLTON

523 BOLTON

166 FILER



Date: Tuesday, January 3, 2017
To: Honorable Mayor and City Council
From: Troy Vitek – Assistant City Engineer

Request:

Request Council Accept the recommendation of the Canyon Springs Grade Ad Hoc Committee and direct staff to finish engineering and develop a funding strategy.

Time Estimate:

The team presentation will take approximately 20 minutes with 30 minutes to address questions.

Background:

The City of Twin Falls Council created an Ad Hoc Committee on September 14, 2015 to look at options for the Canyon Springs Grade. The committee was chartered by the Council which included Roles and Objectives for the Committee itself. The Committee met 9 times and looked at a total of 9 alternatives. This presentation will be by JUB Engineers briefly identifying all the alternatives along with the committee's recommendation.

Approval Process:

No approval process is being requested tonight. Upon Council Direction the staff will proceed with additional engineering on the council recommended alternative. This will then be brought back to the council for later consideration.

Budget Impact:

Alternative 6 appears to address the needs and is estimated at 4.8 to 5.8 million dollars. Funds to complete the design portion were previously approved by the council. A funding strategy for construction could follow at a later date with council's approval.

Regulatory Impact:

None

Conclusion:

Staff recommends the Council proceed with the recommended alternative 6, direct staff to finish engineering and develop a funding strategy. This will allow staff to continue work with JUB and adjacent property owners on detailing Alternative 6. The better the detail, the more accurate the construction estimates.

Attachments:

1. JUB Canyon Springs Road Project Update

CANYON SPRINGS ROAD PROJECT UPDATE

December 2016



City of Twin Falls, Idaho



J·U·B ENGINEERS, INC.

**115 Northstar Avenue
Twin Falls, ID 83301-3366**

CANYON SPRINGS ROAD PROJECT UPDATE



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INTRODUCTION

The City of Twin Falls (City) developed the “Canyon Springs Road Project Citizen Involvement Ad Hoc Committee Charter” (Ad Hoc Committee) on September 14, 2015 with the intent of “providing an effective mechanism to access community input on the identification, design, and construction of potential improvements” to Canyon Springs Road.

The purpose of this report is to provide a summary of the findings from the Ad Hoc Committee public involvement process including advisory recommendations from the Committee to the City Council.

Ad Hoc Committee Role

As outlined in the charter the role of the Ad Hoc Committee included:

1. Develop design concepts regarding the roadway and associated pedestrian and cyclist access
2. Review design data regarding the design and construction of improvements
3. Review and recommend funding options
4. Take public comment
5. Review alternatives
6. Deliberate
7. Make presentations to community and interest groups
8. Make recommendations to the City Council

The following Committee members were appointed by the City Council and agreed to participate in this process:

- Katie Breckenridge, Adjacent Property Owner
- Tony Mannen, College of Southern Idaho
- Jim Olson, Business Owner, Member of Twin Falls Rural Fire Protection District
- Todd Schwarz, College of Southern Idaho
- John Lezamiz, Adjacent Property Owner
- Linda Roberts, Adjacent Property Owner / Realtor
- Rick Novacek, Director Twin Falls County Parks and Waterways
- Jamie Tigue, Magic Valley Trail Enhancement Committee
- Dave McCollum, Adjacent Property Owner, Co-Owner Canyon Springs Golf Course

City of Twin Falls Staff: Troy Vitek, P.E., Assistant City Engineer
Lori Williamson, City Communication Liaison

Project Facilitator: Phil Kushlan – Kushlan Associates

Consulting Engineers: Brian D. Smith, P.E. - J-U-B ENGINEERS, Inc.
Mike Woodworth, P.E. / Kent Magleby, P.E. - STRATA, Inc.

Project Charter Objectives

The project charter identified five specific objectives for this project as outlined below:

- Reconstruct existing Canyon Springs Roadway and improve drainage
- Provide enhanced safety for pedestrians and cyclists

- Consider improved slope stability by the City and adjacent property owners
- Evaluate parking
- Provide continued access to destinations in the Canyon with appropriate widths for truck movements

The initial Committee meeting was held on January 21, 2016 and the Committee met a total of nine times to review previously completed studies and discuss and develop a wide range of potential alternatives (nine in total). Summaries of each of the nine alternatives including costs, potential benefits and / or construction issues, and other factors are included within this Project Update.

RECOMMENDED ALTERNATIVE

The Ad Hoc Committee met on November 17, 2016 to complete a final review of the nine conceptual alternatives outlined in this report. As a result of this meeting, the Ad Hoc Committee voted unanimously to recommend that the City Council approve moving forward with additional engineering evaluation and public involvement **to construct an at grade pathway along Canyon Springs roadway with roadway reconstruction and rock fall mitigation for an estimated cost of \$4.8 million - \$5.8 million**. It should be noted that one of the committee members, Katie Breckenridge, recused herself from the committee prior to the vote due to what she determined to be a conflict of interest.

The “at grade” pathway would be constructed along the downhill side of Canyon Springs Road using (MSE) retaining walls to bring the pathway to grade. Typical sections of this recommended alternative (along both the upper and lower limits of Canyon Springs Road grade) are shown on the following page in **Figures 1 and 2**. A plan view of the proposed pathway is shown in **Figure 3**.

The roadway would be reconstructed with a pavement section comprised of 3” pavement and 14” of compacted aggregate base. The roadway grade would be revised from a “crown” to a “shed” section with storm water runoff diverted to a new drainage ditch adjacent to the roadway for the upper section of the roadway. A concrete pan would be installed between the proposed roadway and pathway for the section of roadway downhill of the first hairpin curve. Concrete catch basins would be installed at intermediate points along the length of the roadway and then piped to rock lined outfall locations. Seepage from the canyon wall would be collected in a similar manner.

Due to the existing terrain limitations, the proposed pathway width and horizontal geometry would not meet AASHTO standards for bicycle pathway facilities and consequently bicycles would NOT be permitted on the pathway. “Share the Road” signing and striping would be added to the roadway to accommodate the bicycle traffic.

Rock fall mitigation would be achieved by rock bolting, scaling, and netting for “higher risk” rock fall areas along the canyon wall in accordance with recommendations from a rock fall evaluation / study previously completed in 2010 by STRATA Geotechnical Engineers.

A detailed summary of this alternative (identified as Alternative 6) including additional evaluation criteria and information is provided on page 24 of this report.

FIGURE 1 – TYPICAL SECTION – RECOMMENDED ALTERNATIVE - UPPER ROADWAY (ABOVE UPPER HAIRPIN CURVE)

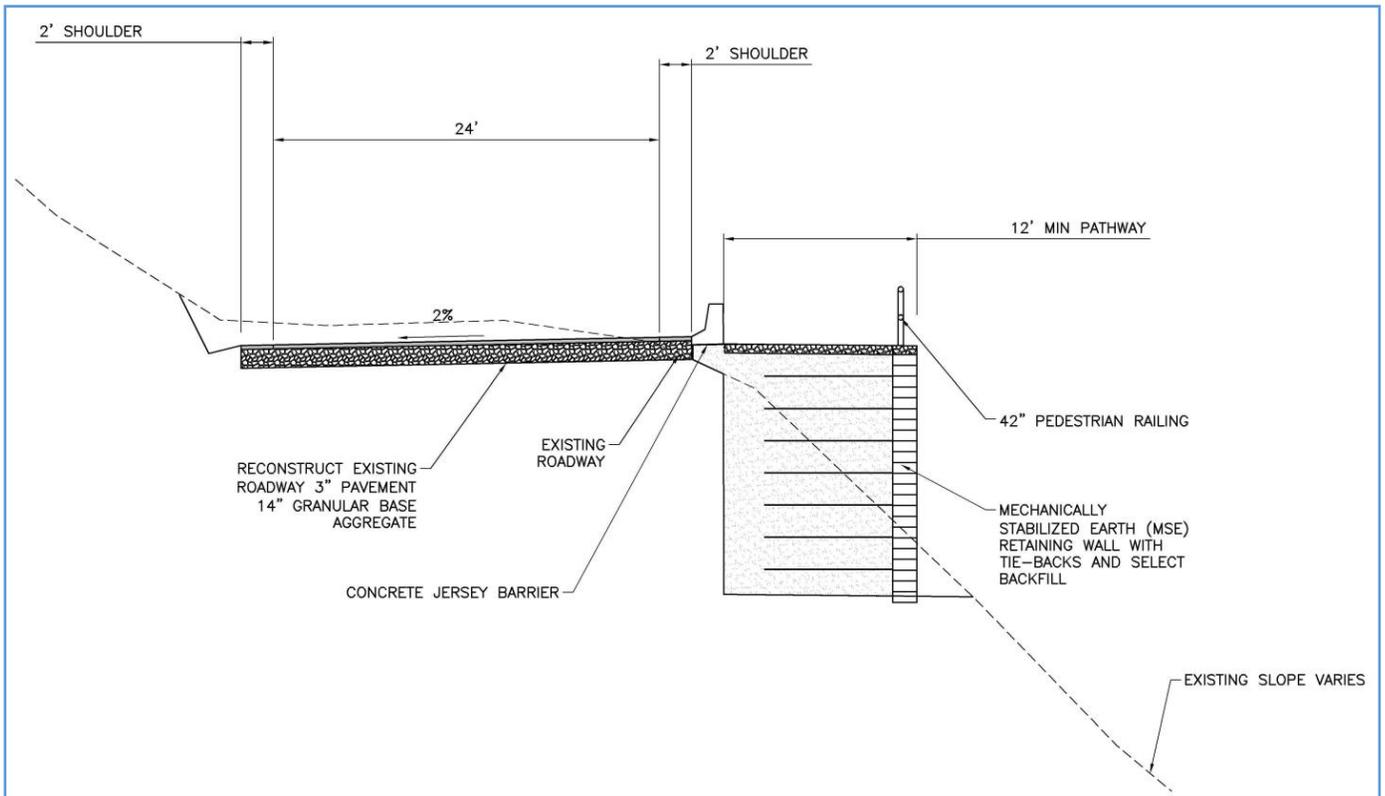


FIGURE 2 – TYPICAL SECTION – RECOMMENDED ALTERNATIVE - LOWER ROADWAY (BELOW UPPER HAIRPIN CURVE)

