



Twin Falls Planning & Zoning Commission Agenda

Tuesday, February 28, 2023, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

COUNCIL CHAMBERS

Members -

City Limits: Craig Kelley, Chairperson; Marilu Perez, Vice-Chair; Todd Rambur; Cortney Campbell; Grayson Stone

Area of Impact: David Detweiler

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Conflict of Interest Declaration
- 3) Consent Calendar
 - a) **ACTION ITEM:** Approval of minutes from the following meeting: February 14, 2023.
- 4) Items of Consideration
 - a) **ACTION ITEM:** Reconsideration of the decision by the Planning and Zoning Commission at the January 24, 2023 meeting for the consideration of the preliminary plat for Clubhouse 12 at the Preserve, a PUD, Subdivision, approximately eight (+/-) acres consisting of 16 lots located at the northeast corner of Cheney Drive East and Clear Springs Loop c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0175)
By: Lisa Strickland, City Planner
 - b) **ACTION ITEM:** Reconsideration of the decision by the Planning and Zoning Commission at the January 24, 2023 meeting of the preliminary plat for the Shady Creek at the Preserve, a PUD, Subdivision, approximately 52 (+/-) acres consisting of 78 lots located at Candleridge Drive and Cheney Drive East c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0176)
By: Lisa Strickland, City Planner
- 5) Public Hearings
 - a) **ACTION ITEM:** Request for a recommendation to City Council on an Amendment to the Vista Rim ZDA to modify overall design theme, building materials, and height restrictions on property located at 292 Canyon Crest Drive c/o Andrew Erstad, erstad Architects on behalf of John Odom. (PZ22-0177)
By: Jonathan Spendlove, Planning and Zoning Director
- 6) Upcoming Meeting(s)
 - a) **INFORMATIONAL:** Wednesday, March 1, 2023 Worksession - canceled
Tuesday, March 14, 2023 - canceled
Tuesday, March 28, 2023 - 3 items
- 7) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Kelli Ebersole (208) 735-7267 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chair 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 Chair, 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 Chair 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 Chair. 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.
 9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chair, 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 Chair may limit the time permitted for the answer.
 10. The Mayor or Chair shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, February 14, 2023, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

COUNCIL CHAMBERS

Members -

City Limits: Craig Kelley, Chairperson; Marilu Perez, Vice-Chair; Todd Rambur; Cortney Campbell; Grayson Stone

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairman Kelley called the meeting to order at 06:00 PM

A quorum was present.

Members Present: Kelley, Campbell, Stone, Perez, Detweiler, Rambur

Staff Present: Spendlove, Ebersole, Strickland O'Leary

2) Conflict of Interest Declaration

3) Consent Calendar

MOTION: Commissioner Detweiler moved to approve the Consent Calendar, as presented.
Commissioner Stone seconded the motion.

Unanimously Approved by a vote of 6 to 0.

- a) Approval of the minutes from the following meeting: January 24, 2023

4) Items of Consideration

- a) Preliminary Presentation for a request for a recommendation to City Council on an Amendment to the Vista Rim ZDA to modify overall design theme, building materials, and height restrictions on property located at 292 Canyon Crest Drive c/o Andrew Erstad, Erstad Architects on behalf of John Odom. (PZ22-0177)

Staff Presentation:

Planning and Zoning Director Spendlove presented the Preliminary Presentation for a request for a recommendation to City Council on an Amendment to the Vista Rim ZDA to modify overall design theme, building materials, and height restrictions on property located at 292 Canyon Crest Drive c/o Andrew Erstad, Erstad Architects on behalf of John Odom. (PZ22-0177)

Per City Code 10-6-1, the Planning & Zoning Commission shall complete a preliminary review of the request prior to a public hearing. Following the public hearing, the Commission shall forward a recommendation to the City Council. After receiving a recommendation from the

Planning & Zoning Commission, the City Council shall require a Public Hearing to be held. Following the public hearing, the Council shall act on the proposed item.

This property was originally part of the Northbridge #2 PUD that was ratified in 1994. Over the years, this particular piece has not been developed. However, multiple parcels in the area have seen various rezones and PUD's take place, as well as buildings constructed for offices, homes, convention centers and restaurants. Most recently, the Vista Rim ZDA went through the public hearing process to create a residential townhome development in 2021.

A full analysis of this item will be provided for the public hearing on February 28th.

No action is being taken on this item, at this time. The commission may ask clarifying questions, and give general direction to Staff and the applicant for items or issues that may need to be researched prior to the Public Hearing.

Applicant Presentation:

Nick Oelrich, applicant representative, stated the additional height request is for the three buildings furthest away from the canyon rim. He stated the applicant is asking for the amendment to the height due to the zoning amendment to the canyon rim height requirement. He shared the development concept.

PZ/Questions & Comments:

- Commissioner Detweiler asked the location of the buildings requesting the extra height.
- Planning and Zoning Director Spendlove gave the building numbers and stated they are behind the building on the canyon rim.
- Chairman Kelley asked how the height is measured.
- Planning and Zoning Director Spendlove explained how building height is measured in the City of Twin Falls.
- Commissioner Perez asked about other element changes.
- Planning and Zoning Director Spendlove stated the only element changes are what is on the application.

Planning and Zoning Director Spendlove stated staff analysis will come at the public hearing on February 28th.

5) Public Hearings

- a) Request for a Non-Conforming Building Expansion permit for a vehicle repair shop on property located at 3055 Highland Avenue East c/o Colby Ricks, Laughlin Ricks Architecture on behalf of Wayne Yates. (PZ23-0001)

Staff Presentation:

City Planner Strickland presented the request for a Non-Conforming Building Expansion permit for a vehicle repair shop on property located at 3055 Highland Avenue East c/o Colby Ricks, Laughlin Ricks Architecture on behalf of Wayne Yates. (PZ23-0001)

Per City Code 10-3-4 (D) The city planning and zoning commission may authorize the issuance of a nonconforming building expansion permit. The following standards shall be used to make a decision.

- a. Will the proposed expansion be harmonious with and in accordance with the general objectives of the comprehensive plan and/or zoning regulation?
- b. Will the proposed expansion be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity?
- c. Will the proposed expansion involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare of the surrounding neighborhood by reason of excessive production of traffic, noise, smoke, fumes, glare or odors?
- d. Will the proposed expansion have any other adverse impact upon the surrounding neighborhood?
- e. Considerations relating to traffic safety and traffic congestion:
- f. Considerations relating to outdoor advertising and noise:
- g. Considerations relating to landscaping:
- h. Considerations relating to buildings and site layout: The considerations of exterior design in relation to adjoining structures in height, bulk and area openings, breaks in the facades and facing on streets, line and pitch of roof and arrangement of structure on the parcel.
- i. Considerations relating to drainage and utilities.

The building was constructed in 1999. The property is zoned M-2 which allows for an automotive repair service with an approved Special Use Permit.

In 2016 SUP #1394 was issued to operate an automotive repair shop with the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with City Code Requirements and Standards.
2. Subject to all inoperable, un-licensed, or junk vehicles, and all parts being stored inside, or behind a sight obscuring fence that has been approved by staff.
3. No vehicle parked outside for longer than 2 business days prior or after work is completed.
4. Subject to a Certificate of Occupancy issued by the City prior to operation of the paint booth, as described.

According to the Future Land Use Map this area is identified as Industrial. The characteristics of an industrial area consist of non-retail employment, being near or adjacent to railways, and can provide supporting uses/services within the community. This land use and property are in conformance with the Industrial designation. The reason the property is considered non-conforming is because the centerline setback along Highland Ave is listed as 62 feet which occurred the same year the building was under construction.

The proposed expansion will not make the building more non-conforming and does not encroach further into the setback. This business has operated at this location without any complaints from neighbors and is situated in a location that allows for easy access to and from the property without impacting the surrounding area. Staff has reviewed the request and does

not foresee issues with approving the request as presented.

Upon conclusion, the commission may approve the request, approve with conditions, deny the request or table for more information. Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project. If approved, staff recommends the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to compliance with conditions listed on SUP#1394.

Applicant Presentation:

Colby Ricks, applicant representative, presented the request for a Non-Conforming Building Expansion permit for a vehicle repair shop on property located at 3055 Highland Avenue East. He stated the new building will expand the motor vehicle repair shop, with three additional bays for a total of 8 bays. He stated the building will match the current architecture, will be a pre-engineered metal building, and stated the existing facility was remodeled last year.

PZ/Questions & Comments:

- Commissioner Perez asked for a location for the addition.
- City Planner Strickland stated the building in the google picture was demolished, and a new building will be placed in the same location.
- Commissioner Perez asked about parking improvements.
- City Planner Strickland stated there are no paving requirements for parking in the M2 zone.
- Mr. Ricks clarified where there will be paving with the improvements.

Public Hearing: Opened and closed without input

Discussions Followed:

- Vice Chair Perez stated she believes the addition is a better use of space and a good fit.
- Commissioner Detweiler agreed and stated he is in favor of the request, since the addition is not going further into the setback and in front of other buildings.
- Commissioner Campbell stated she is in favor because there are no neighbor complaints.
- Vice Chair Perez spoke to the non-conforming request, and that she has no concerns as the use fits with the area.
- Commissioner Stone stated since there is an existing building at the same setback, he has no issue with the request. He believes it is harmonious with the existing structure.
- Commissioner Detweiler stated the expansion does not extend further than any other building.

MOTION: Commissioner Detweiler moved to approve the request for a Non-Conforming Building Expansion permit for a vehicle repair shop on property located at 3055 Highland Avenue East c/o Colby Ricks, Laughlin Ricks Architecture on behalf of Wayne Yates. (PZ23-0001), as presented, with staff recommendations.

Commissioner Stone seconded the motion.

Unanimously Approved by a vote of 6 to 0.

6) Upcoming Meeting(s)

February 28th, 2023 - Three items on the agenda.

Planning and Zoning Director Spendlove explained the reconsideration of the preliminary plats brought forward on January 24th, 2023.

7) Adjournment

The meeting adjourned at 06:32 PM

Kelli Ebersole, Technician



Date: Tuesday, February 28, 2023
To: Planning and Zoning Commission
From: Lisa Strickland

ACTION ITEM

Request:

Reconsideration of the decision by the Planning and Zoning Commission at the January 24, 2023 meeting for the consideration of the preliminary plat for Clubhouse 12 at the Preserve, a PUD, Subdivision, approximately eight (+/-) acres consisting of 16 lots located at the northeast corner of Cheney Drive East and Clear Springs Loop c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0175)

Time Estimate:

Approximately 5-10 minutes for presentation with questions/comments to follow.

Background:

This is a request to reconsider the approval of the Clubhouse 12 preliminary plat.

Approval Process:

This is a "Request for Reconsideration". The process for reconsideration is for the Commission to reconvene during a normally scheduled meeting, to hear the request from the party asking for the reconsideration, and to either reaffirm the original decision, or modify the original decision based on the information presented. The commission will be advised to open the item for public comment as that is one of the listed reasons for reconsideration.

Per City Code 10-12-2-3

Commission's Findings:

The Commission shall review the preliminary plat and shall consider the objectives of this Title and at least the following:

- a. The conformance of the subdivision with a Comprehensive Plan.
- b. The availability of public services to accommodate the proposed development.
- c. The continuity of the proposed development with the capital improvement program.
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

Budget Impact:

N/A

Regulatory Impact:

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

History:

The Clubhouse 12 preliminary plat is part of the Preserve PUD Master Development Plan and consists of 16 lots. The Preserve was previously platted in 2008. However, that approval period lapsed and must go through the process again. The overall Preserve Development consists of several phases. The applicant requested approval for the Clubhouse 12 preliminary plat consisting of 12 residential lots along with storm water retention lots and a portion of Cheney Drive to be extended east. This preliminary plat was unanimously approved by the Planning & Zoning Commission on January 24, 2023.

Analysis:

This preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3. It is compatible with the 2016 Comprehensive Plan "Grow With Us" which designates this area as "Town Neighborhood/Mixed Use".

The reconsideration request is being sought for the following reasons outlined in a letter received by staff (see Attachment #1)

1. Failure to give legal notice;

Per City Code 10-12-2-3 The subdivider shall certify to the Administrator that he has notified all adjoining property owners of the proposed subdivision. Such written notification shall be mailed at least ten (10) days prior to the Commission meeting. Staff requires property owners within 300' of the property boundaries be notified of the meeting which exceed the number of adjoining property owners. The applicant was also required to post two (2'x3') sign at the south end of the proposed subdivision, and westward near the proposed entrance along Cheney Dr E. Both the signs as well as the letters met the requirement for notification.

2. Failure to allow input from the public;

The Preliminary Plat approval process outlined in City Code does not explicitly require the Planning and Zoning Commission to hold a Public Hearing. Preliminary Plats are listed as an Item of Consideration on the agenda and therefore have not been held to a Public Hearing standard. However, as an item of concern raised in this reconsideration request, the commission will take public comment at this meeting and review any public comment that was sent regarding this request (see attachments).

3. Failure of the preliminary plat to comply with the Amended PUD Agreement

This proposed subdivision is for the areas identified as "Rec Center" and "M" on the Conceptual Master Development Plan (Attachment #4) and listed within the written document to be developed per City Code 10-4-5 R-4 Residential Medium Density. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit. The agreement also allows for attached single family lots ("zero lot line"). The lots shown on the submitted Preliminary Plat satisfy the Written PUD Document and associated City Code requirements.

4. Failure to comply with the City of Twin Falls ordinances.

Staff did not find any discrepancies between the proposed subdivision and city code requirements.

Conclusion:

The Commission is tasked with evaluating this request based upon the information provided, specifically identifying the items brought up for reconsideration, and making a final decision. Approval will allow the applicant to develop approximately 8 acres into 12 buildable lots and 4 unbuildable lots for open space/retention.

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

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

Attachments:

1. Request for Reconsideration
2. Public Comment 01-25-23
3. Clubhouse 12 Preliminary Plat
4. PUD Master Development Plan
5. The Preserve - Recorded 01-19-2012, PUD (#261) Original
6. The Preserve - Recorded 07-02-18 #261 Amendment
7. 20230124 PZC minutes
8. PZ22-0175 Staff Report 1-24-23

OFFICES OF G. KENT TAYLOR

450 Falls Avenue, Suite 201
P.O. Box 1901
Twin Falls, ID 83303-1901

Phone: (208) 734-5681

Fax: (208) 733-2482

January 31, 2023

Via email to jspendlove@tfid.org

Mr. Jonathan Spendlove
City of Twin Falls Planning &
Zoning Director

Dear Jonathan:

Pursuant to my conversation with you on January 26, 2023, regarding the action taken by the City of Twin Falls Planning and Zoning Commission ("Commission") on the request by Shady Creek at the Preserve ("Shady") for approval of a preliminary plat, Nancy, my wife, and I, are hereby requesting and advising the following:

1. That the Commission reconsider Shady's request and the Commission's action;
2. That a meeting/hearing of the Commission be convened to discuss and/or take action on any submittal by Shady;
3. That Shady republish, including mailing, any notice required by law; and
4. That any person desiring to participate at said meeting/hearing be allowed to do so.

In the alternative, this letter shall be deemed to be a "Notice of Appeal" with respect to the Commission's action taken by it on Shady's application for approval of its preliminary plat. The bases for the appeal are as follow:

1. Failure to give legal notice;
2. Failure to allow input from the public regarding the application;
3. Failure of the preliminary plat to comply with the Amended PUD Agreement; and
4. Failure to comply with the City of Twin Falls ordinances.

Respectfully submitted,


G. KENT TAYLOR

jcorr\ Spendlove Jonathan\GKT:jr

RECEIVED

JAN 25 2023

CITY OF TWIN FALLS
PLANNING & ZONING

24 Jan 2023

To:

This evening we were invited by mail to a Planning and Zoning meeting where we were told "There will be no comment" on the development of "Shady Creek at the Reserve, P.U.D. Apparently there was a public meeting 2 weeks prior where comments were permitted, however no one impacted by this development was notified of that planning meeting. We feel that this was wrong and request a public meeting where all those concerned can comment about the impact this development will have on water, sewer, traffic, etc.

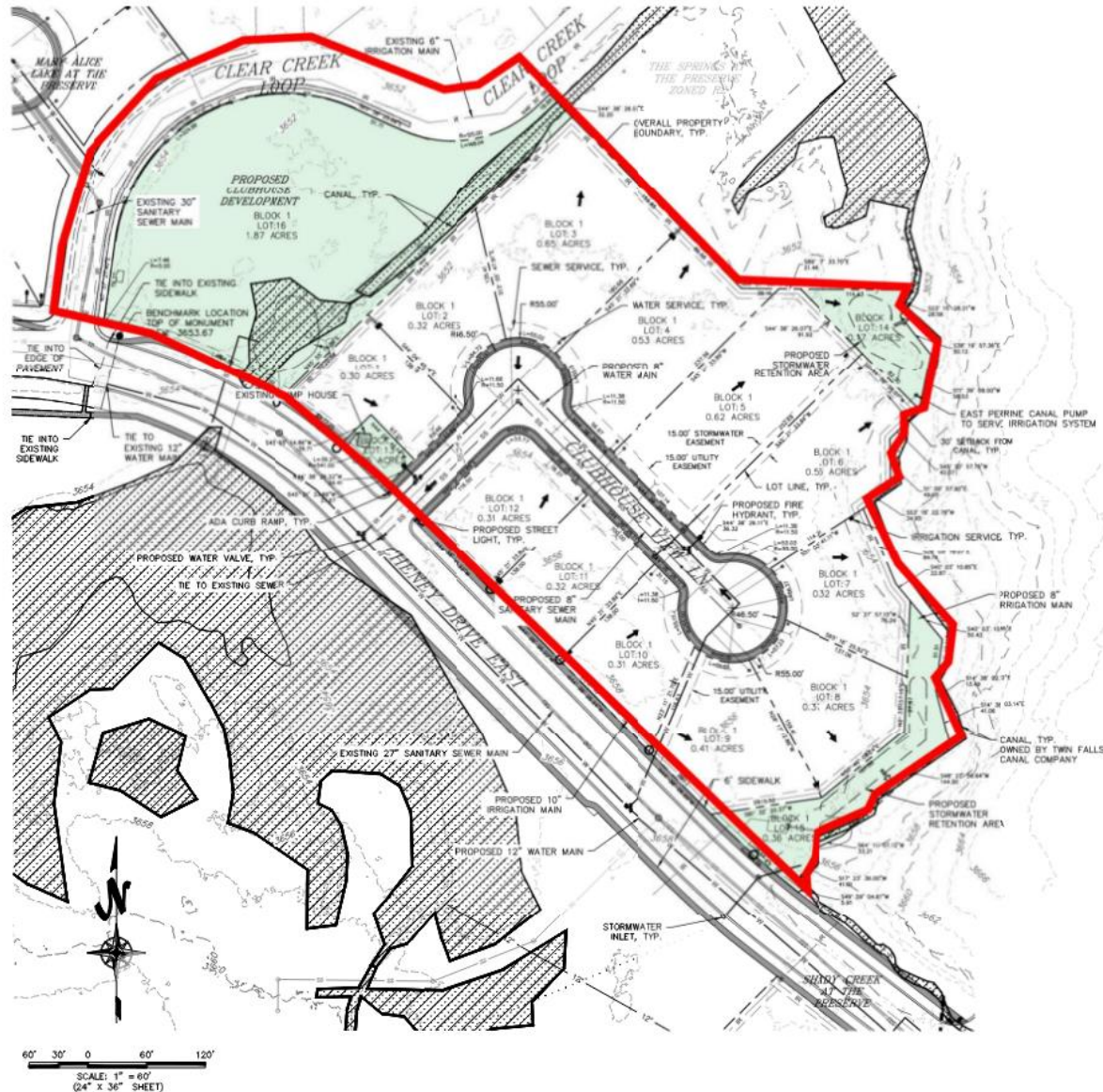
Respectfully,

Ann Babbel
Gary Babbel

Gary and Ann Babbel
2560 Sunridge Circle
Twin Falls, ID

PS The letter announcing the above meeting from Harmony Design and Engineering was dated Dec 12, "2023." However the envelope was postmarked 12 January 2023.

CLUBHOUSE 12 AT THE PRESERVE, A P.U.D. LOCATED IN SECTION 2, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN TWIN FALLS COUNTY, IDAHO



VICINITY MAP
NOT TO SCALE

NOTES

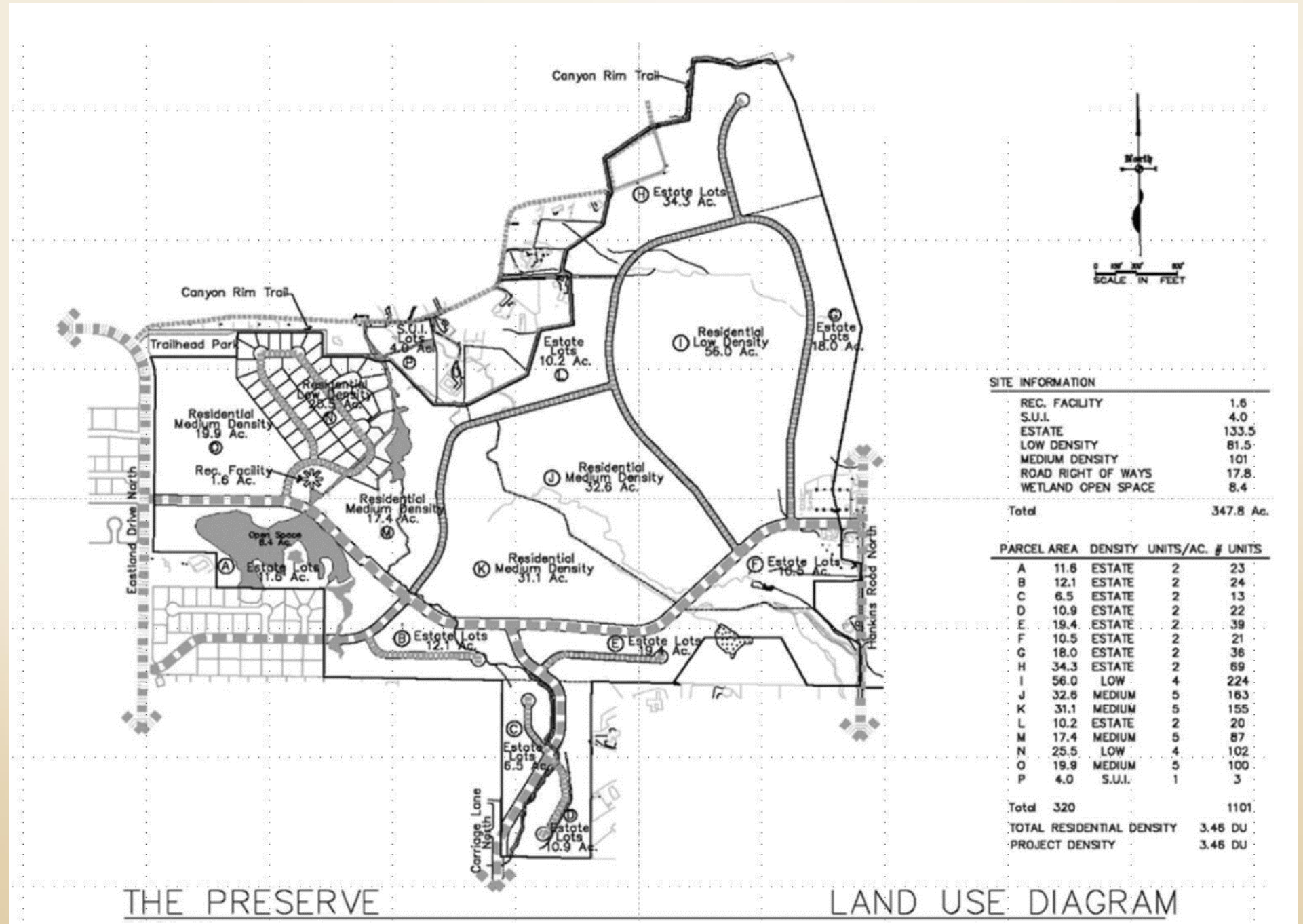
1. STORMWATER SHALL BE CONVEYED TO LOTS 14 AND 15 AS SHOWN ON PLANS, WHERE REGIONAL DETENTION WILL BE PROVIDED. STORMWATER FOR THE CLUBHOUSE WILL BE DETAINED ON LOT 16.
2. STORM WATER RETENTION AREAS AND LANDSCAPING AREA TO BE OWNED AND MAINTAINED BY A HOME OWNERS ASSOCIATION.
3. PRESSURIZED SURFACE IRRIGATION WATER SHALL BE PROVIDED TO ALL LOTS. TIE INTO EXISTING PRESSURE IRRIGATION SYSTEM. TO BE SERVED BY A PRIVATE PRESSURE IRRIGATION STATION. SEE JOINT VENTURE AGREEMENT FOR MORE INFORMATION.
4. WETLANDS FOR "THE PRESERVE" WERE DELINEATED ON FEBRUARY 6, 2018 BY FISHER & ASSOCIATES.
5. THIS AREA IS NOT WITHIN A DESIGNATED FLOODPLAIN.
6. LOTS 13, 14, 15, AND 16 ARE COMMON AREAS, TO BE MAINTAINED BY A HOME OWNERS ASSOCIATION.

LEGEND:

- | | | | |
|--------|------------------------------|---|--|
| — | PROPERTY BOUNDARY LINE | • | PROPOSED SANITARY SEWER MANHOLE |
| - - - | PROPOSED LOT LINE | ■ | PROPOSED SIDEWALK |
| - - - | EASEMENT LINE | ■ | COMMON AREAS |
| — SS — | EXISTING SEWER MAIN | ▨ | WETLANDS |
| — W — | PROPOSED 8" WATER MAIN | → | PROPOSED SURFACE WATER FLOW DIRECTION |
| — S — | PROPOSED WATER SERVICE | → | EXISTING AND PROPOSED 100-YR OVERFLOW PATH |
| — SS — | PROPOSED 8" SEWER MAIN | • | BENCHMARK LOCATION |
| — S — | PROPOSED SEWER SERVICE | • | CANAL PUMP |
| — P — | PROPOSED PRESSURE IRRIGATION | □ | STORMWATER INLET |
| — I — | PROPOSED IRRIGATION SERVICE | * | PROPOSED STREET LIGHT |
| ▼ | PROPOSED FIRE HYDRANT | | |
| • | PROPOSED GATE VALVE | | |

HARMONY DESIGN & ENGINEERING 18 N MAIN STE 305 • DRINGO ID 83422 208.334.1331 • www.harmonydesigneng.com	
DRAWING IS TO SCALE OF 1" = 60' HORIZONTAL SCALE 1" = 10' VERTICAL SCALE FILE: PRELIMINARY PLAT.DWG PROJECT: CLUBHOUSE 12 PROJECT NO.: 21037	DATE: 11/11/2022 PROJECT NAME: CLUBHOUSE 12 AT THE PRESERVE, A P.U.D. TWIN FALLS, IDAHO PRELIMINARY PLAT
SHEET #	
1 OF 2	

PUD Master Development Plan



TWIN FALLS COUNTY

Recorded for:

TWIN FALLS, CITY OF
3:39:23 PM 01-19-2012

2012-001070

No. Pages: 32 Fee: \$
KRISTINA GLASCOCK
County Clerk
Deputy: BHUNTER

R2 PLANNED UNIT DEVELOPMENT AGREEMENT

THE PRESERVE PUD

PUD-261

THIS AGREEMENT, made and entered into this 13TH day of JAN, 2012, by and

between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and GARY'S WESTLAND, L.L.C., GARY STORRER and CONNIE STORRER, husband and wife, and GEMCON FINANCIAL CORPORATION (hereinafter called "Developer"), whose address is 1042 Wildwood Way, Twin Falls, ID 83301.

RECITALS

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A", attached hereto as Ordinance # 2843 & Ordinance #2858, (the "Property") which Property is adjacent to Eastland Avenue and Hankins Road.

WHEREAS, Developer intends to develop and/or sell all or portions of the Property from time to time; and

WHEREAS, Developer has made request of the City to develop a subdivision (the "Project") on the Property and has submitted to the City a Master Development Plan (Exhibit "B") thereof which was recommended for approval for development, as presented, as a Planned Unit Development by the Planning and Zoning Commission and approved for development, as presented, as a Planned Unit Development on October 24, 2005 and April 24, 2006 by the City Council of the City; and

WHEREAS, City, by and through its City Council, has agreed to the development of said Project within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this agreement.

COPY

COVENANTS

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

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

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

A. USES.

1. The use in the area designated community center and recreational facilities on Exhibit "B" shall be limited to facilities benefiting the Preserve Planned Unit Development property owners. The uses will include a neighborhood recreational facility including such uses as a meeting room, reception room, swimming pool, tennis courts, putting green, and other such uses designated by the Preserve Homeowners Association provided such uses are for the benefit of Preserve Subdivision property owners, family members and invited guests.

2. The uses of areas designated as estate lots on Exhibit "B" shall conform to requirements of City Code 10-4-3; R 1-VAR, Residential Single Household District.
3. The uses in the area designated as residential low density on Exhibit "B" shall conform to the requirements of City Code 10-4-4; R2, Residential Single Household. Also allowed in this area is a Planned Zero Lot Line Subdivision as per City Code 10-12-5-6.
4. The uses in the area designated as residential medium density on Exhibit "B" shall conform to the requirements of City Code 10-4-5; R-4 Residential Medium Density District. Also allowed is a Planned Zero Lot Line Subdivision per City Code 10-12-5-6.
5. Development within the CRO Zone shall conform to the requirements of City Code 10-4-19; Canyon Rim Overlay District and underlying zoning district.

B. PHASING OF DEVELOPMENT. Developer shall be permitted to develop the property in phases, so long as those phases are in compliance with the Master Development Plan (Exhibit "B"), this PUD Agreement, and an approved preliminary plat. Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Development Plan are conceptual and any changes, as approved by City Staff, therefrom

shall not provide basis for disapproval of any final plat. There shall be no minimum and a maximum of 3 years limit between phases. If development of subsequent phases is not initiated within the 3-year limit the City shall review the P.U.D. for conformance to the Comprehensive Plan and Development Standards.

Notwithstanding the three (3) year maximum time limit stated herein, if the Project remains in conformity with the Comprehensive Plan and Developments Standards, this agreement shall remain in full force and effect. If not in conformity, Developer may apply for amendment of the agreement.

3. STREET, SEWER, WATER, PRESSURE IRRIGATION, AND DRAINAGE IMPROVEMENTS.

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

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

requirements, the Master Development Plan (Exhibit "B") and this PUD Agreement.

