Twin Falls City Council
Agenda

Monday, March 2, 2020, 5:00 PM

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

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

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

2) PLEDGE OF ALLEGIANCE

3) PROCLAMATIONS

   a) 18th Annual March for Meals Month - Request by Jeannette Roe, Twin Falls Senior Citizens Federation, Inc.

4) CONSENT CALENDAR

   a) **ACTION ITEM:** Request to approve the Monday, February 24, 2020, City Council Minutes.

      By: Leila A. Sanchez, Executive Assistant

   b) **ACTION ITEM:** Request to accept the Improvement Agreement for the purpose of developing Morning Sun Subdivision No. 8 – Phase 4.

      By: Mark Holtzen, City Engineer

   c) **ACTION ITEM:** Request to approve the Findings of Fact and Conclusions of Law for the following:
      Dustyn Brownlee Vacation
      Robert Taylor Appeal

      By: Jonathan Spendlove, Planning & Zoning Director

5) ITEMS OF CONSIDERATION

   a) **ACTION ITEM:** Request to adopt an ordinance vacating a portion of right of way located at 1629 Locust Street North. c/o LC Investment Holding LLC. (PZ19-0145)

      By: Jonathan Spendlove, Planning & Zoning Director

   b) **ACTION ITEM:** Request to adopt an ordinance vacating a portion of right of way located at 1643 Locust Street North. c/o Compton BR Properties, LLC. (PZ19-0146)

      By: Jonathan Spendlove, Planning & Zoning Director

   c) **ACTION ITEM:** Request to adopt an ordinance vacating a an easement located at 430 Parkway Circle. c/o Dustyn Brownlee (PZ19-0154)

      By: Jonathan Spendlove, Planning & Zoning Director

d) **PRESENTATION:** Title 10 Code Rewrite Update

By: Jonathan Spendlove, Planning & Zoning Director

6) GENERAL PUBLIC INPUT

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS: None

9) ADJOURNMENT

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

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
- Wait to be recognized by the Mayor or Chairman
- Approach the microphone/podium
- State their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.

2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.

2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.

3. A City Staff Report shall summarize the application and history of the request.

4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
- A complete explanation and description of the request.
- Why the request is being made.
- Location of the Property.
- Impacts on the surrounding properties and efforts to mitigate those impacts.

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

6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.

7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
- Individuals are not permitted to give their time to other speakers.
- However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
- Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.

8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.

9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.

10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.

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

Office of the Mayor

City of Twin Falls, Idaho

Proclamation

18th ANNUAL MARCH FOR MEALS MONTH

WHEREAS, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

WHEREAS, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, both congregate and home-delivered, and raise awareness about the escalating problem of senior hunger in America; and

WHEREAS, the 2020 observance of March for Meals celebrates 18 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation; and

WHEREAS, Meals on Wheels programs – both congregate and home-delivered, in Twin Falls, Idaho have served our community admirably for more than 44 years for year; and

WHEREAS, volunteers for Twin Falls Senior Center's Meals on Wheels programs in Twin Falls are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

WHEREAS, Meals on Wheels programs in Idaho provide nutritious meals to seniors throughout the City that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and

WHEREAS, Meals on Wheels programs in Idaho provide a powerful socialization opportunity for millions of seniors to help combat the negative health effects and economic consequences of loneliness and isolation; and

WHEREAS, Meals on Wheels programs in Idaho deserve recognition for the contributions they have made and will continue to make to local communities, our State and our Nation.

NOW, THEREFORE, I Suzanne Hawkins, as Mayor of the City of Twin Falls do hereby proclaim March 2020 as the 18th Annual March for Meals Month and urge every citizen to take this month to honor our Meals on Wheels programs, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national 2020 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.



IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the City of Twin Falls to be affixed.

Suzanne Hawkins

Suzanne Hawkins
Mayor

Leila A. Sanchez

Attest: Leila A. Sanchez
Deputy City Clerk

Dated this 2nd day of March, 2020

Twin Falls City Council
Minutes

Monday, February 24, 2020, 5:00 PM

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

1) **CALL MEETING TO ORDER/CONFIRMATION OF QUORUM**

Present:	Mayor Suzanne Hawkins, Vice Mayor Ruth Pierce, Council Member Shawn Barigar, Craig Hawkins, Greg Lanting, Christopher Reid & Nikki Boyd.
Absent:	None
Staff Present:	City Manager Travis Rothweiler, Deputy City Manager Mitch Humble, Police Chief Craig Kingsbury, Planning & Zoning Director Jonathan Spendlove, Grant & Community Relations Manager Mandi Thompson, Parks & Recreation Director Wendy Davis, City Planner Brock Cherry, Desktop Support Analyst Jeremiah Parent, Executive Administrative Assistant Leila Sanchez

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

2) PLEDGE OF ALLEGIANCE

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

3) PROCLAMATION OF THE MAYOR

a) Sanctity of Human Life - Request made by Pastor Paul Thompson

Mayor Suzanne Hawkins read the Sanctity of Human Life Proclamation.

Pastor Paul Thompson received the proclamation, gave a brief presentation and spoke on House Bill 361.

4) **CONSENT CALENDAR**

Mayor Suzanne Hawkins removed the following property from the Consent Calendar: f) Request to approve the Findings of Fact and Conclusions of Law for Elizabeth Properties, LLC Zoning District Change and Zoning Map Amendment

MOTION:
Council Member Christopher Reid moved to approve the Consent Calendar as presented except for Findings of Fact and Conclusions of Law for Elizabeth Properties, LLC Zoning District Change and Zoning Map Amendment. The motion was seconded by Council Member Shawn Barigar. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg

Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. Approved 7 to 0.