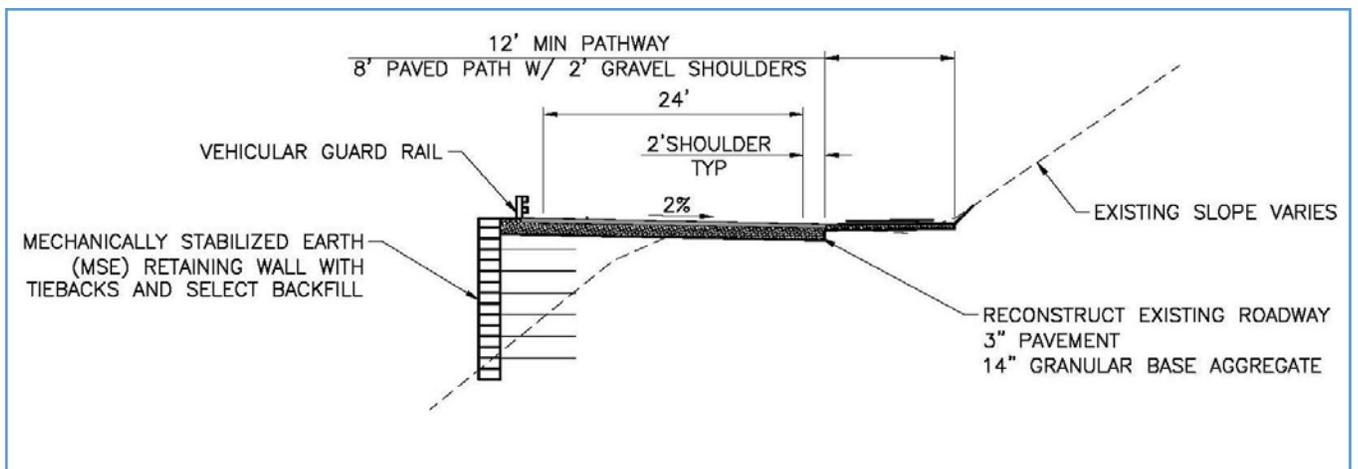


FIGURE 3 – RECOMMENDED ALTERNATIVE - PROPOSED PLAN VIEW



BACKGROUND AND DISCUSSION

Canyon Springs Road provides the only direct access for pedestrians, bicyclists, and vehicular traffic for existing City facilities, parks, and other recreational opportunities on the south side of the Snake River, west of the Perrine Bridge. The existing roadway averages approximately 10% in grade from the top of the canyon to the bottom “flat” area and includes two 180 degree “switchback” horizontal curves. The roadway width ranges from approximately 22’ to 26’ and there are no existing pedestrian facilities (i.e. sidewalks), which forces pedestrians to use one of the vehicular travel lanes.

Access to the canyon from this road has increased over the last several years prompting concerns from the City, adjacent property owners, and roadway users over potential safety and functional issues with the roadway as well as potential rock fall from the adjacent canyon wall.

In addition, the City’s sanitary sewer trunk line runs down Canyon Springs Road and has limited cover over the top of the pipeline necessitating that any of the proposed improvements for this project take into consideration potential impacts to this vital infrastructure component during construction.

Vehicular / Pedestrian Traffic Counts

City provided traffic counts estimate an average daily vehicular count of 1,343 vehicles. In addition, the City conducted pedestrian counts in July 2016 which showed an average pedestrian use of approximately 150 trips per day. Many pedestrians park at existing gravel lots located at either the top or bottom of the grade and then walk the roadway.

Property Ownership

Canyon Springs Road is not dedicated right of way and the majority of the roadway is constructed within an existing City owned parcel located outside of City limits. Adjacent to the canyon wall, recorded surveys show that the City owned parcel line along the south side of the roadway is delineated by the top of the canyon rim.

A section of Canyon Springs Road near the top of the grade (approximately 1,000 linear feet in length) is located on a privately owned parcel of land and is used by the public and maintained by the City through prescriptive rights across this property.

Rock Fall History and Previous Rock Fall Evaluations

As reported by City maintenance crews, minor rock fall events requiring maintenance and clean up occur on a periodic basis along the section of Canyon Springs Road (particularly during spring and winter months) adjacent to the canyon wall. A significant rock fall event occurred in 2003 that resulted in a temporary road closure although no additional property damage or injuries were reported as a result of that event. City personnel and members of the Ad Hoc committee indicated that to their knowledge there have been no previous injuries and only one incident of damage to a vehicle from rock fall events.

In 2009-2010, the City commissioned a study by STRATA Geotechnical Engineers (STRATA) to review the geologic conditions of the canyon wall along the upper 2,200 foot long section of Canyon Springs Road and to provide recommendations to help mitigate future rock fall events. A detailed field visual evaluation of the canyon wall was completed as a part of this effort in addition to a review of the area geology and potential contributing factors to rock fall.

A site specific database identifying a total of 44 potential rock fall locations along the canyon wall was prepared and evaluated potential rock fall failure mechanisms, likelihood of failure, and risk to the public associated with the failure. Field observations and consultation with the City led to the development of an inventory of risk factors associated with potential rock fall events to identify those areas which appeared to pose the most substantial risk to the public and property.

The risk factors ranged from 0 to 5, with 5 being the highest risk. A summary from STRATA's report of the description of each risk factor as well as the number of locations identified along the canyon wall for each of these factors is shown below in **Table 1**.

TABLE 1

Risk Factors	Risk Factor Description	Number of Identified Locations Along Canyon Wall
0 – 1	Smaller cobbles and/or boulders with a low likelihood of reaching the roadway.	5
2 – 3	Larger boulders that would have enough momentum to roll into the roadway and potentially cause minor damage to the roadway and any passing vehicles.	35
4 - 5	Larger boulders / wedge failure locations that will likely reach the pavement and have the potential to cause significant damage to the pavement surface as well as significant / catastrophic damage to a passing vehicle.	4

According to the STRATA report, the City's "preliminary" goal of this effort was to "reduce the existing rock fall hazard by implementing remediation efforts in areas which present the greatest overall risk to public safety and/or existing infrastructure." Based on this criteria, mitigation recommendations were developed for the four locations that were classified as risk factors 4 -5.

Rock fall mitigation strategies for these four high risk areas included high scaling, rock anchors, and steel wire mesh netting. The estimated rock fall mitigation costs for these (4) "higher risk" areas was **\$475,000 - \$520,000**. A detailed summary of this previous rock fall history as well as the geotechnical engineering rock fall evaluation report and recommendations was reviewed with the Ad Hoc Committee members at the February 18, 2016 meeting.

Following the September 21, 2016 advisory committee meeting, the committee asked the consultant design team to provide additional estimated rock fall mitigation costs for areas identified as Risk Factor 3. These mitigation strategies would primarily include additional rock bolting as well as installation of steel wire mesh netting and would result in an additional estimated construction cost of **\$530,000 - \$575,000**.

IMPROVEMENT ALTERNATIVES DEVELOPMENT

In conjunction with the technical information provided by the City staff and consulting engineering team members, the Ad Hoc Committee reviewed / developed a total of nine alternatives for potential improvements to address the objectives outlined in the project charter. The alternatives ranged in cost from \$15,000 to more than \$66 million and varied significantly in the degree that each alternative met the overall goals and objectives of this project. The pages that follow provide additional description of each of the improvement alternatives including conceptual details and drawings.

Alternative 1 – Install Rock Fall Ditches Along the Canyon Wall with Roadway Widening / Sidewalks

Following the review of the previously completed STRATA Rock Fall Evaluation Report, some concern was expressed by the committee that the recommended rock fall mitigation measures were limited to only the highest risk areas along the canyon wall (Risk Factors 4 – 5), comprising only four of the identified 44 rock fall hazard delineated locations.

To address this concern, the committee requested the design team prepare a conceptual design for installing rock fall catch ditches along the full length of the canyon wall. The catch ditches would range in width from 10' – 20' depending on the height of existing rock wall above the ditches. The rock excavation would remove existing high risk rock fall locations. In addition, the constructed rock catch ditches would provide a higher degree of rock fall protection for the entire length of roadway adjacent to the canyon wall for any potential future rock fall events, as opposed to installing mitigation in only the higher risk areas.

In addition to construction of the rock catch ditches, this alternative would include reconstruction of the roadway to provide two 12' wide lanes with 2' shoulders (28' total width). Concrete curb, gutter and sidewalk would be constructed on the “downhill” side of the roadway to accommodate pedestrian access.

Figure 4 shows a typical cross section of the upper section of this improvement including roadway width and proposed rock fall catch ditches. A plan view showing this proposed alternative is shown in **Figure 5**.

Construction of this alternative would require approximately 180,000 cubic yards of rock blasting / excavation from the rock canyon wall. The estimated construction cost for this alternative is **\$29 million - \$39 million** and would require acquisition of approximately 1.4 acres of private property to accommodate the rock face excavation. In order to accommodate the width for the rock fall catch ditches, the top of the canyon rim would need to be excavated to within less than 20' from some of the existing homes within Breckenridge Estates providing significantly less than the 100' minimum recommended separation from blasting operations to existing structures.