- B. IMPROVEMENT DESIGN AND CONSTRUCTION. Developer, at its expense, shall cause all Improvements shown on the Improvement Plan to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided herein. Notwithstanding the foregoing, nothing in this agreement shall prohibit City, State, or Federal participation in the cost or financing of Improvements on the Property if mutually agreed to by the parties hereto.
- C. PHASED CONSTRUCTION. Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City. City will commit water, sewer and pressure irrigation services only on a phase-by-phase basis.
- D. CONSTRUCTION SUPERVISION. Developer shall use a registered professional engineer to supervise the construction, inspection and testing of the work as necessary, to ensure that all

such improvements are constructed in accordance with the approved Improvement Plans.

- E. NON-COMPLIANCE. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will take in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the right of the parties are preserved at law and equity.

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F. FEES. Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant of the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.

G. MAINTENANCE OF IMPROVEMENTS. City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.

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

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

A. APPROVAL AND CONSTRUCTION. All improvements shall be constructed in accordance with engineered drawings and

specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld. All building plans shall be approved by the Project Architectural Control Committee.

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

A 35-foot wide landscape buffer including meandering sidewalk, measured from the back of the curb, will be constructed along Eastland Drive and Hankins Road. In residential areas the landscaping shall be accomplished as part of individual lot development.

Each property will be required to meet the minimum requirements of City Code onsite to include adjacent landscape buffers in addition to the Master Development Plan. All landscaping shall be installed in conformance with the project Master Development Plan. All landscaping maintenance will be in a uniform manner. The property landscaping will utilize a city pressure irrigation system constructed in compliance with applicable standards.

- C. PROJECT IRRIGATION. All residential lots will be irrigated utilizing a pressurized irrigation system designed and constructed to City of Twin Falls Standards. The pressurized irrigation system will be designed and constructed on a phase basis.

The Developer acknowledges that he has irrigation water shares and water rights as summarized in attached Exhibit "C", which are appurtenant to the property described in Exhibit "A" and the City has determined that the water shares and water rights specified in Exhibit "C" satisfies the developers obligation to provide irrigation water for the residential development of all property described in Exhibit "A". Furthermore The City agrees that if additional water is required for irrigation of land described in Exhibit "A" the City will be responsible for providing the additional irrigation water. Prior to recordation of a final plat for each phase the Developer shall transfer to the City of Twin Falls water shares and water rights as described in Exhibit "C" on a pro rata basis.

- D. LANDSCAPING PLAN. For each buffer area, adjacent to Eastland Drive and Hankins Road, at the time of development, each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height. The landscape buffer shall be planted with a minimum of one tree per five-hundred (500) square feet of

landscaped area and a minimum of one shrub per one-hundred (100) square feet of landscaped area. At least fifty percent (50%) of the shrubs and trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from the groups last approved by the Tree Commission through its Tree Selection Guide. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet (4') when planted.

E. STANDARDS. Buildings and improvements shall comply with the following standards. All building, site and landscaping plans shall be approved by the project architectural review committee.

1. ARCHITECTURAL STANDARDS. The community center/recreation facility building should be constructed of architectural masonry, stone, stucco, wood or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces. All buildings shall be designed to complement adjacent residential buildings. Basic building colors shall be neutral earth tones and approved by the architectural control committee.

The community center/recreation facility building size shall not exceed 8,000 S.F. without majority approval of all

members of the Preserve Planned Unit Homeowner's Association and a special use permit.

All plans for residential construction shall be approved by the Preserve Planned Unit Development Homeowner's Association. At a minimum the committee shall establish for each use a minimum building size, exterior materials, exterior colors, roof pitches, building site plan, landscaping and other lot improvements.

2. OUTSIDE STORAGE. The community center trash container(s) and such facilities shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or fencing. Screening shall be approved by the Developer or its assigns. No outside storage yards will be allowed.
3. UTILITIES. All on-site utility service lines located within any parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened where possible from the view from streets, with screening material such as landscaping or other approved material. This does not apply to curbside utilities in residential areas.
4. HEIGHT LIMITATIONS. Except for the CRO Zone Area no structure shall be higher than 35 feet. Within the CRO Zone the building height may be less.

Rev. 201

5. SIGN PLAN.

A. PROJECT IDENTIFICATION SIGNS. Signs

will be monument type signs with a maximum height of 10 feet measured above the adjacent curb and shall conform to City Code.

6. RESIDENTIAL USES. Residential uses shall conform to the appropriate code section for each area as outlined in Section 2A.

7. ILLUMINATION. Exterior lighting shall be shielded and cut-off type to preclude the light source being visible from the adjacent properties.

8. PUBLIC PEDESTRIAN/BICYCLE/PARKS FACILITIES.

Development plans for each project phase and each building shall include facilities that will accommodate pedestrian and bicycle access to the project interior streets and the adjacent arterial streets. Where reasonably feasible the pathways shall be separated from the interior streets by landscaping or other features to encourage use of public pedestrian/bicycle facilities. The pedestrian and bicycle facilities shall be designed to provide connections between Hankins Road, Carriage Lane, Eastland Drive, and the Canyon Rim Trail system. The pathways may be developed in phases providing that each phase provides access from the developed phase to previously completed phase. Developer shall be responsible for

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installation of all permanent public pedestrian/bike trails and common areas located adjacent to the aforementioned trails, as depicted on attached "Exhibit "B"". Maintenance of public pedestrian/bike trails shall be the responsibility of the City at City's cost. Maintenance of the common areas, located adjacent to all public pedestrian/bike trails shall be the responsibility of the City and all associated costs of said maintenance shall be the responsibility of lot owners within the project.

A. TEMPORARY PUBLIC PEDESTRIAN/BIKE TRAIL.

The parties hereto agree to cooperate with each other in the installation of a temporary public pedestrian/bike trail. Said temporary trail shall be constructed along the north project boundary, in a location satisfactory to City and Developer, and will connect the public trails constructed in each development phase with the Canyon Rim Trail (extended) in the northeast corner of the property. Construction cost and maintenance of the temporary public trail shall be the responsibility of the City.

B. PARK DEVELOPMENT.

On June 5, 2006 the City Council approved a request by the developer for a Parks In-Lieu Plan for the Project. Park development shall include a 3 acre neighborhood park at the Southeast corner of the intersection of

Eastland Drive North and Pole Line Road East and a second 3 acre neighborhood park in the eastern portion of the property. The balance of the park requirement, 6 +/- acres, will be met through dedication of right-of-way or easements for a pedestrian/bicycle trail connecting Eastland Drive North with the jump site adjacent to the Northeast corner of the developer's property.

9. TIME LIMITATIONS. The "PUD" Zoning designation on the Property described in Exhibit "A" is expressly conditioned upon submission to the City Council of a final development plan of the first phase of development within one (1) year from the date hereof. The Developer may apply for one or more one (1) year extensions, provided application is made in advance of the expiration date. Approval shall not unreasonably be withheld.
10. CONSTRUCTION ACCESS. Access to the site for construction activities from Pole Line Road will not be allowed during any phase of the project.
11. STANDARD DEVELOPER'S AGREEMENT. It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.
12. GENERAL PROVISIONS.

- A. COOPERATION. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications, and working drawings required by the City.
- B. ENTIRE AGREEMENT. This agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduce to writing and signed by the parties.
- C. APPLICABLE LAW. This agreement shall be construed in accordance with the laws of the State of Idaho.
- D. NOTICES. If notices from one party to the other are desired or required hereunder such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". ON the date of this agreement, the addresses of the parties are as follows:

PUD. Del

DEVELOPER: GARY'S WESTLAND, L.L.C., GARY STORRER and CONNIE STORRER, husband and wife, and GEMCON FINANCIAL CORPORATION
1042 Wildwood Way
Twin Falls, ID 83301

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

E. SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this agreement with respect to said transferred property.

F. SEVERABILITY. In the event any portion of this agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this agreement, and the remaining portions shall not be affected thereof.

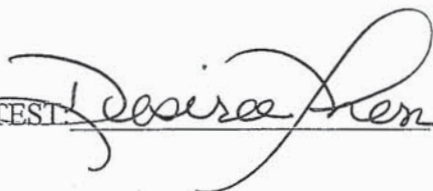
G. SIGNATORIES. Each of the persons executing this agreement hereby warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this agreement is binding on, and enforceable against, such entity.

- H. EFFECTIVE DATE. This agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.
- I. ATTORNEY FEES. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails in such litigation, shall be entitled to a reasonable attorney's fee.
- J. CONSTRUCTION. Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.
- K. ATTACHMENT. All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.
- L. CAPTIONS. The captions, sections and paragraph numbers appearing in this agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

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

CITY OF TWIN FALLS

ATTEST:



BY:

Mayor



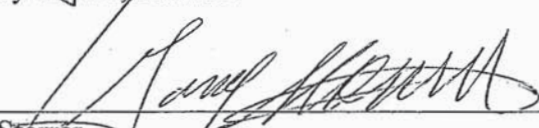
GARY'S WESTLAND, L.L.C.

By:

Gary Storrer, Member



Gary Storrer



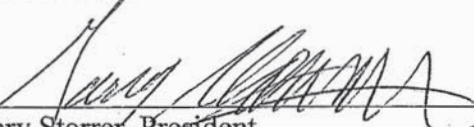
Connie Storrer



GEMCON FINANCIAL CORPORATION

By:

Gary Storrer, President



PUD 2861

ACKNOWLEDGMENTS

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

On this 13TH day of JAN., 2012, before me, the undersigned, a Notary Public in and for said State and County, personally appeared BARY L. LANTING, known to me to be the MAYOR of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

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



Desirée Iverson
NOTARY PUBLIC FOR IDAHO

Residing at: TWIN FALLS

Commission expires: 1-18-2017

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ACKNOWLEDGMENTS

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

On this 13th day of January, 2012, before me, a notary public in and for said county and state, personally appeared Gary Storrer, known or identified to me to be a Member of Gary's Westland, L.L.C., the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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



Julie Moore
NOTARY PUBLIC FOR IDAHO
Residing at: TWIN FALLS
My commission expires: 11-28-2014

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

On this 13th day of January, 2012, before me, a notary public in and for said county and state, personally appeared Gary Storrer, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

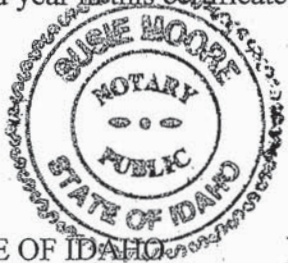


Susie Moore
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 11-28-2014

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

On this 13th day of January, 2012, before me, a notary public in and for said county and state, personally appeared Connie Storrer, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

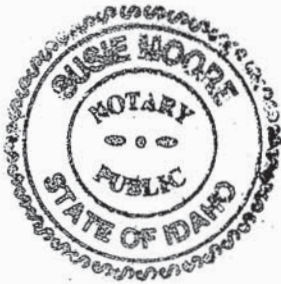


Susie Moore
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 11-28-2014

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

On this 3rd day of January, 2012, before me, a notary public in and for said county and state, personally appeared Gary Storrer, known or identified to me to be the President of Gemcon Financial Corporation, 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 affixed my official seal the
day and year in this certificate first above written.



Susie Moore
NOTARY PUBLIC FOR IDAHO
Residing at: TWIN FALLS
My commission expires: 11-28-2014

DUG-2d

EXHIBIT "A"

ORDINANCE NO. 2843

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

WHEREAS, Gary's Westland, LLC, c/o Gary Storrer has made application for annexation of property located between the 1300, 1400, 1500, 1600, and 1700 blocks of Eastland Drive North and Hankins Road aka 3200 East Road; 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 27th day of September, 2005, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

WHEREAS, the City Planning and 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 October, 2005, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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 annexed into and declared to be a part of the City of Twin Falls, Idaho:

A parcel of land located in the N $\frac{1}{4}$, Section 2, and the SE $\frac{1}{4}$, Section 2, Range 17 East, Township 10 South, Boise Meridian, Twin Falls County, Idaho, and also located in the SE $\frac{1}{4}$, Section 35, Range 17 East, Township 9 South, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows;

COMMENCING at the Northwest corner of Section 2;

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THENCE South 00°35'29" West 25.00 feet along the west boundary of the NW $\frac{1}{4}$, of said Section 2 to the REAL POINT OF BEGINNING;

THENCE South 89°55'02" East 1305.76 feet parallel with north boundary of the NW $\frac{1}{4}$, of Section 2;

THENCE South 00°04'58" West 179.89 feet;

THENCE South 89°55'02" East 374.89 feet parallel with the north boundary of the NW $\frac{1}{4}$, of Section 2;

THENCE North 29°50'19" West 186.00 feet;

THENCE North 11°20'43" East 44.54 feet to a point on the north boundary of the NW $\frac{1}{4}$, of Section 2;

THENCE South 89°55'02" East 150.98 feet along the north boundary of the NW $\frac{1}{4}$, Section 2;

THENCE North 19°32'10" West for a distance of 37.26 feet to the center of a 30.00 foot wide access and utility easement;

THENCE South 89°43'57" East 184.43 feet along the center of said access and utility easement to a point of curvature;

THENCE Along a curve to the left for a distance of 119.23 feet to the point of tangency, said arc having a radius of 274.82 feet and chord bearing and distance of North 77°50'18" East 118.30 feet;

THENCE North 65°24'03" East 27.62 feet along the center of said easement;

THENCE South 12°14'38" East 274.17 feet;

THENCE South 00°28'48" West 370.35 feet;

THENCE South 89°31'50" East 200.10 feet;

THENCE North 00°34'41" East 304.20 feet;

THENCE North 80°00'03" East 332.48 feet;

THENCE South 47°00'18" East 173.41 feet;

THENCE North 16°00'25" East 298.04 feet;

THENCE North 09°21'51" West 25.13 feet;

THENCE North 79°30'50" East 251.42 feet;

THENCE North 02°51'48" West 337.95 feet;

THENCE South 87°08'12" West 516.94 feet to the center of an access road;

THENCE Along a curve to the left for a distance of 15.17 feet to the point of tangency, said arc having a radius of 114.59 feet and a long chord bearing and distance of North 14°16'30" East 15.16 feet;

THENCE North 10°29'00" East 18.58 feet along the center of said access road;

THENCE North 86°49'00" East 445.79 feet;

THENCE North 11°47'00" East 184.65 feet;

THENCE North 87°51'02" West 227.89 feet;

THENCE North 13°39'03" East 216.19 feet;

THENCE South 87°29'00" East 445.81 feet;

THENCE North 11°47'00" East 227.75 feet;
 THENCE North 67°11'16" East 11.93 feet;
 THENCE North 11°04'35" West 256.93 feet;
 THENCE North 55°14'48" East 438.37 feet;
 THENCE North 79°10'30" East 258.86 feet;
 THENCE North 04°52'00" East 450.85 feet to a point on the
 south rim of the Snake River Canyon;
 THENCE Along the south rim of the Snake River Canyon on the
 following courses:
 North 85°51'28" East 119.08 feet;
 South 77°09'58" East 111.18 feet;
 North 77°13'56" East 54.48 feet;
 South 60°44'15" East 72.04 feet;
 North 74°11'30" East 58.51 feet;
 North 78°58'06" East 57.23 feet;
 North 69°34'21" East 143.13 feet;
 THENCE Leaving the south rim of the Snake River Canyon, South
 24°28'30" East 400.16 feet;
 THENCE South 05°25'00" East 2909.04 feet;
 THENCE South 12°27'14" East 67.77 feet;
 THENCE North 89°22'04" West 1115.31 feet;
 THENCE South 00°15'50" West 58.29 feet along the west boundary
 of Government Lot 1, to the southwest corner of said
 Lot 1;
 THENCE South 00°15'05" West 183.01 feet;
 THENCE South 76°50'11" East 1345.69 feet to the east boundary
 of the NE $\frac{1}{4}$, of Section 2;
 THENCE South 00°12'37" West 77.93 feet along east boundary of
 said NE $\frac{1}{4}$, of Section 2;
 THENCE South 89°32'21" West 340.40 feet;
 THENCE South 00°12'37" West 205.09 feet parallel with the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE South 44°33'26" East 226.16 feet;
 THENCE South 59°35'49" East 209.53 feet to a point on the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE South 00°12'37" West 310.00 feet along the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE North 89°02'04" West 388.97 feet along the south
 boundary of the NE $\frac{1}{4}$ of Section 2;
 THENCE North 28°11'43" West 400.18 feet;
 THENCE North 89°48'20" West 562.72 feet parallel with the
 south boundary of the NE $\frac{1}{4}$ Section 2;
 THENCE South 34°09'26" West 409.21 feet to a point on the
 south boundary of the NE $\frac{1}{4}$ Section 2;
 THENCE North 89°02'04" West 598.30 feet along said south
 boundary of NE $\frac{1}{4}$ Section 2;
 THENCE South 00°19'21" West 1316.92 feet to a point on the
 south boundary of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 2;

THENCE North 88°53'09" West 657.28 feet along south boundary of the NW ¼, SE ¼ Section 2 to the southwest corner of the said NW ¼, SE ¼;

THENCE North 00°21'31" East 1315.21 feet along the west boundary of the NW ¼ SE ¼ Section 2;

THENCE North 89°02'05" West 1310.87 feet along the south boundary of the NW ¼ of Section 2 to the southwest corner of SE ¼, NW ¼ of Section 2 said point also being the southeast corner of Candleridge East Subdivision;

THENCE North 00°28'27" East 656.47 feet along the east boundary of Candleridge East Subdivision to the northeast corner of said Subdivision;

THENCE North 89°12'19" West 790.50 feet;

THENCE North 00°35'29" East 261.00 feet parallel with the west boundary of the NW ¼ of Section 2;

THENCE North 89°12'19" West 519.00 feet; to the west boundary of the NW ¼ of Section 2 also being the centerline of Eastland Drive North;

THENCE North 00°35'29" East 1654.50 feet along the said west boundary of the NW ¼ of Section 2 also the centerline of Eastland Drive North to the REAL POINT OF BEGINNING

Containing 343.204 Acres

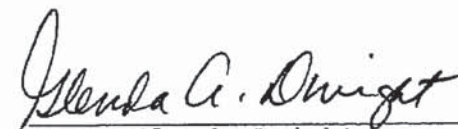
AND all public streets, highways, alleys and public rights-of-way adjacent and within this description.

SECTION 2. That the real property described in Section 1 hereof be and the same is hereby zoned R-2 PUD.

SECTION 3. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the newly incorporated real property as hereby zoned.

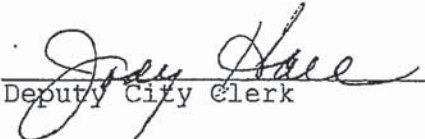
SECTION 4. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL	October 31	, 2005
SIGNED BY THE MAYOR	October 31	, 2005


 Mayor Glenda Dwight

ATTEST:

PUD-261


Deputy City Clerk

PUBLISH: Thursday, November 10 , 2005

PUD-269

EXHIBIT "A"

ORDINANCE NO. 2858

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

WHEREAS, Gary's Westland, LLC, has made application for annexation of property located at the southeast corner of Eastland Drive North and Pole Line Road East; 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 28th day of March, 2006, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

WHEREAS, the City Planning and 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 1st day of May, 2006, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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 annexed into and declared to be a part of the City of Twin Falls, Idaho:

SEE ATTACHMENT "A"

AND all public streets, highways, alleys and public rights-of-way adjacent and within this description.

SECTION 2. That the real property described in Section 1 hereof be and the same is hereby zoned R-2 PUD.

SECTION 3. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby

DUD-261

amended to reflect the newly incorporated real property as hereby zoned.

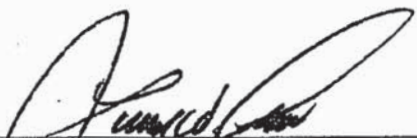
SECTION 4. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL

May 1 , 2006

SIGNED BY THE MAYOR

May 2 , 2006



Mayor Lance W. Clow

ATTEST:



Deputy City Clerk

PUBLISH: Thursday,

May 11 , 2006

puD 261

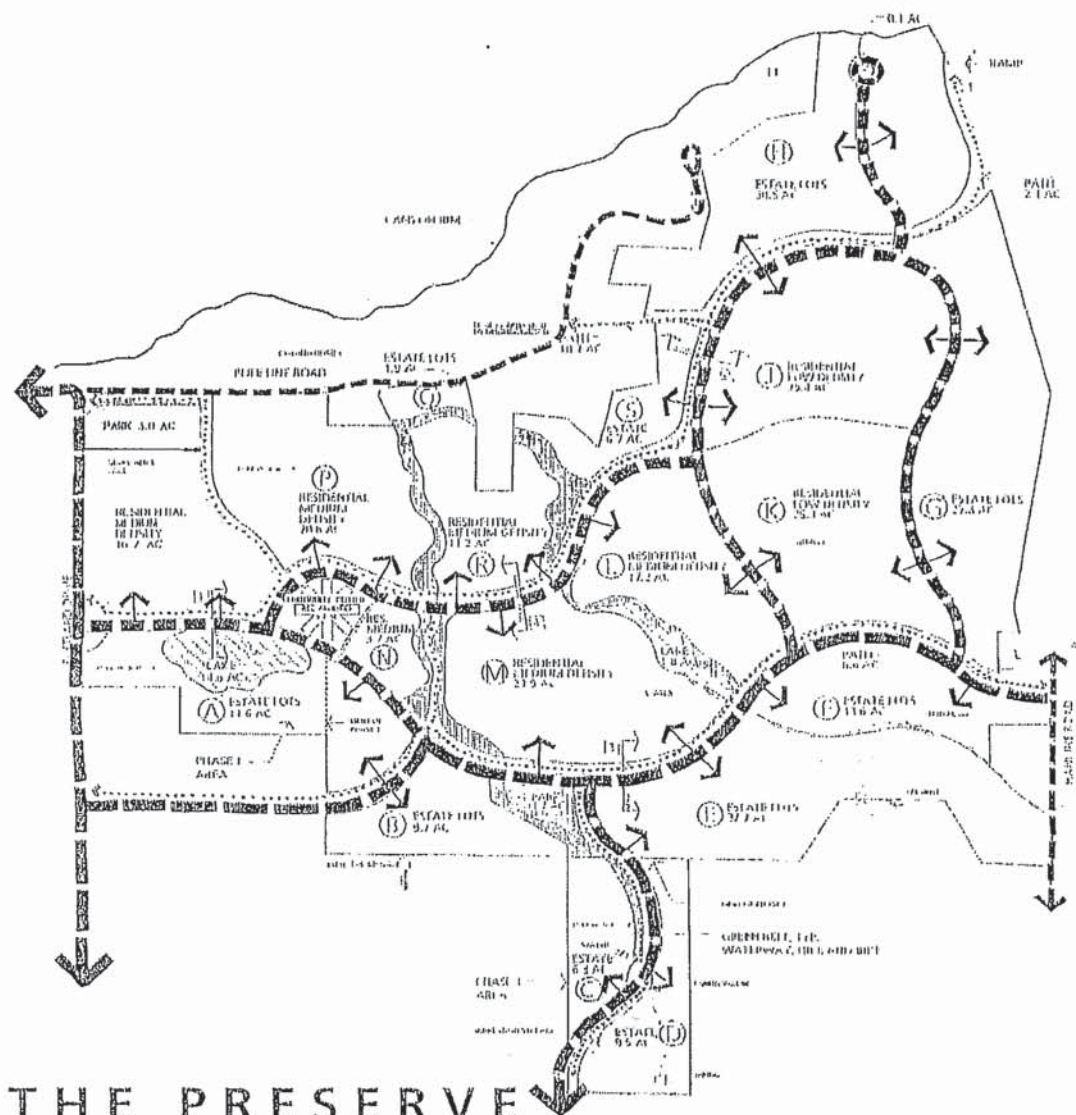
ATTACHMENT "A"

A parcel of land located in the NW ¼, of Section 2, Range 17 East, Township 10 South, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows;

COMMENCING at the Northwest corner of Section 2;

THENCE South 00°35'29" West 25.00 feet along the west boundary of the NW ¼, of said Section 2 to the REAL POINT OF BEGINNING;
THENCE South 89°55'02" East 655.10 feet parallel with north boundary of the NW ¼, of Section 2;
THENCE South 01°03'34" West 552.46 feet;
THENCE South 61°58'51" East 76.49 feet;
THENCE South 51°11'32" East 187.05 feet;
THENCE South 38°02'35" East 245.33 feet;
THENCE South 32°15'21" East 128.40 feet;
THENCE South 39°53'21" East 25.00 feet to a point of curvature;
THENCE Along a curve to the left for a distance of 148.30 feet, said arc having a radius of 200.00 feet, a chord bearing South 28°52'06" West for a distance of 144.93 feet, and a delta of 42°29'07";
THENCE South 07°37'33" West 133.42 feet;
THENCE North 89°11'50" West 1019.47 feet to a point on the west boundary of Section 2 also the centerline of Eastland Drive North;
THENCE North 00°35'29" East 1272.40 feet along the west boundary of Section 2, also the centerline of Eastland Drive North to the REAL POINT OF BEGINNING;

Containing 24.310 Acres



SITE INFORMATION

OPEN SPACE		
LAKES	38.2 AC	
CHILDS	1.0	
PARKS, TRAILS, OPEN AREA	41.0	
SUBTOTAL	80.2 AC	
TOURIST CENTER		
RECREATION FACILITY	1.2 AC	
RESIDENTIAL		
ESTATE	2.0 AC	50.0 AC
LOW DENSITY RESIDENTIAL	2.0 to 4.0 AC	40.0
MEDIUM DENSITY RESIDENTIAL	5.0 to 8.0 AC	45.0
SUBTOTAL	20.0 AC	
ROADWAY		
40' CUL-DE-SAC RIGHT OF WAY	33.5 AC	
50' HIGHWAY RIGHT OF WAY	11.1 AC	
SUBTOTAL	44.6 AC	
TOTAL	245.4 AC	

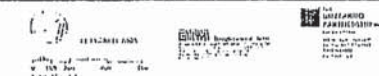
Notes

1. Acreages are approximate and may vary with final development plan.
2. Roadway locations also approximate. Final location and alignment will vary with final design.
3. Water courses will be adjusted to accommodate field topography.
4. Trail location may vary but will maintain continuity within existing residential areas.
5. Future park indicated by dashed line upon development of future phases.

THE PRESERVE

TWIN FALLS, IDAHO
OWNER: GARY STORER
TWIN FALLS, IDAHO

LAND USE DIAGRAM



RECEIVED

DEC 19 2011

CITY OF TWIN FALLS
PLANNING & ZONING

PUD-20

240-26

EXHIBIT "C"

**WATER SHARES
AND WATER RIGHTS
FOR
THE PRESERVE SUBDIVISION**

136.79 shares of Twin Falls Canal Company

0.50 CFS Waste Water right 47-17266

1.57 CFS Waste Water Right 47-17268

1.30 CFS Groundwater Right 47-4453

TWIN FALLS COUNTY

Recorded for:

TWIN FALLS, CITY OF

1:27:50 PM 07-02-2018

2018-010216

No. Pages: 21 Fee: \$
KRISTINA GLASCOCK
County Clerk
Deputy: BHUNTER

1ST AMENDED

THE PRESERVE PUD #261

R2 PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this 15th day of June, 2018, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and GARYS WESTLAND, LLC (hereinafter called "Developer"), whose address is 1042 Wildwood Way Twin Falls, ID

RECITALS

WHEREAS, the City entered into a C-1 Planned Unit Development Agreement with GARYS WESTLAND, LLC (hereinafter called "Developer"), dated January 19, 2012, setting forth the conditions for development and use of property located between Eastland Drive North and Hankins Road North and south of Pole Line Road East, Twin Falls, Idaho; and,

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A", attached hereto, (the "Property") which Property is located between Eastland Drive North and Hankins Road North and south of Pole Line Road East; and

WHEREAS, Developer intends to develop and/or sell all or portions of the Property from time to time; and

WHEREAS, Developer has made request of the City to develop the "Project" the Property and has submitted to the City an amended Master Development Plan (Exhibit

“B”) thereof, and associated modified roadway sections and other development criteria listed within this document,

WHEREAS, the city, at a meeting of its City Council held on April 23, 2018 approved the amendment subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to approval and recordation of the 1st Amended Preserve PUD Agreement #261.
3. Subject to the typical size of barrow ditch to be confirmed in the acceptable Storm water Plan by the City Engineer.
4. Subject to a pedestrian/bicycle pathway along Eastland Drive being designed and constructed by developer, as approved by City Staff. Construction to be completed by June 1, 2021, or as separately agreed to between Developer and City Council.
5. Subject to street islands and drainage swales being the responsibility of the homeowners association for maintenance, and uniformity in management.
6. Subject to a final modified roadway section being approved by City Engineer.

WHEREAS, City, by and through its City Council, has agreed to the development of said Project within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this agreement.

COVENANTS

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

1. NATURE OF THE AGREEMENT. This agreement shall become part of the “Planned Unit Development” zone with respect to the Project upon its full execution and recording. Developer and its assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

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

A. USES.

1. The use in the area designated community center and recreational facilities on Exhibit “B” shall be limited to facilities benefiting The Preserve Planned Unit Development property owners. The uses will include a neighborhood recreational facility including such uses as a meeting room, reception room, swimming pool, tennis courts, putting green, and other such uses designated by the Preserve Homeowners Association provided such uses are for the benefit of Preserve Subdivision property owners, family members and invited guests.
2. The area zoned R-2 but designated for SUI development shall be developed in accordance with City Code Section 10-4-2: SUI, Subdivision – Urban Interface District. Development will utilize private and subsurface disposal systems. Total number of residential units shall not exceed three (3). This area is not intended to be subject to the requirements of the Homeowners Association, or be required to participate in the private irrigation system installed and maintained by the Homeowners Association.

3. The uses of areas designated as estate lots on Exhibit "B" shall conform to requirements of City Code 10-4-3 R 1-VAR, Residential Single Household District.
4. The uses in the area designated as residential low density on Exhibit "B" shall conform to the requirements of City Code 10-4-4 R2, Residential Single Household. Also allowed in this area is a Planned Zero Lot Line Subdivision as per 10-12-5-6.
5. The uses in the area designated as residential medium density on Exhibit "B" shall conform to the requirements of City Code 10-4-5 R-4 Residential Medium Density District. Also allowed is a Planned Zero Lot Line Subdivision per 10-12-5-6.
6. Development within the CRO Zone shall conform to the requirements of City Code 10-4-19 Canyon Rim Overlay District and underlying zoning district.

B. PHASING OF DEVELOPMENT. Developer shall be permitted to develop the property in phases, so long as those phases are in compliance with the Master Plan (Exhibit "B"), this PUD Agreement, and an approved preliminary plat. Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and

changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum and a maximum of 3 years limit between phases. If development of subsequent phases is not initiated within the 3-year limit the City shall review the P.U.D. for conformance to the Comprehensive Plan and Development Standards.