MOTION:
Council Member Greg Lanting moved to approve the Findings of Fact and Conclusions of Law for Elizabeth Properties, LLC Zoning District Change and Zoning Map Amendment. The motion was seconded by Council Member Christopher Reid. Roll call vote showed Council Members Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. Council Members Nikki Boyd and Craig Hawkins abstained from voting. The motion passed 5 to 0 with 2 abstentions.

a) **ACTION ITEM**: Request to approve the Accounts Payable for February 6-19, 2020.

b) **ACTION ITEM:** Request to hold the annual "Walk a Mile in Her Shoes" event.

c) **ACTION ITEM:** Request to hold the Magic Valley Refugee Day.

d) **ACTION ITEM:** Request to approve the Annual Saint Patrick's Day Parade Application and Special Event Celebration sponsored by Bev O'Connor and Jennifer Colvin of O'Duncans, to be held on Tuesday, March 17th, 2020.

e) **ACTION ITEM:** Request to hold the Twin Falls Municipal Band Concerts.

f) **ACTION ITEM:** Request to approve the Findings of Fact and Conclusions of Law for the following:
Rose Russell Subdivision Final Plat
Sundance Subdivision No. 2, a PUD Final Plat
North Haven Office Condominium No. 1, a PUD Final Plat
Compton BR Properties, LLC Vacation
LC Investment Holdings, LLC Vacation
Elizabeth Properties, LLC Zoning District Change and Zoning Map Amendment

g) **ACTION ITEM:** Request from the Twin Falls School District to waive building permit fees.

5) ITEMS OF CONSIDERATION

a) **ACTION ITEM:** Reappointment of Carolyn Bolton to the Planning and Zoning Commission for 2nd term.

Mayor Suzanne Hawkins explained the request and recommended the appointment of Carolyn Bolton as presented.

MOTION:
Council Member Ruth Pierce moved to reappoint Carolyn Bolton to the Planning and Zoning Commission for a 2nd term. The motion was seconded by Council Member Craig Hawkins. Roll

call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

b) **ACTION ITEM:** Request to hold the Lights and Lasers at Shoshone Falls Event on May 15-25, 2020.

Sergeant Ryan Howe presented the request.

Melissa Barry, representing Southern Idaho Tourism, explained the event.

MOTION:
Council Member Shawn Barigar moved to approve the request to hold the Lights and Lasers at Shoshone Falls Event on May 15-25, 2020. The motion was seconded by Council Member Pierce seconded the motion. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

c) **ACTION ITEM:** Request to approve the contract with Mosaic Community Planning in the amount of $46,480 for the completion and submission of a community Consolidated Plan and Analysis of Impediments to Fair Housing Choice.

Grant & Community Relations Manager Mandi Thompson explained the request.

Discussion ensued on the following:

- References
- Unbudgeted Expense of $46,480

Grant & Community Relations Manager Mandi Thompson stated references, including the City of Lewiston, spoke favorably of Mosaic Community Planning. She also clarified that the City of Twin Falls will be reimbursed for the $46,480, in fiscal year 2021. The program year for HUD is aligned with the City of Twin Falls fiscal year and will begin on October 1, 2020. At that point the City will submit reimbursement for costs.

City Manager Travis Rothweiler explained the request is for an unbudgeted expense of $46,480. Though the money will be not be received until the next fiscal year, it will be a receivable for fiscal year 2020, credited against the 2020 fiscal year, and reflected in the City's audit.

MOTION:
Council Member Ruth Pierce moved to approve the contract with Mosaic Community Planning in the amount of $46,480.00, for the completion and submission of a community Consolidated Plan and Analysis of Impediments to Fair Housing Choice. The motion was seconded by Council Member Shawn Barigar. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd,

Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

d) **ACTION ITEM:** Request to award a bid for the City Park restroom project.

Parks & Recreation Director Wendy Davis explained the request and spoke on the scope of the project.

Colby Ricks, Ricks Architecture, LLC, explained the design project proposal.

Kevin Skelton, Parks & Recreation, discussed the electrical upgrades and how it connects to the Shoshone Archway.

Parks & Recreation Director Wendy Davis explained low bid was submitted by Hayes Construction for $458,115. The complete project, as bid, with the asphalt pathway, add-on the surveillance cameras brings the total project cost to $462,000, in addition to a 5% contingency would make the total $458,100.

Approval of this request will dedicate funds to the project and allow staff to proceed with a contract.

Discussion ensued on the following.

- Projected dollar amount
- Clarification of total cost of project
- Trim costs to the bid

Parks & Recreation Director Wendy Davis explained the project started out at $190,000. The architect estimate came in around $360,000.

City Manager Travis Rothweiler explained the City Council has the option to reject the bid or authorize staff to use cash reserves to move forward and fund this project. If the bid is approved, staff will bring the contract back to Council with change orders.

Mayor Hawkins explained the need for the project; however, she was not expecting the expense for a restroom. With the other expenses the City is looking at this time and with temperament of the legislators for property tax reduction or freeze, she cannot support the expense for a restroom at this time.

MOTION: Council Member Barigar moved to award the bid as presented to Hayes Construction in the amount of $494,314.00, and asked staff to move forward with the contract and to bring back to the City Council for approval. The motion was seconded by Council Member Reid. Roll call vote showed Council Members Craig Hawkins, Nikki Boyd, Shawn Barigar, Greg Lanting, Christopher Reid and Ruth Pierce voted in favor of the motion. Council Member Suzanne Hawkins voted against the motion. The motion passed 6 to 1.

e) **ACTION ITEM:** Request to adopt an ordinance for an Annexation with a Zoning District Change from M-1 to M-2 for property located at 594 & 616 Washington Street South c/o Idaho Department of Corrections. (PZ19-0147)

Planning & Zoning Director Spendlove explained the request. Staff has prepared an ordinance to finalize the Annexation and Zoning District Change and Zoning Map Amendment process.

MOTION: Council Member Nikki Boyd moved to suspend the rules and place Ordinance No. 2020-001, on third and final reading by title only. The motion was seconded by Council Member Ruth Pierce. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

Recording Secretary Leila A. Sanchez read the Ordinance No. 2020-001, by title only:

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

MOTION: Council Member Ruth Pierce moved to adopt Ordinance No. 2020-001 for an Annexation with a Zoning District Change from M-1 to M-2 for property located at 594 & 616 Washington Street South c/o Idaho Department of Corrections. (PZ19-0147). The motion was seconded by Council Member Shawn Barigar. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

f) **ACTION ITEM:** Request to adopt an ordinance for a Zoning Development Agreement Amendment for property located on the south side of the 1800 block of Elizabeth Blvd c/o Gerald Martens on behalf of Elizabeth Properties, LLC (PZ19-0131)

Planning & Zoning Director Jonathan Spendlove explained the request. The passing of the ordinance will amend the Zoning Development Agreement for this property regarding land use and other development criteria.