The advantages of this alternative include:

- Meeting project goals for additional rock fall protection and safety
- Dedicated pedestrian facilities along Canyon Springs Road
- Reconstructed and widened roadway

The disadvantages of this alternative include:

- Significant cost
- Extensive blasting and excavation in close proximity to existing houses
- Risk of damaging / closing Canyon Springs Road during construction
- Risk from subsurface groundwater / springs behind the canyon wall during construction
- Risk to damaging City's sewer trunk line (shallow bury depth) during construction
- Significant right of way acquisition and possible need to purchase homes along the canyon rim to accommodate blasting

FIGURE 4 – ALTERNATIVE 1 - PROPOSED TYPICAL SECTION A1

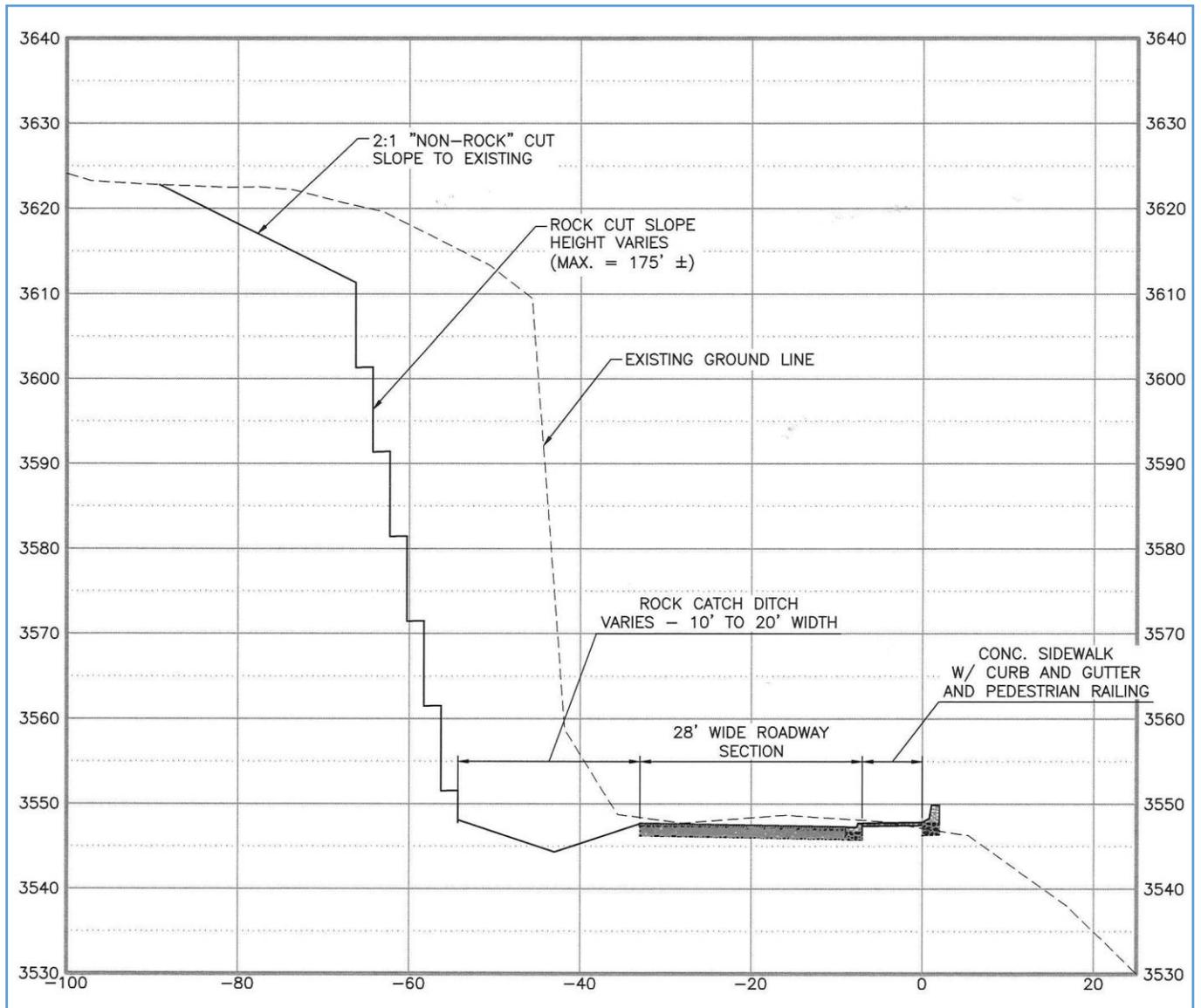


FIGURE 5 – ALTERNATIVE 1 - PROPOSED PLAN VIEW



Alternative 1A – Pathway Construction Along Northern Edge of Breckenridge Property with Rock Fall Catch Ditches

Similar to Alternative 1, this option would install rock fall catch ditches along the roadway from a location near the north east corner of the Breckenridge property extending west along the canyon wall. This option would also include construction of a new pedestrian pathway to connect the existing paved pathway on the canyon rim at the eastern Breckenridge property line down into the canyon to match the existing roadway grade near the upper hairpin turn. The proposed pathway would include several hairpin turns to maintain a maximum 10% grade from the canyon rim to the roadway.

Figure 6 shows a typical section of the proposed improvements for Alternative 1A on the following page. **Figure 7** shows a proposed plan view of the pathway and roadway improvements.

Construction of this alternative would provide pedestrian connectivity to the previously constructed pathways along the canyon rim east and west of the Breckenridge property. Excavation / blasting of the canyon wall would begin a minimum of 100' west of the Breckenridge Estates houses to minimize potential impacts to those structures. Additional rock fall mitigation measures (rock scaling, bolting, mesh) would be required for approximately 300' east of the pathway construction to address those areas of concern.

The roadway would be reconstructed to a minimum 28' width and a separated pedestrian path would be constructed from the first Canyon Springs Road hairpin turn down to the "flat" area at the base of the grade.

Construction of this alternative would require approximately 320,000 cubic yards of blasting and rock removal of the existing wall at an estimated construction cost of **\$50 million - \$66 million**.

The advantages of this alternative include:

- Meeting project goals for additional rock fall protection and safety
- Pedestrian connectivity to existing pathways along the canyon rim
- Dedicated pedestrian facilities along Canyon Springs Road
- Reconstructed and widened roadway

The disadvantages of this alternative include:

- Significant cost relative to other options
- Extensive blasting and excavation
- Risk of damaging / closing Canyon Springs Road during construction
- Risk from subsurface groundwater / springs behind the canyon wall during construction
- Risk to damaging City's sewer trunk line (shallow bury depth) during construction
- Evaluation of this alternative is based on limited soils exploration and data – additional risks / costs may be present

FIGURE 6 – ALTERNATIVE 1A - PROPOSED TYPICAL SECTION

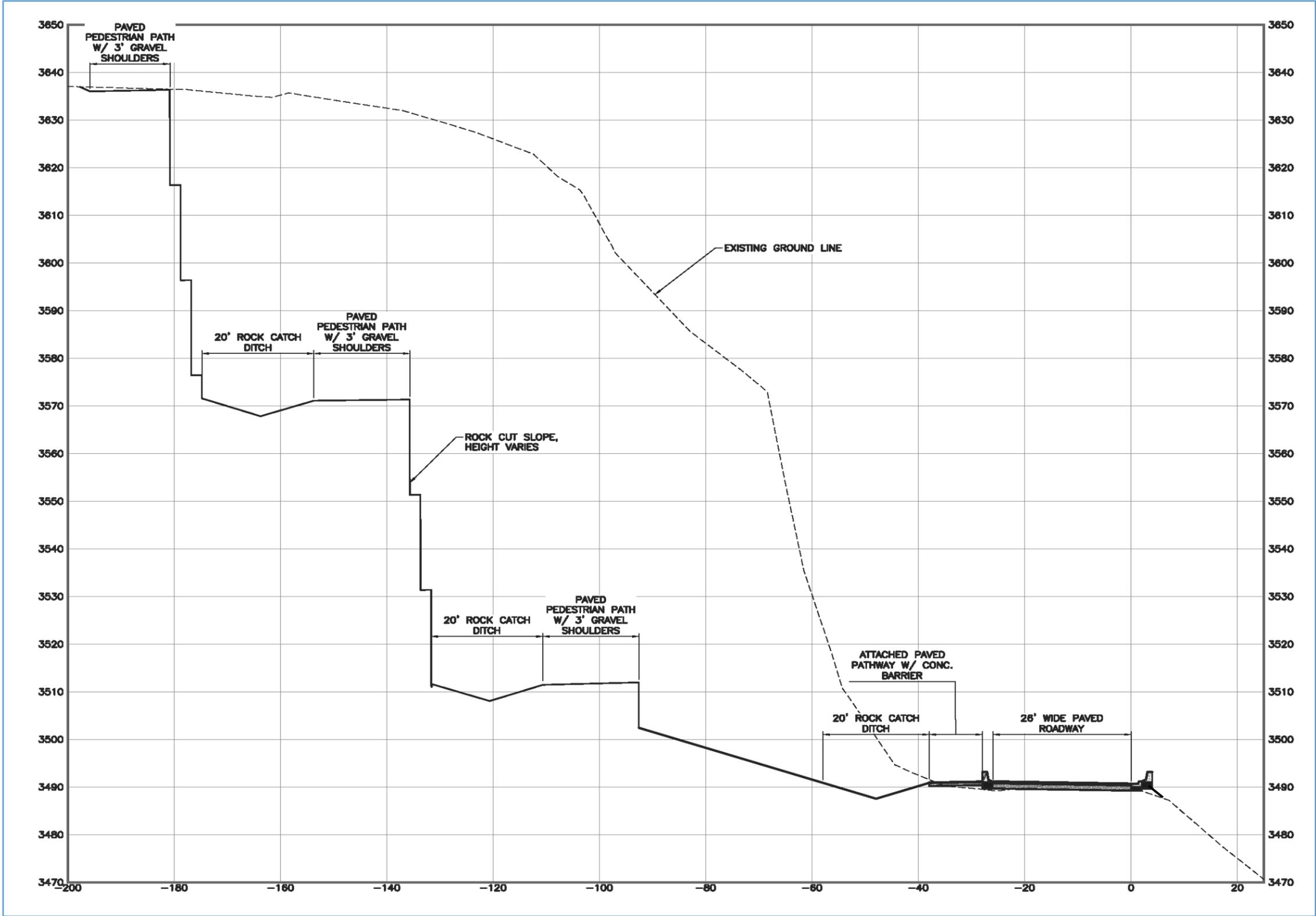


FIGURE 7 – ALTERNATIVE 1A - PLAN VIEW



Alternative 2 – Grade Separated Paved Path with Rock Fall Mitigation

This alternative involves constructing a grade separated pathway for pedestrian use from the top of the grade to the lower “flat” area near the lower hairpin curve. Due to the steepness of the existing grade downhill of the upper section of roadway, the pathway would be “benched” to include an 8-foot-wide paved walking surface installed at a maximum 10% running grade to generally match the adjacent roadway slope.