3. STREET, SEWER, WATER, PRESSURE IRRIGATION, AND DRAINAGE IMPROVEMENTS.

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

Per City Council conditional approval: Final Drainage System Plan, including barrow ditch sizes, to be confirmed by City Engineer; street island and drainage swale maintenance and management to be the responsibility of the homeowners association; and final modified roadway section design to be approved by the City Engineer.

A. IMPROVEMENT PLANS. Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for that development phase, showing all improvements contemplated within that phase of the development (hereinafter "Improvement Plans"). The Improvement Plans and all Improvement shall thereon meet the approval of the City, which

approval shall be given if such plans conform with established City requirements, the Master Plan (Exhibit "B") and this PUD Agreement.

- B. IMPROVEMENT DESIGN AND CONSTRUCTION. Developer, at its expense, shall cause all Improvements shown on the Improvement Plan to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided herein. Roadways within the project will be developed to approved alternate sections as determined by the City Engineer, per City Council conditional approval.
- C. PHASED CONSTRUCTION. Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City. City will commit water, sewer and pressure irrigation services only on a phase-by-phase basis.
- D. CONSTRUCTION SUPERVISION. Developer shall use a registered professional engineer to supervise the construction, inspection and testing of the work as necessary, to ensure that all

such improvements are constructed in accordance with the approved Improvement Plans.

- E. NON-COMPLIANCE. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will take in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued,

and its decision shall be final, except that the right of the parties are preserved at law and equity.

- F. FEES. Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant of the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.
 - G. MAINTENANCE OF IMPROVEMENTS. City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.
- 4. PLATS. Developer agrees to file with City preliminary plat, or plats in phases, prepared by a registered professional engineer, of the real property which is the subject of this agreement. Preliminary and final plats for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-ways the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the City.
 - 5. INDIVIDUAL PARCEL DEVELOPMENT CRITERIA. The Property or any portion thereof shall be developed in accordance with criteria set forth in this Section 5.

A. APPROVAL AND CONSTRUCTION. All improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld. All building plans shall be approved by the Project Architectural Control Committee.

B. LANDSCAPING AND PLANTING. Landscaping buffer along bordering and interior streets shall be required to be installed on each parcel of the Property and in the public right-of-way adjacent thereto at the time site and building improvements are completed thereon. Such landscaped buffer shall be installed from the back of the curb in the public right-of-way and shall be extended to the dimensions set forth below. Where curb and gutter does not exist the dimensions shall be from the edge of the paved travel way. A 35-foot wide landscape buffer including meandering sidewalk, measured from the back of the curb or edge of paved travel way, will be constructed along Eastland Drive and Hankins Road. In residential areas the landscaping shall be accomplished as part of individual lot development.

Each property will be required to meet the minimum requirements of City Code onsite to include adjacent landscape buffers in addition to the Master Development Plan. All landscaping shall be

installed in conformance with the project Master Development Plan. All landscaping maintenance will be in a uniform manner.

- C. PROJECT IRRIGATION. All residential lots and common areas will be irrigated utilizing a private pressurized irrigation system owned and operated by the Preserve Homeowners Association. The pressurized irrigation system will be designed and constructed on a phase basis.
- The Developer acknowledges that he has irrigation water shares and water rights, which is pertinent to the property described in Exhibit "A". The Developer will transfer water to the Preserve Home Owners Association on a Phase basis.
- D. LANDSCAPING PLAN. For each buffer area, adjacent to Eastland Drive North, at the time of development, each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height. The landscape buffer shall be planted with a minimum of one tree per five-hundred (500) square feet of landscaped area and a minimum of one shrub per one-hundred (100) square feet of landscaped area. At least fifty percent (50%) of the shrubs and trees shall be evergreen. At least fifty percent (50%)

of all trees and shrubs shall be from the groups last approved by the Tree Commission through its Tree Selection Guide. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet (4') when planted.

Landscaping adjacent to Hankins Road North shall be as specified for Eastland Drive North except that there shall be no requirement for berming.

Nothing herein shall preclude the Developer from submitting for approval of an alternative project landscaping plan.

All landscaping of common areas shall be maintained by the Preserve Home Owners Association.

E. STANDARDS. Buildings and improvements shall comply with the following standards. All building, site and landscaping plans shall be approved by the project architectural review committee.

1. ARCHITECTURAL STANDARDS. The community center/recreation facility building should be constructed of architectural masonry, stone, stucco, wood or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces. All buildings shall be designed to complement adjacent residential buildings. Basic building

colors shall be neutral earth tones and approved by the architectural control committee.

The community center/recreation facility building size shall not exceed 8,000 S.F. without majority approval of all members of the Preserve Planned Unit Homeowner's Association.

All plans for residential construction shall be approved by the Preserve Planned Unit Development Homeowner's Association Architectural Control Committee. At a minimum the committee shall establish for each phase a minimum building size, exterior materials, exterior colors, roof pitches, building site plan, landscaping and other lot improvements.

2. OUTSIDE STORAGE. The community center trash containers and such facilities shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or fencing. Screening shall be approved by the Developer or its assigns. No outside storage yards will be allowed within any subdivision phase.
3. UTILITIES. All on-site utility service lines located within any parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately

adjacent to the parcel shall be visibly screened where possible from the view from streets, with screening material such as landscaping or other approved material. This does not apply to curbside utilities in residential areas.

4. HEIGHT LIMITATIONS. Except for the CRO Zone Area no structure shall be higher than 35 feet.

5. SIGN PLAN.

A. PROJECT IDENTIFICATION SIGNS. Signs will be monument type signs with a maximum height of 10 feet measured above the adjacent curb and shall conform to City Code.

6. RESIDENTIAL USES. Residential uses shall conform to the appropriate code section for each area as outlined in Section 2A.

7. ILLUMINATION. Exterior lighting shall be shielded and cut-off type to preclude the light source being visible from the adjacent properties.

8. PUBLIC PEDESTRIAN/BICYCLE/PARKS FACILITES.

Development plans for each project phase and each building shall include facilities that will accommodate pedestrian and bicycle access to the project interior streets and the adjacent arterial streets and existing Canyon Rim Trail. Where reasonably feasible the pathways shall be separated from the

interior streets by landscaping or other features to encourage use of public pedestrian/bicycle facilities. The pedestrian and bicycle facilities shall be designed to provide connections between Hankins Road North, Eastland Drive North, and the Canyon Rim Trail system. The pathways may be developed in phases providing that each phase provides access from the developed phase to previously completed phase. Developer shall be responsible for installation of all permanent pedestrian/bike trails and common areas located adjacent to the aforementioned trails, as depicted on attached Exhibit "B". Maintenance of public pedestrian/bike trails shall be the responsibility of the City at City's cost. Maintenance of the common areas, located adjacent to all public pedestrian/bike trails shall be the responsibility of the City.

A. PARK DEVELOPMENT.

The Developer has deeded to the City a 3 acre park at the Southeast corner of the intersection of Eastland Drive North and Pole Line Road East and a second 3 acre park in the eastern portion of the property will be dedicated when Development occurs within on half mile of Hankins Road. The balance of the park requirement has been met through construction of a pedestrian/bicycle trail connecting Eastland Drive North

with the jump site adjacent to the Northeast corner of the developer's property.

B. Pedestrian/Bicycle Path adjacent to Eastland Drive

Per City Council conditional approval, the pedestrian/bicycle pathway along Eastland Drive shall be designed and constructed by developer, as approved by City Staff. Construction to be completed by June 1, 2021, or as separately agreed to between Developer and City Council.

9. TIME LIMITATIONS. The "PUD" Zoning designation on the Property described in Exhibit "A" is expressly conditioned upon submission to the City Council of a final development plan of the first phase of development within one (1) year from the date hereof. The Developer may apply for one or more one (1) year extensions, provided application is made in advance of the expiration date. Approval shall not unreasonably be withheld.
10. CONSTRUCTION ACCESS. Access to the site for construction activities from Pole Line Road will not be allowed during any phase of the project except for the three lots designated as estate lots on the Master Development Plan, as per COVENANT 2-A-2 in this agreement.
11. STANDARD DEVELOPER'S AGREEMENT. It is

understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.

12. GENERAL PROVISIONS.

- A. COOPERATION. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications, and working drawings required by the City.
- B. ENTIRE AGREEMENT. This agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduce to writing and signed by the parties.
- C. APPLICABLE LAW. This agreement shall be construed in accordance with the laws of the State of Idaho.
- D. NOTICES. If notices from one party to the other are desired or required hereunder such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if property

addressed, stamped and sent with "return receipt requested". ON the date of this agreement, the addresses of the parties are as follows.

DEVELOPER: Gary's Westland, L.L.C.
1042 Wildwood Way
Twin Falls, ID 83301

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

E. SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this agreement with respect to said transferred property.

F. SEVERABILITY. In the event any portion of this agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this agreement, and the remaining portions shall not be affected thereof.

G. SIGNATORIES. Each of the persons executing this agreement hereby warrants that he or she is duly authorized and empowered to so act on behalf of the

entity for which he or she is signing, and that this agreement is binding on, and enforceable against, such entity.

H. EFFECTIVE DATE. This agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.

I. ATTORNEY FEES. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails in such litigation, shall be entitled to a reasonable attorney's fee.

J. CONSTRUCTION. Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

K. ATTACHMENT. All attachments to this

Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.

L. CAPTIONS. The captions, sections and paragraph numbers appearing in this agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

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

CITY OF TWIN FALLS

ATTEST: Lisa A. Strickland BY: William Jean Boyd
Mayor
VICE MAYOR

Gary's Westland, L.L.C.

ATTEST: Connie Storrer BY: Connie Storrer

ACKNOWLEDGEMENTS

STATE OF IDAHO)
)ss.
COUNTY OF TWIN FALLS)

On this 15th day of June, 2018, before me, the undersigned, a Notary Public in and for said State and County, personally appeared Connie Storrer, known to me to be the Member of Gary's Westland, L.L.C. that executed the within and foregoing instrument, and acknowledged to me that he executed the same in said limited liability company.

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



Martha Tolman
NOTARY PUBLIC FOR IDAHO

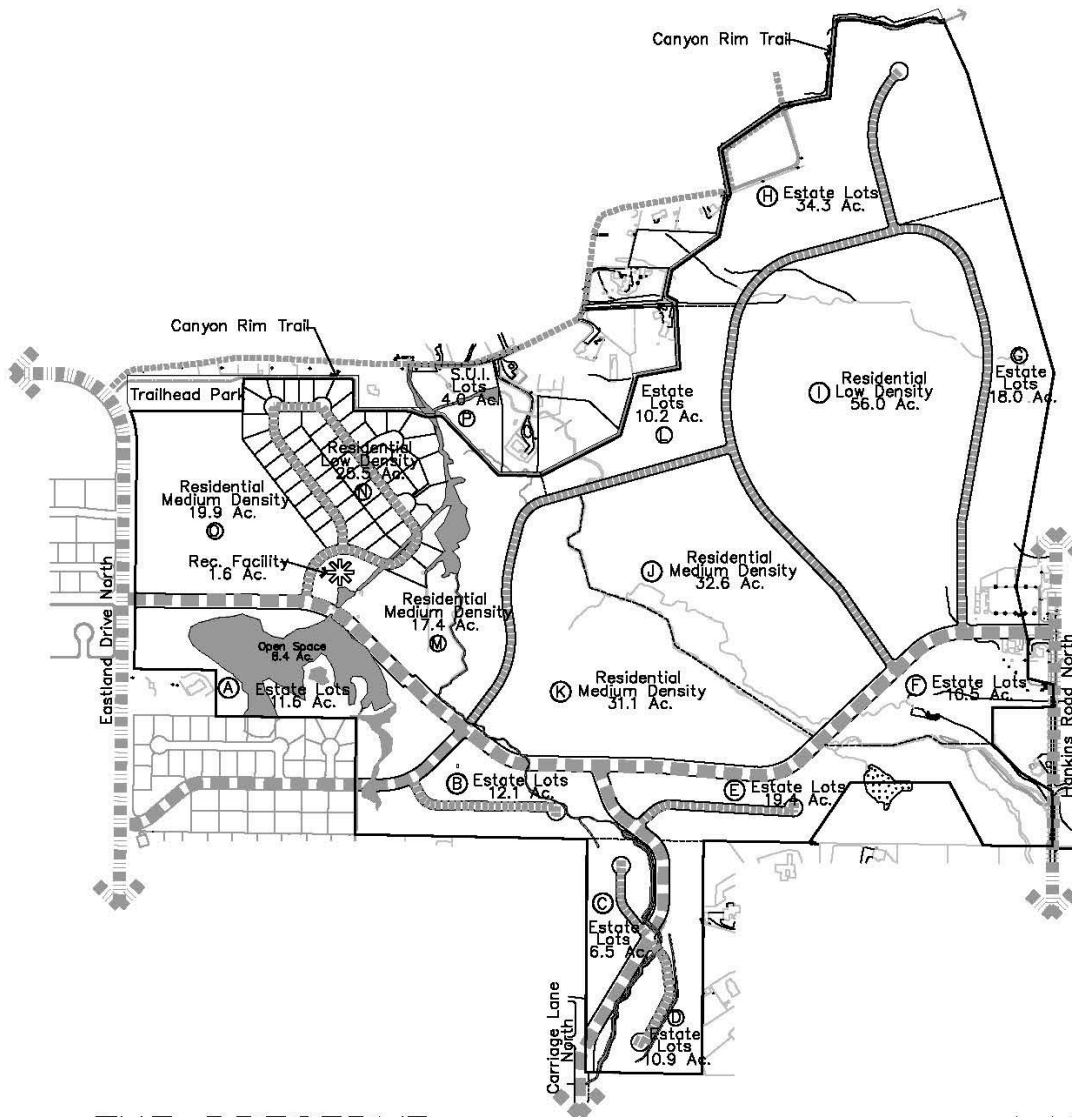
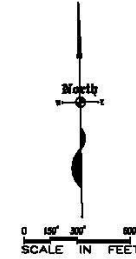
Residence of Twin Falls

My Commission Expires 12/17/18

RECEIVED

03/13/2018

City of Twin Falls
Planning & Zoning



SITE INFORMATION

REC. FACILITY	1.6
S.U.I.	4.0
ESTATE	133.5
LOW DENSITY	81.5
MEDIUM DENSITY	101
ROAD RIGHT OF WAYS	17.8
WETLAND OPEN SPACE	8.4
Total	347.8 Ac.

PARCEL AREA	DENSITY	UNITS/AC.	# UNITS
A 11.6	ESTATE	2	23
B 12.1	ESTATE	2	24
C 6.5	ESTATE	2	13
D 10.9	ESTATE	2	22
E 19.4	ESTATE	2	39
F 10.5	ESTATE	2	21
G 18.0	ESTATE	2	36
H 34.3	ESTATE	2	69
I 56.0	LOW	4	224
J 32.6	MEDIUM	5	163
K 31.1	MEDIUM	5	155
L 10.2	ESTATE	2	20
M 17.4	MEDIUM	5	87
N 25.5	LOW	4	102
O 19.9	MEDIUM	5	100
P 4.0	S.U.I.	1	3

Total	320	1101
TOTAL RESIDENTIAL DENSITY	3.46 DU	
PROJECT DENSITY	3.46 DU	

THE PRESERVE

Twin Falls, Idaho

LAND USE DIAGRAM

AEHM Engineers Inc.
Engineers / Surveyors / Planners
521 W. College Ave., Suite 100 Twin Falls, ID 83401
(208) 731-4666

LAND USE DIAGRAM FOR:
The Preserve
Twin Falls, Idaho

DO NOT SCALE DRAWINGS
CONSTRUCTION SHALL VERIFY ALL
DIMENSIONS AND LOCATIONS OF ALL
FEATURES AND CONDITIONS OF THE
PROJECTED DEVELOPMENT SHALL BE
IN ACCORDANCE WITH THE
APPROVED ZONING MAP.

DATE: 6. MAR 2018
BY: T. HENRIK
DATE: 7. MAR 2018
BY: J. HENRIK
DATE: 10. MAR 2018
BY: J. HENRIK
DATE: 10-17 FEB 2018

LANDSCAPE CHARACTER:



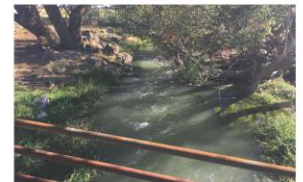
**CONCEPT
THE PRESERVE
TWIN FALLS, ID**

1 2/26/2018

SCALE 1" = 100'-0"



NATURAL AREA CHARACTER:



Callouts

- 1 - Development Entry Monument
- 2 - Neighborhood Entry Monument
- 3 - Tree Lined Boulevard
- 4 - Wetland area
- 5 - Landscaped Traffic Circles
- 6 - Wildlife viewing area (future)
- 7 - Required streetscape

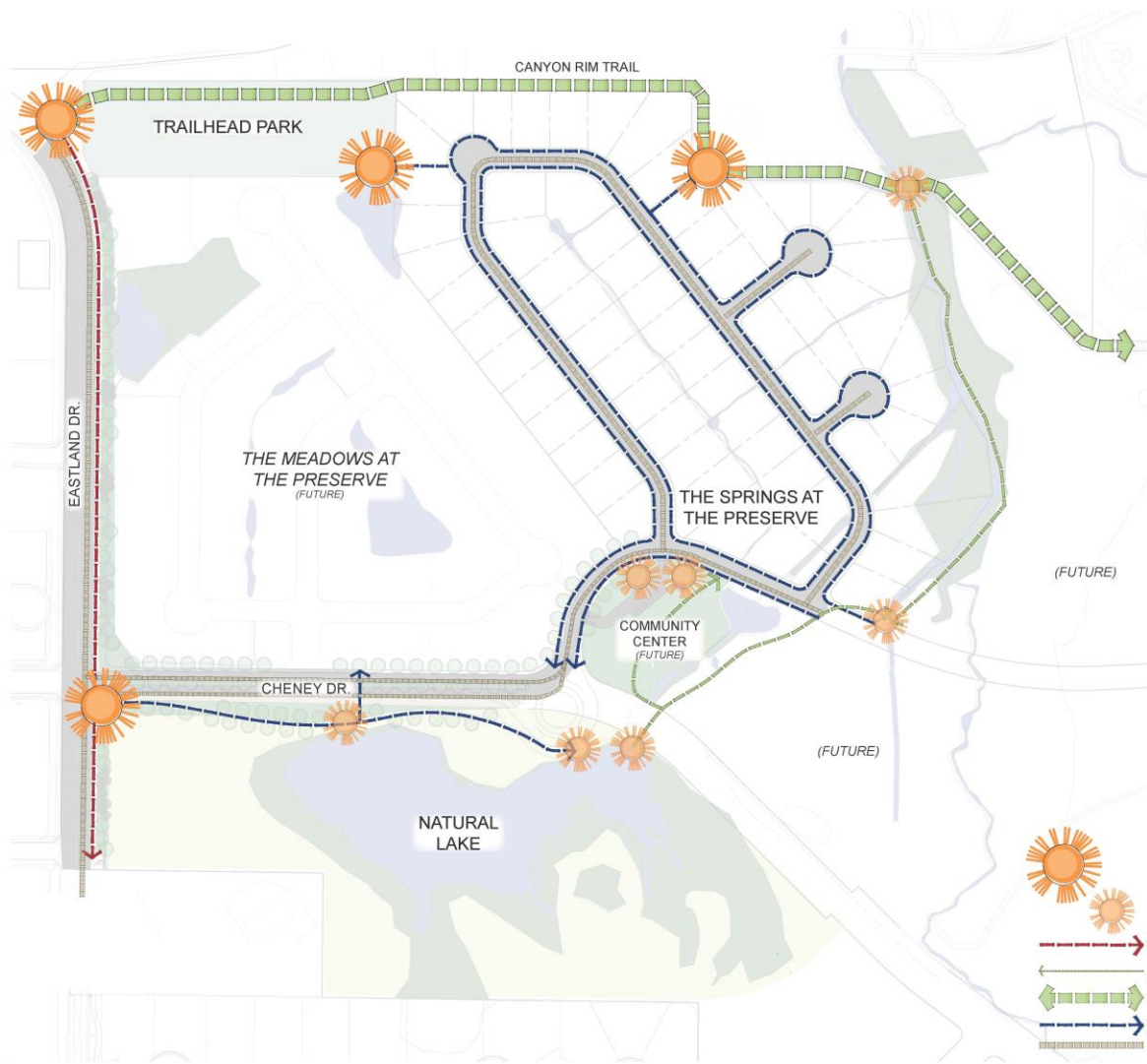


EXISTING FEATURES:



CIRCULATION CONCEPT THE PRESERVE TWIN FALLS, ID

2 2/26/2018 SCALE 1" = 100'-0"



EXISTING FEATURES:



MAJOR NODE

MINOR NODE/ WILDLIFE VIEWING

6'-0" EASTLAND DR. SIDEWALK

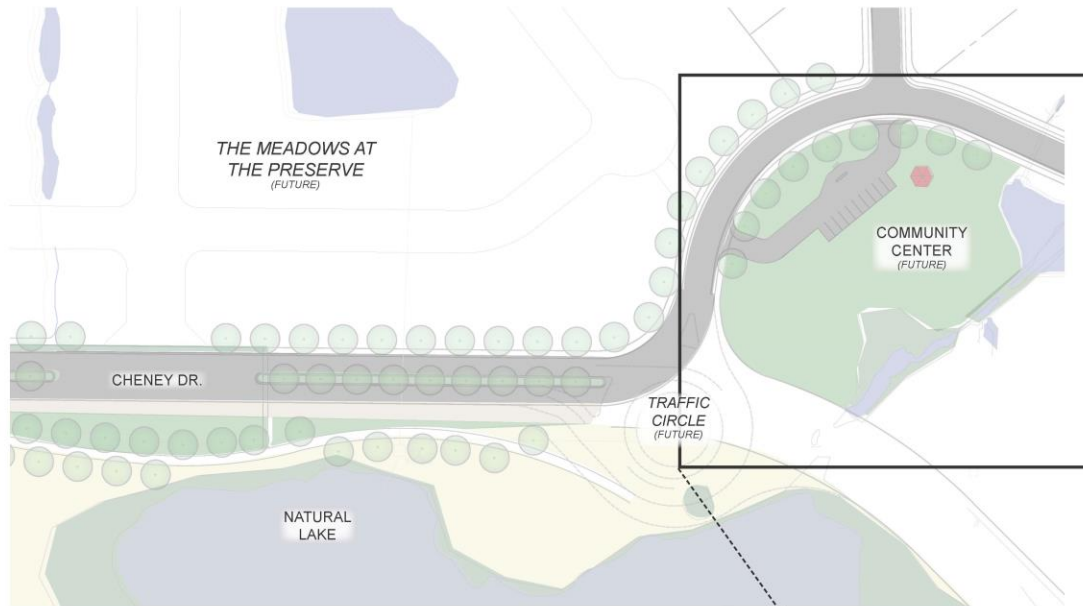
10'-0" CREEK TRAIL

10'-0" CANYON RIM TRAIL

INTERIOR PEDESTRIAN CIRCULATION

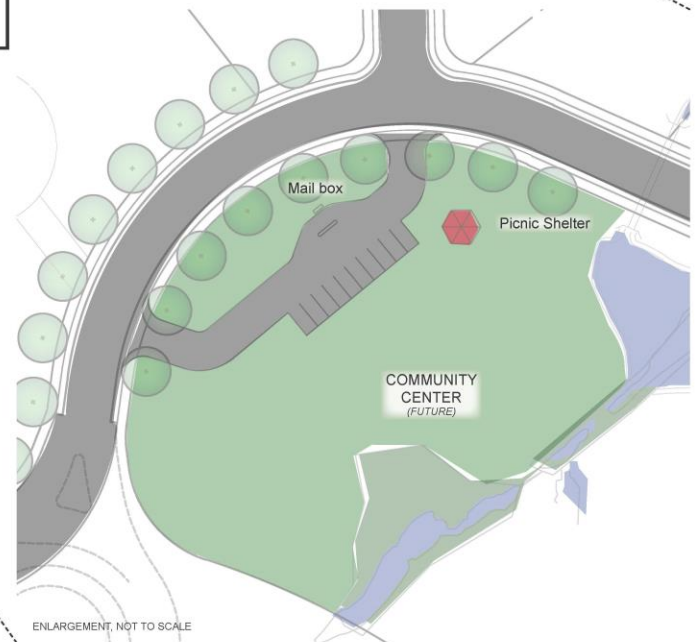
VEHICLE CIRCULATION





LANDSCAPE LEGEND

-  DECIDUOUS TREE
-  EVERGREEN TREE



COMMUNITY CENTER (FUTURE)
THE PRESERVE
TWIN FALLS, ID

4 2/26/2018

SCALE 1" = 100'-0"





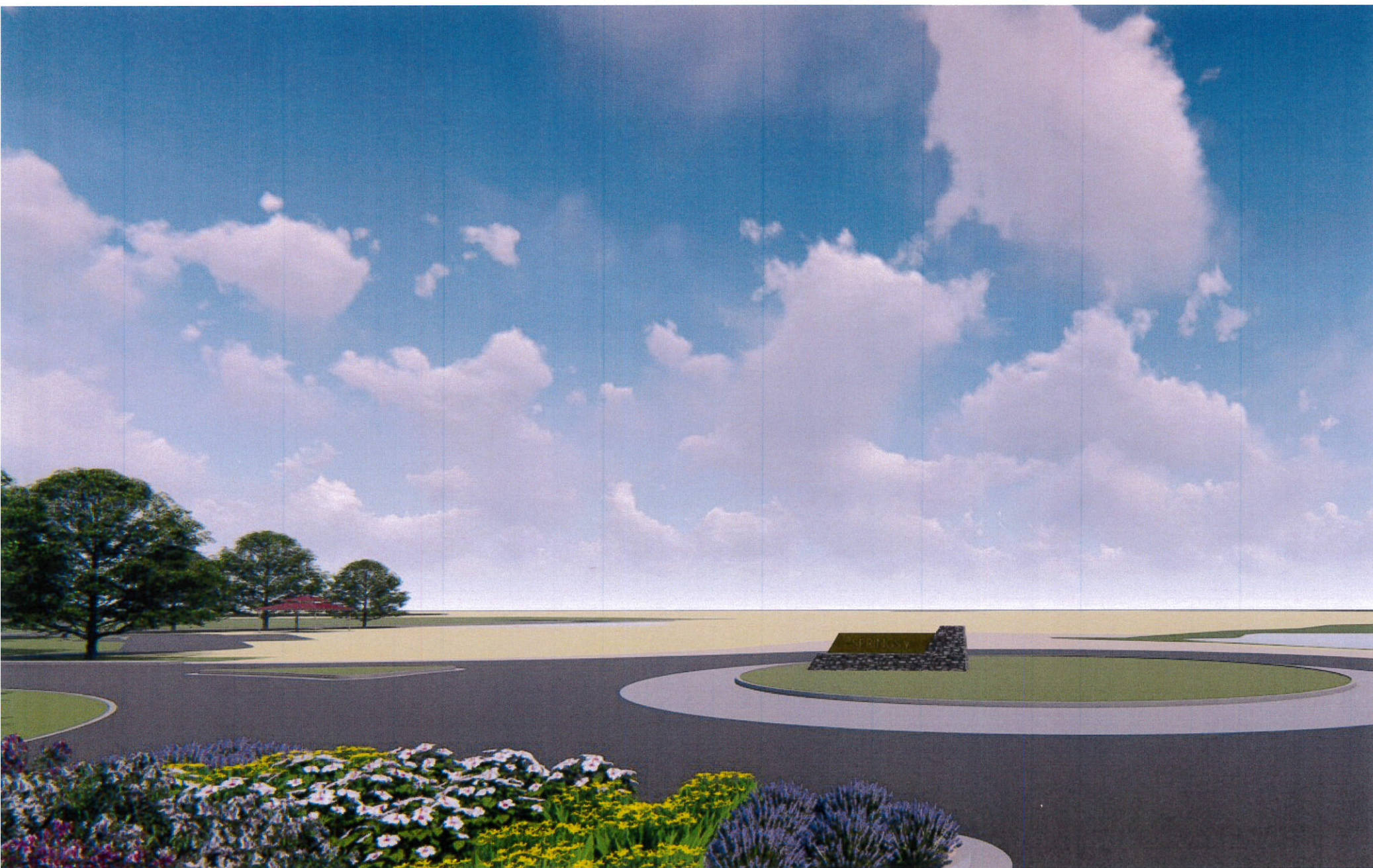




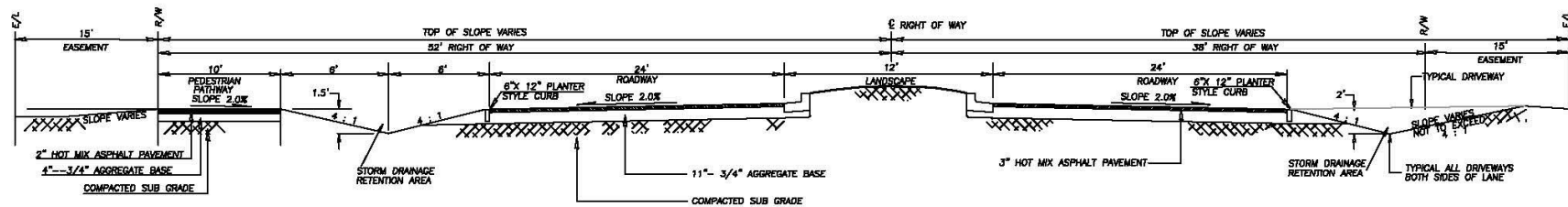








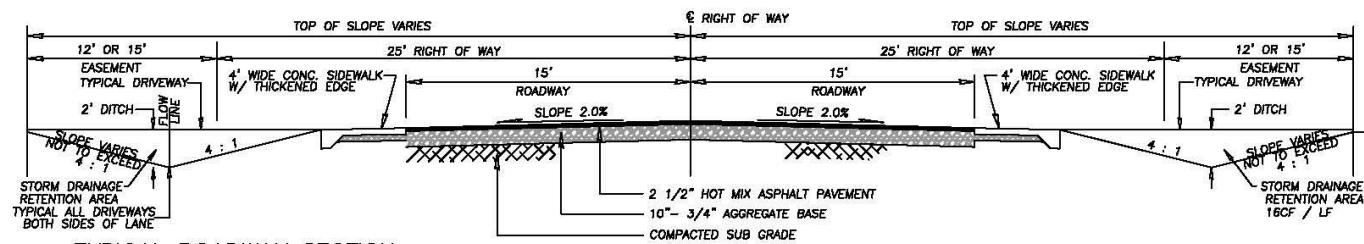




TYPICAL ROADWAY SECTION WITH ISLAND

Road: CHENEY DRIVE

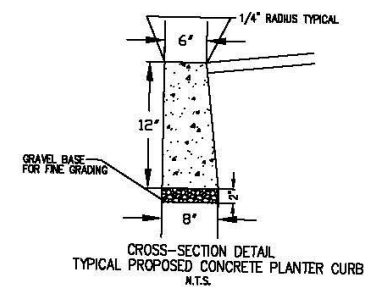
not to scale



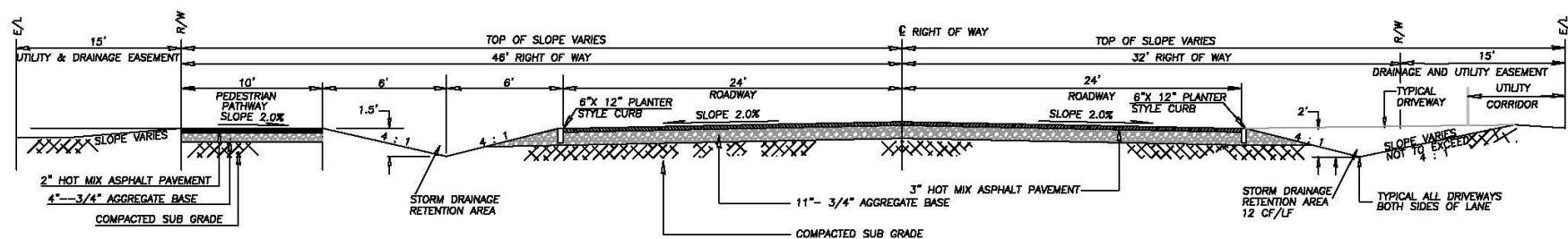
TYPICAL ROADWAY SECTION

Roads: RESIDENTIAL STREETS

not to scale



CROSS-SECTION DETAIL
TYPICAL PROPOSED CONCRETE PLANTER CURB
N.T.S.