Council Members Nikki Boyd and Craig Hawkins recused themselves at this time.

MOTION:
Council Member Greg Lanting moved to suspend the rules and place Ordinance No. 2020-002, on third and final reading by title only. The motion was seconded by Council Member Shawn Barigar. Roll call vote showed Council Member Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid and Ruth Pierce voted in favor of the motion. Council Member Nikki Boyd and Craig Hawkins abstained from voting. The motion passed 5 to 0 with 2 abstentions.

Recording Secretary Leila A. Sanchez read Ordinance No. 2020-002, by title only:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFORE, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT

MOTION:
Council Member Christopher Reid moved to adopt Ordinance No. 2020-002, for a Zoning Development Agreement Amendment for property located on the south side of the 1800 block of Elizabeth Blvd c/o Gerald Martens on behalf of Elizabeth Properties, LLC. The motion was seconded by Council Member Barigar. Roll call vote showed Council Member Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid and Ruth Pierce voted in favor of the motion. Council Member Nikki Boyd and Craig Hawkins abstained from voting. Motion passed 5 to 0 with 2 abstentions.

Council Members Nikki Boyd and Craig Hawkins took their seats at this time.

6) GENERAL PUBLIC INPUT

Nick Mattison stated the government gains its power from the consent of the governed and believes the governed have no voice. The Council are passing ordinances, etc., without any prior notice to the public. He read the Police Oath of Office and stated his concern that ordinances and procedures are being passed that may be abrasive against our current Constitution of Idaho and of the United States. He explained he was arrested for possessing an air-gun in a public place because of an ordinance. He spoke in favor of restrooms and a recreation center.

7) ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Nikki Boyd reported the U.S. Department of Transportation announced the Magic Valley Regional Airport is one of 18 airports to receive a portion of the U.S. $12.2 million from the U.S. Department of Transportation's Small Community Air Service Development Program. The City was awarded $900,000.

City Manager Travis Rothweiler reported that on Monday, March 2, 2020, a joint session is planned for the City Council and the Planning & Zoning Commission to discuss City Code Title 10 rewrite. The City Council will convene in the Council Chambers at 5:00 p.m. and move to the Council Overflow Room. This is potentially one of three meetings.

On Wednesday, March 4, the City Council will meet for a Special Meeting for an Executive Session for the purpose of hiring a Chief Financial Officer. Members of the City Council are serving on the selection process. To call the meeting to order one of the Council Members not serving on the selection committee will need to call. All the City Council are invited to the afternoon events.

Council Member Reid recused himself at this time due to a personal relationship with the applicant.

8) PUBLIC HEARINGS

a) **ACTION ITEM:** Request to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle c/o Dustyn L. Brownlee. (PZ19-0154). On January 28, 2020 the Planning and Zoning Commission recommended approval of the proposed Vacation by a vote of 6 - 0.

City Planner Cherry explained the request is to vacate a platted utilities, irrigation, and drainage easement within the northern portion of Lot 20, Block 1 in the North Park #1 Subdivision located at 430 Parkway Circle. The purpose of the proposed vacation is to have a greater building envelope for a detached garage. The applicant has provided approval letters from all appropriate utility providers, with no objections. On January 28, 2020 the Planning and Zoning Commission recommended approval the proposed Vacation (PZ19-0154) by a vote of 6 - 0.

Dustyn L. Brownlee, applicant, explained the request.

Mayor Suzanne Hawkins opened and closed the public testimony portion of the hearing with no input.

Council deliberation: None

MOTION: Council Member Shawn Barigar moved to approve the request to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle c/o Dustyn L. Brownlee. (PZ19-0154), as presented and with the following condition: 1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable. The motion was seconded by Council Member Nikki Boyd. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, and Ruth Pierce voted in favor of the motion. Council Member Christopher abstained from voting. The motion passed 6 to 0 with 1 abstention.

Council Member Christopher Reid took his seat at this time.

b) **ACTION ITEM**: Request an Appeal of a Special Use Permit to allow a Home Occupation on property located at 850 Cambron Avenue c/o Robert Taylor (PZ20-0004). On January 14, 2020 the Planning and Zoning Commission approved the Special Use Permit (PZ19-0150) by a vote of 6 - 0.

City Planner Cherry explained the request for an Appeal of a Special Use Permit to allow a Home Occupation on property located at 850 Cambron Avenue c/o Robert Taylor (PZ20-0004).

On January 14, 2020, the Planning & Zoning Commission approved the said Special Use Permit by a vote of 6 to 0. The property is within the R-2 (Residential Single Household) Zoning District.

For clarification, since the adoption of zoning ordinance in all the residential districts the City has allowed a home occupation, which allows for a limited commercial type business. This allows for a customer or another individual coming to their residence to receive goods or services. It is mandated that whoever is operating a home occupation operates within 400 sq. ft. Exterior aesthetics are not allowed. This is a way to allow someone to pursue a small commercial enterprise while also living in their home. This is not a rezone for commercial. The applicant intends to provide med spa services which includes facials, Botox, hair removal, and hair restoration. The services will be provided in an approximate ninety (90) square foot room in the applicant's home. The applicant will serve one (1) to two (2) customers at a time. Hours of operation will be Monday through Friday from 9:00 AM to 6:00 PM and Saturdays by appointment only. Staff has determined that the applicant's request is in accordance with City Code and City Comprehensive Plans.

During the public hearing portion for the original request, Mr. Taylor made a statement to the Planning & Zoning Commission outlining his concerns and issues on January 14, 2020. As a result, Mr. Taylor, has a standing case in an appeal. Staff spoke with Mr. Taylor and explained to him the appeal of the Planning & Zoning Commission's decision to the City Council.

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

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

February 24, 2020, letters in support of the appeal have been received from individuals who live in close proximity to the proposed home occupation.

Robert J. Taylor, appellant, 775 Drayton Avenue, spoke at this time. The request is for the City Council to reconsider the decision of issue of a Special Use Permit by the Planning & Zoning Commission for a home occupation that was conveyed on January 14, 2020. He presented reasons for his request.