The bench would be installed in a “cut” section adjacent to the upper roadway section extending from the canyon rim parking lot and the first switchback curve and would be located up to 15’ vertically below the adjacent roadway surface to accommodate the 10% maximum grade requirements. The roadway would be widened to the north and west below the upper switchback curve by creating a “fill” section with mechanically stabilized earth (MSE) retaining walls on the downhill side of the roadway. The MSE walls would utilize rock filled gabion baskets (see **Figure 17**) to provide a more natural look to the fill areas by using existing rock excavation from the site. Typical sections and a rendering showing the proposed roadway improvement are shown below in **Figures 8 thru 10**.

FIGURE 8 – TYPICAL SECTION – ALTERNATIVE 2 - UPPER ROADWAY SECTION ABOVE UPPER HAIRPIN CURVE

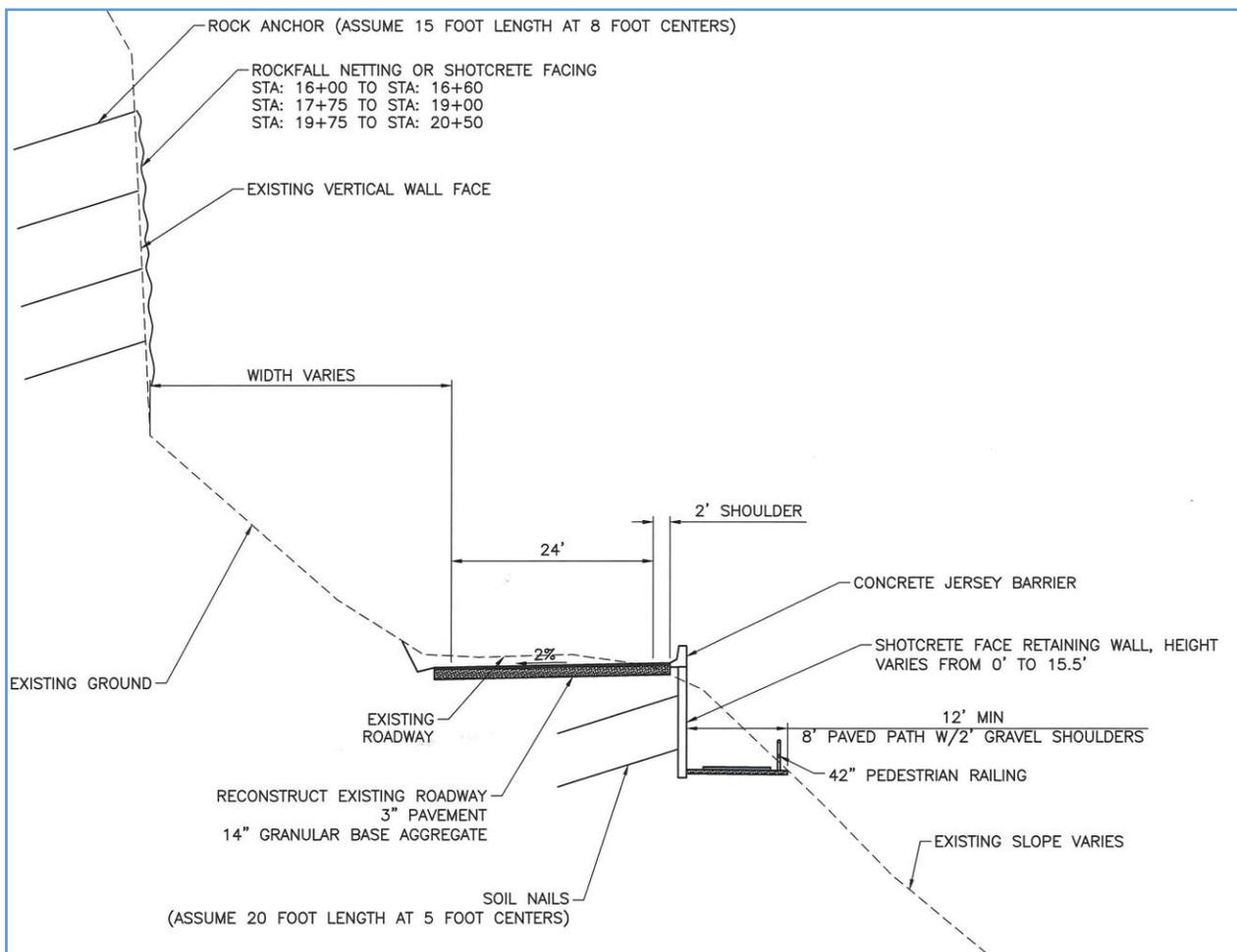


FIGURE 9 – TYPICAL SECTION – ALTERNATIVE 2 - LOWER ROADWAY SECTION – BELOW UPPER HAIRPIN CURVE

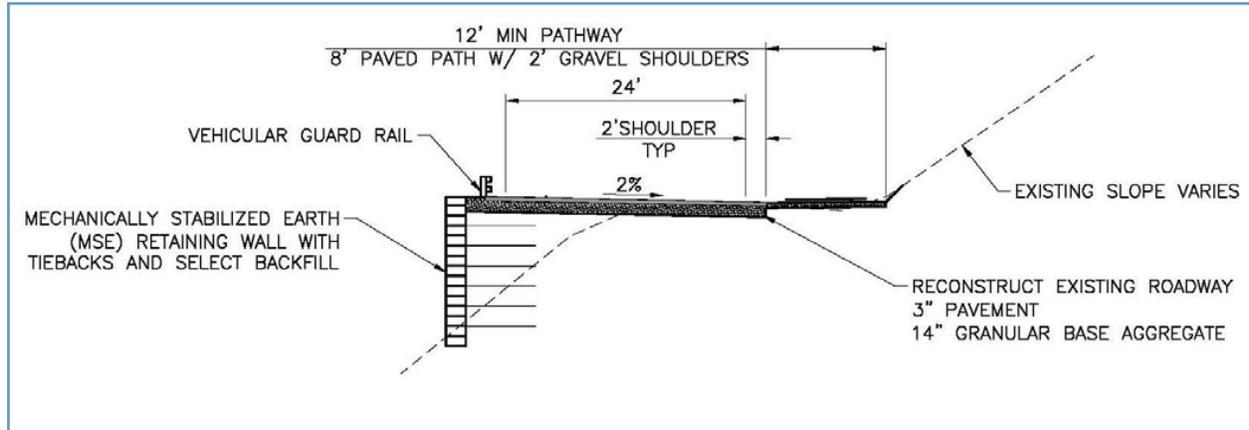


FIGURE 10 – UPPER ROADWAY SECTION PATHWAY RENDERING



The primary advantage of this alternative is that “top down” construction could be used for the upper pathway section to potentially reduce traffic control impacts to the adjacent roadway. It is anticipated that one lane of traffic could be maintained during construction with intermittent closures. This alternative also does not require filling on top of the existing steep and potentially unstable downhill slope (east of the upper hairpin curve).

In existing rock cut areas, a vertical shotcrete wall fascia would be installed between the upper roadway and the path. In areas of soil / boulder excavation, soil nailing would be used to stabilize the soil beneath the roadway in conjunction with the shotcrete fascia wall.

The roadway width would be improved and revised from a “crown” to a “shed” section with storm water runoff diverted to a new drainage ditch adjacent to the roadway. Concrete catch basins would be installed at intermediate points along the length of the roadway and then piped to rock lined outfall locations. Seepage from the canyon wall would be collected in a similar manner.

Costs for this alternative include rock fall mitigation (rock bolting, scaling, and netting / shotcrete facing) in accordance with recommendations from the 2010 STRATA geotechnical report for the higher rock fall risk areas (Risk Factors 4 – 5).

Committee members expressed concern over potential safety issues with the path being 10'-15' below the adjacent roadway due to lack of lighting and line of sight. During winter months, the lowered section of the pathway would see limited sunlight and potentially freeze causing potential safety issues. In addition, city personnel expressed concern over long term maintenance and potential for falling debris from the roadway above.

The estimated construction cost for this alternative is **\$5.0 million - \$6.0 million**.

The advantages of this alternative include:

- Substantially less cost than Alternatives 1 and 1A
- Meets most of the project goals and objectives
- Separation of pedestrians from vehicular traffic
- Separation of pedestrians away from potential rock fall events on the upper section of the roadway
- Rock fall mitigation for vehicular traffic at higher risk portions of the canyon wall
- Reconstructed and widened roadway with drainage improvements

The disadvantages of this alternative include:

- Bicycles would not be allowed on the pathway due to steepness of grade and horizontal curvature at upper hairpin curve
- Possible freezing concerns for separated path below north side of roadway
- Lighting / Safety concerns for separated path below roadway due to lack of visual sight lines
- Potential maintenance concerns from City staff for separated pathway
- Alternative does not address lower rock fall “Risk Categories” (0-3) along Canyon Wall as identified in the previously completed STRATA Geotechnical report

Alternative 3 – Install “Natural” Surface Grade Separated Pedestrian Nature Trail Improvements

This alternative is similar to Alternative 2 and involves constructing a grade separated bench for pedestrian use. The bench would include an 8’ wide natural or gravel walking surface with a grade that more closely matched the existing topography instead of attempting to match the maximum 10% grade of the adjacent roadway.

The trail would have an overall “average” slope from top to bottom of 10%, however, there would be sections within the trail with grades of approximately 20%. This design approach is consistent with Federal Highways Administration (FHWA) recommendations for rural recreational trails in mountainous areas.

This alternative increases steepness for areas of the pathway enabling reduction in excavation and rock removal quantities and costs for the pathway construction, particularly on the section between the canyon rim and the first switchback curve. The pathway would still be grade separated but not to the extent of Alternative 2 with a maximum wall height of approximately 7’. Costs for pathway paving would also be eliminated.

Improvements for the lower section of pathway, roadway reconstruction, drainage, and rock fall protection outlined in Alternative 2 would be the same for this alternative. As a result of the reduced rock removal, excavation, and paving, the estimated construction cost for Alternative 3 is **\$4.5 million – 5.0 million**.