TYPICAL ROADWAY SECTION

Road: COLLECTOR STREETS

not to scale



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 24, 2023, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301
COUNCIL CHAMBERS

Members -

City Limits: Craig Kelley, Chairperson; Marilu Perez, Vice-Chair; Todd Rambur; Cortney Campbell; Grayson Stone

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairman Kelley called the meeting to order at 06:06 PM

A quorum was present.

Members Present: Kelley, Stone, Detweiler, Rambur

Staff Present: Spendlove, Strickland, Martoma, Ebersole, O'Leary

2) Conflict of Interest Declaration

Commissioner Stone stated he will recuse himself from Item #5c, due to being the active listing broker.

3) Consent Calendar

MOTION: Commissioner Detweiler moved to approve the Consent Calendar, as presented.

Commissioner Stone seconded the motion.

Unanimously Approved by a vote of 4 to 0.

a) Approval of minutes from the following meeting: January 10, 2023

4) Items of Consideration

- a) Request for the consideration of the preliminary plat for the Clubhouse 12 at the Preserve, a PUD, Subdivision, approximately eight (+/-) acres consisting of 16 lots located at the northeast corner of Cheney Drive East and Clear Springs Loop c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0175)

Chairman Kelley stated there will be no public comment allowed on the Items of Consideration.

Staff Presentation:

City Planner Strickland presented the request for the consideration of the preliminary plat for the Clubhouse 12 at the Preserve, a PUD, Subdivision, approximately eight (+/-) acres consisting of 16 lots located at the northeast corner of Cheney Drive East and Clear Springs Loop c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0175)

Per City Code 10-12-2-3

The Commission shall review the preliminary plat. The Commission's decision is final unless appealed to the City Council. The final plat is reviewed by the City Council.

Commission's Findings: In determining the acceptance of a proposed subdivision, the Commission shall consider the objectives of this Title and at least the following:

- a. The conformance of the subdivision with a Comprehensive Plan.
- b. The availability of public services to accommodate the proposed development.
- c. The continuity of the proposed development with the capital improvement program.
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

The Clubhouse 12 preliminary plat is part of the Preserve PUD Master Development Plan and consists of 16 lots. The Preserve was previously platted in 2008 and consists of several phases. This phase will consist of 1 lot for a clubhouse, 3 lots for stormwater retention and 12 residential lots. An extension of Cheney Drive East will be constructed as part of this plat.

This preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3. It is compatible with the 2016 Comprehensive Plan "Grow With Us" which designates this area as "Town Neighborhood/Mixed Use", and is designed according to the PUD Master Development Plan approved in 2008.

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

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

Applicant Presentation:

Mark Kelly, applicant, presented the request for the consideration of the preliminary plat for the Clubhouse 12 at the Preserve, a PUD, Subdivision. He stated there will be 12 lots in this plat, with the smallest lot being 0.3 acres. He shared the conceptual plan for the plat.

PZ/Questions & Comments:

- Commissioner Detweiler asked about the use of the clubhouse.
- Mr. Kelly stated it will be a private facility for the entire Preserve HOA members.
- Chairman Kelley asked if this is the first clubhouse of this type in the city and if it is part of the original PUD.
- Mr. Kelly stated he isn't aware of another clubhouse, but he thinks it may be the largest. He stated he will talk with residents regarding the need for future clubhouses.

Discussions Followed:

- Commissioner Detweiler stated he is in favor of the request .
- Chairman Kelley stated the commission has seen this in preliminary form before, and believes it should be approved.

MOTION: Commissioner Detweiler moved to approve the request for the consideration of the preliminary plat for the Clubhouse 12 at the Preserve, a PUD, Subdivision, approximately eight (+/-) acres consisting of 16 lots located at the northeast corner of Cheney Drive East and Clear Springs Loop c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0175)
Commissioner Stone seconded the motion.

Unanimously Approved by a vote of 4 to 0.

- b) Request for the consideration of the preliminary plat for the Shady Creek at the Preserve, a PUD, Subdivision, approximately 52 (+/-) acres consisting of 78 lots located at Candleridge Drive and Cheney Drive East c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0176)

Planning and Zoning Director Spendlove stated to audience since plats are not public hearing items, questions can be addressed to staff at tfplanning@tfid.org, by phone at 208-735-7267, or in person at City Hall.

Staff Presentation:

City Planner Strickland and Planning and Zoning Director Spendlove clarified the plat request.

City Planner Strickland presented the request for the consideration of the preliminary plat for the Shady Creek at the Preserve, a PUD, Subdivision, approximately 52 (+/-) acres consisting of 78 lots located at Candleridge Drive and Cheney Drive East c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0176)

Per City Code 10-12-2-3

The Commission shall review the preliminary plat. The Commission's decision is final unless appealed to the City Council. The final plat is reviewed by the City Council.

Commission's Findings: In determining the acceptance of a proposed subdivision, the Commission shall consider the objectives of this Title and at least the following:

- a. The conformance of the subdivision with a Comprehensive Plan.
- b. The availability of public services to accommodate the proposed development.
- c. The continuity of the proposed development with the capital improvement program.
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

The Shady Creek preliminary plat is part of the Preserve PUD Master Development Plan and consists of 78 lots. The Preserve was previously platted in 2008 and consists of several phases. This phases will consist of 9 lots for stormwater retention/open space and 69 residential lots. An extension of Cheney Drive East will be constructed as part of this plat along with a connection to Carriage Ln N along the south end of the property.

This preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3. It is compatible with the 2016 Comprehensive Plan "Grow With Us" which designates this area as "Town Neighborhood/Mixed Use", and is designed according to the PUD Master Development Plan approved in 2008.

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

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

Applicant Presentation:

Mark Kelly, applicant, presented the request for the preliminary plat for the consideration of the preliminary plat for the Shady Creek at the Preserve, a PUD, Subdivision, approximately 52 (+/-) acres consisting of 78 lots located at Candleridge Drive and Cheney Drive East. He stated the neighbors received written notification within a 350' radius. He stated this will be a phased project with 3 phases,

69 developable lots. He stated the minimum lot size is 0.3 acres, with the majority of lots being over 0.5 acres.

PZ/Questions & Comments:

- Commissioner Stone asked if there is enough water/sewer capacity for that many lots.
- Planning and Zoning Director Spendlove stated the water/sewer plans are handled at the construction plans stage and explained the process for the developer.
- Commissioner Stone asked the intent for the infrastructure development.
- Mr. Kelly stated the infrastructure plan is to install it in phases. He stated the sewer in now. will put in necessary water systems and fire systems.

Discussions Followed:

- Commissioner Detweiler stated he likes the larger residential lot sizes.
- Chairman Kelley stated he is in favor of the plat as it has a lower density than expected.

MOTION: Commissioner Detweiler moved to approve the request for the preliminary plat for the Shady Creek at the Preserve, a PUD, Subdivision, approximately 52 (+/-) acres consisting of 78 lots located at Candleridge Drive and Cheney Drive East c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0176)

Commissioner Stone seconded the motion.

Unanimously Approved by a vote of 4 to 0.

5) Public Hearings

- a) Request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from C-1 PUD to R-6 PRO for approximately four acres on property located on the 1900 block of Washington Street North c/o EHM Engineers, Inc. on behalf of Gerald Martens. (PZ22-0165)

Staff Presentation:

Planning and Zoning Director Spendlove presented the request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from C-1 PUD to R-6 PRO for approximately four acres on property located on the 1900 block of Washington Street North c/o EHM Engineers, Inc. on behalf of Gerald Martens. (PZ22-0165)

Per City Code 10-14-4

Zoning districts, zoning subdistricts and overlay districts shall be amended in the following manner:

(A) Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;

(B) If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and (Ord. 2012, 7-6-1981)

(C) If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

This property was originally zoned C-1 R-4 CRO within the Northbridge PUD in 1993. In 1994 Northbridge 2 PUD was created, separating the Northbridge PUD into two PUD Agreements. This property was then annexed in 2001 through a City Annexation process per Ord. 2712.

This property has remained part of the Northbridge 2 PUD and is zoned with several designations throughout the master development plan.

Subsequent developments occurred within the PUD during the ensuing 30 years. Within that time frame, multiple properties were rezoned for specific projects, beginning with River Vista in 2007 (Elevation 486 Building), and most recently Vista Rim ZDA in 2022 (townhomes next to Canyon Crest - not yet built).

These two pieces of land have simply become a remnant of the adjacent developments as they were not included in those other surrounding projects.

Although the currently ratified Northbridge PUD #2 has a modified list of land uses for the applicants land, the surrounding development pattern has resulted in a manner consistent with R6 PRO (Professional Office Overlay), and the Future Land Use Designation of Mixed Use.

The R6 zoning designation allows for various housing options (Single Family, Duplex, Tri-Plex, 4Plex, and Multi-Family); all of these would be restricted in the number of units based on the current R6 Zoning Laws for minimum land area per dwelling. Other factors also play a part in determining the possible number of units, such as: required parking, minimum access, easements, utilities, maximum height (35 feet) and minimum setbacks from property lines to name a few.

The PRO Zoning Designation would allow for the owner to go through an additional public hearing process (Special Use Permit) for limited office type uses to be constructed on the property as well. This overlay would allow for some mix of uses similar to what is currently found throughout the vicinity to the East and South-East of the project area.

Staff believes this request complies with the intent of Comprehensive Plan to have a mix of land uses within this area. Staff also does not foresee overtly detrimental impacts that would be associated with the approval of the rezone.

The Planning & Zoning Commission is charged with forwarding a recommendation on this request to the City council. The recommendation options are: approve, approve with conditions, deny, or table the request for additional information.

Applicant Presentation:

Gerald Martens, applicant, presented the request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from C-1 PUD to R-6 PRO for approximately four acres on property located on the 1900 block of Washington Street North. He stated the original PUD is the oldest in the city, with this request being the last piece to plat. He stated it will be used for Mixed Use, with no development plan at this time. He stated the first step is to get the zoning designation, and then come back with the development plat.

PZ/Questions & Comments:

- Commissioner Stone asked what keeps the applicant from creating a Zoning Development Agreement (ZDA).
- Planning and Zoning Director Spendlove stated there is nothing from keeping the applicant from creating a ZDA, but this request is only asking for a rezoning of the property to R6, Residential Multi-Household District, with a Professional Office Overlay. He explained the canyon rim overlay requirement change approved by City Council last year.
- Chairman Kelley asked what uses are permitted in the R6 zone.
- Planning and Zoning Director Spendlove clarified the allowed uses in the R6 zone.
- Commissioner Rambur asked if the Rivercrest Apartments went through same process.

- Planning and Zoning Director Spendlove clarified the process that the land where the Rivercrest Apartments are located went through when they came through for development.
- Commissioner Stone asked the prolonged impact on city utilities and asked about the road widening.
- Planning and Zoning Director Spendlove answered there will be a water model and explained the infrastructure process with platting.
- Commissioner Stone asked staff what land uses would be covered by PRO zone.
- Planning and Zoning Director Spendlove stated the PUD has use restrictions in certain areas. He stated this area was designated for residential and offices. He explained the request the commission is being asked to consider tonight, and reviewed the land uses in the area. He stated there is a 35' height limit in the R6 zone.

Public Hearing: Opened

- Peter Krell, representing the HOA south of the proposed development, read a list of questions and concerns from the HOA.
- Charles Brockway, business owner to the north of development, stated he is not in favor of this request. He believes it is at odds with Comprehensive Plan and the Canyon Rim Overlay. He stated he believes the current PUD works well in the area. He stated he does not believe R6 zoning is appropriate for this area, and would like it left as is.
- Mr. Martens answered some of the questions from the Public Input. He stated the infrastructure plan, with large setbacks for better site lines. He stated R6 zoning is more restrictive than the current PUD zone. He stated there has always been a mixed-use vision of this area, with multi family ownership or offices.
- Planning and Zoning Director Spendlove answered the maximum number of units allowed in the area and explained how the buildable land area is calculated. He described the setback and parking requirements and how that is calculated in the available buildable land.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur stated he is not sure on his decision about this request. He stated he is aware of the surrounding uses, but does not believe this is a good lot for commercial.
- Commissioner Detweiler stated this area has a bit of everything in it, and does not think these pieces should be different. He stated he is in favor of R6 zoning, as they have height restrictions keeping it from being too tall close to the canyon rim.
- Commissioner Stone stated C1 zoning has more liberal zoning requirements than R6 zoning. He stated he believes the request is harmonious, than the existing zoning and have a lower impact. He stated he is in favor of the request.
- Chairman Kelley stated the Comprehensive Plan states not concentrating one use in a single area and this area is a mixed-use area. He feels the size of lots will restrict what can be built and believes the request complies with Mixed Use designation and the Comprehensive Plan.
- Planning and Zoning Director Spendlove clarified the vote tonight is the change to the zoning, not what may be built there.
- Commissioner Stone stated this land is surrounded by offices and other buildings, so he believes the request complies with the Comprehensive Plan.
- Commissioner Stone stated this request fits with the Comprehensive Plan and appreciates the public comments and concerns. He stated he believes this request will help preserve harmonious character in this area.
- Commissioner Detweiler stated he does not think anything else fits in this area.
- Commissioner Rambur stated as only one business owner spoke, so he does not see much opposition to the request.
- Commissioner Detweiler spoke to the residential use in the area.

MOTION: Commissioner Stone moved to approve the request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from C-1 PUD to R-6 PRO for approximately four acres on property located on the 1900 block of Washington Street North c/o EHM Engineers, Inc. on behalf of Gerald Martens, as presented, with staff recommendations. (PZ22-0165)
Commissioner Detweiler seconded the motion.

Unanimously Approved by a vote of 4 to 0.

- b) Request for a recommendation to City Council of C-1 as the appropriate Zoning District for a proposed annexation of property located at 1881 Pole Line Road East c/o EHM Engineers, Inc. on behalf of JAE Foundation, LLC. (PZ22-0171)

Staff Presentation:

Senior Planner Martoma presented the request for a recommendation to City Council of C-1 as the appropriate Zoning District for a proposed annexation of property located at 1881 Pole Line Road East c/o EHM Engineers, Inc. on behalf of JAE Foundation, LLC. (PZ22-0171)

Per City Code 10-15-2, the Planning and Zoning Commission shall conduct at least one public hearing to send a recommendation to the City Council for the proposed plan and zoning designation. Interested persons shall have an opportunity to be heard at the Commission and Council hearings. The Planning & Zoning Commission hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

The subject property is located in the "area of impact" and has a current zoning designation of SUI, Suburban-Urban Interface District. The subject property is approximately 1.69 (+/-) acres and has been utilized for retail/professional office space. The applicant, on behalf of JAE Foundation, LLC, is requesting a recommendation of C1 as the zoning designation of the subject property as part of their request to the City Council for annexation. The applicant has cited in their application that the purpose of their request is to continue the previous retail/professional office use of the property. The applicant has further stated their intent to, "expand the use by the owner, Jae Foundation, LLC, and tenants to provide counseling, mental and physical therapy, and foundation administrative services."

The previous use of the subject property was as a retail/professional office space. The applicant's intended use of the subject property is as a "medical facility" providing "rehabilitation services". Both the previous use and the intended use of the subject property are consistent with the uses permitted in the C1, Commercial Highway District.

The Planning and Zoning Commission is tasked with making a recommendation to the City Council on the zoning designation being requested by the applicant. The Planning and Zoning Commission's recommendation may be to approve the request as presented, request a different zoning designation, or table the request in order to acquire additional information.

Applicant Presentation:

Gerald Martens, representing the applicant, presented the request for a recommendation to City Council of C-1 as the appropriate Zoning District for a proposed annexation of property located at 1881 Pole Line Road East. He explained the plan for the building expansion and reason for the request. Jamie Shetler, Executive Director of Jae Foundation, explained the work and mission of the Jae Foundation.

PZ/Questions & Comments:

- Commissioner Stone asked for the Zoning Map to be displayed. He stated the area all around this property has been annexed, except two properties on Pole Line Rd.

- Chairman Kelley stated the commission is only voting on the appropriate zone for the property, not the annexation of the property.
- Planning and Zoning Director Spendlove clarified the commission's vote and reviewed the Area of Impact versus the city limits.
- Chairman Kelley asked if the commission has seen a similar request in this area before.
- Senior Planner Martoma stated yes.
- Commissioner Detweiler asked the applicant where the Jae Foundation is operating now.
- The applicant stated they are operating out of this facility at 1881 Pole Line Road East.

Public Hearing: Opened

- Brett Staples, neighbor next door, stated he is not opposed to the request, but stated he has had issues with previous neighbors. He would like a solid 7' - 8' privacy fence request between the two properties to curtail theft and having people on his property. He stated the drain in the parking lot is an issue, because it is not working, and causing water to go onto his property. He stated he would like these issues addressed with this request.
- Mr. Martens clarified once the property is annexed into the city, there are requirements that would address screening/fencing and storm water retained on site. He stated they will work with the neighbor and will address issues once annexed.

Public Hearing: Closed

Discussions Followed:

- Commissioner Stone stated he has no issues with the recommendation.
- Commissioner Rambur believes this will bring the property into conformity and is in favor of the request.
- Commissioner Detweiler stated he thinks Mr. Staples has legitimate concerns and believes the applicant will take care of any issues.
- Chairman Kelley stated he is in favor of the request.

MOTION: Commissioner Stone moved to approve the request for a recommendation to City Council of C-1 as the appropriate Zoning District for a proposed annexation of property located at 1881 Pole Line Road East c/o EHM Engineers, Inc. on behalf of JAE Foundation, LLC., as presented, with staff recommendations. (PZ22-0171)
Commissioner Rambur seconded the motion.

Unanimously approved by a vote of 4 to 0.

Commissioner Stone stepped down from the dais.

- c) Request for a Special Use Permit to allow a private academic school, in conjunction with a religious facility on property located at 1061 Eastland Drive North c/o Lynn J. Schaal on behalf of Amazing Grace Fellowship. (PZ22-0173)

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit to allow a private academic school, in conjunction with a religious facility on property located at 1061 Eastland Drive North c/o Lynn J. Schaal on behalf of Amazing Grace Fellowship. (PZ22-0173)

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

The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions

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

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

Standards Applicable to Special Uses:

- Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

The property is zoned R-2 and has operated as a religious facility for over 20 years. The facility also provides daycare/pre-school services. The property currently has 3 special use permits. #0324 allowed the applicant to establish a religious facility in 1992. #0885 allowed the applicant to expand the existing religious facility by more than 25% in 2004. #1143 allowed for a public preschool/daycare facility to operate within the religious facility in 2009.

The applicant is proposing to operate a K-8 educational facility between 8:30 – 3:15 Mon – Fri and is anticipating up to 100 students initially. The property has ample parking, two accesses and is located along an arterial gateway built to support a higher volume of traffic. The facility already has daycare/pre-school that operates during the week and staff has not received any complaints related to these services. The land use is compatible with the comprehensive plan. The building may have some building alterations that need to be made to accommodate the number of students proposed and the applicant has been made aware. Additional permits may need to be approved and completed prior to establishing the K-8 educational facility. Staff has reviewed the request for a special use permits. City Code requires a special use permit within the R-2 residential zoning district for both religious facilities and schools. The 2016 Comprehensive Plan "Grow With Us" has the area designated at Town Neighborhood. The land use proposed is compatible with this designation. Staff does not foresee any negative impacts should the request be approved.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

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

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

Applicant Presentation:

Pastor Lynn J. Schaal, applicant, presented the request for the request for a Special Use Permit to allow a private academic school, in conjunction with a religious facility on property located at 1061 Eastland Drive North. He stated the church would like to provide a classical Christian school in Twin Falls, and this has been part of the Strategic Plan for the church.

Wayne Thowless, architect, presented the plan for the school. He reviewed the layout of the church and current preschool. He stated the building could legally accommodate 1200 people at this time. He shared the desired growth pattern and phasing for the school.

PZ/Questions & Comments:

- Commissioner Rambur asked where the school will be located.
- Mr. Thowless shared where the school will be located at the church.
- Commissioner Rambur asked about noise from outside bells.
- Pastor Schaal stated they don't envision needing outside bells and will staff will direct students to the building, no different than the current preschool.
- Commissioner Detweiler asked about the current preschool hours.
- Pastor Schaal stated the preschool operates 5 days a week.
- Chairman Kelley asked the student pick up and drop off route.
- Pastor Schaal shared the pick up and drop off path through the property.
- Commissioner Rambur asked for clarification if the pick up location will be on the west side of property.
- Chairman Kelley asked if the church has talked to neighbors regarding the project.
- Pastor Schaal stated he believes the neighbors are supportive and have been notified, as directed.

Public Hearing: Opened

- Jay Jensen, citizen, he has no objection to the project. He asked what will happen if there is a request for reducing the speed limit on Eastland Drive, with the school use. He stated he does not feel the request would be conducive to area, sharing his concern for bottle neck traffic on Eastland Drive.
- Pastor Schaal clarified only right-hand turn will be allowed leaving the property.
- Planning and Zoning Director Spendlove clarified the advertisement was for the school, not the number of students. He stated whatever the number of students, the church will have to meet fire and building code. He stated it is in the purview of the commission to condition, but staff does not believe it is necessary. If there is an expansion of the building of 25% or more, in the future, that triggers a Special Use Permit. He addressed eastland is a city road and city engineer would determine whether there needs to be an appropriate change to the street. He stated the commission can add a condition to have the applicant pay for improvements, if required by the City Engineer. He stated the only way to improve Eastland Drive would be to eliminate the left turn access. Speed limit changes would go through the City Engineer and City Council, and that request would be brought forward by the applicant.
- Commissioner Rambur asked about the current entrance.
- The location of the entrance was clarified.

Public Hearing: Closed

Discussions Followed:

- Chairman Kelley stated he is confident in school staff to do their job. He believes the building is big enough now to accommodate the school.
- Commissioner Detweiler stated there is a valid traffic concern, but does not believe it will be enough of an issue to stop the process. He stated the church is on a big lot and is large enough for the use. He stated the noise concerns were addressed by the applicant, and any traffic issues will be addressed, when needed.
- Commissioner Rambur agreed and is in favor of the request.

MOTION: Commissioner Detweiler moved to approve the request for a Special Use Permit to allow a private academic school, in conjunction with a religious facility on property located at 1061 Eastland Drive North c/o Lynn J. Schaal on behalf of Amazing Grace Fellowship, as presented, with staff recommendations. (PZ22-0173)
Commissioner Rambur seconded the motion.

Unanimously Approved by a vote of 3 to 0.

6) Upcoming Meeting(s)

- a) Wednesday, February 1, 2023 Worksession
 - Planning and Zoning Director Spendlove gave a Code Rewrite status to the commission, and stated the February Worksession is cancelled.
- Tuesday, February 14, 2023

7) Adjournment

The meeting adjourned at 08:13 PM

Kelli Ebersole

Kelli Ebersole, Technician



Date: Tuesday, February 28, 2023
To: Planning and Zoning Commission
From: Lisa Strickland

ACTION ITEM

Request:

Reconsideration of the decision by the Planning and Zoning Commission at the January 24, 2023 meeting of the preliminary plat for the Shady Creek at the Preserve, a PUD, Subdivision, approximately 52 (+/-) acres consisting of 78 lots located at Candleridge Drive and Cheney Drive East c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0176)

Time Estimate:

Approximately 5-10 minutes for presentation with questions/comments to follow.

Background:

The applicant is requesting reconsideration of the approval of Shady Creek, preliminary plat.

Approval Process:

This is a "Request for Reconsideration". The process for reconsideration is for the Commission to reconvene during a normally scheduled meeting, to hear the request from the party asking for the reconsideration, and to either reaffirm the original decision, or modify the original decision based on the information presented. The commission will be advised to open the item for public comment as that is one of the listed reasons for reconsideration.

Per City Code 10-12-2-3

Commission's Findings:

The Commission shall review the preliminary plat and shall consider the objectives of this Title and at least the following:

- a. The conformance of the subdivision with a Comprehensive Plan.
- b. The availability of public services to accommodate the proposed development.
- c. The continuity of the proposed development with the capital improvement program.
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

Budget Impact:

N/A

Regulatory Impact:

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

History:

The Shady Creek preliminary plat is part of the Preserve PUD Master Development Plan and consists of 78 lots. The Preserve was previously platted in 2008. However, that approval period lapsed and must go through the process again. The overall Preserve Development consists of several phases. The applicant requested approval for the Shady Creek preliminary plat consisting of 69 residential lots along with 10 storm water retention lots and a portion of Cheney Drive to be extended east. This preliminary plat was unanimously approved by the Planning & Zoning Commission on January 24, 2023.

Analysis:

This preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3. It is compatible with the 2016 Comprehensive Plan "Grow With Us" which designates this area as "Town Neighborhood/Mixed Use".

The reconsideration request is based on

1. Failure to give legal notice;

Per City Code 10-12-2-3 The subdivider shall certify to the Administrator that he has notified all adjoining property owners of the proposed subdivision. Such written notification shall be mailed at least ten (10) days prior to the Commission meeting. Staff requires property owners within 300' of the property boundaries be notified of the meeting which exceed the number of adjoining property owners. The applicant was also required to post two (2'x3') sign at the south end of the proposed subdivision, and westward near the proposed entrance along Cheney Dr E. Both the signs as well as the letters met the requirement for notification.

2. Failure to allow input from the public;

The Preliminary Plat approval process outlined in City Code does not explicitly require the Planning and Zoning Commission to hold a Public Hearing. Preliminary Plats are listed as an Item of Consideration on the agenda and therefore have not been held to a Public Hearing standard. However, as an item of concern raised in this reconsideration request, the commission will take public comment at this meeting and review any public comment that was sent regarding this request (see attachments).

3. Failure of the preliminary plat to comply with the Amended PUD Agreement

After a more intense review of the PUD Documents staff found an apparent discrepancy between the written language and the Conceptual Master Development Plan. This proposed subdivision is for the areas identified as "B,C,D" and a portion of "E". These areas are identified as "estate lots" on the Conceptual Master Development Plan with an identified density of 2 units per acre. The written language in the PUD Document states: "the uses of areas designated as estate lots on Exhibit B" (conceptual master development plan) shall conform to the requirements of City Code 10-4-3 R 1-VAR"

It is City Staff opinion, that the Conceptual Master Development Plan was not intended to be viewed as a net density outcome (# of lots divided by acreage of those lots), but a gross density outcome (# of lots divided by acreage of the external subdivision boundary). Additionally, it is our determination, that the written agreement is more specific in the standards to be followed during the review of the project through the subdivision process. Therefore, the number of lots shown on the Preliminary Plat is in conformance with the overall PUD Document. However, there is a needed modification in lot size as detailed in the following section.

4. Failure to comply with the City of Twin Falls ordinances.

Using the R-1 VAR standards the modification needed is found in Block 2: Lot 2 and 4 should be 0.42 acres while currently they are 0.40 acres; and Block 2: Lot 32 should also be 0.42 acres and is currently .38 acres. These types of items are typically reviewed during the Final Plat review and are covered by the typical condition placed upon Preliminary Plats. However, as they have been identified now, it would be prudent for the commission to require this as a condition of approval for the Shady Creek Subdivision.

Conclusion:

The Commission is tasked with evaluating this request based upon the information provided, specifically identifying the items brought up for reconsideration, and making a final decision.

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

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to Lots 2, 4 and 32, Block 2, being increased in size to meet the minimum R1-VAR Zoning Code requirement, to be enforced upon Final Plat approval.

Attachments:

1. Request for Reconsideration
2. Public Comment 01-25-23
3. Shady Creek Preliminary Plat
4. PUD Master Development Plan
5. R-1 VAR vs Master Development Plan
6. The Preserve - Recorded 01-19-2012, PUD (#261) Original
7. The Preserve - Recorded 07-02-18 #261 Amendment
8. 20230124 PZC minutes
9. PZ22-0176 Staff Report 1-24-23

OFFICES OF G. KENT TAYLOR

450 Falls Avenue, Suite 201
P.O. Box 1901
Twin Falls, ID 83303-1901

Phone: (208) 734-5681

Fax: (208) 733-2482

January 31, 2023

Via email to jspendlove@tfid.org

Mr. Jonathan Spendlove
City of Twin Falls Planning &
Zoning Director

Dear Jonathan:

Pursuant to my conversation with you on January 26, 2023, regarding the action taken by the City of Twin Falls Planning and Zoning Commission ("Commission") on the request by Shady Creek at the Preserve ("Shady") for approval of a preliminary plat, Nancy, my wife, and I, are hereby requesting and advising the following:

1. That the Commission reconsider Shady's request and the Commission's action;
2. That a meeting/hearing of the Commission be convened to discuss and/or take action on any submittal by Shady;
3. That Shady republish, including mailing, any notice required by law; and
4. That any person desiring to participate at said meeting/hearing be allowed to do so.

In the alternative, this letter shall be deemed to be a "Notice of Appeal" with respect to the Commission's action taken by it on Shady's application for approval of its preliminary plat. The bases for the appeal are as follow:

1. Failure to give legal notice;
2. Failure to allow input from the public regarding the application;
3. Failure of the preliminary plat to comply with the Amended PUD Agreement; and
4. Failure to comply with the City of Twin Falls ordinances.