Maricruz Davis, original applicant, spoke on the issues presented by Mr. Taylor. She explained her type of business and her credentials. She addressed concerns presented in Mr. Taylor's letter to the Council.

Council discussion ensued.

- Ms. Davis holds a master's degree in Nurse Practitioner
- No employees

Mayor Suzanne Hawkins opened the public testimony portion of the hearing.

Joyce Redden spoke against the request.

Allen Redden spoke against the request.

Lori Taylor spoke against the request.

Terry Edwards spoke in favor of the request.

Josh Davis spoke in favor of the request.

Closing statements.

Maricruz Davis gave her closing statement.

Robert Taylor, Appellant, gave his closing statement.

Clarifying questions from the Council:

- Since 2002, roughly 20 Special Use Permits are in place.
- The City does not require a separate entrance.
- 90% of subdivisions are sub-zoned R-2.
- Unless restricted by a PUD, residential areas allow for home occupations.

Mayor Suzanne Hawkins closed the public hearing.

Council deliberations.

MOTION: Council Member Shawn Barigar moved to uphold the Planning and Zoning Commission's approval of the Special Use subject to the continued compliance with all local, state, and federal and other standards as applicable. The motion was seconded by Council Member Craig Hawkins. Roll call vote showed Council Member Craig Hawkins, Nikki Boyd, Shawn Barigar, Suzanne Hawkins, Greg Lanting, Christopher Reid, and Ruth Pierce voted in favor of the motion. The motion passed 7 to 0.

9) ADJOURNMENT

The meeting adjourned at 7:20 p.m.

_____

Leila A. Sanchez
Recording Secretary

Date: Monday, March 2, 2020

To: Honorable Mayor and City Council

From: Mark Holtzen, City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to accept the Improvement Agreement for the purpose of developing Morning Sun Subdivision No. 8 – Phase 4.

Time Estimate:

N/A

Background:

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

Approval Process:

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

Budget Impact:

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

Regulatory Impact:

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

History:

N/A

Analysis:

N/A

Conclusion:

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

Attachments:

1. Morning Sun Subd No. 8 (Phase 4) - Improvement Agreement

IMPROVEMENT AGREEMENT

for

DEVELOPMENTS

This Agreement made and entered into this ____ day of _____, 20_____, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and _____ Morning Sun Partners, LLC hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development Morning Sun Subdivision No. 8 - Phase 4.

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

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

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.

W I T N E S S E T H

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

I.

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

II.

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

a. Surety Bond

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

4. Bonding for Surety Company - The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the City Council.

5. The escrow agreement shall be drawn and furnished by the subdivider to the satisfaction of the City Council.

b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.

1. Treasurer, Escrow Agent or Trust Company - A cash deposit or certified check shall be deposited into the City's development escrow account. After the improvements have been accepted, the funds will be returned. A negotiable bond or an irrevocable bank letter of credit, shall be held by the City until the improvements are accepted.

2. Dollar Value - The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred percent (100%) of the estimated cost of construction for the specific public improvements, as estimated by Developer's Engineer and approved by the City Engineer.

3. Escrow Time - The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until all required improvements are completed and accepted by the City Engineer.

4. Progressive Payment - In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

c. Trust Agreements.

1. Per the terms of the trust agreement.

2. Trust agreement must be approved by City Council.

III.

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

a. Prepare a master utility plan showing the location of all existing and proposed utility lines to include but not be limited to sewer, water, gas, electricity, telephone, irrigation, pressure irrigation, and storm sewer.

b. Prepare detailed plans and specifications for construction of all improvements required by this Agreement and shall include but not be limited to a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards and specifications. If improvements are not completed within two (2) years, the Developer shall provide an updated, current version of the updated plans and specifications to current city standards. The Developer may request an extension of the approvals previously given for another two (2) years.

c. Engineer of record shall notify the City in writing of schedule before construction begins.

d. Perform construction surveying, staking, testing, inspection and administer the construction of all facilities required by this contract.

e. Submit all test reports, inspection reports, change orders and construction diaries to the City Engineer every week during the construction of the development or subdivision.

f. Prepare and submit an updated copy of the enclosed development and subdivision checklist to the City Engineer every week during the construction of the development or subdivision, and also upon completion of the project.

g. Submit to the City Engineer the final plans, and master utility plan for the City records showing any approved changes to the original plans and specifications. A permanent drawing in ink on approved Mylar sheets and an electronic media copy

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

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

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

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

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

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

IV.

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

V.

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

VI.

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

VII.

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

VIII.

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

IX.

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

X

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

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

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

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

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

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

XI.

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

PUBLIC WAYS

(a) Required Improvements

(1) Curb, gutter and sidewalk on all public street rights-of-way.

(2) A standard residential street thirty three feet (33') wide with an eight inch (8") gravel course and two and a half inch (2.5") asphaltic concrete surface course on all public street rights-of-way serving residential use property.

(3) Residential, private streets, and service roads, private parking and maneuvering will be equal to or greater than the residential street sections as specified in the City of Twin Falls revisions to ISPWC.

(4) A standard collector street forty eight feet (48'), wide per Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings, serving commercial use property or as a collector street. Whenever a street serves an industrial use property the City Engineer will determine the appropriate structural section.

(5) Arterial typical sections will be designed by the developer's Engineer and approved by the City Engineer.

(6) A sidewalk, per Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings, is required on all public pedestrian rights-of-way. Four foot (4') sidewalks, by special permission of the City Engineer, are allowed by ISPWC and the City of Twin Falls Revisions to the Specifications and Standard Drawings for minor residential streets under certain conditions.

(7) Landscaping and sidewalk placement required adjacent to arterial and collector streets: A portion of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets as Right-of-Way. Within that Right-of-Way the developer shall install a five feet (5') landscape strip with a sprinkler system to the City of Twin Falls Parks and Recreation standards and shall also

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

(8) Street signs and traffic control devices on all public streets.

(9) Street lights as determined by City policy for street light installation.

(b) City Costs

(1) The cost of any street signs or traffic control devices installed by the City on new or existing streets.