The advantages of this alternative include:

- Substantially lower costs than Alternatives 1 and 1A
- Meets several project goals and objectives
- Separation of pedestrians from vehicular traffic
- Separation of pedestrians away from potential rock fall events on the upper section of the roadway
- Rock fall mitigation for vehicular traffic at higher risk portions of the canyon wall
- Reconstructed and widened roadway with drainage improvements

The disadvantages of this alternative include:

- Pathway would have an approximate 20% grade in locations
- Pathway is not paved which would likely require additional long term maintenance
- Bicycles would not be allowed on the pathway due to steepness of grade and horizontal curvature at upper hairpin curve
- Possible freezing concerns for separated path below north side of roadway
- Lighting / safety concerns for separated path below roadway due to lack of visual sight lines
- Potential maintenance concerns from City staff for separated pathway
- Alternative does not address lower rock fall “Risk Categories” (0-3) along Canyon Wall as identified in the previously completed STRATA Geotechnical report

Alternative 4 – Canyon Springs Roadway Reconstruction and Rock Fall Mitigation Only (No Pedestrian Improvements)

Alternative 4 would include a full reconstruction of Canyon Springs Road from the upper gravel parking area to the lower hairpin curve. The roadway would be constructed to a uniform 28' width to provide two 12' travel lanes with 2' paved shoulders on each side.

The roadway would be improved and revised from a "crown" to a "shed" section with storm water runoff diverted to a new drainage ditch adjacent to the roadway. Concrete catch basins would be installed at intermediate points along the length of the roadway and then piped to rock lined outfall locations. Seepage from the canyon wall would be collected in a similar manner.

Costs for this alternative include rock fall mitigation (rock bolting, scaling, and netting / shotcrete facing) in accordance with recommendations from the 2010 STRATA Geotechnical Report for the higher rock fall risk areas (Risk Factors 4 – 5).

The reconstructed roadway would be wider in most locations than the current roadway configuration, however, no additional pedestrian improvements would be included as a part of this alternative. A typical section showing Alternative 4 is shown on the following page in **Figure 11**. The estimated construction cost for Alternative 4 is **\$1.4 million – \$1.7 million**.

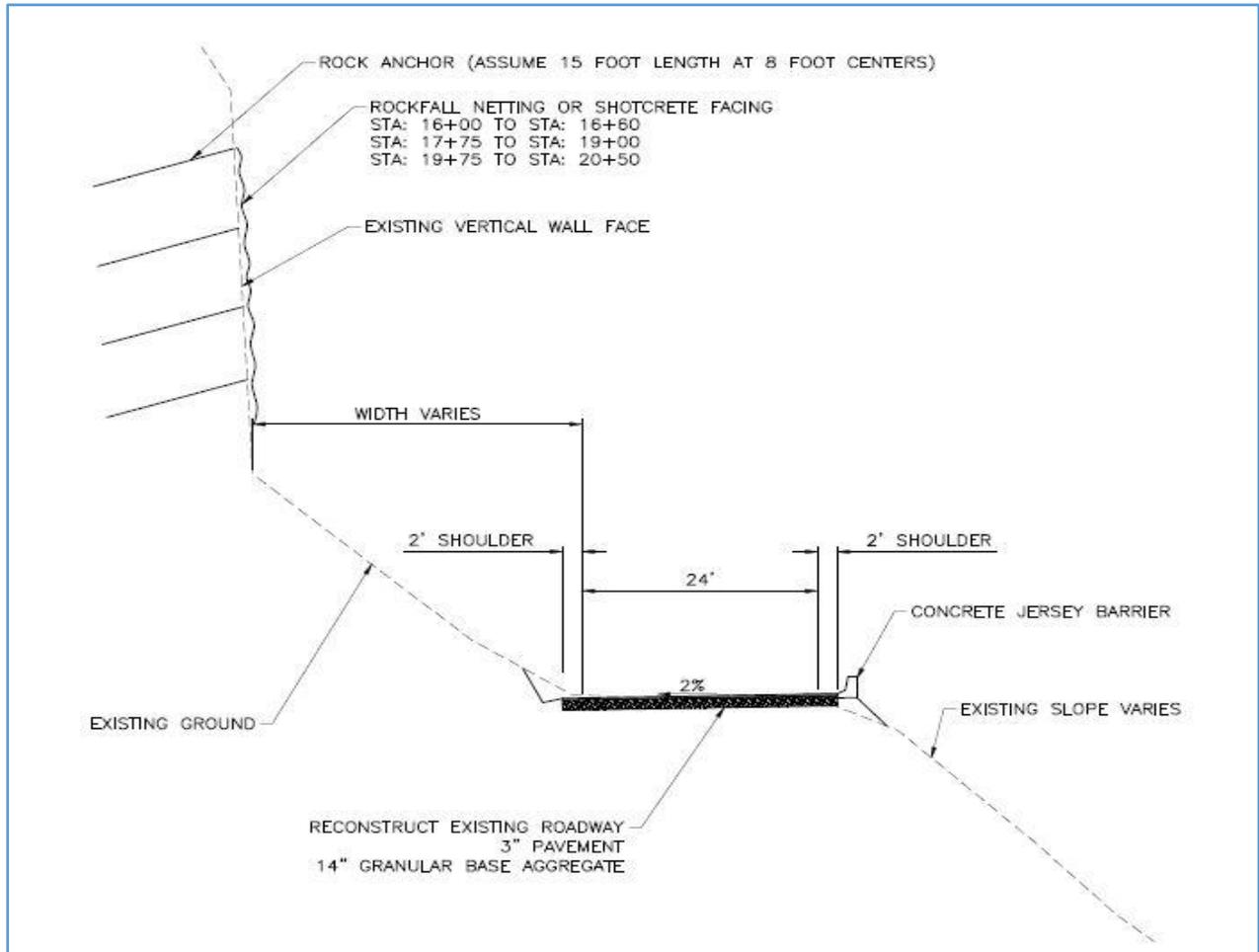
The advantages of this alternative include:

- Lower construction costs relative to previous alternatives
- Rock fall mitigation for the higher risk portions of the canyon wall
- Reconstructed and widened roadway with drainage improvements

The disadvantages of this alternative include:

- No additional pedestrian improvements are included for the roadway as a part of this alternative
- Alternative does not address rock fall "risk categories" (0-3) along Canyon Wall as identified in the previously completed STRATA Geotechnical report
- Does not meet overall project goals

FIGURE 11 – ALTERNATIVE 4 - ROADWAY TYPICAL SECTION



Alternative 5 – Pathway Location West of Twin Falls Road and Gun Club

Alternative 5 involves constructing a pathway immediately west of the Twin Falls Rod and Gun Club from the existing rim path down to the canyon floor. The pathway would terminate at Canyon Springs Road near the City’s wastewater treatment plant. An aerial location of the proposed improvements and a photograph of the existing slope in this location are shown below in **Figures 12 and 13**. **Figure 14** shows a plan view of the proposed pathway alignment.

FIGURE 12 – ALTERNATIVE 5 - PROPOSED LOCATION



FIGURE 13 – ALTERNATIVE 5 - VIEW FROM CANYON SPRINGS ROAD



The upper portion of the pathway would involve significant rock excavation of the existing canyon wall and would include rock fall ditches along the pathway length to mitigate against potential rock fall events.

FIGURE 14 – ALTERNATIVE 5 - PLAN VIEW



The existing steep 'talus' slope beneath the canyon rock wall would require the pathway to be constructed on fill sections supported by gabion basket MSE retaining walls. The gabion baskets would be filled with portions of the blasted canyon wall to provide a more natural look while also minimizing the need to import fill material. Cross sections of the proposed pathway in the canyon wall excavation and talus fill portions are shown below in **Figures 15 thru 17**.