Respectfully submitted,


G. KENT TAYLOR

jcorr\ Spendlove Jonathan\GKT:jr

RECEIVED

JAN 25 2023

CITY OF TWIN FALLS
PLANNING & ZONING

24 Jan 2023

To:

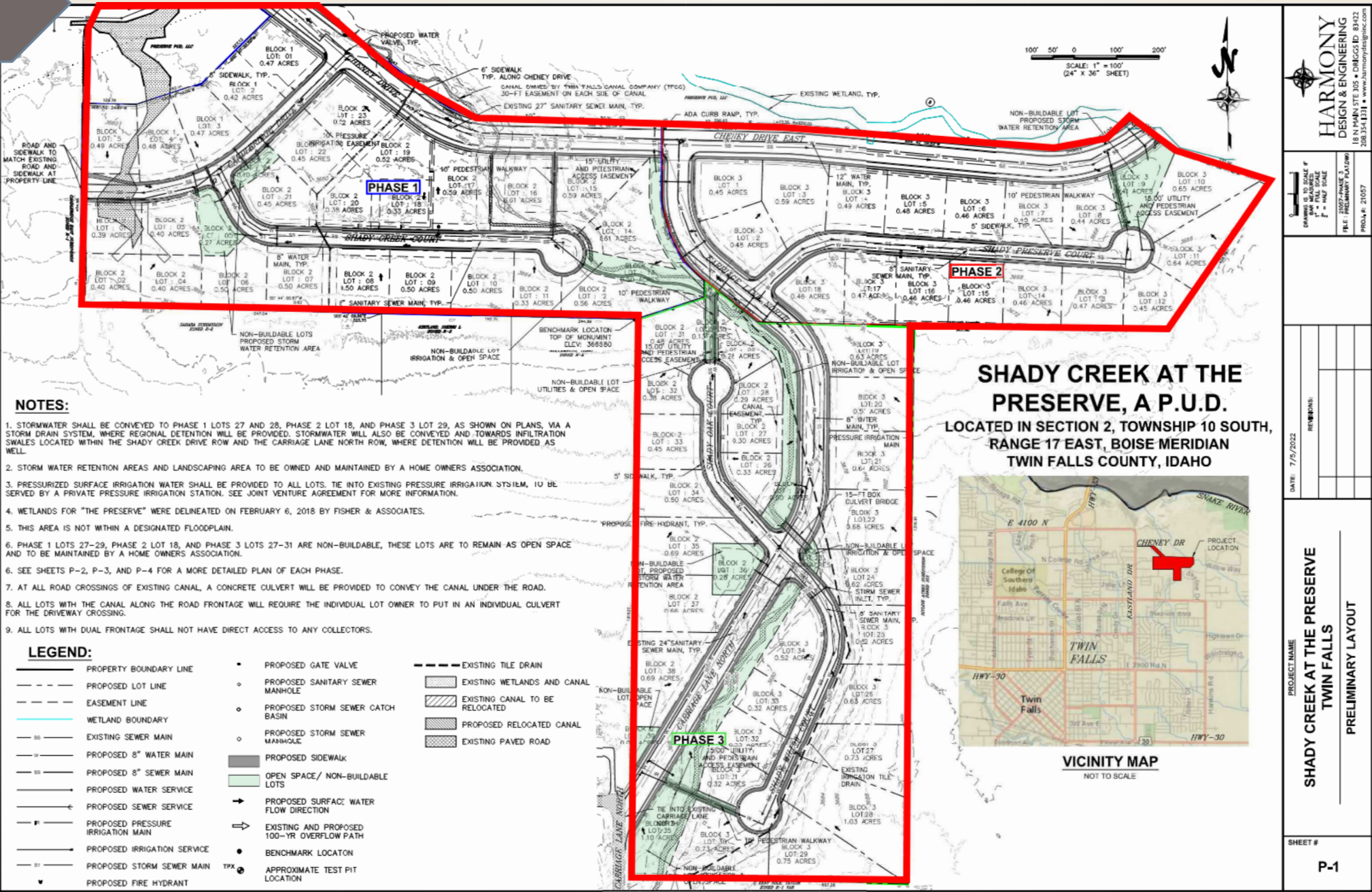
This evening we were invited by mail to a Planning and Zoning meeting where we were told "There will be no comment" on the development of "Shady Creek at the Reserve, P.U.D. Apparently there was a public meeting 2 weeks prior where comments were permitted, however no one impacted by this development was notified of that planning meeting. We feel that this was wrong and request a public meeting where all those concerned can comment about the impact this development will have on water, sewer, traffic, etc.

Respectfully,

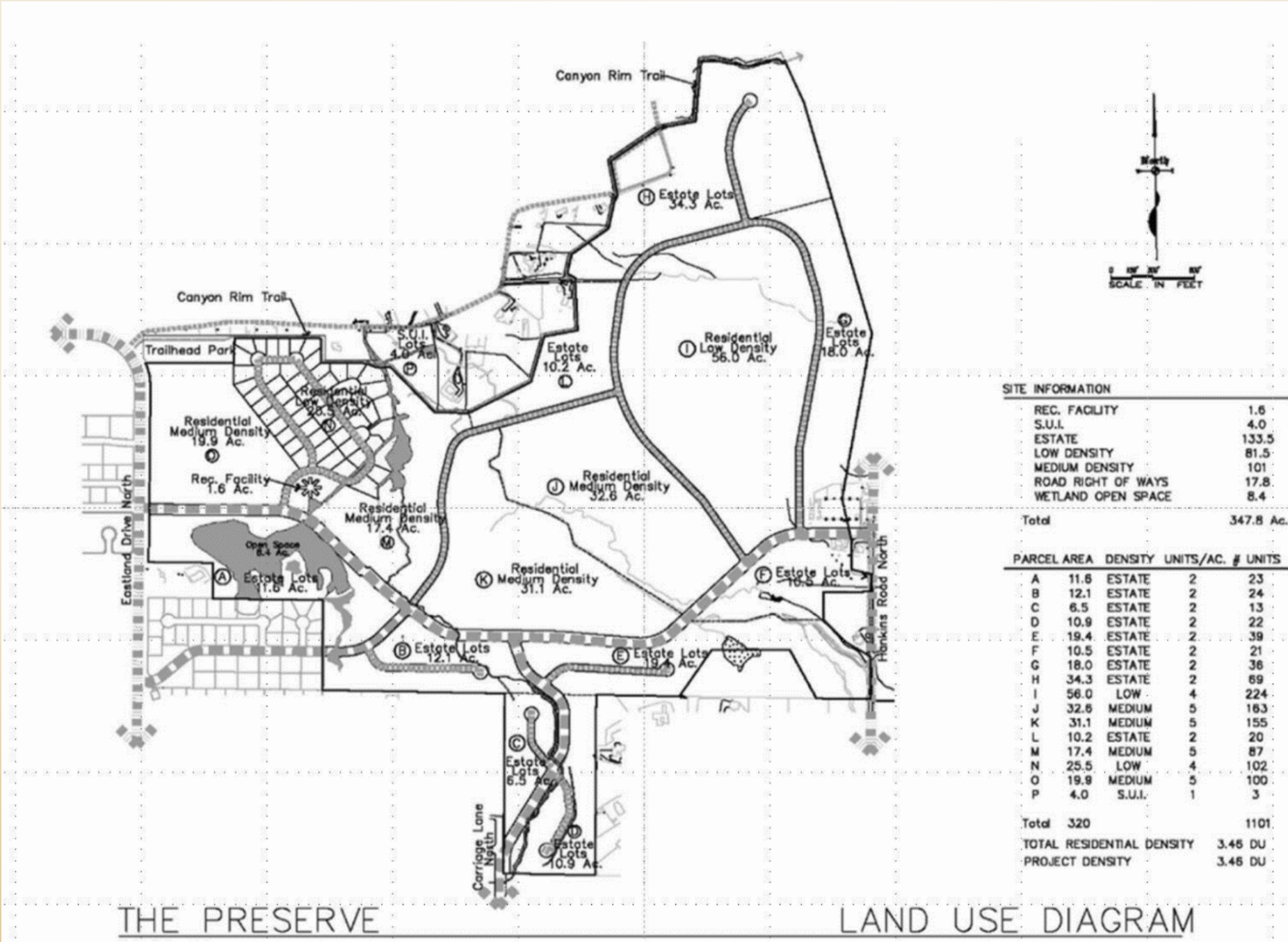
Ann Babbel
Gary Babbel

Gary and Ann Babbel
2560 Sunridge Circle
Twin Falls, ID

PS The letter announcing the above meeting from Harmony Design and Engineering was dated Dec 12, "2023." However the envelope was postmarked 12 January 2023.



PUD Master Development Plan



Exhibit

R-1 Var Lot Size regulations: (per PUD document)

Minimum lot area shall be 85% of the average lots size platted or develop within 150' and does not have to exceed 18,500 sf/0.42 acres.

Minimum lot area shall be 85% of the average lots size platted or develop within 150' and zoned SUI and does not have to exceed 20,000 sf/0.45 acres.

Lots 2, 4 and 32 of Block 2 do not comply with the minimum lot size of 18,500 sf/0.042 acres.

Master Development Plan Calculations state 2 units/acre. (per PUD Master Plan)

Minimum lot area shall be 21780 sf/0.50 acres.

Summary: The subdivision consists of 51.97 acres. To meet the minimum lot size identified in the Master Development plan would require all lots to be a minimum size of 21,780 sf/0.50 acres, the equivalent of 2 units per acres. Allowing for a maximum of 104 half-acre lots.

The proposed preliminary plat consists of 69 buildable lots with 10 additional lots for open space/retention.



Developed Lots Within 150' ★

TWIN FALLS COUNTY

Recorded for:

TWIN FALLS, CITY OF
3:39:23 PM 01-19-2012

2012-001070

No. Pages: 32 Fee: \$
KRISTINA GLASCOCK
County Clerk
Deputy: BHUNTER

R2 PLANNED UNIT DEVELOPMENT AGREEMENT

THE PRESERVE PUD

PUD-261

THIS AGREEMENT, made and entered into this 13TH day of JAN, 2012, by and

between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and GARY'S WESTLAND, L.L.C., GARY STORRER and CONNIE STORRER, husband and wife, and GEMCON FINANCIAL CORPORATION (hereinafter called "Developer"), whose address is 1042 Wildwood Way, Twin Falls, ID 83301.

RECITALS

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A", attached hereto as Ordinance # 2843 & Ordinance #2858, (the "Property") which Property is adjacent to Eastland Avenue and Hankins Road.

WHEREAS, Developer intends to develop and/or sell all or portions of the Property from time to time; and

WHEREAS, Developer has made request of the City to develop a subdivision (the "Project") on the Property and has submitted to the City a Master Development Plan (Exhibit "B") thereof which was recommended for approval for development, as presented, as a Planned Unit Development by the Planning and Zoning Commission and approved for development, as presented, as a Planned Unit Development on October 24, 2005 and April 24, 2006 by the City Council of the City; and

WHEREAS, City, by and through its City Council, has agreed to the development of said Project within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this agreement.

COPY

COVENANTS

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

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

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

A. USES.

1. The use in the area designated community center and recreational facilities on Exhibit "B" shall be limited to facilities benefiting the Preserve Planned Unit Development property owners. The uses will include a neighborhood recreational facility including such uses as a meeting room, reception room, swimming pool, tennis courts, putting green, and other such uses designated by the Preserve Homeowners Association provided such uses are for the benefit of Preserve Subdivision property owners, family members and invited guests.

2. The uses of areas designated as estate lots on Exhibit "B" shall conform to requirements of City Code 10-4-3; R 1-VAR, Residential Single Household District.
3. The uses in the area designated as residential low density on Exhibit "B" shall conform to the requirements of City Code 10-4-4; R2, Residential Single Household. Also allowed in this area is a Planned Zero Lot Line Subdivision as per City Code 10-12-5-6.
4. The uses in the area designated as residential medium density on Exhibit "B" shall conform to the requirements of City Code 10-4-5; R-4 Residential Medium Density District. Also allowed is a Planned Zero Lot Line Subdivision per City Code 10-12-5-6.
5. Development within the CRO Zone shall conform to the requirements of City Code 10-4-19; Canyon Rim Overlay District and underlying zoning district.

B. PHASING OF DEVELOPMENT. Developer shall be permitted to develop the property in phases, so long as those phases are in compliance with the Master Development Plan (Exhibit "B"), this PUD Agreement, and an approved preliminary plat. Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Development Plan are conceptual and any changes, as approved by City Staff, therefrom

shall not provide basis for disapproval of any final plat. There shall be no minimum and a maximum of 3 years limit between phases. If development of subsequent phases is not initiated within the 3-year limit the City shall review the P.U.D. for conformance to the Comprehensive Plan and Development Standards.

Notwithstanding the three (3) year maximum time limit stated herein, if the Project remains in conformity with the Comprehensive Plan and Developments Standards, this agreement shall remain in full force and effect. If not in conformity, Developer may apply for amendment of the agreement.

3. STREET, SEWER, WATER, PRESSURE IRRIGATION, AND DRAINAGE IMPROVEMENTS.

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

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

requirements, the Master Development Plan (Exhibit "B") and this PUD Agreement.

- B. IMPROVEMENT DESIGN AND CONSTRUCTION. Developer, at its expense, shall cause all Improvements shown on the Improvement Plan to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided herein. Notwithstanding the foregoing, nothing in this agreement shall prohibit City, State, or Federal participation in the cost or financing of Improvements on the Property if mutually agreed to by the parties hereto.
- C. PHASED CONSTRUCTION. Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City. City will commit water, sewer and pressure irrigation services only on a phase-by-phase basis.
- D. CONSTRUCTION SUPERVISION. Developer shall use a registered professional engineer to supervise the construction, inspection and testing of the work as necessary, to ensure that all

such improvements are constructed in accordance with the approved Improvement Plans.

- E. NON-COMPLIANCE. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will take in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the right of the parties are preserved at law and equity.

PUD 261

F. FEES. Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant of the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.

G. MAINTENANCE OF IMPROVEMENTS. City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.

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

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

A. APPROVAL AND CONSTRUCTION. All improvements shall be constructed in accordance with engineered drawings and

specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld. All building plans shall be approved by the Project Architectural Control Committee.

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

A 35-foot wide landscape buffer including meandering sidewalk, measured from the back of the curb, will be constructed along Eastland Drive and Hankins Road. In residential areas the landscaping shall be accomplished as part of individual lot development.

Each property will be required to meet the minimum requirements of City Code onsite to include adjacent landscape buffers in addition to the Master Development Plan. All landscaping shall be installed in conformance with the project Master Development Plan. All landscaping maintenance will be in a uniform manner. The property landscaping will utilize a city pressure irrigation system constructed in compliance with applicable standards.

- C. PROJECT IRRIGATION. All residential lots will be irrigated utilizing a pressurized irrigation system designed and constructed to City of Twin Falls Standards. The pressurized irrigation system will be designed and constructed on a phase basis.

The Developer acknowledges that he has irrigation water shares and water rights as summarized in attached Exhibit "C", which are appurtenant to the property described in Exhibit "A" and the City has determined that the water shares and water rights specified in Exhibit "C" satisfies the developers obligation to provide irrigation water for the residential development of all property described in Exhibit "A". Furthermore The City agrees that if additional water is required for irrigation of land described in Exhibit "A" the City will be responsible for providing the additional irrigation water. Prior to recordation of a final plat for each phase the Developer shall transfer to the City of Twin Falls water shares and water rights as described in Exhibit "C" on a pro rata basis.

- D. LANDSCAPING PLAN. For each buffer area, adjacent to Eastland Drive and Hankins Road, at the time of development, each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height. The landscape buffer shall be planted with a minimum of one tree per five-hundred (500) square feet of

landscaped area and a minimum of one shrub per one-hundred (100) square feet of landscaped area. At least fifty percent (50%) of the shrubs and trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from the groups last approved by the Tree Commission through its Tree Selection Guide. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet (4') when planted.

E. STANDARDS. Buildings and improvements shall comply with the following standards. All building, site and landscaping plans shall be approved by the project architectural review committee.

1. ARCHITECTURAL STANDARDS. The community center/recreation facility building should be constructed of architectural masonry, stone, stucco, wood or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces. All buildings shall be designed to complement adjacent residential buildings. Basic building colors shall be neutral earth tones and approved by the architectural control committee.

The community center/recreation facility building size shall not exceed 8,000 S.F. without majority approval of all

members of the Preserve Planned Unit Homeowner's Association and a special use permit.

All plans for residential construction shall be approved by the Preserve Planned Unit Development Homeowner's Association. At a minimum the committee shall establish for each use a minimum building size, exterior materials, exterior colors, roof pitches, building site plan, landscaping and other lot improvements.

2. OUTSIDE STORAGE. The community center trash container(s) and such facilities shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or fencing. Screening shall be approved by the Developer or its assigns. No outside storage yards will be allowed.
3. UTILITIES. All on-site utility service lines located within any parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened where possible from the view from streets, with screening material such as landscaping or other approved material. This does not apply to curbside utilities in residential areas.
4. HEIGHT LIMITATIONS. Except for the CRO Zone Area no structure shall be higher than 35 feet. Within the CRO Zone the building height may be less.

Rev. 201

5. SIGN PLAN.

A. PROJECT IDENTIFICATION SIGNS. Signs

will be monument type signs with a maximum height of 10 feet measured above the adjacent curb and shall conform to City Code.

6. RESIDENTIAL USES. Residential uses shall conform to the appropriate code section for each area as outlined in Section 2A.

7. ILLUMINATION. Exterior lighting shall be shielded and cut-off type to preclude the light source being visible from the adjacent properties.

8. PUBLIC PEDESTRIAN/BICYCLE/PARKS FACILITIES.

Development plans for each project phase and each building shall include facilities that will accommodate pedestrian and bicycle access to the project interior streets and the adjacent arterial streets. Where reasonably feasible the pathways shall be separated from the interior streets by landscaping or other features to encourage use of public pedestrian/bicycle facilities. The pedestrian and bicycle facilities shall be designed to provide connections between Hankins Road, Carriage Lane, Eastland Drive, and the Canyon Rim Trail system. The pathways may be developed in phases providing that each phase provides access from the developed phase to previously completed phase. Developer shall be responsible for

PUD-261

installation of all permanent public pedestrian/bike trails and common areas located adjacent to the aforementioned trails, as depicted on attached "Exhibit "B"". Maintenance of public pedestrian/bike trails shall be the responsibility of the City at City's cost. Maintenance of the common areas, located adjacent to all public pedestrian/bike trails shall be the responsibility of the City and all associated costs of said maintenance shall be the responsibility of lot owners within the project.

A. TEMPORARY PUBLIC PEDESTRIAN/BIKE TRAIL.

The parties hereto agree to cooperate with each other in the installation of a temporary public pedestrian/bike trail. Said temporary trail shall be constructed along the north project boundary, in a location satisfactory to City and Developer, and will connect the public trails constructed in each development phase with the Canyon Rim Trail (extended) in the northeast corner of the property. Construction cost and maintenance of the temporary public trail shall be the responsibility of the City.

B. PARK DEVELOPMENT.

On June 5, 2006 the City Council approved a request by the developer for a Parks In-Lieu Plan for the Project. Park development shall include a 3 acre neighborhood park at the Southeast corner of the intersection of

Eastland Drive North and Pole Line Road East and a second 3 acre neighborhood park in the eastern portion of the property. The balance of the park requirement, 6 +/- acres, will be met through dedication of right-of-way or easements for a pedestrian/bicycle trail connecting Eastland Drive North with the jump site adjacent to the Northeast corner of the developer's property.

9. TIME LIMITATIONS. The "PUD" Zoning designation on the Property described in Exhibit "A" is expressly conditioned upon submission to the City Council of a final development plan of the first phase of development within one (1) year from the date hereof. The Developer may apply for one or more one (1) year extensions, provided application is made in advance of the expiration date. Approval shall not unreasonably be withheld.
10. CONSTRUCTION ACCESS. Access to the site for construction activities from Pole Line Road will not be allowed during any phase of the project.
11. STANDARD DEVELOPER'S AGREEMENT. It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.
12. GENERAL PROVISIONS.

- A. COOPERATION. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications, and working drawings required by the City.
- B. ENTIRE AGREEMENT. This agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduce to writing and signed by the parties.
- C. APPLICABLE LAW. This agreement shall be construed in accordance with the laws of the State of Idaho.
- D. NOTICES. If notices from one party to the other are desired or required hereunder such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". ON the date of this agreement, the addresses of the parties are as follows:

PUD. Del

DEVELOPER: GARY'S WESTLAND, L.L.C., GARY
STORRER and CONNIE STORRER,
husband and wife, and GEMCON
FINANCIAL CORPORATION
1042 Wildwood Way
Twin Falls, ID 83301

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

E. SUCCESSORS AND ASSIGNS. This agreement shall
be binding upon the successors, assigns and legal
representatives of the parties hereto. Transfer of all or a
portion of the Property shall create a notation releasing
the transferor from obligations under this agreement
with respect to said transferred property.

F. SEVERABILITY. In the event any portion of this
agreement is declared by a Court of competent
jurisdiction to be invalid, illegal, or unenforceable, such
portion shall be deemed severed from this agreement,
and the remaining portions shall not be affected thereof.

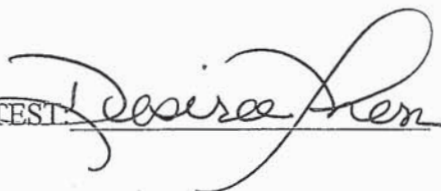
G. SIGNATORIES. Each of the persons executing this
agreement hereby warrants that he or she is duly
authorized and empowered to so act on behalf of the
entity for which he or she is signing, and that this
agreement is binding on, and enforceable against, such
entity.

- H. EFFECTIVE DATE. This agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.
- I. ATTORNEY FEES. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails in such litigation, shall be entitled to a reasonable attorney's fee.
- J. CONSTRUCTION. Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.
- K. ATTACHMENT. All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.
- L. CAPTIONS. The captions, sections and paragraph numbers appearing in this agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

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

CITY OF TWIN FALLS

ATTEST:



BY:

Mayor



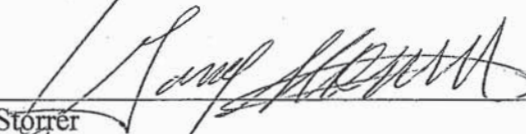
GARY'S WESTLAND, L.L.C.

By:

Gary Storrer, Member



Gary Storrer



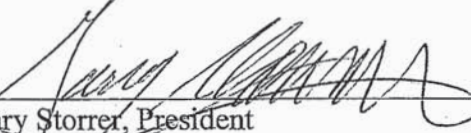
Connie Storrer



GEMCON FINANCIAL CORPORATION

By:

Gary Storrer, President



PUD 2861

ACKNOWLEDGMENTS

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

On this 13TH day of JAN., 2012, before me, the undersigned, a Notary Public in and for said State and County, personally appeared BARY L. LANTING, known to me to be the MAYOR of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

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



Desirée Iverson
NOTARY PUBLIC FOR IDAHO

Residing at: TWIN FALLS

Commission expires: 1-18-2017

ACKNOWLEDGMENTS

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

On this 13th day of January, 2012, before me, a notary public in and for said county and state, personally appeared Gary Storrer, known or identified to me to be a Member of Gary's Westland, L.L.C., the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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



Susan Moore
 NOTARY PUBLIC FOR IDAHO
 Residing at: TWIN FALLS
 My commission expires: 11-28-2014

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

On this 13th day of January, 2012, before me, a notary public in and for said county and state, personally appeared Gary Storrer, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

PUD-261

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

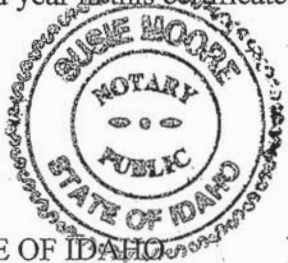


Susie Moore
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 11-28-2014

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

On this 13th day of January, 2012, before me, a notary public in and for said county and state, personally appeared Connie Storrer, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

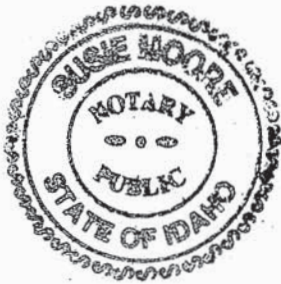


Susie Moore
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 11-28-2014

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

On this 3rd day of January, 2012, before me, a notary public in and for said county and state, personally appeared Gary Storrer, known or identified to me to be the President of Gemcon Financial Corporation, 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 affixed my official seal the
day and year in this certificate first above written.



Susie Moore
NOTARY PUBLIC FOR IDAHO
Residing at: TWIN FALLS
My commission expires: 11-28-2014

DUG-2d

EXHIBIT "A"

ORDINANCE NO. 2843

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

WHEREAS, Gary's Westland, LLC, c/o Gary Storrer has made application for annexation of property located between the 1300, 1400, 1500, 1600, and 1700 blocks of Eastland Drive North and Hankins Road aka 3200 East Road; 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 27th day of September, 2005, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

WHEREAS, the City Planning and 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 October, 2005, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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 annexed into and declared to be a part of the City of Twin Falls, Idaho:

A parcel of land located in the N $\frac{1}{4}$, Section 2, and the SE $\frac{1}{4}$, Section 2, Range 17 East, Township 10 South, Boise Meridian, Twin Falls County, Idaho, and also located in the SE $\frac{1}{4}$, Section 35, Range 17 East, Township 9 South, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows;

COMMENCING at the Northwest corner of Section 2;

200-261

THENCE South 00°35'29" West 25.00 feet along the west boundary of the NW $\frac{1}{4}$, of said Section 2 to the REAL POINT OF BEGINNING;

THENCE South 89°55'02" East 1305.76 feet parallel with north boundary of the NW $\frac{1}{4}$, of Section 2;

THENCE South 00°04'58" West 179.89 feet;

THENCE South 89°55'02" East 374.89 feet parallel with the north boundary of the NW $\frac{1}{4}$, of Section 2;

THENCE North 29°50'19" West 186.00 feet;

THENCE North 11°20'43" East 44.54 feet to a point on the north boundary of the NW $\frac{1}{4}$, of Section 2;

THENCE South 89°55'02" East 150.98 feet along the north boundary of the NW $\frac{1}{4}$, Section 2;

THENCE North 19°32'10" West for a distance of 37.26 feet to the center of a 30.00 foot wide access and utility easement;

THENCE South 89°43'57" East 184.43 feet along the center of said access and utility easement to a point of curvature;

THENCE Along a curve to the left for a distance of 119.23 feet to the point of tangency, said arc having a radius of 274.82 feet and chord bearing and distance of North 77°50'18" East 118.30 feet;

THENCE North 65°24'03" East 27.62 feet along the center of said easement;

THENCE South 12°14'38" East 274.17 feet;

THENCE South 00°28'48" West 370.35 feet;

THENCE South 89°31'50" East 200.10 feet;

THENCE North 00°34'41" East 304.20 feet;

THENCE North 80°00'03" East 332.48 feet;

THENCE South 47°00'18" East 173.41 feet;

THENCE North 16°00'25" East 298.04 feet;

THENCE North 09°21'51" West 25.13 feet;

THENCE North 79°30'50" East 251.42 feet;

THENCE North 02°51'48" West 337.95 feet;

THENCE South 87°08'12" West 516.94 feet to the center of an access road;

THENCE Along a curve to the left for a distance of 15.17 feet to the point of tangency, said arc having a radius of 114.59 feet and a long chord bearing and distance of North 14°16'30" East 15.16 feet;

THENCE North 10°29'00" East 18.58 feet along the center of said access road;

THENCE North 86°49'00" East 445.79 feet;

THENCE North 11°47'00" East 184.65 feet;

THENCE North 87°51'02" West 227.89 feet;

THENCE North 13°39'03" East 216.19 feet;

THENCE South 87°29'00" East 445.81 feet;

THENCE North 11°47'00" East 227.75 feet;
 THENCE North 67°11'16" East 11.93 feet;
 THENCE North 11°04'35" West 256.93 feet;
 THENCE North 55°14'48" East 438.37 feet;
 THENCE North 79°10'30" East 258.86 feet;
 THENCE North 04°52'00" East 450.85 feet to a point on the
 south rim of the Snake River Canyon;
 THENCE Along the south rim of the Snake River Canyon on the
 following courses:
 North 85°51'28" East 119.08 feet;
 South 77°09'58" East 111.18 feet;
 North 77°13'56" East 54.48 feet;
 South 60°44'15" East 72.04 feet;
 North 74°11'30" East 58.51 feet;
 North 78°58'06" East 57.23 feet;
 North 69°34'21" East 143.13 feet;
 THENCE Leaving the south rim of the Snake River Canyon, South
 24°28'30" East 400.16 feet;
 THENCE South 05°25'00" East 2909.04 feet;
 THENCE South 12°27'14" East 67.77 feet;
 THENCE North 89°22'04" West 1115.31 feet;
 THENCE South 00°15'50" West 58.29 feet along the west boundary
 of Government Lot 1, to the southwest corner of said
 Lot 1;
 THENCE South 00°15'05" West 183.01 feet;
 THENCE South 76°50'11" East 1345.69 feet to the east boundary
 of the NE $\frac{1}{4}$, of Section 2;
 THENCE South 00°12'37" West 77.93 feet along east boundary of
 said NE $\frac{1}{4}$, of Section 2;
 THENCE South 89°32'21" West 340.40 feet;
 THENCE South 00°12'37" West 205.09 feet parallel with the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE South 44°33'26" East 226.16 feet;
 THENCE South 59°35'49" East 209.53 feet to a point on the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE South 00°12'37" West 310.00 feet along the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE North 89°02'04" West 388.97 feet along the south
 boundary of the NE $\frac{1}{4}$ of Section 2;
 THENCE North 28°11'43" West 400.18 feet;
 THENCE North 89°48'20" West 562.72 feet parallel with the
 south boundary of the NE $\frac{1}{4}$ Section 2;
 THENCE South 34°09'26" West 409.21 feet to a point on the
 south boundary of the NE $\frac{1}{4}$ Section 2;
 THENCE North 89°02'04" West 598.30 feet along said south
 boundary of NE $\frac{1}{4}$ Section 2;
 THENCE South 00°19'21" West 1316.92 feet to a point on the
 south boundary of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 2;

THENCE North 88°53'09" West 657.28 feet along south boundary of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 2 to the southwest corner of the said NW $\frac{1}{4}$, SE $\frac{1}{4}$;

THENCE North 00°21'31" East 1315.21 feet along the west boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2;

THENCE North 89°02'05" West 1310.87 feet along the south boundary of the NW $\frac{1}{4}$ of Section 2 to the southwest corner of SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 2 said point also being the southeast corner of Candleridge East Subdivision;

THENCE North 00°28'27" East 656.47 feet along the east boundary of Candleridge East Subdivision to the northeast corner of said Subdivision;

THENCE North 89°12'19" West 790.50 feet;

THENCE North 00°35'29" East 261.00 feet parallel with the west boundary of the NW $\frac{1}{4}$ of Section 2;

THENCE North 89°12'19" West 519.00 feet; to the west boundary of the NW $\frac{1}{4}$ of Section 2 also being the centerline of Eastland Drive North;

THENCE North 00°35'29" East 1654.50 feet along the said west boundary of the NW $\frac{1}{4}$ of Section 2 also the centerline of Eastland Drive North to the REAL POINT OF BEGINNING

Containing 343.204 Acres

AND all public streets, highways, alleys and public rights-of-way adjacent and within this description.