(2) The cost of any required street lights (standard luminaires mounted on a wood pole). The Developer shall pay the extra cost of any decorative 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 per ISPWC and the City of Twin Falls revisions thereto

WATER SYSTEM

(a) Required Improvements

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

(2) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City water distribution network in accordance with existing sizing guidelines.

(3) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users or creating a critical situation in the suppression of fires.

(4) Fire hydrant connections and fire hydrants spacing shall comply with the minimum standards set by the Fire Rating Bureau, American Water Works Association, and the International Fire Code. The maximum length of dead end fire lines shall be one hundred and fifty feet (150'). Fire hydrants are required in all developments.

(5) One water service line shall be constructed to each building site at the time the water mains are installed. The design shall minimize the length of the service line and shall terminate at the Right-of-Way. Service taps are not allowed in intersections.

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

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

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

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

(7) It is further understood and agreed that the City will make all connections to the existing water system. The developer will disinfect the water system and submit testing results to the City prior to making the system live.

(8) All water valves shall be provided with a gravel access 12" thick where no public roadway currently exists.

(b) City Costs

(1) None.

(c) Required Inspections

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

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

(1) Pursuant to City Code Section 7-7-4, 7-7-11 and 10-12-4.2 a waste water collection system (eight-inch (8") minimum diameter) that will transport a flow of waste water, under conditions of maximum and minimum discharge from the development, to the existing City waste water system.

(2) Waste water sewer lines adjacent to or internal to the development will be sized to continue the orderly expansion of the City Waste Water Collection System in accordance with existing sizing guidelines and computer sewer model.

(3) Manholes to provide access for maintenance and cleaning of the sewer lines located at any change of grade or alignment of the sewer, at the end of each sewer and spaced not more than four hundred feet (400') apart.

(4) During construction of the curb the letter S shall be stamped into the top or face of the curb directly in front of the sewer service line location. The impression shall be not less than one and one half inches (4") high.

(5) All manholes shall be provided with a gravel access 12" thick where no public roadway currently exists.

(b) City Costs

(1) None.

(c) Required Inspections and Testing

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

STORM DRAINAGE SYSTEM

(a) Required Improvements

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

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

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

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

(b) City Costs

(1) None.

(c) Required Inspections and Testing

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

GRAVITY IRRIGATION SYSTEM

(a) Required Improvements

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

property. Irrigation facilities outside an established City irrigation district shall be constructed in an easement on private property except where it is necessary for irrigation water to cross the public right-of-way and all such crossings shall be perpendicular to the center line of said right-of-way unless otherwise approved by the City Engineer due to some unusual condition. Fences will not be located on top of irrigation facilities.

(b) City Costs

(1) None.

(c) Required Inspections and Testing

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

PRESSURE IRRIGATION SYSTEM

(a) Required Improvements

(1) Pursuant to Section 7-8-3 of the City Code, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or ZDA, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or ZDA. One (1) share of Twin Falls Canal Company Water for each acre of property within the subdivision shall be transferred to the City of Twin Falls before the filing of the final plat for use in the City's pressurized irrigation system.

(2) Pressure irrigation water mains and fittings shall be six inch (6") minimum diameter or larger irrigation pipe that will transport a flow of water, which will satisfy all irrigation water demands of the development, based upon the computer irrigation water model that the developer's engineer has prepared or found in the current Pressurized Irrigation master plan.

(3) Pressure irrigation lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the

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

(4) Pressurized irrigation valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users. One pressure irrigation water service line shall be constructed to each subdivision lot site at the time the pressure irrigation water lines are installed. The design shall minimize the length of the service line and shall terminate at the Right-of-Way. Service taps will not be allowed in intersection. One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each subdivision lot connected to the City pressure irrigation water system.

(5) The Developer shall be responsible for all costs incurred in designing and installing the pressure irrigation station. This includes the land, pumps, motors, filters, enclosures, delivery system to the station from the TFCC head gate and away from the station on the historical path, storage, Supervisory Control and Data Acquisition (SCADA) system, and power to the station.

(6) All pressure irrigation system plans must be prepared by the Developer's engineer and shall be according to the Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the Specifications and Standard Drawings.

(7) The Pressure Irrigation System shall be located within easements, right-of-ways and/or property deeded to the City of Twin Falls.

(8) Private Pressure Irrigation Systems shall be located outside City Right-of-Way and within easements. No Public infrastructure will be associated with a private Pressure Irrigation System.

(b) City Cost.

(1) None

(c) <u>Required Inspections and Testing</u>

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

SPECIAL FEATURES

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

a) Required Improvements

_____

_____

_____

_____

b) City Costs

(1) None.

XIII.

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

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

XIV.

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

XV.

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

Attest: CITY OF TWIN FALLS, IDAHO

_____ _____
City Clerk Mayor

Developer

_____
MORNING SUN PARTNERS LLC

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

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

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

_____
Notary Public for Idaho
Residing

CORPORATION

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

On this ____ day of _____, 20___, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known or identified to me (or proved to me on the oath of_____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the

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

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

_____
Notary Public for Idaho
Residing _____

PARTNERSHIP

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

On this 13TH day of FEBRUARY, 2020, before me, the undersigned, a Notary Public for Idaho, personally appeared GERALD MARTENS, known or identified to me (or proved to me on the oath of _____) to be one of the partners in the partnership of MORNING SUN PARTNERS LLC, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

VALERIE A SMITH
Comm. No. 20181569
NOTARY PUBLIC
Expires: 08/15/2024
STATE OF IDAHO

_____
Notary Public for Idaho
Residing TWIN FALLS

NOTICE OF DEVELOPER'S AGREEMENT

NOTICE IS HEREBY GIVEN, that a document entitled "Improvement Agreement for Developers" (hereafter "Agreement") has been executed and filed with the City of Twin Falls, Idaho, for the following named subdivision:

MORNING SUN SUBDIVISION NO. 8 - PHASE 4.

The Agreement imposes certain obligations upon the developer for the development of the subject property, and upon the developer's heirs, successors in interest and lawful assigns. Details of the conditions and obligations may be found by examining or photocopying the Agreement at the Office of the City Engineer, 203 Main Ave E, Twin Falls, Idaho 83301.