FIGURE 15 – TYPICAL SECTION – ALTERNATIVE 5 - UPPER PATHWAY ROCK CUT

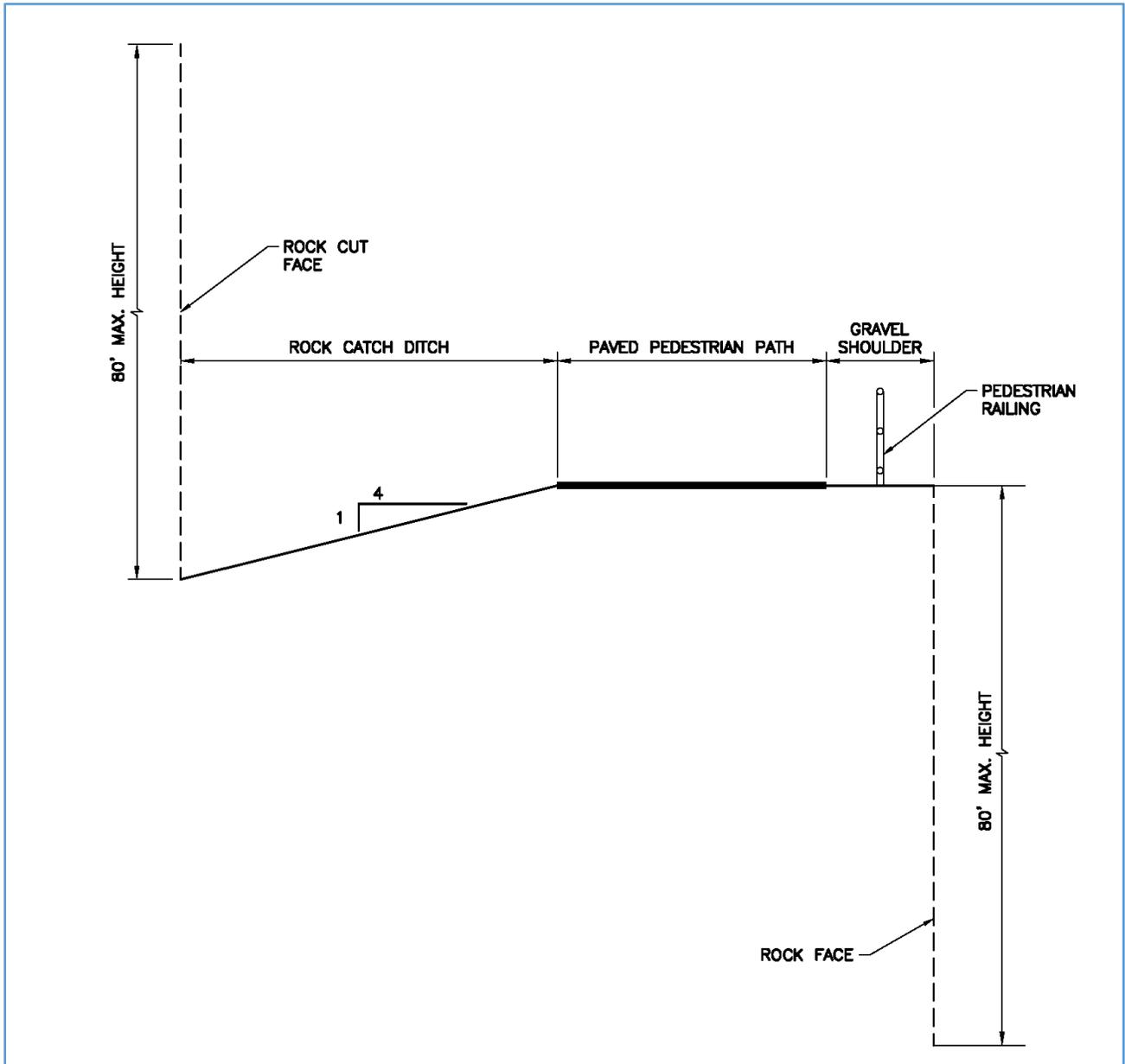


FIGURE 16 – TYPICAL SECTION – ALTERNATIVE 5 - LOWER PATHWAY FILL SECTION WITH GABION RETAINING WALLS

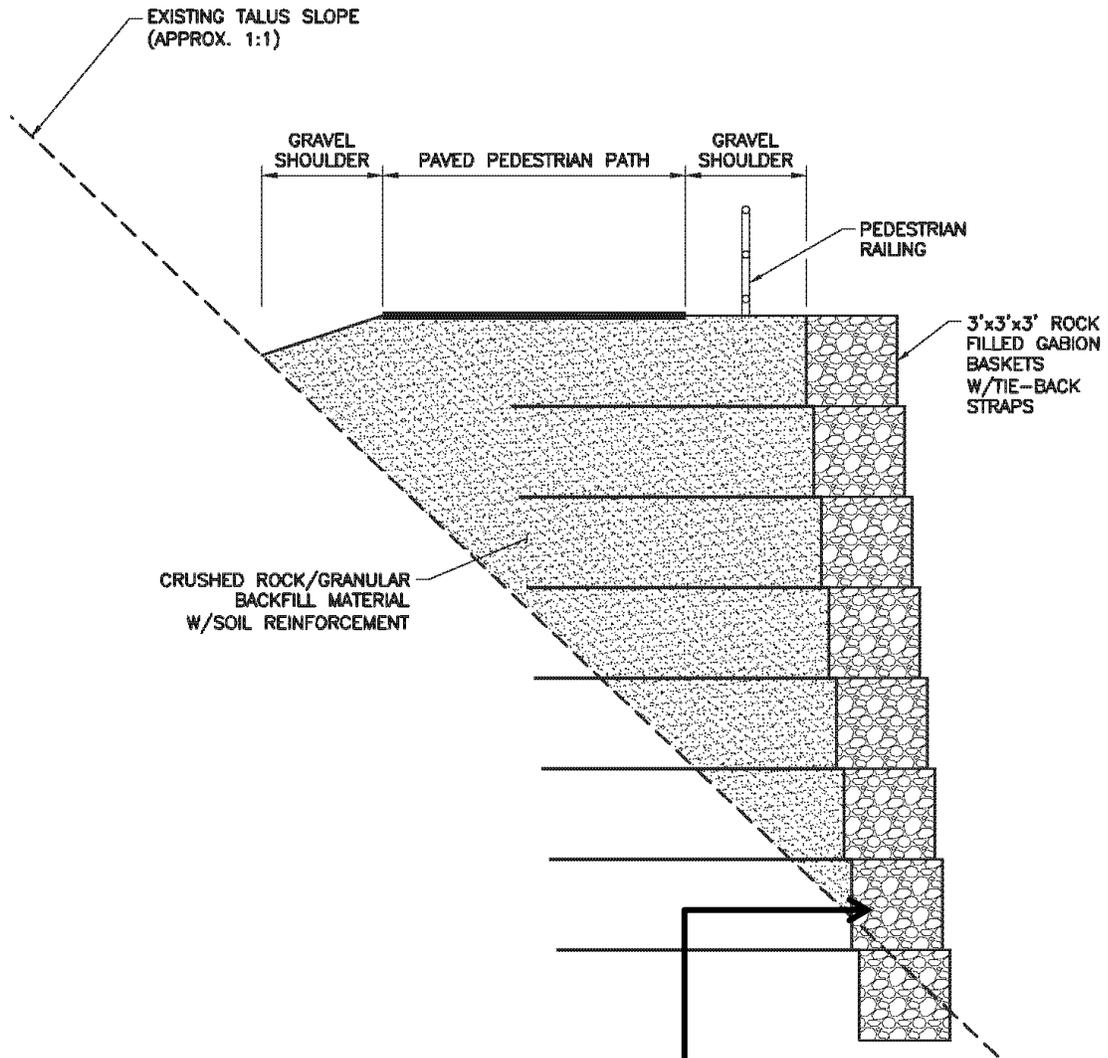


FIGURE 17 – EXAMPLE GABION RETAINING WALL



The estimated construction cost for implementing this alternative is **\$9.5 million - \$11.4 million**. Costs associated with this improvement are limited to construction of the new pathway only and do not include additional costs for roadway improvements and rock fall mitigation to the Canyon Spring Road grade (See Alternative No. 4).

The advantages of this alternative include:

- Lower costs than Alternatives 1 and 1A
- Separation of pedestrians from vehicular traffic and connectivity to an existing pedestrian trail along the canyon rim
- Closer pedestrian connectivity to Auger Falls Park
- Implementation of this alternative would likely reduce the number of pedestrians currently using Canyon Springs Road grade

The disadvantages of this alternative include:

- Cost is more than most of the other options
- Does not meet most of the project goals and objectives
- Bicycles would not be allowed on the pathway due to steepness of grade and horizontal curvature at pathway hairpin curves
- Costs for improvements to Canyon Springs Road are not included in this alternative
- Parking is limited at the top of the canyon rim near the gun club. The closest parking is near Washington Avenue, east of the gun club

Alternative 6 – At Grade Pathway along Canyon Springs Roadway with Roadway Reconstruction and Rock fall Mitigation

Alternative 6 proposes to construct an “at grade” pathway along the downhill side of Canyon Springs Road using mechanically stabilized earth (MSE) retaining walls to bring the pathway to grade. Construction sequencing of the pathway would be similar to what was proposed for alternatives 2 and 3 and would require “top down” excavation adjacent to the roadway to reach competent base material with adequate width to support the pathway. The excavated area would then be backfilled and retained with either block faced or rock filled gabion basket walls to provide a stable support for the new path location. Typical sections of this proposed alternative (along both the upper and lower limits of Canyon Springs Road grade) are shown on the following page in **Figures 18 and 19**.

Construction of this alternative would address several of the potential safety concerns expressed by both the Ad Hoc committee and City staff related to a pathway being below grade adjacent to the roadway. The pathway would be separated from traffic with a crash rated concrete barrier or similar guard railing.

The roadway would be improved and revised from a “crown” to a “shed” section with storm water runoff diverted to a new drainage ditch adjacent to the roadway for the upper section of the roadway. A concrete pan would be installed between the proposed roadway and pathway for the section of roadway downhill of the first hairpin curve. Concrete catch basins would be installed at intermediate points along the length of the roadway and then piped to rock lined outfall locations. Seepage from the canyon wall would be collected in a similar manner.

Rock fall mitigation would be achieved by rock bolting, scaling, and netting in accordance with recommendations from the 2010 STRATA Geotechnical Report for the higher risk areas.

The estimated construction cost for implementing this alternative is **\$4.8 million - \$5.8 million**.

The advantages of this alternative include:

- Relative cost is lower than other options
- Meets all project goals and objectives
- Separation of pedestrians from vehicular traffic
- Separation of pedestrians away from potential rock fall events on the upper section of the roadway
- Pedestrians would be at the same grade as adjacent traffic
- Rock fall mitigation for vehicular traffic at higher risk portions of the canyon wall
- Reconstructed and widened roadway with drainage improvements

The disadvantages of this alternative include:

- Bicycles would not be allowed on the pathway due to steepness of grade and horizontal curvature at upper hairpin curve
- Alternative does not address lower rock fall “Risk Categories” (0-3) along Canyon Wall as identified in the previously completed STRATA Geotechnical report

FIGURE 18 – TYPICAL SECTION – ALTERNATIVE 6 - UPPER ROADWAY (ABOVE UPPER HAIRPIN CURVE)