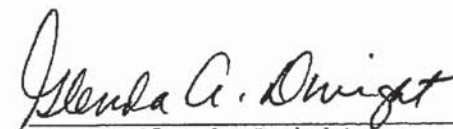
SECTION 2. That the real property described in Section 1 hereof be and the same is hereby zoned R-2 PUD.

SECTION 3. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the newly incorporated real property as hereby zoned.

SECTION 4. 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.

PASSED BY THE CITY COUNCIL October 31, 2005

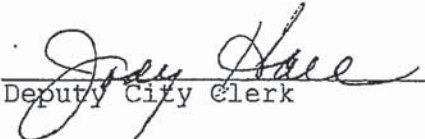
SIGNED BY THE MAYOR October 31, 2005


 Mayor Glenda Dwight

ATTEST:

Ordinance No. 2843
 Page 4 of 5

PUD-261


Deputy City Clerk

PUBLISH: Thursday, November 10 , 2005

PUD-269

EXHIBIT "A"

ORDINANCE NO. 2858

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

WHEREAS, Gary's Westland, LLC, has made application for annexation of property located at the southeast corner of Eastland Drive North and Pole Line Road East; 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 28th day of March, 2006, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

WHEREAS, the City Planning and 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 1st day of May, 2006, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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 annexed into and declared to be a part of the City of Twin Falls, Idaho:

SEE ATTACHMENT "A"

AND all public streets, highways, alleys and public rights-of-way adjacent and within this description.

SECTION 2. That the real property described in Section 1 hereof be and the same is hereby zoned R-2 PUD.

SECTION 3. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby

DUD-261

amended to reflect the newly incorporated real property as hereby zoned.

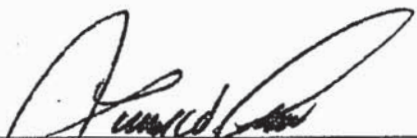
SECTION 4. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL

May 1 , 2006

SIGNED BY THE MAYOR

May 2 , 2006



Mayor Lance W. Clow

ATTEST:



Deputy City Clerk

PUBLISH: Thursday,

May 11 , 2006

PUD 261

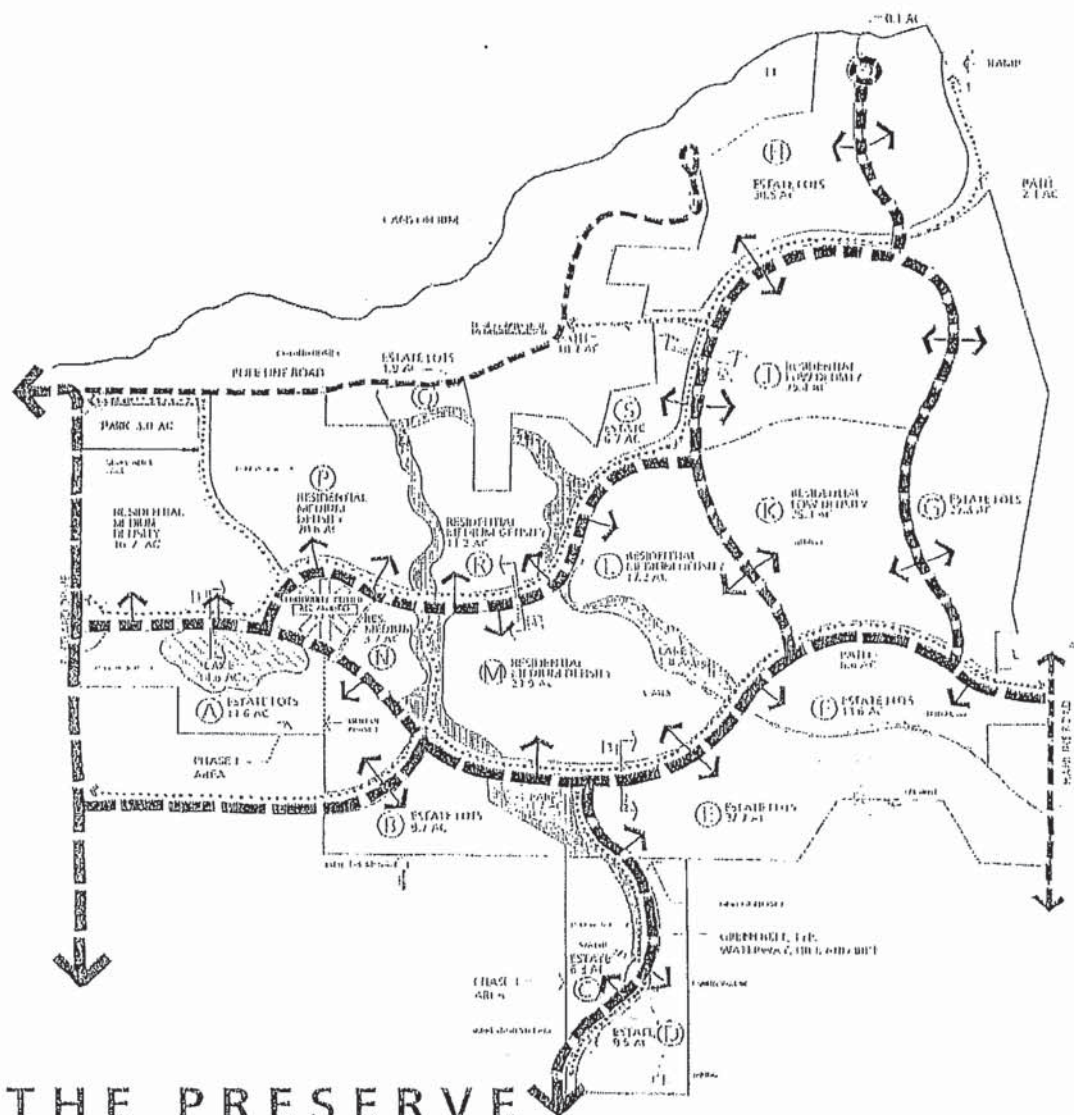
ATTACHMENT "A"

A parcel of land located in the NW ¼, of Section 2, Range 17 East, Township 10 South, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows;

COMMENCING at the Northwest corner of Section 2;

THENCE South 00°35'29" West 25.00 feet along the west boundary of the NW ¼, of said Section 2 to the REAL POINT OF BEGINNING;
THENCE South 89°55'02" East 655.10 feet parallel with north boundary of the NW ¼, of Section 2;
THENCE South 01°03'34" West 552.46 feet;
THENCE South 61°58'51" East 76.49 feet;
THENCE South 51°11'32" East 187.05 feet;
THENCE South 38°02'35" East 245.33 feet;
THENCE South 32°15'21" East 128.40 feet;
THENCE South 39°53'21" East 25.00 feet to a point of curvature;
THENCE Along a curve to the left for a distance of 148.30 feet, said arc having a radius of 200.00 feet, a chord bearing South 28°52'06" West for a distance of 144.93 feet, and a delta of 42°29'07";
THENCE South 07°37'33" West 133.42 feet;
THENCE North 89°11'50" West 1019.47 feet to a point on the west boundary of Section 2 also the centerline of Eastland Drive North;
THENCE North 00°35'29" East 1272.40 feet along the west boundary of Section 2, also the centerline of Eastland Drive North to the REAL POINT OF BEGINNING;

Containing 24.310 Acres



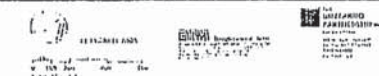
SITE INFORMATION

OPEN SPACE		
LAKES	38.2 AC	
CHUCKS	1.0	
PARKS, TRAILS, OPEN AREA	41.0	
SUBTOTAL	80.2 AC	
TOURIST CENTER		
RECREATION FACILITY	1.2 AC	
RESIDENTIAL		
ESTATE	2.0 AC	50.1 AC
LOW DENSITY RESIDENTIAL	2 to 4 D.U.	48.1
MEDIUM DENSITY RESIDENTIAL	5 to 8 D.U.	45.3
SUBTOTAL	201.5 AC	
ROADWAY		
40' CUL-DE-SAC RIGHT OF WAY	33.5 AC	
50' HIGHWAY RIGHT OF WAY	11.1 AC	
SUBTOTAL	44.6 AC	
TOTAL	526.4 AC	

Notes

1. Acreages are approximate and may vary with final development plan
2. Roadway locations also approximate. Final location and alignment will vary with final design
3. Water courses will be adjusted to accommodate field topography
4. Trail location may vary but will maintain continuity within existing residential areas
5. Future park indicated by dashed line upon development of future phases

LAND USE DIAGRAM



PUD-20

240-26

EXHIBIT "C"

**WATER SHARES
AND WATER RIGHTS
FOR
THE PRESERVE SUBDIVISION**

136.79 shares of Twin Falls Canal Company

0.50 CFS Waste Water right 47-17266

1.57 CFS Waste Water Right 47-17268

1.30 CFS Groundwater Right 47-4453

TWIN FALLS COUNTY

Recorded for:

TWIN FALLS, CITY OF

1:27:50 PM 07-02-2018

2018-010216

No. Pages: 21 Fee: \$
KRISTINA GLASCOCK
County Clerk
Deputy: BHUNTER

1ST AMENDED

THE PRESERVE PUD #261

R2 PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this 15th day of June, 2018, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and GARYS WESTLAND, LLC (hereinafter called "Developer"), whose address is 1042 Wildwood Way Twin Falls, ID

RECITALS

WHEREAS, the City entered into a C-1 Planned Unit Development Agreement with GARYS WESTLAND, LLC (hereinafter called "Developer"), dated January 19, 2012, setting forth the conditions for development and use of property located between Eastland Drive North and Hankins Road North and south of Pole Line Road East, Twin Falls, Idaho; and,

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A", attached hereto, (the "Property") which Property is located between Eastland Drive North and Hankins Road North and south of Pole Line Road East; and

WHEREAS, Developer intends to develop and/or sell all or portions of the Property from time to time; and

WHEREAS, Developer has made request of the City to develop the "Project" the Property and has submitted to the City an amended Master Development Plan (Exhibit

“B”) thereof, and associated modified roadway sections and other development criteria listed within this document,

WHEREAS, the city, at a meeting of its City Council held on April 23, 2018 approved the amendment subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to approval and recordation of the 1st Amended Preserve PUD Agreement #261.
3. Subject to the typical size of barrow ditch to be confirmed in the acceptable Storm water Plan by the City Engineer.
4. Subject to a pedestrian/bicycle pathway along Eastland Drive being designed and constructed by developer, as approved by City Staff. Construction to be completed by June 1, 2021, or as separately agreed to between Developer and City Council.
5. Subject to street islands and drainage swales being the responsibility of the homeowners association for maintenance, and uniformity in management.
6. Subject to a final modified roadway section being approved by City Engineer.

WHEREAS, City, by and through its City Council, has agreed to the development of said Project within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this agreement.

COVENANTS

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

1. NATURE OF THE AGREEMENT. This agreement shall become part of the “Planned Unit Development” zone with respect to the Project upon its full execution and recording. Developer and its assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

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

A. USES.

1. The use in the area designated community center and recreational facilities on Exhibit “B” shall be limited to facilities benefiting The Preserve Planned Unit Development property owners. The uses will include a neighborhood recreational facility including such uses as a meeting room, reception room, swimming pool, tennis courts, putting green, and other such uses designated by the Preserve Homeowners Association provided such uses are for the benefit of Preserve Subdivision property owners, family members and invited guests.
2. The area zoned R-2 but designated for SUI development shall be developed in accordance with City Code Section 10-4-2: SUI, Subdivision – Urban Interface District. Development will utilize private and subsurface disposal systems. Total number of residential units shall not exceed three (3). This area is not intended to be subject to the requirements of the Homeowners Association, or be required to participate in the private irrigation system installed and maintained by the Homeowners Association.

3. The uses of areas designated as estate lots on Exhibit "B" shall conform to requirements of City Code 10-4-3 R 1-VAR, Residential Single Household District.
4. The uses in the area designated as residential low density on Exhibit "B" shall conform to the requirements of City Code 10-4-4 R2, Residential Single Household. Also allowed in this area is a Planned Zero Lot Line Subdivision as per 10-12-5-6.
5. The uses in the area designated as residential medium density on Exhibit "B" shall conform to the requirements of City Code 10-4-5 R-4 Residential Medium Density District. Also allowed is a Planned Zero Lot Line Subdivision per 10-12-5-6.
6. Development within the CRO Zone shall conform to the requirements of City Code 10-4-19 Canyon Rim Overlay District and underlying zoning district.

B. PHASING OF DEVELOPMENT. Developer shall be permitted to develop the property in phases, so long as those phases are in compliance with the Master Plan (Exhibit "B"), this PUD Agreement, and an approved preliminary plat. Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and

changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum and a maximum of 3 years limit between phases. If development of subsequent phases is not initiated within the 3-year limit the City shall review the P.U.D. for conformance to the Comprehensive Plan and Development Standards.

3. STREET, SEWER, WATER, PRESSURE IRRIGATION, AND DRAINAGE IMPROVEMENTS.

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

Per City Council conditional approval: Final Drainage System Plan, including barrow ditch sizes, to be confirmed by City Engineer; street island and drainage swale maintenance and management to be the responsibility of the homeowners association; and final modified roadway section design to be approved by the City Engineer.

A. IMPROVEMENT PLANS. Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for that development phase, showing all improvements contemplated within that phase of the development (hereinafter "Improvement Plans"). The Improvement Plans and all Improvement shall thereon meet the approval of the City, which

approval shall be given if such plans conform with established City requirements, the Master Plan (Exhibit "B") and this PUD Agreement.

- B. IMPROVEMENT DESIGN AND CONSTRUCTION. Developer, at its expense, shall cause all Improvements shown on the Improvement Plan to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided herein. Roadways within the project will be developed to approved alternate sections as determined by the City Engineer, per City Council conditional approval.
- C. PHASED CONSTRUCTION. Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City. City will commit water, sewer and pressure irrigation services only on a phase-by-phase basis.
- D. CONSTRUCTION SUPERVISION. Developer shall use a registered professional engineer to supervise the construction, inspection and testing of the work as necessary, to ensure that all

such improvements are constructed in accordance with the approved Improvement Plans.

- E. NON-COMPLIANCE. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will take in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates of occupancy should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued,

and its decision shall be final, except that the right of the parties are preserved at law and equity.

- F. FEES. Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant of the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.
 - G. MAINTENANCE OF IMPROVEMENTS. City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.
- 4. PLATS. Developer agrees to file with City preliminary plat, or plats in phases, prepared by a registered professional engineer, of the real property which is the subject of this agreement. Preliminary and final plats for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-ways the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the City.
 - 5. INDIVIDUAL PARCEL DEVELOPMENT CRITERIA. The Property or any portion thereof shall be developed in accordance with criteria set forth in this Section 5.

A. APPROVAL AND CONSTRUCTION. All improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld. All building plans shall be approved by the Project Architectural Control Committee.

B. LANDSCAPING AND PLANTING. Landscaping buffer along bordering and interior streets shall be required to be installed on each parcel of the Property and in the public right-of-way adjacent thereto at the time site and building improvements are completed thereon. Such landscaped buffer shall be installed from the back of the curb in the public right-of-way and shall be extended to the dimensions set forth below. Where curb and gutter does not exist the dimensions shall be from the edge of the paved travel way. A 35-foot wide landscape buffer including meandering sidewalk, measured from the back of the curb or edge of paved travel way, will be constructed along Eastland Drive and Hankins Road. In residential areas the landscaping shall be accomplished as part of individual lot development.

Each property will be required to meet the minimum requirements of City Code onsite to include adjacent landscape buffers in addition to the Master Development Plan. All landscaping shall be

installed in conformance with the project Master Development Plan. All landscaping maintenance will be in a uniform manner.

- C. PROJECT IRRIGATION. All residential lots and common areas will be irrigated utilizing a private pressurized irrigation system owned and operated by the Preserve Homeowners Association. The pressurized irrigation system will be designed and constructed on a phase basis.
- The Developer acknowledges that he has irrigation water shares and water rights, which is pertinent to the property described in Exhibit "A". The Developer will transfer water to the Preserve Home Owners Association on a Phase basis.
- D. LANDSCAPING PLAN. For each buffer area, adjacent to Eastland Drive North, at the time of development, each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height. The landscape buffer shall be planted with a minimum of one tree per five-hundred (500) square feet of landscaped area and a minimum of one shrub per one-hundred (100) square feet of landscaped area. At least fifty percent (50%) of the shrubs and trees shall be evergreen. At least fifty percent (50%)

of all trees and shrubs shall be from the groups last approved by the Tree Commission through its Tree Selection Guide. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet (4') when planted.

Landscaping adjacent to Hankins Road North shall be as specified for Eastland Drive North except that there shall be no requirement for berming.

Nothing herein shall preclude the Developer from submitting for approval of an alternative project landscaping plan.

All landscaping of common areas shall be maintained by the Preserve Home Owners Association.

E. STANDARDS. Buildings and improvements shall comply with the following standards. All building, site and landscaping plans shall be approved by the project architectural review committee.

1. ARCHITECTURAL STANDARDS. The community center/recreation facility building should be constructed of architectural masonry, stone, stucco, wood or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces. All buildings shall be designed to complement adjacent residential buildings. Basic building

colors shall be neutral earth tones and approved by the architectural control committee.

The community center/recreation facility building size shall not exceed 8,000 S.F. without majority approval of all members of the Preserve Planned Unit Homeowner's Association.

All plans for residential construction shall be approved by the Preserve Planned Unit Development Homeowner's Association Architectural Control Committee. At a minimum the committee shall establish for each phase a minimum building size, exterior materials, exterior colors, roof pitches, building site plan, landscaping and other lot improvements.

2. OUTSIDE STORAGE. The community center trash containers and such facilities shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or fencing. Screening shall be approved by the Developer or its assigns. No outside storage yards will be allowed within any subdivision phase.
3. UTILITIES. All on-site utility service lines located within any parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately

adjacent to the parcel shall be visibly screened where possible from the view from streets, with screening material such as landscaping or other approved material. This does not apply to curbside utilities in residential areas.

4. HEIGHT LIMITATIONS. Except for the CRO Zone Area no structure shall be higher than 35 feet.

5. SIGN PLAN.

A. PROJECT IDENTIFICATION SIGNS. Signs will be monument type signs with a maximum height of 10 feet measured above the adjacent curb and shall conform to City Code.

6. RESIDENTIAL USES. Residential uses shall conform to the appropriate code section for each area as outlined in Section 2A.

7. ILLUMINATION. Exterior lighting shall be shielded and cut-off type to preclude the light source being visible from the adjacent properties.

8. PUBLIC PEDESTRIAN/BICYCLE/PARKS FACILITES.

Development plans for each project phase and each building shall include facilities that will accommodate pedestrian and bicycle access to the project interior streets and the adjacent arterial streets and existing Canyon Rim Trail. Where reasonably feasible the pathways shall be separated from the

interior streets by landscaping or other features to encourage use of public pedestrian/bicycle facilities. The pedestrian and bicycle facilities shall be designed to provide connections between Hankins Road North, Eastland Drive North, and the Canyon Rim Trail system. The pathways may be developed in phases providing that each phase provides access from the developed phase to previously completed phase. Developer shall be responsible for installation of all permanent pedestrian/bike trails and common areas located adjacent to the aforementioned trails, as depicted on attached Exhibit "B". Maintenance of public pedestrian/bike trails shall be the responsibility of the City at City's cost. Maintenance of the common areas, located adjacent to all public pedestrian/bike trails shall be the responsibility of the City.

A. PARK DEVELOPMENT.

The Developer has deeded to the City a 3 acre park at the Southeast corner of the intersection of Eastland Drive North and Pole Line Road East and a second 3 acre park in the eastern portion of the property will be dedicated when Development occurs within on half mile of Hankins Road. The balance of the park requirement has been met through construction of a pedestrian/bicycle trail connecting Eastland Drive North

with the jump site adjacent to the Northeast corner of the developer's property.

B. Pedestrian/Bicycle Path adjacent to Eastland Drive

Per City Council conditional approval, the pedestrian/bicycle pathway along Eastland Drive shall be designed and constructed by developer, as approved by City Staff. Construction to be completed by June 1, 2021, or as separately agreed to between Developer and City Council.

9. TIME LIMITATIONS. The "PUD" Zoning designation on the Property described in Exhibit "A" is expressly conditioned upon submission to the City Council of a final development plan of the first phase of development within one (1) year from the date hereof. The Developer may apply for one or more one (1) year extensions, provided application is made in advance of the expiration date. Approval shall not unreasonably be withheld.
10. CONSTRUCTION ACCESS. Access to the site for construction activities from Pole Line Road will not be allowed during any phase of the project except for the three lots designated as estate lots on the Master Development Plan, as per COVENANT 2-A-2 in this agreement.
11. STANDARD DEVELOPER'S AGREEMENT. It is

understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.

12. GENERAL PROVISIONS.

- A. COOPERATION. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications, and working drawings required by the City.
- B. ENTIRE AGREEMENT. This agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduce to writing and signed by the parties.
- C. APPLICABLE LAW. This agreement shall be construed in accordance with the laws of the State of Idaho.
- D. NOTICES. If notices from one party to the other are desired or required hereunder such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if property

addressed, stamped and sent with "return receipt requested". ON the date of this agreement, the addresses of the parties are as follows.

DEVELOPER: Gary's Westland, L.L.C.
1042 Wildwood Way
Twin Falls, ID 83301

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

E. SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this agreement with respect to said transferred property.

F. SEVERABILITY. In the event any portion of this agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this agreement, and the remaining portions shall not be affected thereof.

G. SIGNATORIES. Each of the persons executing this agreement hereby warrants that he or she is duly authorized and empowered to so act on behalf of the

entity for which he or she is signing, and that this agreement is binding on, and enforceable against, such entity.

H. EFFECTIVE DATE. This agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.

I. ATTORNEY FEES. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails in such litigation, shall be entitled to a reasonable attorney's fee.

J. CONSTRUCTION. Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

K. ATTACHMENT. All attachments to this

Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.

L. CAPTIONS. The captions, sections and paragraph numbers appearing in this agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

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

CITY OF TWIN FALLS

ATTEST: Lisa A. Strickland BY: William Jean Boyd
Mayor
VICE MAYOR

Gary's Westland, L.L.C.

ATTEST: Connie Storrer BY: Connie Storrer

ACKNOWLEDGEMENTS

STATE OF IDAHO)
(ss.
COUNTY OF TWIN FALLS)

On this 15th day of June, 2018, before me, the undersigned, a Notary Public in and for said State and County, personally appeared Connie Sterner, known to me to be the Member of Gary's Westland, L.L.C. that executed the within and foregoing instrument, and acknowledged to me that he executed the same in said limited liability company.

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

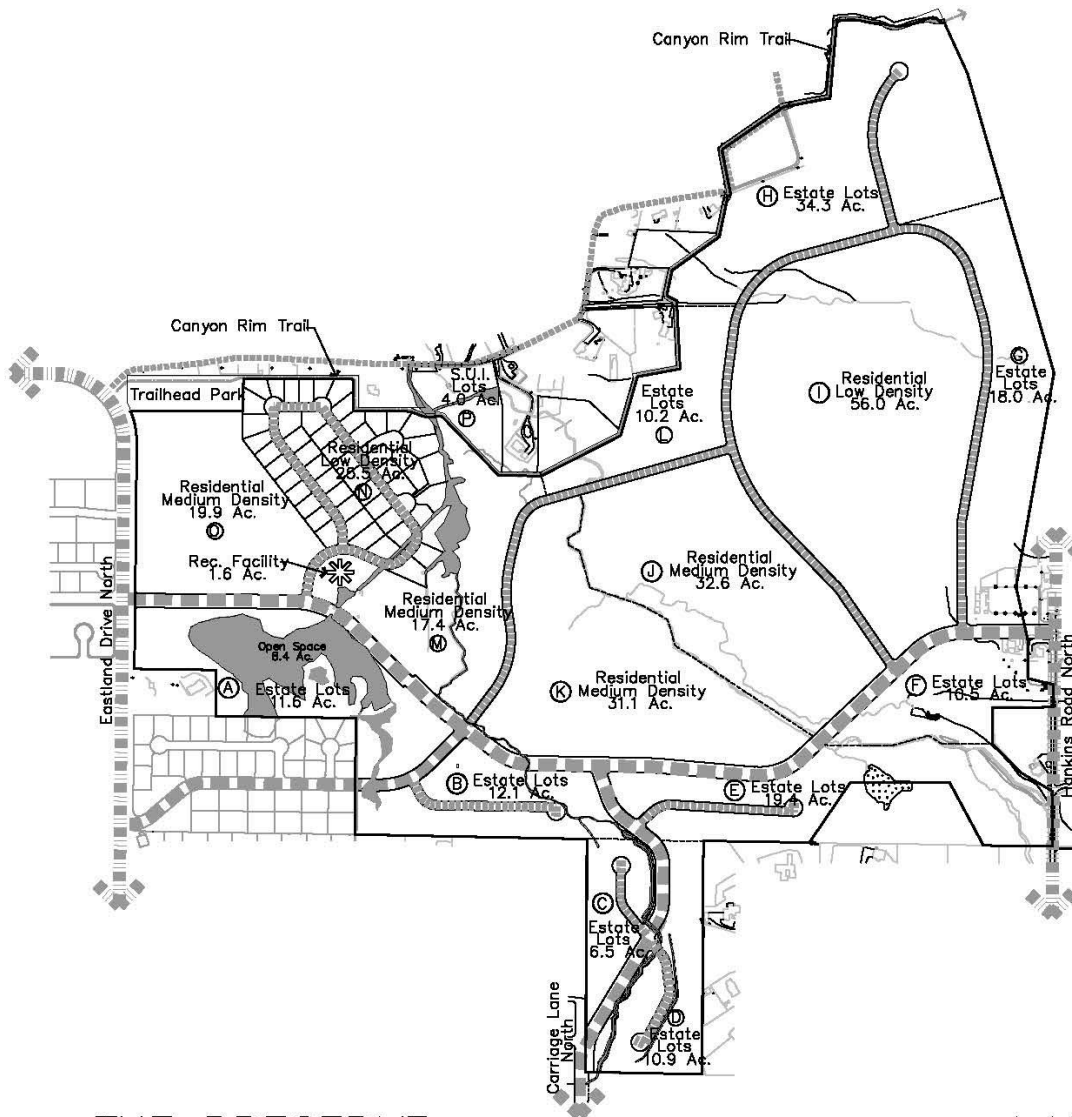
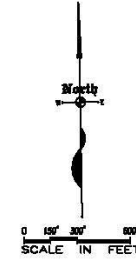


Martha Tolman
NOTARY PUBLIC FOR IDAHO
Residence of Twin Falls
My Commission Expires 6/7/18

RECEIVED

03/13/2018

City of Twin Falls
Planning & Zoning



SITE INFORMATION

REC. FACILITY	1.6
S.U.I.	4.0
ESTATE	133.5
LOW DENSITY	81.5
MEDIUM DENSITY	101
ROAD RIGHT OF WAYS	17.8
WETLAND OPEN SPACE	8.4
Total	347.8 Ac.

PARCEL AREA	DENSITY	UNITS/AC.	# UNITS
A 11.6	ESTATE	2	23
B 12.1	ESTATE	2	24
C 6.5	ESTATE	2	13
D 10.9	ESTATE	2	22
E 19.4	ESTATE	2	39
F 10.5	ESTATE	2	21
G 18.0	ESTATE	2	36
H 34.3	ESTATE	2	69
I 56.0	LOW	4	224
J 32.6	MEDIUM	5	163
K 31.1	MEDIUM	5	155
L 10.2	ESTATE	2	20
M 17.4	MEDIUM	5	87
N 25.5	LOW	4	102
O 19.9	MEDIUM	5	100
P 4.0	S.U.I.	1	3

Total	320	1101
TOTAL RESIDENTIAL DENSITY	3.46 DU	
PROJECT DENSITY	3.46 DU	

THE PRESERVE

Twin Falls, Idaho

LAND USE DIAGRAM

AEHM Engineers Inc.
Engineers / Surveyors / Planners
521 W. College Ave., Suite 100 Twin Falls, ID 83401
(208) 731-4666

LAND USE DIAGRAM FOR:
The Preserve
Twin Falls, Idaho

DO NOT SCALE DRAWINGS
CONSTRUCTION SHALL VERIFY ALL
DIMENSIONS AND LOCATIONS OF ALL
FEATURES AND CONDITIONS OF THE
PROJECTED DEVELOPMENT SHALL BE
IN ACCORDANCE WITH THE
APPROVED ZONING MAP.