CITY OF TWIN FALLS, IDAHO

City Clerk

Mayor

Developer

MORNING SUN PARTNERS LLC

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

On this 13TH day of FEBRUARY, 2020, before me, the undersigned, a Notary Public for Idaho, personally appeared GERALD MARTENS, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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

VALERIE A SMITH
Comm. No. 20181569
NOTARY PUBLIC
Expires: 08/15/2024
STATE OF IDAHO

Notary Public for Idaho
Residing TWIN FALLS

BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:		
	)	
	)	FINDINGS OF FACT,
Vacation Application,)		
	)	CONCLUSIONS OF LAW,
Dustyn Brownlee	)	
	)	
Applicant(s)	)	AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on Monday, February 24, 2020 for public hearing pursuant to public notice as required by law for Vacation of platted utilities, irrigation and drainage easement within the northern portion of Lot 20, Block 1 in the North Park #1 Subdivision located at 430 Parkway Circle and the City Council of the City of Twin Falls having heard testimony from interested parties and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for Vacation of platted utilities, irrigation and drainage easement within the northern portion of Lot 20, Block 1 in the North Park #1 Subdivision located at 430 Parkway Circle.

2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: February 6, 2020.

3. The property in question is zoned R-2 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. The existing neighboring land uses in the immediate area of this property are: to the north, Residential; to the south, Residential; to the east, Residential to the west, Residential.

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

CONCLUSIONS OF LAW

1. The application for Vacation of platted utilities, irrigation and drainage easement within the northern portion of Lot 20, Block 1 in the North Park #1 Subdivision located at 430 Parkway Circle is consistent with the purpose of the R-2 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

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

3. The proposed use is proper use in the R-2 Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. The application for Vacation of platted utilities, irrigation and drainage easement within the northern portion of Lot 20, Block 1 in the North Park #1 Subdivision located at 430 Parkway Circle should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls.

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

DECISION

1. The application Vacation of platted utilities, irrigation and drainage easement within the northern portion of Lot 20, Block 1 in the North Park #1 Subdivision located at 430 Parkway Circle is hereby granted.

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

_____

MAYOR - TWIN FALLS CITY COUNCIL

_____

DATE

Exhibit No. A

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

APPLICATION #: PZ19-0154

BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:

Appeal Application	)	FINDINGS OF FACT,
Robert Taylor Applicant(s)	)	CONCLUSIONS OF LAW, AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on Monday, February 24, 2020 for public hearing pursuant to public notice as required to consider an appeal of the Twin Falls Planning and Zoning Commission's decision approving a Special Use Permit #PZ19-0150 to allow a Home Occupation on property located at 850 Cambron Avenue and the City Council having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has appealed the Twin Falls Planning and Zoning Commission's decision approving a Special Use Permit #PZ19-0150 to allow a Home Occupation on property located at 850 Cambron Avenue. 2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: February 6, 2020

3. The property in question is zoned R-2 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-8.2(B) 10f, 10-10-3, 10-13-2.2, Twin Falls City Code

5. The existing neighboring land uses in the immediate area of this property are: to the north, Residential; to the south, Residential; to the east, Residential; to the west, Residential.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit #PZ19-0150 to allow a Home Occupation on property located at 850 Cambron Avenue is consistent with the purpose of the R-2 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-2-1, 10-4-4.2, 10-11-1 to 8, 10-13-2-2, Twin Falls City Code.

3. The proposed use is proper use in the R-2 Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. The application for a Special Use Permit to allow a Home Occupation on property located at 850 Cambron Avenue should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

DECISION

1. The application for Special Use Permit #PZ19-0150 to allow a Home Occupation on property located at 850 Cambron Avenue is hereby upheld by the Twin Falls City Council and is subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though full set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

_____

MAYOR-TWIN FALLS CITY COUNCIL

_____

DATE

"Exhibit No. A"

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to a review of the Special Use Permit in one year. (January 2021)

APPLICATION # PZ20-0004

Date: Monday, March 2, 2020

To: Honorable Mayor and City Council

From: Planning & Zoning Department

ACTION ITEM

Request:

ACTION ITEM: Request to adopt an ordinance vacating a portion of right of way located at 1629 Locust Street North. c/o LC Investment Holding LLC. (PZ19-0145)

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

On January 14, 2020, the Planning and Zoning Commission recommended approval of the request at presented.

On February 10, 2020, the City Council conducted a Public Hearing on this item. At the conclusion of the Public Hearing and deliberation, the City Council voted to approve the request as presented.

Approval Process:

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

Budget Impact:

NA

Regulatory Impact:

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

History:

N/A

Analysis:

N/A

Conclusion:

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

Attachments:

1. PZ19-0145 LC Investments Vac

ORDINANCE NO.2020-0003

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

WHEREAS, LC Investment Holding, LLC has made application for vacation of a portion of right of way located at 1629 Locust Street North in the City of Twin Falls; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 14th day of January, 2020, to consider the vacation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing to consider the same matter on the 10th day of February, 2020.

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

SECTION 1. That the following described real property be and the same is hereby VACATED:

SEE EXHIBIT "A"

SECTION 2. That title to the real property by this Ordinance vacated shall revert to the adjoining property owner(s) as described below:

LC Investment Holding, LLC
P.O. Box 5179
Twin Falls, ID 83303-5179

SECTION 3. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's Office for indexing and recording, in the same manner as other instruments affecting the title to real property, as required by Idaho Code 50-1324(2).