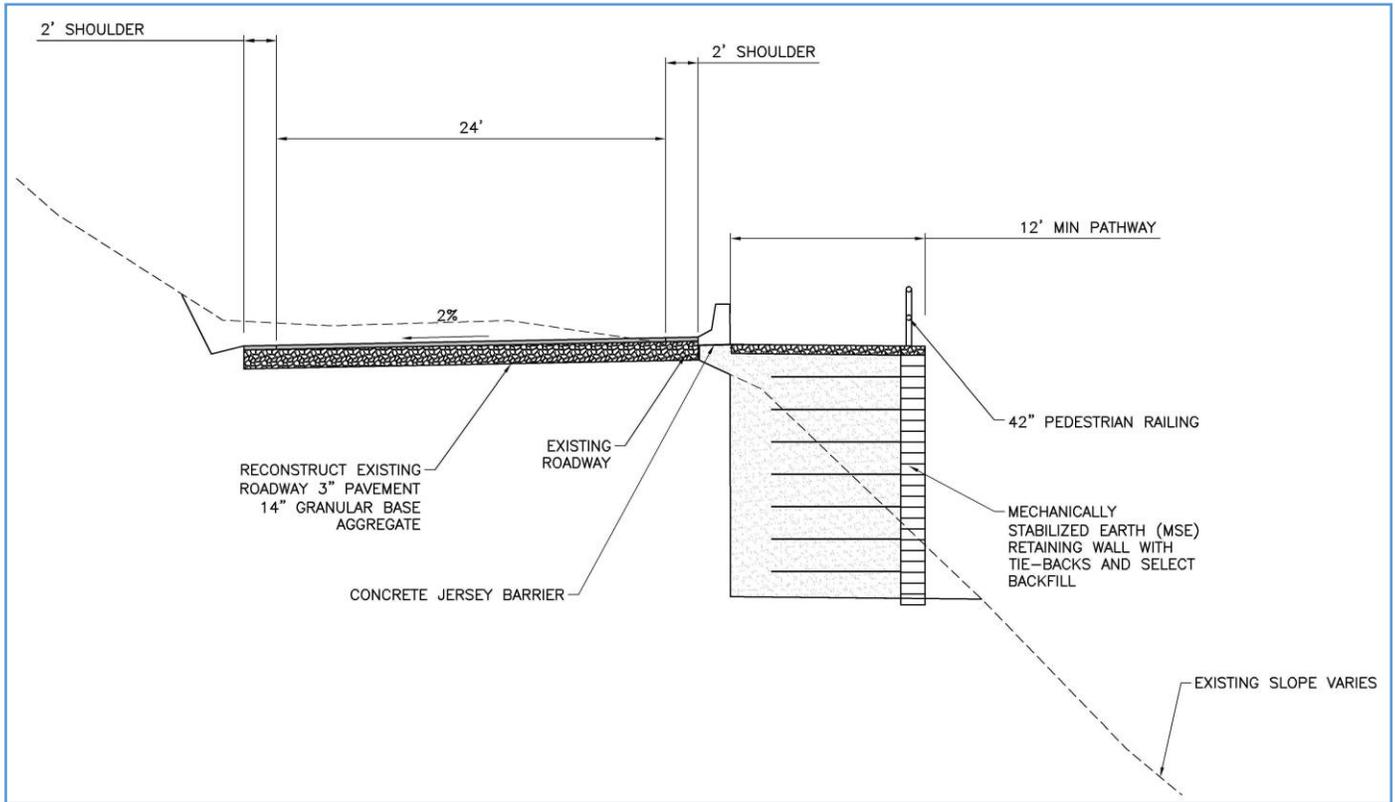
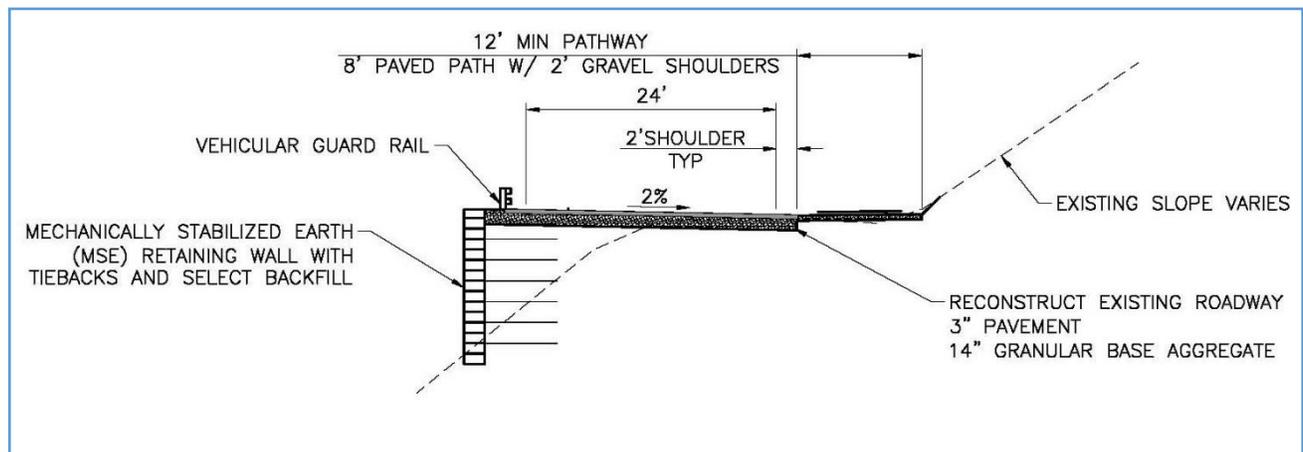


FIGURE 19 – TYPICAL SECTION – ALTERNATIVE 6 - LOWER ROADWAY (BELOW UPPER HAIRPIN CURVE)



Alternative 7 – Install Signage to Prohibit Pedestrian Use of Canyon Springs Grade

This alternative involves installation of signage along the length of Canyon Springs Grade to prohibit pedestrian use of the roadway. The estimated cost of this alternative is **\$15,000 - \$20,000**. Enforcement to prohibit pedestrian use would be required from the Twin Falls County Sheriff's department.

The advantages of this alternative include:

- Minimal cost

The disadvantages of this alternative include:

- Does not meet project goals and objectives
- Difficult to enforce this alternative and it is anticipated that pedestrians would continue to attempt to use the grade
- This alternative does not address potential rock fall issues along the canyon wall or needed improvements to Canyon Springs Road and would likely need to be installed in conjunction with Alternative 4
- Pedestrian access to canyon amenities would be eliminated potentially impacting tourist /economic development opportunities in the future

Alternative 8 – Install Traffic Signal at Top and Bottom of Grade

This alternative involves installation of a timed traffic signal at the top and bottom of the Canyon Springs Road Grade which would limit vehicular traffic to one way / one lane. The existing roadway width would remain the same but could be striped to provide a pedestrian "path" within the existing roadway prism adjacent to the one-way vehicular traffic.

The traffic signal system would be similar to the vehicular system used to access the Snake River Canyon on the north side of the river near the Blue Lakes Country Club. The signal timing would be set to allow for larger trucks and queues of cars to navigate the approximately 3,000 feet of steep and winding roadway from the top of the canyon to the lower "flat" hairpin turn. Traffic queueing computations have not been completed, however it is anticipated that this timing combined with the current traffic volumes would result in significant queues (particularly at the top of the canyon rim). These queues would potentially block existing residential driveways as well as create issues with the Canyon Springs Road / Fillmore intersection.

The estimated cost for installation of a traffic signal is **\$400,000**. This cost does not include additional roadway reconstruction improvements or any rock fall mitigation and would likely need to be constructed in conjunction with and in addition to Alternative 4 to address those issues.

The advantages of this alternative include:

- Lower cost than most of the other alternatives
- Separate facility for pedestrians / vehicles

The disadvantages of this alternative include:

- Alternative does not meet project goals and objectives
- Implementation of this alternative would create significant delays to vehicular traffic
- Traffic queues at the top of the grade would have a potential negative impact on adjacent residential driveways and traffic operations at the Fillmore Road intersection

IMPROVEMENT ALTERNATIVES SUMMARY / RECOMMENDED ALTERNATIVE

A summary of the evaluated alternatives that have been developed to date as a part of the Ad Hoc Committee meetings as well as previously completed technical evaluations are presented in the table below.

TABLE 2 – IMPROVEMENT ALTERNATIVE SUMMARY

ALTERNATIVE	DESCRIPTION	ESTIMATED COST
1	Rock Fall Ditches Along Canyon Springs Road	\$29M - \$39M
1A	Pathway Construction along Northern Edge of Breckenridge Property with Rock Fall Catch Ditches	\$50M - \$66M
2	Grade Separated Path with Rock fall Mitigation (paved with maximum 10% grade)	\$5.0M - \$6.0M
3	Grade Separated Path with Rock fall Mitigation (unpaved “natural” with maximum 20% grade)	\$4.5M - \$5M
4	Canyon Springs Roadway Reconstruction and Rock fall Mitigation Only (no pedestrian improvements)	\$1.4M - \$1.7M
5	Pathway Location West of Gun Club	\$9.5M - \$11.4M
6	At Grade Pathway along Canyon Springs Roadway with Roadway Reconstruction and Rock fall Mitigation	\$4.8M - \$5.8M
7	Signing to Prohibit Pedestrian Use of Canyon Springs Grade	\$15,000 - \$20,000
8	Install Traffic Signal at Top and Bottom of Grade	\$400,000

Recommended Alternative

The Ad Hoc Committee met on November 17, 2016 to complete a final review of the nine conceptual alternatives outlined above. As a result of this meeting, the Ad Hoc Committee voted unanimously to recommend that the City Council approve moving forward with additional engineering evaluation and public involvement to construct **Alternative 6 - At grade pathway along Canyon Springs roadway with roadway reconstruction and rock fall mitigation for an estimated cost of \$4.8 million - \$5.8 million.**

The costs outlined for Alternative 6 include rock fall mitigation for the higher risk areas of the canyon wall (Risk Factors 4-5). The Committee recommended that the City continue to work with the consultant team to evaluate additional potential rock fall hazards along the wall and implement additional mitigation techniques in other areas as funding allows.

Report Caveats

1. **Conceptual Level Costs:** The costs for all of the evaluated alternatives were based on conceptual level engineering as well as experience working in the Twin Falls area with roadway construction projects. However, due to the unique nature of the Canyon Springs Roadway and the limited soils data and testing that was available during the completion of this initial

evaluation, additional geotechnical engineering field investigation and laboratory testing is recommended to verify the engineering assumptions used to develop Alternative 6.

2. **ADA Compliance:** Due to the steepness of the existing Canyon Springs Roadway grade, none of the proposed pathway alternatives would meet the maximum 5% running grade access criteria outlined for federal accessibility guidelines for accessible routes for people with disabilities.
3. *“The United States Access Board Guidelines and Standards for Pedestrian Accessibility Routes Within Public Rights of Way”* acknowledge that achieving the maximum 5% running grade is impractical in certain instances and offer the following guidance:

Section R202 – Alterations and Elements Added to Existing Facilities states:

“Where existing physical constraints make it impractical for altered elements, spaces, or facilities to fully comply with new construction requirements, compliance is required to the extent practical within the scope of the project.”