DATE: 6. MAR 2018
BY: T. HENRIK
DATE: 7. MAR 2018
BY: J.M. 2018
DATE: 10 MAR
DATE: 10-17 FEB 2018

LANDSCAPE CHARACTER:



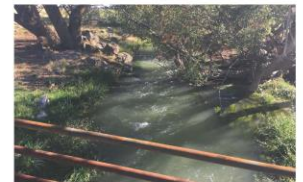
**CONCEPT
THE PRESERVE
TWIN FALLS, ID**

1 2/26/2018

SCALE 1" = 100'-0"



NATURAL AREA CHARACTER:



Callouts

- 1 - Development Entry Monument
- 2 - Neighborhood Entry Monument
- 3 - Tree Lined Boulevard
- 4 - Wetland area
- 5 - Landscaped Traffic Circles
- 6 - Wildlife viewing area (future)
- 7 - Required streetscape

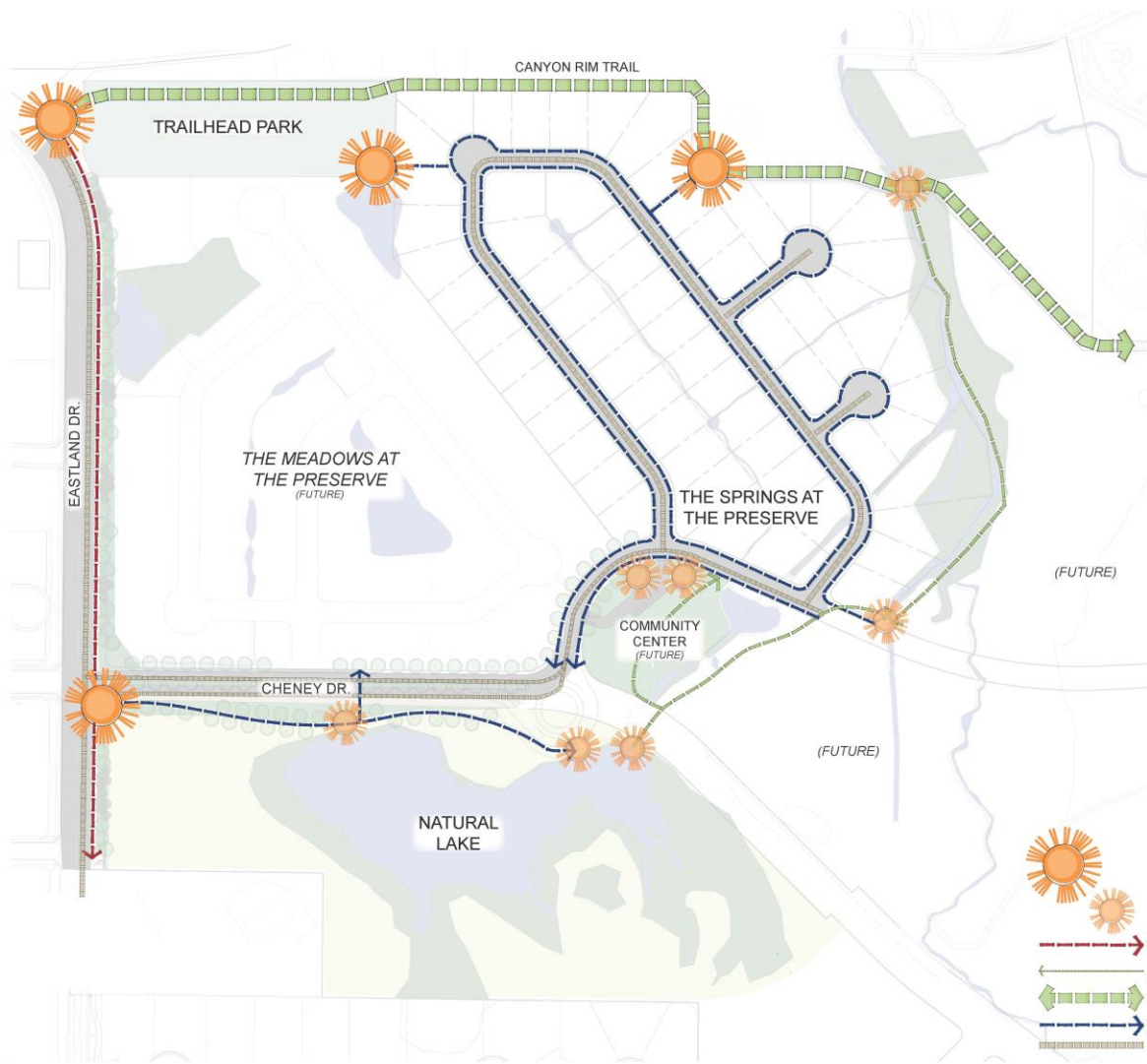


EXISTING FEATURES:



CIRCULATION CONCEPT THE PRESERVE TWIN FALLS, ID

2 2/26/2018 SCALE 1" = 100'-0"



EXISTING FEATURES:



MAJOR NODE

MINOR NODE/ WILDLIFE VIEWING

6'-0" EASTLAND DR. SIDEWALK

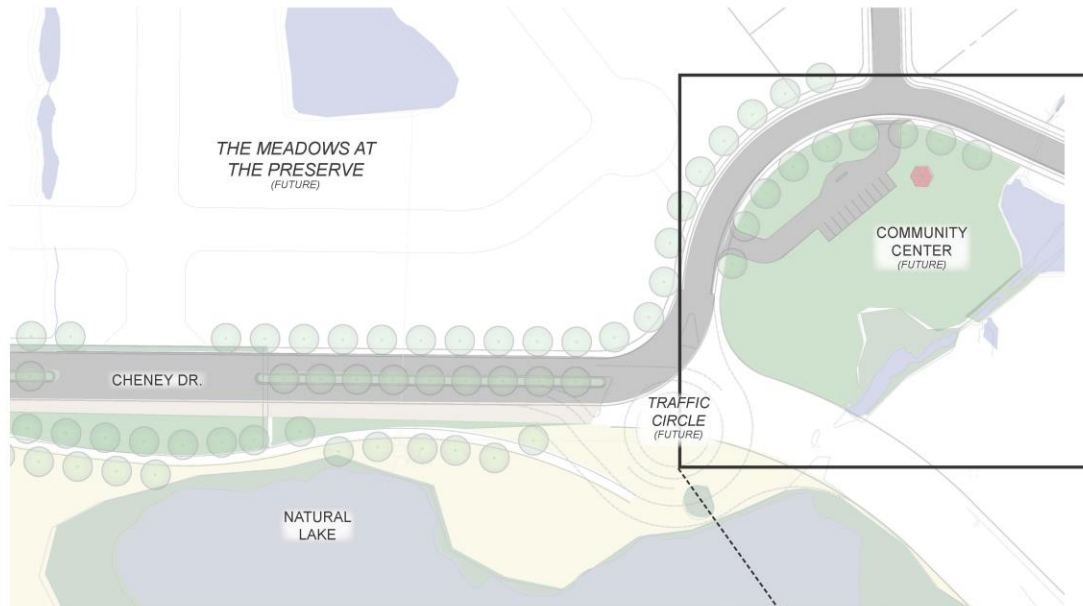
10'-0" CREEK TRAIL

10'-0" CANYON RIM TRAIL

INTERIOR PEDESTRIAN CIRCULATION

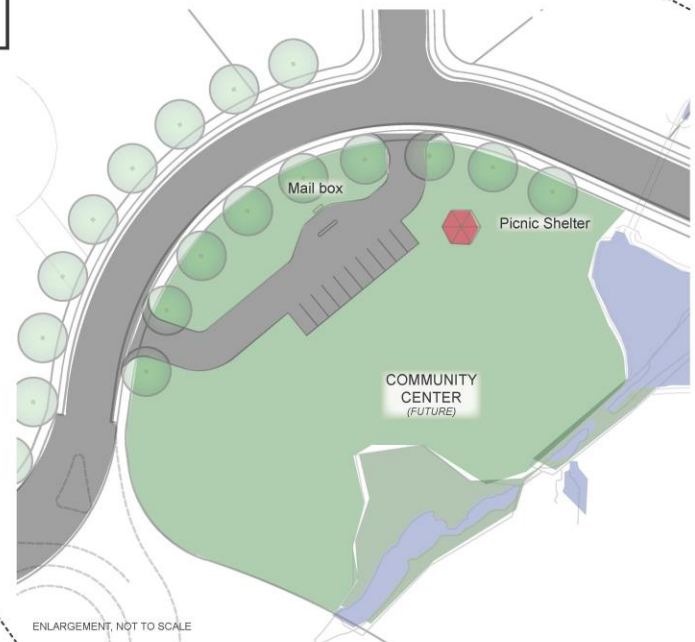
VEHICLE CIRCULATION





LANDSCAPE LEGEND

-  DECIDUOUS TREE
-  EVERGREEN TREE



COMMUNITY CENTER (FUTURE)
THE PRESERVE
TWIN FALLS, ID

4 2/26/2018

SCALE 1" = 100'-0"





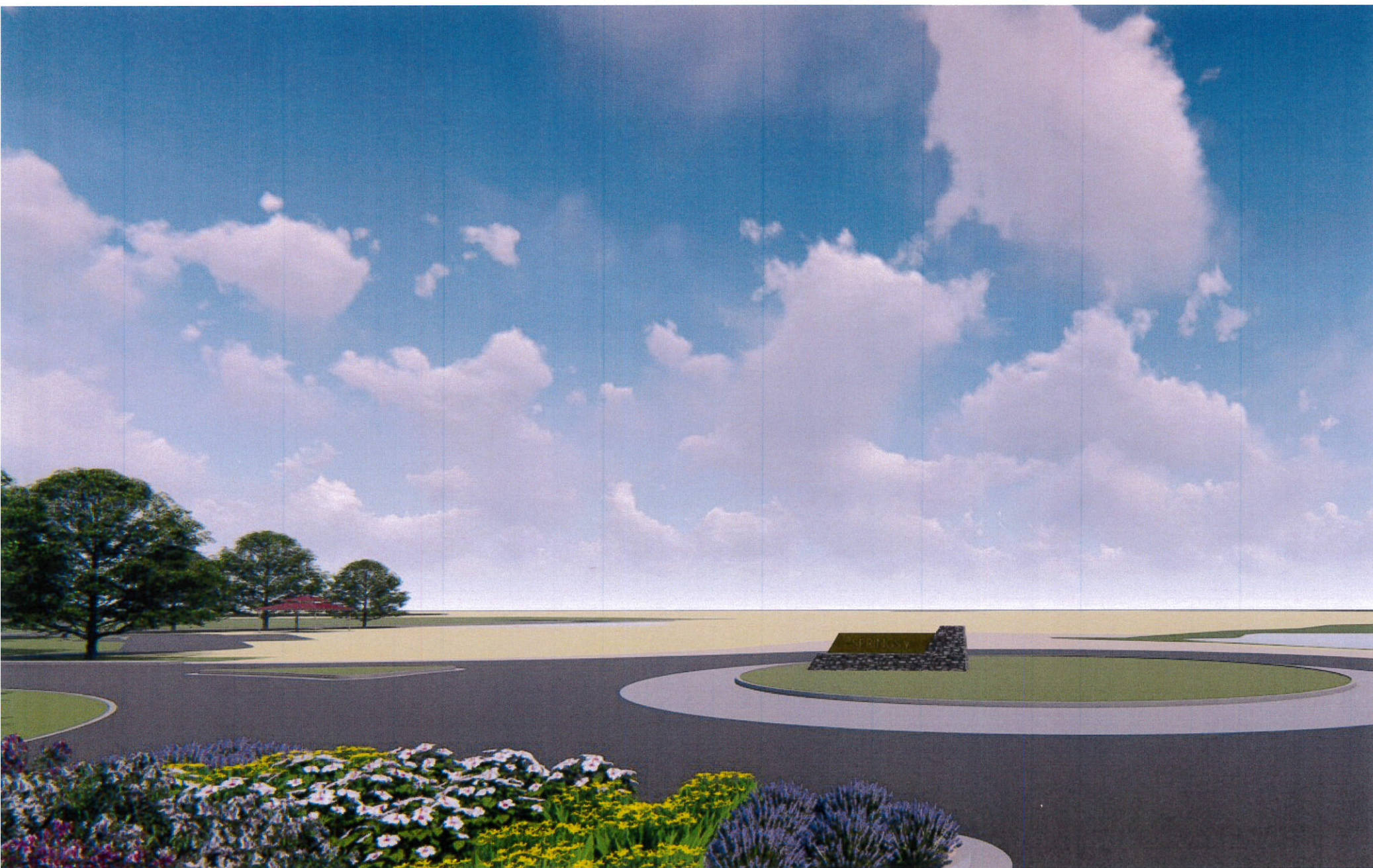




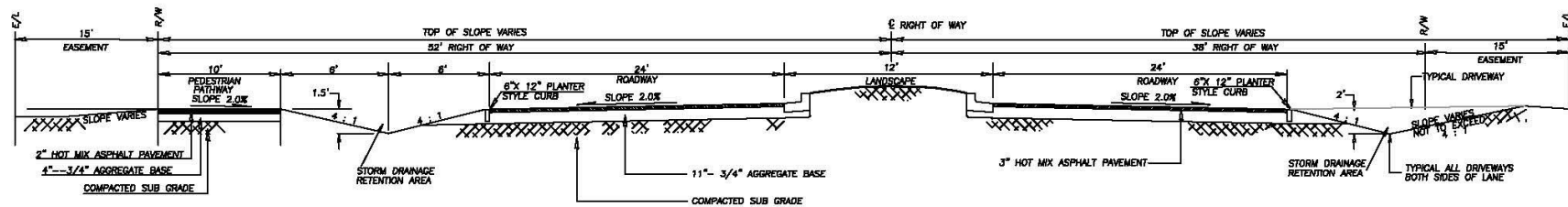








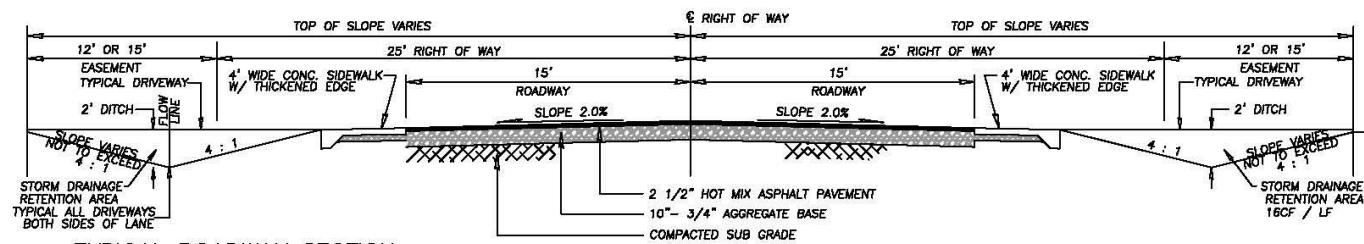




TYPICAL ROADWAY SECTION WITH ISLAND

Road: CHENEY DRIVE

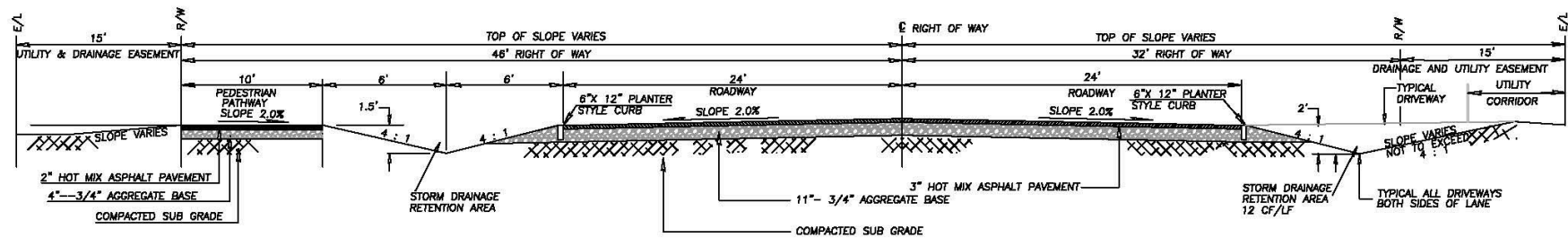
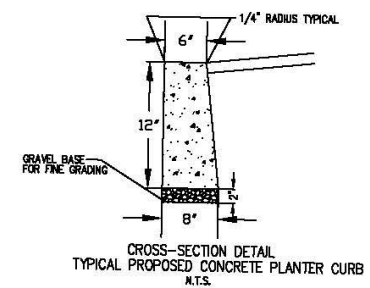
not to scale



TYPICAL ROADWAY SECTION

Roads: RESIDENTIAL STREETS

not to scale



TYPICAL ROADWAY SECTION

Road: COLLECTOR STREETS

not to scale



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 24, 2023, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301
COUNCIL CHAMBERS

Members -

City Limits: Craig Kelley, Chairperson; Marilu Perez, Vice-Chair; Todd Rambur; Cortney Campbell; Grayson Stone

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairman Kelley called the meeting to order at 06:06 PM

A quorum was present.

Members Present: Kelley, Stone, Detweiler, Rambur

Staff Present: Spendlove, Strickland, Martoma, Ebersole, O'Leary

2) Conflict of Interest Declaration

Commissioner Stone stated he will recuse himself from Item #5c, due to being the active listing broker.

3) Consent Calendar

MOTION: Commissioner Detweiler moved to approve the Consent Calendar, as presented.

Commissioner Stone seconded the motion.

Unanimously Approved by a vote of 4 to 0.

a) Approval of minutes from the following meeting: January 10, 2023

4) Items of Consideration

- a) Request for the consideration of the preliminary plat for the Clubhouse 12 at the Preserve, a PUD, Subdivision, approximately eight (+/-) acres consisting of 16 lots located at the northeast corner of Cheney Drive East and Clear Springs Loop c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0175)

Chairman Kelley stated there will be no public comment allowed on the Items of Consideration.

Staff Presentation:

City Planner Strickland presented the request for the consideration of the preliminary plat for the Clubhouse 12 at the Preserve, a PUD, Subdivision, approximately eight (+/-) acres consisting of 16 lots located at the northeast corner of Cheney Drive East and Clear Springs Loop c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0175)

Per City Code 10-12-2-3

The Commission shall review the preliminary plat. The Commission's decision is final unless appealed to the City Council. The final plat is reviewed by the City Council.

Commission's Findings: In determining the acceptance of a proposed subdivision, the Commission shall consider the objectives of this Title and at least the following:

- a. The conformance of the subdivision with a Comprehensive Plan.
- b. The availability of public services to accommodate the proposed development.
- c. The continuity of the proposed development with the capital improvement program.
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

The Clubhouse 12 preliminary plat is part of the Preserve PUD Master Development Plan and consists of 16 lots. The Preserve was previously platted in 2008 and consists of several phases. This phase will consist of 1 lot for a clubhouse, 3 lots for stormwater retention and 12 residential lots. An extension of Cheney Drive East will be constructed as part of this plat.

This preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3. It is compatible with the 2016 Comprehensive Plan "Grow With Us" which designates this area as "Town Neighborhood/Mixed Use", and is designed according to the PUD Master Development Plan approved in 2008.

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

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

Applicant Presentation:

Mark Kelly, applicant, presented the request for the consideration of the preliminary plat for the Clubhouse 12 at the Preserve, a PUD, Subdivision. He stated there will be 12 lots in this plat, with the smallest lot being 0.3 acres. He shared the conceptual plan for the plat.

PZ/Questions & Comments:

- Commissioner Detweiler asked about the use of the clubhouse.
- Mr. Kelly stated it will be a private facility for the entire Preserve HOA members.
- Chairman Kelley asked if this is the first clubhouse of this type in the city and if it is part of the original PUD.
- Mr. Kelly stated he isn't aware of another clubhouse, but he thinks it may be the largest. He stated he will talk with residents regarding the need for future clubhouses.

Discussions Followed:

- Commissioner Detweiler stated he is in favor of the request .
- Chairman Kelley stated the commission has seen this in preliminary form before, and believes it should be approved.

MOTION: Commissioner Detweiler moved to approve the request for the consideration of the preliminary plat for the Clubhouse 12 at the Preserve, a PUD, Subdivision, approximately eight (+/-) acres consisting of 16 lots located at the northeast corner of Cheney Drive East and Clear Springs Loop c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0175)
Commissioner Stone seconded the motion.

Unanimously Approved by a vote of 4 to 0.

- b) Request for the consideration of the preliminary plat for the Shady Creek at the Preserve, a PUD, Subdivision, approximately 52 (+/-) acres consisting of 78 lots located at Candleridge Drive and Cheney Drive East c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0176)

Planning and Zoning Director Spendlove stated to audience since plats are not public hearing items, questions can be addressed to staff at tfplanning@tfid.org, by phone at 208-735-7267, or in person at City Hall.

Staff Presentation:

City Planner Strickland and Planning and Zoning Director Spendlove clarified the plat request.

City Planner Strickland presented the request for the consideration of the preliminary plat for the Shady Creek at the Preserve, a PUD, Subdivision, approximately 52 (+/-) acres consisting of 78 lots located at Candleridge Drive and Cheney Drive East c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0176)

Per City Code 10-12-2-3

The Commission shall review the preliminary plat. The Commission's decision is final unless appealed to the City Council. The final plat is reviewed by the City Council.

Commission's Findings: In determining the acceptance of a proposed subdivision, the Commission shall consider the objectives of this Title and at least the following:

- a. The conformance of the subdivision with a Comprehensive Plan.
- b. The availability of public services to accommodate the proposed development.
- c. The continuity of the proposed development with the capital improvement program.
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

The Shady Creek preliminary plat is part of the Preserve PUD Master Development Plan and consists of 78 lots. The Preserve was previously platted in 2008 and consists of several phases. This phases will consist of 9 lots for stormwater retention/open space and 69 residential lots. An extension of Cheney Drive East will be constructed as part of this plat along with a connection to Carriage Ln N along the south end of the property.

This preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3. It is compatible with the 2016 Comprehensive Plan "Grow With Us" which designates this area as "Town Neighborhood/Mixed Use", and is designed according to the PUD Master Development Plan approved in 2008.

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

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

Applicant Presentation:

Mark Kelly, applicant, presented the request for the preliminary plat for the consideration of the preliminary plat for the Shady Creek at the Preserve, a PUD, Subdivision, approximately 52 (+/-) acres consisting of 78 lots located at Candleridge Drive and Cheney Drive East. He stated the neighbors received written notification within a 350' radius. He stated this will be a phased project with 3 phases,

69 developable lots. He stated the minimum lot size is 0.3 acres, with the majority of lots being over 0.5 acres.

PZ/Questions & Comments:

- Commissioner Stone asked if there is enough water/sewer capacity for that many lots.
- Planning and Zoning Director Spendlove stated the water/sewer plans are handled at the construction plans stage and explained the process for the developer.
- Commissioner Stone asked the intent for the infrastructure development.
- Mr. Kelly stated the infrastructure plan is to install it in phases. He stated the sewer in now. will put in necessary water systems and fire systems.

Discussions Followed:

- Commissioner Detweiler stated he likes the larger residential lot sizes.
- Chairman Kelley stated he is in favor of the plat as it has a lower density than expected.

MOTION: Commissioner Detweiler moved to approve the request for the preliminary plat for the Shady Creek at the Preserve, a PUD, Subdivision, approximately 52 (+/-) acres consisting of 78 lots located at Candleridge Drive and Cheney Drive East c/o Harmony Design & Engineering on behalf of Mark Kelly. (PZ22-0176)

Commissioner Stone seconded the motion.

Unanimously Approved by a vote of 4 to 0.

5) Public Hearings

- a) Request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from C-1 PUD to R-6 PRO for approximately four acres on property located on the 1900 block of Washington Street North c/o EHM Engineers, Inc. on behalf of Gerald Martens. (PZ22-0165)

Staff Presentation:

Planning and Zoning Director Spendlove presented the request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from C-1 PUD to R-6 PRO for approximately four acres on property located on the 1900 block of Washington Street North c/o EHM Engineers, Inc. on behalf of Gerald Martens. (PZ22-0165)

Per City Code 10-14-4

Zoning districts, zoning subdistricts and overlay districts shall be amended in the following manner:

(A) Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;

(B) If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and (Ord. 2012, 7-6-1981)

(C) If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

This property was originally zoned C-1 R-4 CRO within the Northbridge PUD in 1993. In 1994 Northbridge 2 PUD was created, separating the Northbridge PUD into two PUD Agreements. This property was then annexed in 2001 through a City Annexation process per Ord. 2712.

This property has remained part of the Northbridge 2 PUD and is zoned with several designations throughout the master development plan.

Subsequent developments occurred within the PUD during the ensuing 30 years. Within that time frame, multiple properties were rezoned for specific projects, beginning with River Vista in 2007 (Elevation 486 Building), and most recently Vista Rim ZDA in 2022 (townhomes next to Canyon Crest - not yet built).

These two pieces of land have simply become a remnant of the adjacent developments as they were not included in those other surrounding projects.

Although the currently ratified Northbridge PUD #2 has a modified list of land uses for the applicants land, the surrounding development pattern has resulted in a manner consistent with R6 PRO (Professional Office Overlay), and the Future Land Use Designation of Mixed Use.

The R6 zoning designation allows for various housing options (Single Family, Duplex, Tri-Plex, 4Plex, and Multi-Family); all of these would be restricted in the number of units based on the current R6 Zoning Laws for minimum land area per dwelling. Other factors also play a part in determining the possible number of units, such as: required parking, minimum access, easements, utilities, maximum height (35 feet) and minimum setbacks from property lines to name a few.

The PRO Zoning Designation would allow for the owner to go through an additional public hearing process (Special Use Permit) for limited office type uses to be constructed on the property as well. This overlay would allow for some mix of uses similar to what is currently found throughout the vicinity to the East and South-East of the project area.

Staff believes this request complies with the intent of Comprehensive Plan to have a mix of land uses within this area. Staff also does not foresee overtly detrimental impacts that would be associated with the approval of the rezone.

The Planning & Zoning Commission is charged with forwarding a recommendation on this request to the City council. The recommendation options are: approve, approve with conditions, deny, or table the request for additional information.

Applicant Presentation:

Gerald Martens, applicant, presented the request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from C-1 PUD to R-6 PRO for approximately four acres on property located on the 1900 block of Washington Street North. He stated the original PUD is the oldest in the city, with this request being the last piece to plat. He stated it will be used for Mixed Use, with no development plan at this time. He stated the first step is to get the zoning designation, and then come back with the development plat.

PZ/Questions & Comments:

- Commissioner Stone asked what keeps the applicant from creating a Zoning Development Agreement (ZDA).
- Planning and Zoning Director Spendlove stated there is nothing from keeping the applicant from creating a ZDA, but this request is only asking for a rezoning of the property to R6, Residential Multi-Household District, with a Professional Office Overlay. He explained the canyon rim overlay requirement change approved by City Council last year.
- Chairman Kelley asked what uses are permitted in the R6 zone.
- Planning and Zoning Director Spendlove clarified the allowed uses in the R6 zone.
- Commissioner Rambur asked if the Rivercrest Apartments went through same process.

- Planning and Zoning Director Spendlove clarified the process that the land where the Rivercrest Apartments are located went through when they came through for development.
- Commissioner Stone asked the prolonged impact on city utilities and asked about the road widening.
- Planning and Zoning Director Spendlove answered there will be a water model and explained the infrastructure process with platting.
- Commissioner Stone asked staff what land uses would be covered by PRO zone.
- Planning and Zoning Director Spendlove stated the PUD has use restrictions in certain areas. He stated this area was designated for residential and offices. He explained the request the commission is being asked to consider tonight, and reviewed the land uses in the area. He stated there is a 35' height limit in the R6 zone.

Public Hearing: Opened

- Peter Krell, representing the HOA south of the proposed development, read a list of questions and concerns from the HOA.
- Charles Brockway, business owner to the north of development, stated he is not in favor of this request. He believes it is at odds with Comprehensive Plan and the Canyon Rim Overlay. He stated he believes the current PUD works well in the area. He stated he does not believe R6 zoning is appropriate for this area, and would like it left as is.
- Mr. Martens answered some of the questions from the Public Input. He stated the infrastructure plan, with large setbacks for better site lines. He stated R6 zoning is more restrictive than the current PUD zone. He stated there has always been a mixed-use vision of this area, with multi family ownership or offices.
- Planning and Zoning Director Spendlove answered the maximum number of units allowed in the area and explained how the buildable land area is calculated. He described the setback and parking requirements and how that is calculated in the available buildable land.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur stated he is not sure on his decision about this request. He stated he is aware of the surrounding uses, but does not believe this is a good lot for commercial.
- Commissioner Detweiler stated this area has a bit of everything in it, and does not think these pieces should be different. He stated he is in favor of R6 zoning, as they have height restrictions keeping it from being too tall close to the canyon rim.
- Commissioner Stone stated C1 zoning has more liberal zoning requirements than R6 zoning. He stated he believes the request is harmonious, than the existing zoning and have a lower impact. He stated he is in favor of the request.
- Chairman Kelley stated the Comprehensive Plan states not concentrating one use in a single area and this area is a mixed-use area. He feels the size of lots will restrict what can be built and believes the request complies with Mixed Use designation and the Comprehensive Plan.
- Planning and Zoning Director Spendlove clarified the vote tonight is the change to the zoning, not what may be built there.
- Commissioner Stone stated this land is surrounded by offices and other buildings, so he believes the request complies with the Comprehensive Plan.
- Commissioner Stone stated this request fits with the Comprehensive Plan and appreciates the public comments and concerns. He stated he believes this request will help preserve harmonious character in this area.
- Commissioner Detweiler stated he does not think anything else fits in this area.
- Commissioner Rambur stated as only one business owner spoke, so he does not see much opposition to the request.
- Commissioner Detweiler spoke to the residential use in the area.

MOTION: Commissioner Stone moved to approve the request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from C-1 PUD to R-6 PRO for approximately four acres on property located on the 1900 block of Washington Street North c/o EHM Engineers, Inc. on behalf of Gerald Martens, as presented, with staff recommendations. (PZ22-0165)
Commissioner Detweiler seconded the motion.

Unanimously Approved by a vote of 4 to 0.

- b) Request for a recommendation to City Council of C-1 as the appropriate Zoning District for a proposed annexation of property located at 1881 Pole Line Road East c/o EHM Engineers, Inc. on behalf of JAE Foundation, LLC. (PZ22-0171)

Staff Presentation:

Senior Planner Martoma presented the request for a recommendation to City Council of C-1 as the appropriate Zoning District for a proposed annexation of property located at 1881 Pole Line Road East c/o EHM Engineers, Inc. on behalf of JAE Foundation, LLC. (PZ22-0171)

Per City Code 10-15-2, the Planning and Zoning Commission shall conduct at least one public hearing to send a recommendation to the City Council for the proposed plan and zoning designation. Interested persons shall have an opportunity to be heard at the Commission and Council hearings. The Planning & Zoning Commission hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

The subject property is located in the "area of impact" and has a current zoning designation of SUI, Suburban-Urban Interface District. The subject property is approximately 1.69 (+/-) acres and has been utilized for retail/professional office space. The applicant, on behalf of JAE Foundation, LLC, is requesting a recommendation of C1 as the zoning designation of the subject property as part of their request to the City Council for annexation. The applicant has cited in their application that the purpose of their request is to continue the previous retail/professional office use of the property. The applicant has further stated their intent to, "expand the use by the owner, Jae Foundation, LLC, and tenants to provide counseling, mental and physical therapy, and foundation administrative services."

The previous use of the subject property was as a retail/professional office space. The applicant's intended use of the subject property is as a "medical facility" providing "rehabilitation services". Both the previous use and the intended use of the subject property are consistent with the uses permitted in the C1, Commercial Highway District.

The Planning and Zoning Commission is tasked with making a recommendation to the City Council on the zoning designation being requested by the applicant. The Planning and Zoning Commission's recommendation may be to approve the request as presented, request a different zoning designation, or table the request in order to acquire additional information.

Applicant Presentation:

Gerald Martens, representing the applicant, presented the request for a recommendation to City Council of C-1 as the appropriate Zoning District for a proposed annexation of property located at 1881 Pole Line Road East. He explained the plan for the building expansion and reason for the request. Jamie Shetler, Executive Director of Jae Foundation, explained the work and mission of the Jae Foundation.

PZ/Questions & Comments:

- Commissioner Stone asked for the Zoning Map to be displayed. He stated the area all around this property has been annexed, except two properties on Pole Line Rd.