PASSED BY THE CITY COUNCIL , 20____

SIGNED BY THE MAYOR , 20____

_____
Mayor

ATTEST:

_____
Deputy City Clerk

PUBLISH: _____, _____day of _____, 20_____
Weekday

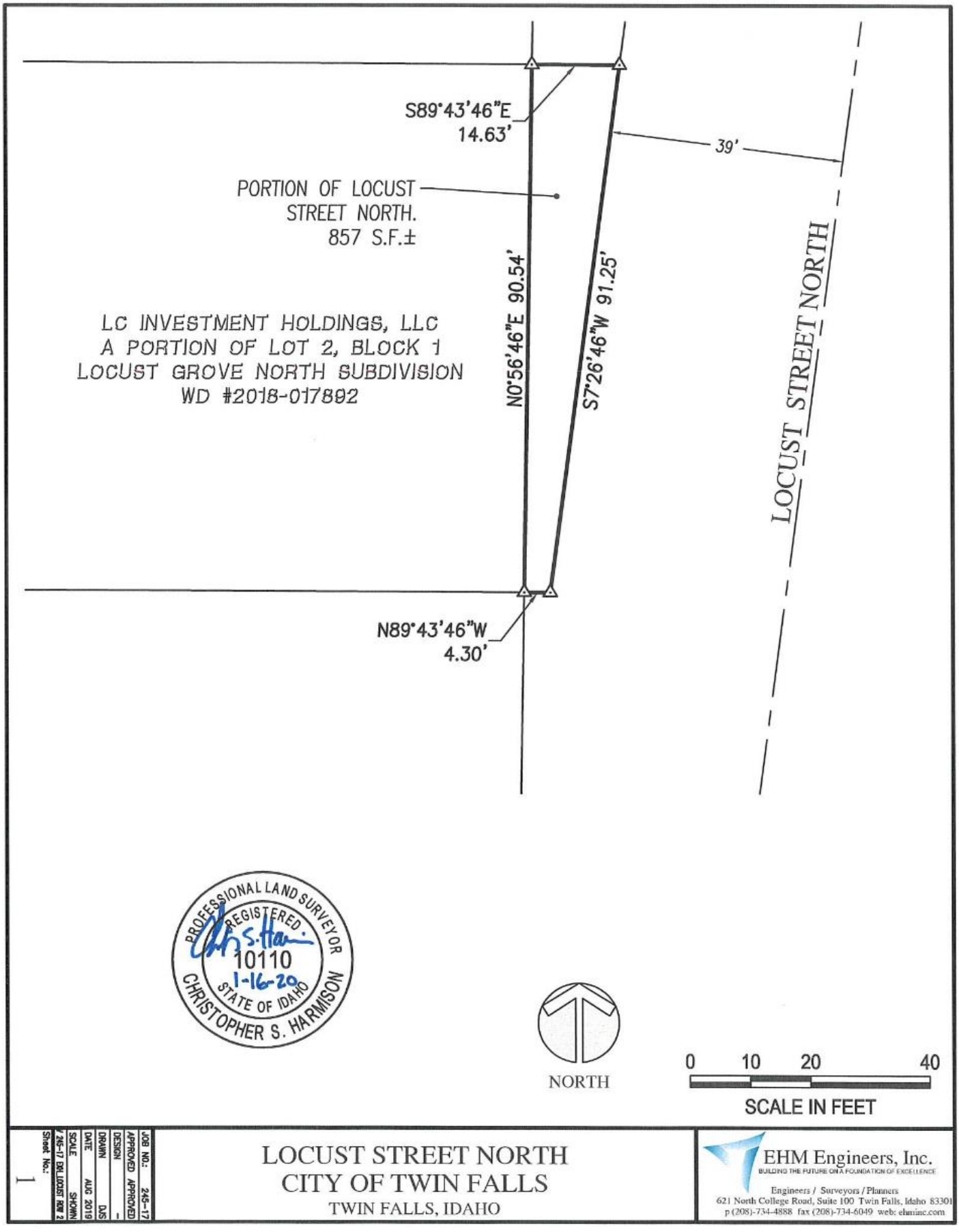
Exhibit A
Legal Description
Locust Street North Right-of-Way (LC Investment Holdings, LLC)
Twin Falls, Idaho

Being a portion of Locust Street North Right-of-Way, lying in Government Lot 4 of Section 3, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Commencing at the Northeast corner that certain map entitled "Locust Grove North Subdivision", recorded December 28, 2017 as Instrument No. 2017-021007 in the office of the County Recorder of Twin Falls County;
Thence, along the East Boundary of said map, South 00°56'46" West 98.51 feet to the Northeast corner of that certain Parcel of Land described in Deed recorded November 5, 2018 as Instrument No. 2018-017892 in said office of the County Recorder of Twin Falls County and being the REAL POINT OF BEGINNING;
Thence, along the Easterly prolongation of the North Boundary of said Parcel of Land, South 89°43'46" East 14.63 feet;
Thence, South 07°26'46" West 91.25 feet;
Thence, North 89°43'46" West 4.30 feet to the Southeast corner of said Parcel of Land;
Thence, along said East Boundary of said Parcel of Land, North 00°56'46" East 90.54 to said REAL POINT OF BEGINNING;

Containing approximately 857 square feet.

End of Description


S89°43'46"E
14.63'
39'
PORTION OF LOCUST
STREET NORTH.
857 S.F.±
LC INVESTMENT HOLDINGS, LLC
A PORTION OF LOT 2, BLOCK 1
LOCUST GROVE NORTH SUBDIVISION
WD #2018-017892
N0°56'46"E 90.54'
S7°26'46"W 91.25'
LOCUST STREET NORTH
N89°43'46"W
4.30'
PROFESSIONAL LAND SURVEYOR
REGISTERED
10110
1-16-20
STATE OF IDAHO
CHRISTOPHER S. HARMISON
NORTH
0 10 20 40
SCALE IN FEET
JOB NO: 245-17
APPROVED
DESIGN -
DRAWN DAS
DATE AUG 2019
SCALE SHOWN
J:\245-17 DR\LOCUST ROW 2
Sheet No.: 1
LOCUST STREET NORTH
CITY OF TWIN FALLS
TWIN FALLS, IDAHO
EHM Engineers, Inc.
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE
Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
p (208)-734-4888 fax (208)-734-6049 web: ehminc.com

Date: Monday, March 2, 2020

To: Honorable Mayor and City Council

From: Planning & Zoning Deapartment

ACTION ITEM

Request:

ACTION ITEM: Request to adopt an ordinance vacating a portion of right of way located at 1643 Locust Street North. c/o Compton BR Properties, LLC. (PZ19-0146)

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

On January 14, 2020, the Planning and Zoning Commission recommended approval of the request at presented.

On February 10, 2020, the City Council conducted a Public Hearing on this item. At the conclusion of the Public Hearing and deliberation, the City Council voted to approve the request as presented.