In addition, *Section R302.5* states:

“Where pedestrian access routes are contained within a street or highway right-of-way, the grade of the pedestrian access route is permitted to equal the general grade established for the adjacent street or highway, except that where pedestrian access routes are contained within pedestrian street crossings a maximum grade of 5 percent is required. This is consistent with the AASHTO “Policy on Geometric Design of Highways and Streets” which recommends that the sidewalk grade follow the grade of adjacent roadways...”

4. **Funding / Additional Public Outreach:** The Ad Hoc Committee also recommended that the City continue to pursue additional public input and funding options for this recommended alternative. Public outreach programs including open houses, informational charrettes, individual meetings with other adjacent property owners, as well as focused outreach to other recreational users of the roadway were discussed.



Date: Tuesday, January 3, 2016
To: Honorable Mayor and City Council
From: Jacqueline D Fields, City Engineer

Request:

Authorize modification of City Code sections related to driving sight obstructions. Sections could include 9-3-2 Intersections, 9-9-16 Obstruction to Vision at Intersections, Alleys and Driveways and 9-9-19 Obstruction of Traffic Control Signs.

Time Estimate:

The presentation will take approximately 15 minutes.

Background:

City Code 9-9-16 makes provision to keep intersections, alleys and driveways free from sight obstructions. Site plans and sign permits are reviewed for compliance with this Code. This section and Section 9-9-19 are based on AASHTO Geometric Design policy that may have been modified since the Code section was adopted.

In addition, Section 9-9-16 and 9-9-19 appear to presume that the intersections are perpendicular or very close to it. Our reality, however, is that some streets have substantial but curvature and signs, placed in compliance with the Code, can cause sight obstructions.

This situation may be exacerbated by Code section 9-3-2 which states that drivers will approach and pass through uncontrolled intersections at 20 mph. With a statutory speed limitation such as Code 9-3-2, sight obstruction distances can be specified without using a table. Section 9-9-16 uses a defined distance. If we acknowledge that "no one" complies with the Code by approaching uncontrolled intersections at 20 mph, then revising Code 9-9-16 (and possibly 9-9-19) to address different approach speeds would be helpful to the driver.

Finally, the Code talks about measuring distances from the roadway edge. Most of the time, this provides for sufficient safety. However, staff has encountered a few situations where pedestrians/sidewalks become an important additional consideration.

Staff would like to propose modifications to the Code that address the (posted) speed of the roadway and, if necessary update the Code to meet current roadside safety considerations, as well as consideration of pedestrian visibility. The Building Department publishes a pamphlet to help the community place fences (which do not require a building permit) in a way that complies with the Code. This document may need to be modified as a result of changes to the Code.

Approval Process:

Staff needs to evaluate whether or not proposed changes could impact Title 12 before delineating the approval process.

Budget Impact:

Staff time to consider the Code amendment.

Regulatory Impact:

Code modification is intended to alter, but not increase, the review and compliance efforts.

Conclusion:

Staff recommends that the Council authorize staff to propose modifications to the City Code related to visual obstruction for the driver.

Attachment:

Code Sections and potentially helpful photos

9-3-2: INTERSECTIONS:

Vehicles approaching intersecting streets shall proceed at a speed of twenty (20) miles per hour when approaching within fifty feet (50') of and in traversing any intersection within the city, except where the intersection has "stop" signs posted or the intersection is a part of a through street. (1958 Code, ch. IX, art. 4)

9-9-16: OBSTRUCTION TO VISION AT INTERSECTIONS, ALLEYS AND DRIVEWAYS:

No person shall plant, install, create, maintain or possess on public or private property an obstruction to the vision of a driver of a vehicle at an intersection, alley or driveway which constitutes a traffic hazard.

Prima facie evidence of an obstruction constituting a traffic hazard shall exist if any object, structure or thing, except buildings and residences which are otherwise in conformance with law, is allowed to exist which exceeds three feet (3') above the existing roadway center line elevation within the triangular area formed by the intersecting roadway edges and a straight line joining said roadway edges at points which are forty feet (40') distant from the point of an intersection measured along said street edges. At alley and street intersections, the dimensions shall be forty feet (40') along the street edge and fifteen feet (15') along the alleyway edge. At driveway and street intersections, the dimensions shall be one hundred feet (100') along the street edge and ten feet (10') along the driveway edge on the left side of the driveway as viewed when facing the property from the street, and the dimensions shall be one hundred twenty five feet (125') along the street edge and ten feet (10') along the driveway edge on the right side of the driveway as viewed when facing the property from the street. Trees and utility facilities are allowed in such triangular area provided that no tree limb or growth extending from said limb shall be maintained or allowed to exist nearer than eight feet (8') from the surface of the ground.

Any person convicted of violating this Section shall be guilty of a misdemeanor and shall be subject to a fine not exceeding three hundred dollars (\$300.00) or imprisonment for a period not exceeding sixty (60) days or by a combination of such fine and imprisonment. (Ord. 2544, 3-24-1997)

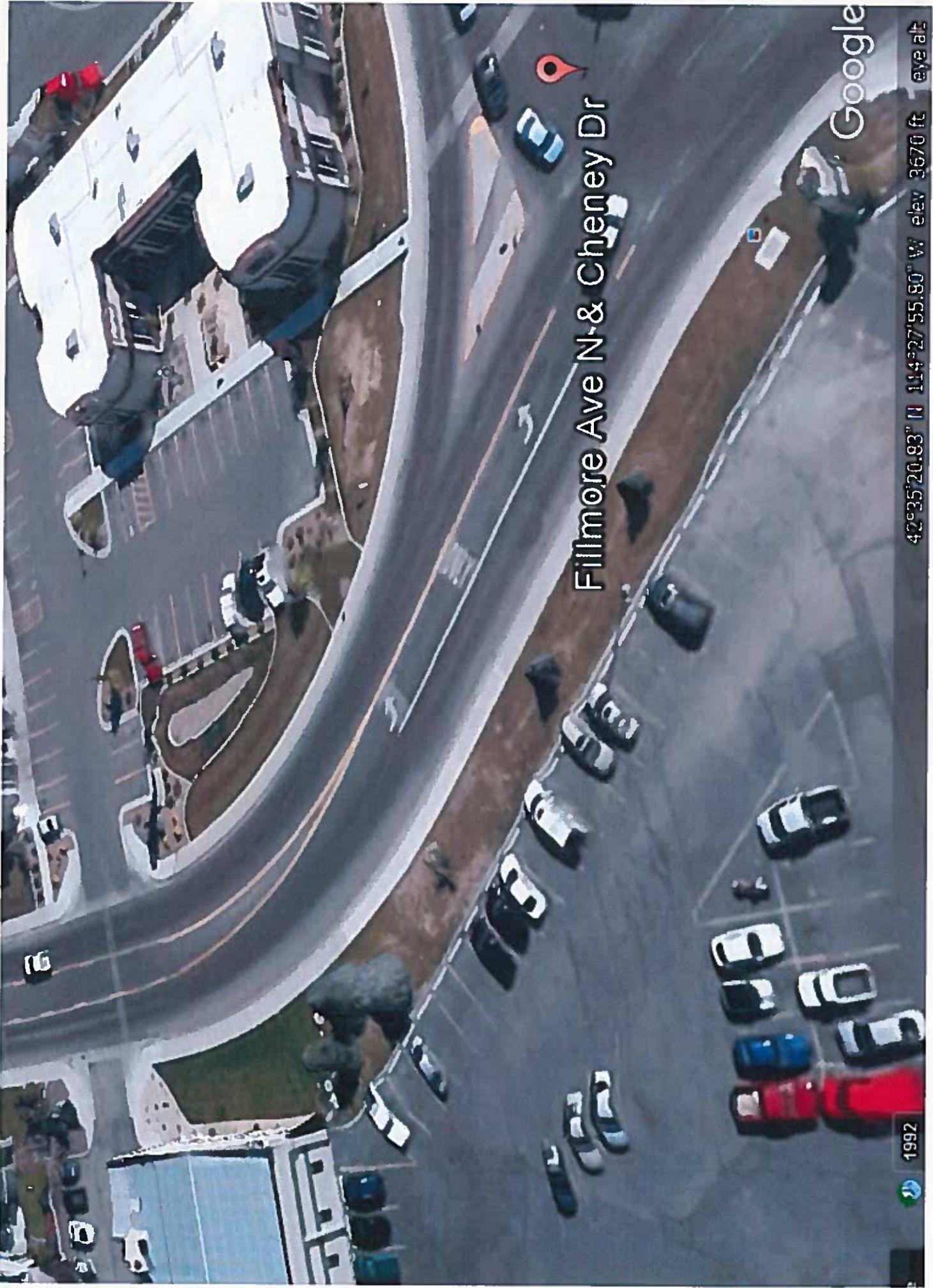
9-9-19: OBSTRUCTION OF TRAFFIC-CONTROL SIGNS:

No person shall plant, install, create, maintain or possess on or over public or private property an obstruction of an official traffic-control sign to the vision of a driver. Prima facie evidence of an obstruction constituting a traffic hazard shall exist when any portion of an official traffic control sign is obstructed from vision at the stopping sight distance as set forth below. The point of measurement shall be three feet (3') right of the centerline or three feet (3') right of the left edge of the outer lane of a multilane roadway at a height of six feet (6'), and the appropriate stopping sight distance from the official traffic control sign.

The stopping sight distance shall be based on the posted speed limit at the particular sight obstruction. The following stopping sight distances shall be used:

<u>Speed Limit</u>	<u>Stopping Sight Distance</u>
25 mph	145 feet
30 mph	185 feet
35 mph	230 feet
40 mph	280 feet
45 mph	335 feet
50 mph	395 feet

Any person convicted of violating this section shall be guilty of a misdemeanor. (Ord. 2378, 5-18-1992)



Fillmore Ave N & Cheney Dr

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Est



Parkview Dr



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Imager, Date: 7/2012 42°35'20.76" N 114°29'28.91" W elev 3805 ft eye alt

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