Approval Process:

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

Budget Impact:

NA

Regulatory Impact:

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

History:

N/A

Analysis:

N/A

Conclusion:

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

Attachments:

1. PZ19-0146 Compton B R Properties, LLC Draft VAC Ord

ORDINANCE NO. 2020-004

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

WHEREAS, Compton B R Properties, LLC has made application for vacation of a portion of right of way property located 1643 Locust Street North in the City of Twin Falls; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 14th day of January, 2020, to consider the vacation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing to consider the same matter on the 10th day of February, 2020.

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

SECTION 1. That the following described real property be and the same is hereby VACATED:

SEE Exhibit "A"

SECTION 2. That title to the real property by this Ordinance vacated shall revert to the adjoining property owner(s) as described below:

Compton BR Properties
429 9th Ave N

Buhl, ID 83316

SECTION 3. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's Office for indexing and recording, in the same manner as other instruments affecting the title to real property, as required by Idaho Code 50-1324(2).

PASSED BY THE CITY COUNCIL , 20____

SIGNED BY THE MAYOR , 20____

Mayor:_____

ATTEST:

_____
Deputy City Clerk

PUBLISH: _____, _____day of _____, 20_____
Weekday

Exhibit A
Legal Description
Locust Street North Right-of-Way (Compton B.R. Properties, LLC)
Twin Falls, Idaho

Being a portion of Locust Street North Right-of-Way, lying in Government Lot 4 of Section 3, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Beginning at the Northeast corner that certain map entitled "Locust Grove North Subdivision", recorded December 28, 2017 as Instrument No. 2017-021007 in the office of the County Recorder of Twin Falls County and being the REAL POINT OF BEGINNING;
Thence, along the Easterly prolongation of the North Boundary of said map, South 89°43'47" East 21.00 feet;
Thence, South 00°56'46" West 30.70 feet;
Thence, along the arc of a tangent 211.00-foot radius curve to the right, through a central angle of 06°30'00", an arc distance of 23.94 feet and a chord distance of 23.92 feet that bears South 04°11'46" West;
Thence, South 07°26'46" West 44.28 feet;
Thence, North 89°43'46" West 14.63 feet to the Southeast corner of that certain Parcel of Land described in Deed recorded November 5, 2018 as Instrument No. 2018-017885 in said office of the County Recorder of Twin Falls County;
Thence, along the East Boundary of said Parcel of Land, North 00°56'46" East 98.51 to said REAL POINT OF BEGINNING;

Containing approximately 1,888 square feet.

End of Description


REX SUBDIVISION
FIRST AMENDED
#2010-015493
S89°43'47"E
21.00'
S0°56'46"W 30.70'
N0°56'46"E 98.51'
Δ = 006°30'00"
R=211.00'
A=23.94'
LCB=S4°11'46"W
C=23.92'
COMPTON B.R. PROPERTIES, LLC
ALL OF LOT 1 AND
A PORTION OF LOT 2, BLOCK 1
LOCUST GROVE NORTH SUBDIVISION
WD #2018-017885
39'
PORTION OF LOCUST
STREET NORTH.
1,888 S.F.±
S7°26'46"W 44.28'
N89°43'46"W
14.63'
LOCUST STREET NORTH
PROFESSIONAL LAND SURVEYOR
REGISTERED
10110
1-16-20
STATE OF IDAHO
CHRISTOPHER S. HARMISON
NORTH
0 10 20 40
SCALE IN FEET
JOB NO.: 245-17
APPROVED
DESIGN
DRAWN
DATE AUG 2019
SCALE SHOWN
Sheet No.: 1
LOCUST STREET NORTH
CITY OF TWIN FALLS
TWIN FALLS, IDAHO
EHM Engineers, Inc.
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE
Engineers / Surveyors / Planners
621 North College Road, Suite 100 Twin Falls, Idaho 83301
p (208)-734-4888 fax (208)-734-6049 web: ehminc.com

Date: Monday, March 2, 2020

To: Honorable Mayor and City Council

From: Planning & Zoning Department

ACTION ITEM

Request:

ACTION ITEM: Request to adopt an ordinance vacating a an easement located at 430 Parkway Circle. c/o Dustyn Brownlee (PZ19-0154)

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

On January 28, 2020, the Planning and Zoning Commission recommended approval of the request at presented.

On February 24, 2020, the City Council conducted a Public Hearing on this item. At the conclusion of the Public Hearing and deliberation, the City Council voted to approve the request as presented.

Approval Process:

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

Budget Impact:

NA

Regulatory Impact:

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

History:

N/A

Analysis:

N/A

Conclusion:

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

Attachments:

1. PZ19-0154 Brownlee

ORDINANCE NO.2020-005

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

WHEREAS, Dustyn Brownlee & Jennifer Brownlee has made application for vacation of the easement located 430 Parkway Circle; in the City of Twin Falls; and

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 28th day of January, 2020, to consider the vacation of the easement below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 24th day of February, 2020.

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

SECTION 1. The following described easement is hereby VACATED:

See "Exhibit A"

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

PASSED BY THE CITY COUNCIL _____, 20_____

SIGNED BY THE MAYOR _____, 20_____

_____

Mayor

ATTEST:

_____

Deputy City Clerk

PUBLISH: _____, _____, 20_____
Weekday

Exhibit A

Legal Description
Easement Vacation
Twin Falls, Idaho

Being a portion of Lot 20, Block 1 as shown on that certain map entitled “North Park No. 1 Subdivision”, recorded April 1, 1976 as Instrument No. 0000-694656 in the office of the County Recorder of Twin Falls County, more particularly described as follows:

Beginning at the Northwest corner of said Lot 20;
Thence, along the North Boundary of said Lot 20, South 89°37’40” East 122.50 feet to a point on the West line of a Public Utilities, Irrigation, and Drainage Easement as shown on said map;
Thence, along said West line, South 00°22’20” West 7.50 feet to a point on the South Line of a Public Utilities, Irrigation, and Drainage Easement as shown on said map;
Thence, along said South line, North 89°37’40” West 124.86 feet to a point on the West Boundary of said Lot 20;
Thence, along said West Boundary, North 17°51’42” East 7.86 feet to said REAL POINT OF BEGINNING.

End of Description