- Chairman Kelley stated the commission is only voting on the appropriate zone for the property, not the annexation of the property.
- Planning and Zoning Director Spendlove clarified the commission's vote and reviewed the Area of Impact versus the city limits.
- Chairman Kelley asked if the commission has seen a similar request in this area before.
- Senior Planner Martoma stated yes.
- Commissioner Detweiler asked the applicant where the Jae Foundation is operating now.
- The applicant stated they are operating out of this facility at 1881 Pole Line Road East.

Public Hearing: Opened

- Brett Staples, neighbor next door, stated he is not opposed to the request, but stated he has had issues with previous neighbors. He would like a solid 7' - 8' privacy fence request between the two properties to curtail theft and having people on his property. He stated the drain in the parking lot is an issue, because it is not working, and causing water to go onto his property. He stated he would like these issues addressed with this request.
- Mr. Martens clarified once the property is annexed into the city, there are requirements that would address screening/fencing and storm water retained on site. He stated they will work with the neighbor and will address issues once annexed.

Public Hearing: Closed

Discussions Followed:

- Commissioner Stone stated he has no issues with the recommendation.
- Commissioner Rambur believes this will bring the property into conformity and is in favor of the request.
- Commissioner Detweiler stated he thinks Mr. Staples has legitimate concerns and believes the applicant will take care of any issues.
- Chairman Kelley stated he is in favor of the request.

MOTION: Commissioner Stone moved to approve the request for a recommendation to City Council of C-1 as the appropriate Zoning District for a proposed annexation of property located at 1881 Pole Line Road East c/o EHM Engineers, Inc. on behalf of JAE Foundation, LLC., as presented, with staff recommendations. (PZ22-0171)
Commissioner Rambur seconded the motion.

Unanimously approved by a vote of 4 to 0.

Commissioner Stone stepped down from the dais.

- c) Request for a Special Use Permit to allow a private academic school, in conjunction with a religious facility on property located at 1061 Eastland Drive North c/o Lynn J. Schaal on behalf of Amazing Grace Fellowship. (PZ22-0173)

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit to allow a private academic school, in conjunction with a religious facility on property located at 1061 Eastland Drive North c/o Lynn J. Schaal on behalf of Amazing Grace Fellowship. (PZ22-0173)

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

The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions

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

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

Standards Applicable to Special Uses:

- Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

The property is zoned R-2 and has operated as a religious facility for over 20 years. The facility also provides daycare/pre-school services. The property currently has 3 special use permits. #0324 allowed the applicant to establish a religious facility in 1992. #0885 allowed the applicant to expand the existing religious facility by more than 25% in 2004. #1143 allowed for a public preschool/daycare facility to operate within the religious facility in 2009.

The applicant is proposing to operate a K-8 educational facility between 8:30 – 3:15 Mon – Fri and is anticipating up to 100 students initially. The property has ample parking, two accesses and is located along an arterial gateway built to support a higher volume of traffic. The facility already has daycare/pre-school that operates during the week and staff has not received any complaints related to these services. The land use is compatible with the comprehensive plan. The building may have some building alterations that need to be made to accommodate the number of students proposed and the applicant has been made aware. Additional permits may need to be approved and completed prior to establishing the K-8 educational facility. Staff has reviewed the request for a special use permits. City Code requires a special use permit within the R-2 residential zoning district for both religious facilities and schools. The 2016 Comprehensive Plan "Grow With Us" has the area designated at Town Neighborhood. The land use proposed is compatible with this designation. Staff does not foresee any negative impacts should the request be approved.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

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

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

Applicant Presentation:

Pastor Lynn J. Schaal, applicant, presented the request for the request for a Special Use Permit to allow a private academic school, in conjunction with a religious facility on property located at 1061 Eastland Drive North. He stated the church would like to provide a classical Christian school in Twin Falls, and this has been part of the Strategic Plan for the church.

Wayne Thowless, architect, presented the plan for the school. He reviewed the layout of the church and current preschool. He stated the building could legally accommodate 1200 people at this time. He shared the desired growth pattern and phasing for the school.

PZ/Questions & Comments:

- Commissioner Rambur asked where the school will be located.
- Mr. Thowless shared where the school will be located at the church.
- Commissioner Rambur asked about noise from outside bells.
- Pastor Schaal stated they don't envision needing outside bells and will staff will direct students to the building, no different than the current preschool.
- Commissioner Detweiler asked about the current preschool hours.
- Pastor Schaal stated the preschool operates 5 days a week.
- Chairman Kelley asked the student pick up and drop off route.
- Pastor Schaal shared the pick up and drop off path through the property.
- Commissioner Rambur asked for clarification if the pick up location will be on the west side of property.
- Chairman Kelley asked if the church has talked to neighbors regarding the project.
- Pastor Schaal stated he believes the neighbors are supportive and have been notified, as directed.

Public Hearing: Opened

- Jay Jensen, citizen, he has no objection to the project. He asked what will happen if there is a request for reducing the speed limit on Eastland Drive, with the school use. He stated he does not feel the request would be conducive to area, sharing his concern for bottle neck traffic on Eastland Drive.
- Pastor Schaal clarified only right-hand turn will be allowed leaving the property.
- Planning and Zoning Director Spendlove clarified the advertisement was for the school, not the number of students. He stated whatever the number of students, the church will have to meet fire and building code. He stated it is in the purview of the commission to condition, but staff does not believe it is necessary. If there is an expansion of the building of 25% or more, in the future, that triggers a Special Use Permit. He addressed eastland is a city road and city engineer would determine whether there needs to be an appropriate change to the street. He stated the commission can add a condition to have the applicant pay for improvements, if required by the City Engineer. He stated the only way to improve Eastland Drive would be to eliminate the left turn access. Speed limit changes would go through the City Engineer and City Council, and that request would be brought forward by the applicant.
- Commissioner Rambur asked about the current entrance.
- The location of the entrance was clarified.

Public Hearing: Closed

Discussions Followed:

- Chairman Kelley stated he is confident in school staff to do their job. He believes the building is big enough now to accommodate the school.
- Commissioner Detweiler stated there is a valid traffic concern, but does not believe it will be enough of an issue to stop the process. He stated the church is on a big lot and is large enough for the use. He stated the noise concerns were addressed by the applicant, and any traffic issues will be addressed, when needed.
- Commissioner Rambur agreed and is in favor of the request.

MOTION: Commissioner Detweiler moved to approve the request for a Special Use Permit to allow a private academic school, in conjunction with a religious facility on property located at 1061 Eastland Drive North c/o Lynn J. Schaal on behalf of Amazing Grace Fellowship, as presented, with staff recommendations. (PZ22-0173)
Commissioner Rambur seconded the motion.

Unanimously Approved by a vote of 3 to 0.

6) Upcoming Meeting(s)

- a) Wednesday, February 1, 2023 Worksession
 - Planning and Zoning Director Spendlove gave a Code Rewrite status to the commission, and stated the February Worksession is cancelled.
- Tuesday, February 14, 2023

7) Adjournment

The meeting adjourned at 08:13 PM

Kelli Ebersole

Kelli Ebersole, Technician



Date: Tuesday, February 28, 2023
To: Planning and Zoning Commission
From: Jonathan Spendlove

ACTION ITEM

Request:

Request for a recommendation to City Council on an Amendment to the Vista Rim ZDA to modify overall design theme, building materials, and height restrictions on property located at 292 Canyon Crest Drive c/o Andrew Erstad, erstad Architects on behalf of John Odom. (PZ22-0177)

Time Estimate:

Approximately 5-10 minutes for the presentation with questions/comments to follow.

Background:

The applicant is seeking to modify the overall design theme, by changing the building architecture and materials, as well as modifying the maximum height limits to reflect the recent changes to the City Code for the Canyon Rim Overlay Zone.

Approval Process:

Per City Code 10-6-1, the Planning & Zoning Commission shall complete a preliminary review of the request prior to a public hearing. Following the public hearing, the Commission shall forward a recommendation to the City Council. After receiving a recommendation from the Planning & Zoning Commission, the City Council shall require a Public Hearing to be held. Following the public hearing, the Council shall act on the proposed item.

Budget Impact:

N/A

Regulatory Impact:

If approved, the overall theme of the Development will be modified to reflect the new drawings submitted with this application. In addition, the buildings identified in the new drawings will be allowed the maximum heights as identified in the drawings.

History:

This property was originally part of the Northbridge #2 PUD that was ratified in 1994. Over the years, this particular piece has not been developed. However, multiple parcels in the area have seen various rezones and PUD's take place, as well as buildings constructed for offices, homes, convention centers and restaurants. Most recently, the Vista Rim ZDA went through the public hearing process to create a residential townhome development in 2021.

Analysis:

The changes being sought by the applicant are as follows: modified overall design theme (including building materials and architectural elements), height limitations to match the newly updated Canyon Rim Overlay (50' maximum for areas beyond 150' from the Canyon Rim).

The overall design theme changes are a significant enough departure from the original approval that City

Code requires a reassessment and approval by the Council. The elevations submitted by the applicant show an earth tone color palette with browns and grays, which is similar to other developments in the area. These designs would not appear to be detracting, or out of place in this area.

The City Code for height limitations in the Canyon Rim Overlay was recently changed to read as follows:

..." Within the CI Zoning District: No building shall exceed the maximum building height of twenty-five feet (25') in height measured at fifty linear feet (50') from the canyon rim and rising evenly to thirty-five feet (35') in height measured at one hundred linear feet (100') from the canyon rim, and thereafter rising evenly to fifty feet (50') in height measured at one hundred fifty linear feet (150') from the canyon rim." ...

The applicant is seeking to use this new change to allow for the 3-story buildings, as shown on their Conceptual Master Plan, to be constructed up to ~39'. It should be noted, due to this development being within a ZDA, the building heights will be set at the elevations as shown within this application. Approval of this provision will not permit a building of 50' in height to be constructed on this property. However, it will allow their submitted elevations possible to be constructed.

Staff believes this request to be in general compliance with the currently adopted Comprehensive Plan.

Conclusion:

The Commission is tasked with making a recommendation to City Council. The Commission may recommend one of the following: approval as presented, approval with conditions, denial; or the Commission may table the item to seek additional information.

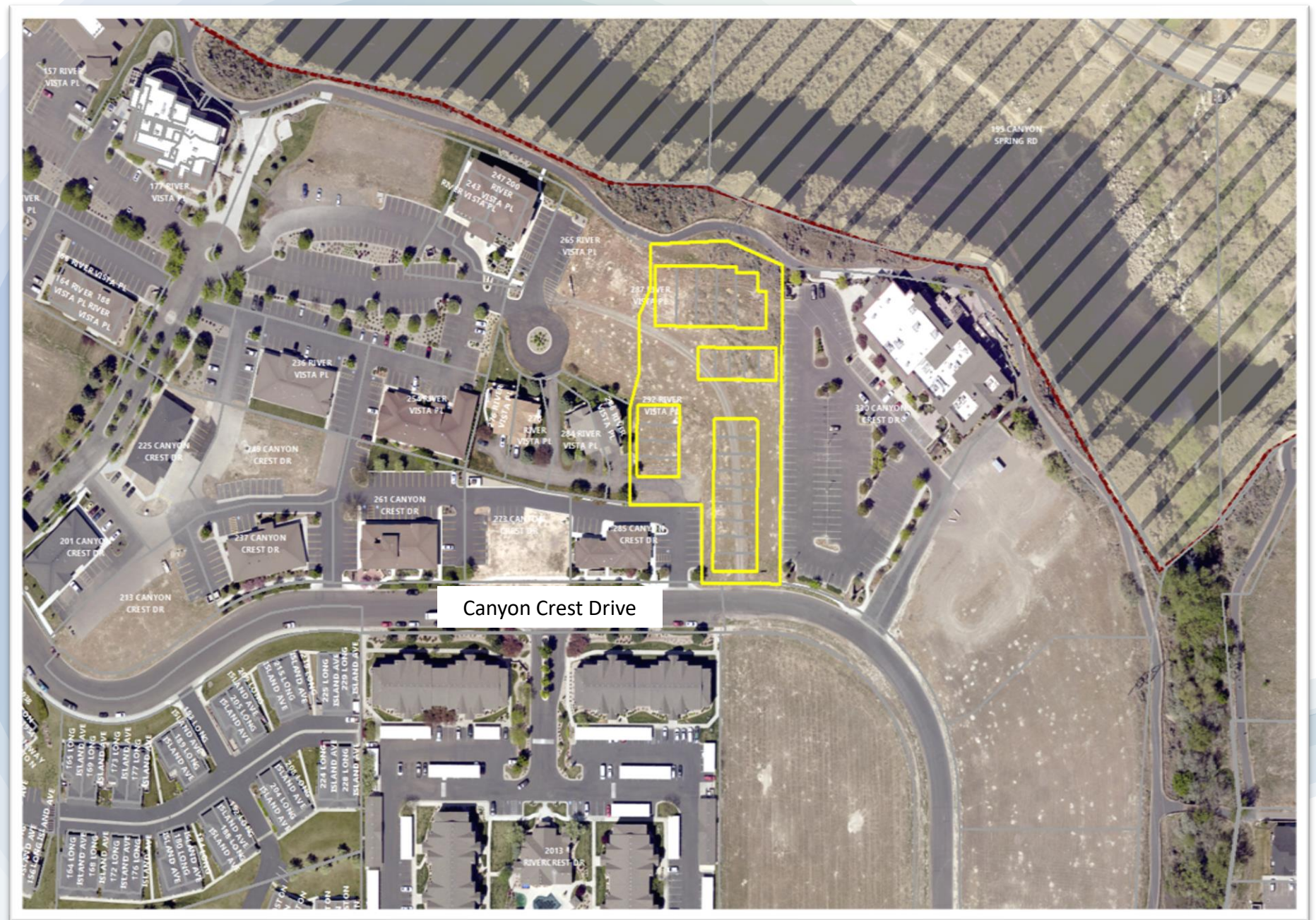
If the Commission recommends approval, Staff recommends the following condition:

1. Subject to site plan amendments as required by Building, Engineering, Fire, or Zoning Officials, to ensure compliance with applicable Codes and Standards.

Attachments:

1. Vicinity Map
2. Current Zoning Map
3. Future Land Use Map
4. Applicant Narrative
5. Applicant Vista Rim - Site Plan
6. Applicant Vista Rim - Bldg Elevations
7. Applicant Allowable Height Change
8. Vista Rim ZDA - recorded 3-12-21 (O-2021-004)

Vicinity Map



Zoning Map

Property Information

Subject Property

Current Zoning: C-1 CRO ZDA (Vista Rim ZDA)

Current Land Use: Undeveloped

Proposed Zoning: No Change Requested

Proposed Land Use: Residential Townhomes

Surrounding Area:

North: Snake River Canyon

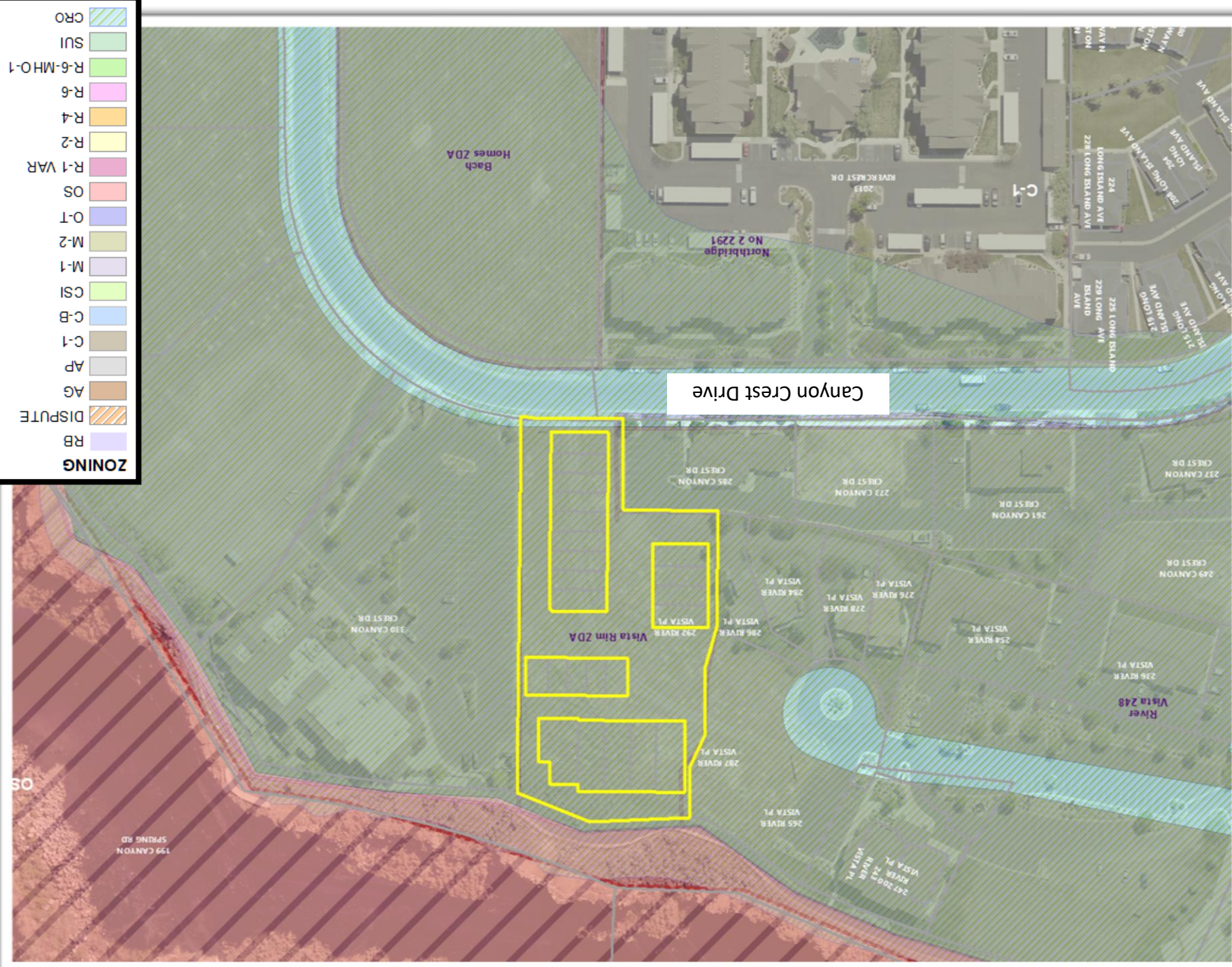
South: Canyon Crest Drive

East: Commercial

West: Professional Office

Applicable Regulations

10-1, 10-4-8, Vista Rim ZDA



FLU Map

Mixed Use

Defining Characteristics

Serves local and regional commercial

Typically anchored by a grocery store, civic, or entertainment uses

Allows high-intensity mixed use development in a compact, pedestrian oriented environment.

Pedestrian activity is the highest priority; buildings should be located close to the street.

Land Use Mix

Retail • Office • Restaurants • Civic • Entertainment • Townhomes • Condominiums • Apartments • Senior /student housing • Hotels/Plazas and parks

Gross Density/Size

10 - 20 DU per acre





December 27, 2022

Twin Falls City Planning & Development
PO Box 1907
Twin Falls, ID 83303

Project: Vista Rim Townhomes ZDA
Reference: **ZDA Amendment**

Dear Twin Falls Planning Dept:

Below is a summary of the requested changes to the Vista Rim Townhomes ZDA in Twin Falls, ID.

This amendment requests a modification to the design characteristics of townhomes. The proposed design includes changing the main roof form from a shed roof to a gable form with intersecting minor gables to frame the townhome living spaces and patios. The overall building height of the three story townhomes changes to 38' – 9". The two story townhome overall building height is now to 30' – 0". The proposed materials pull inspiration from the local context with brick, weathered steel, and vertical board and batt siding.

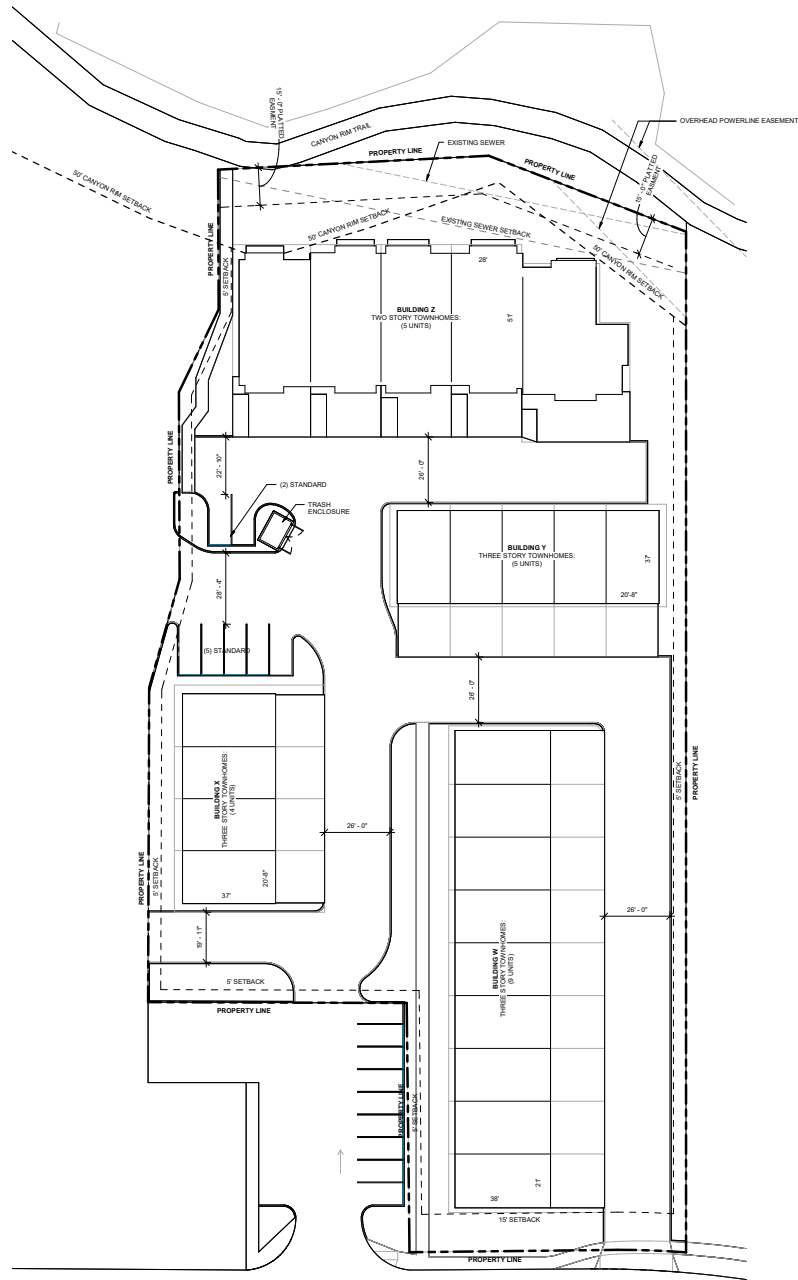
This amendment also proposes a change to the language describing the allowable building height. This modification reflects the newest canyon rim overlay district height requirements, allowing up to 50ft at 150ft setback from the canyon rim.

This amendment will allow for the proposed 38' - 9" height at the three story townhouses. This minimal height increase will have little affect on the surrounding area. The modification to the design character will have a positive impact to the surrounding area and neighborhood, by helping reinforce a sense of place and community with references to vernacular forms and materials and high attention to design character and detail.

If our response raises additional questions or comments, please do not hesitate to contact me.

Respectfully Submitted,
Nick Oelrich

A handwritten signature in black ink, which appears to be 'Nick Oelrich', is written over a circular stamp. The stamp contains the word 'erstad' in a bold, lowercase, sans-serif font. The signature is written in a cursive style, with the first letter 'N' being particularly large and stylized.



CANYON CREST DRIVE

ground floor site plan
1" = 20'-0"

general notes:

- THIS SITE PLAN IS PROVIDED FOR GENERAL COORDINATION PURPOSES. REFER TO AND COORDINATE WITH RESPECTIVE CIVIL, LANDSCAPE, MECHANICAL, AND ELECTRICAL DRAWINGS FOR ADDITIONAL SPECIFIC INFORMATION.
- COORDINATE WITH CIVIL DRAWINGS FOR ALL UTILITY LOCATIONS, FINAL GRADING & DRAINAGE.
- CONTRACTOR TO VERIFY ALL LOCATIONS AND DIMENSIONS IN THE FIELD.
- RE: GEOTECH ENGINEERING REPORT FOR SOIL BEARING PRESSURES, EXISTING SOIL CONDITIONS AND CONSTRUCTION CONSIDERATIONS.
- RE: LANDSCAPE DRAWINGS FOR PLANTINGS.
- RE: ELECTRICAL AND BUILDING ELEVATIONS FOR BUILDING MOUNTED EXTERIOR LIGHTING.

keynote

legend:



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canyon crest townhomes

revision:
no. desc. date

project: 220742
date: 12.27.2022

schematic
design

architectural
site plan

a1.11

exterior material schedule:		
FINISH	LEGEND	DESCRIPTION
MTL1		METAL PANEL COLOR: WHEATHERED STEEL
MTL2		STANDING SEAM METAL ROOF COLOR: GREY
CB		MANUFACTURER: AMERICAN FIBER CEMENT CORPORATION PRODUCT: CEMENT BOARD BOARD AND BATT COLOR: GREY
BR		MANUFACTURER: INTERSTATE BRICK PRODUCT: FACE BRICK COLOR: EBONY



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canyon crest townhomes

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schematic
design

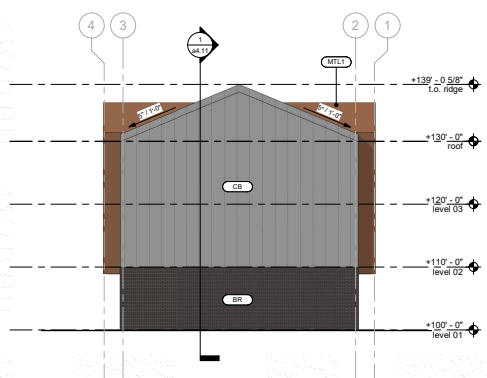
exterior
elevations -
building w
a3.11



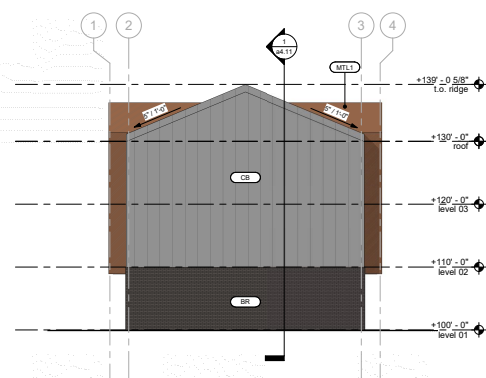
1 building w - east elevation
1/8" = 1'-0"



2 building w - west elevation
1/8" = 1'-0"

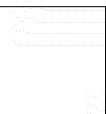


3 building w - north elevation
1/8" = 1'-0"



4 building w - south elevation
1/8" = 1'-0"

exterior material schedule:		
FINISH	LEGEND	DESCRIPTION
MTL1		METAL PANEL COLOR: WEATHERED STEEL
MTL2		STANDING SEAM METAL ROOF COLOR: GREY
CB		MANUFACTURER: AMERICAN FIBER CEMENT CORPORATION PRODUCT: CEMENT BOARD, BOARD AND BATT COLOR: GREY
BR		MANUFACTURER: INTERSTATE BRICK PRODUCT: FACE BRICK COLOR: EBONY



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canyon crest townhomes

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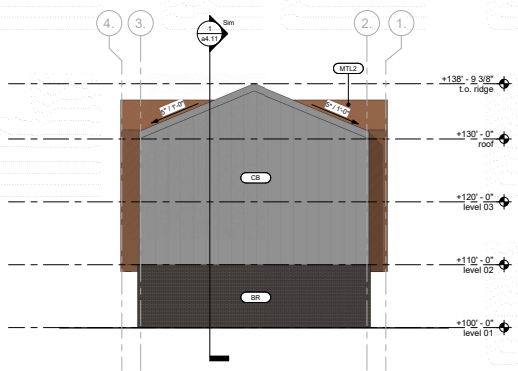
project: 220742
date: 12.27.2022

schematic
design

exterior
elevations -
building x
a3.12



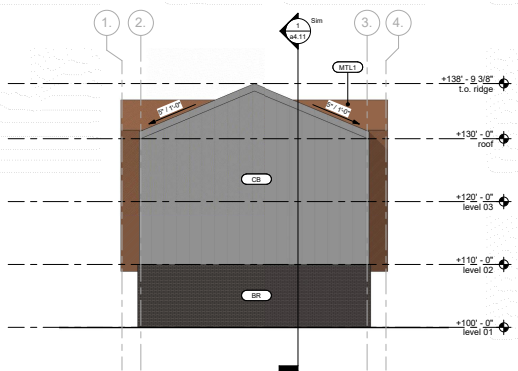
1 building x - east elevation
1/8" = 1'-0"



2 building x - north elevation
1/8" = 1'-0"



3 building x - west elevation
1/8" = 1'-0"



4 building x - south elevation
1/8" = 1'-0"

exterior material schedule:		
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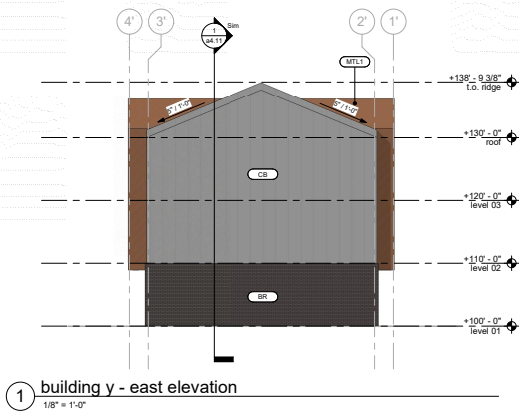
canyon crest townhomes

revision:
no. desc. date

project: 220742
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schematic
design

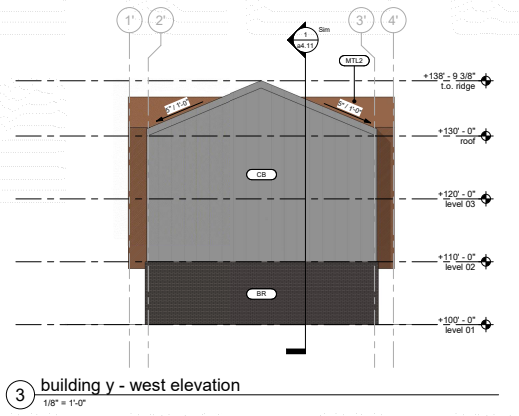
exterior
elevations -
building y
a3.13



1 building y - east elevation
1/8" = 1'-0"



2 building y - north elevation
1/8" = 1'-0"



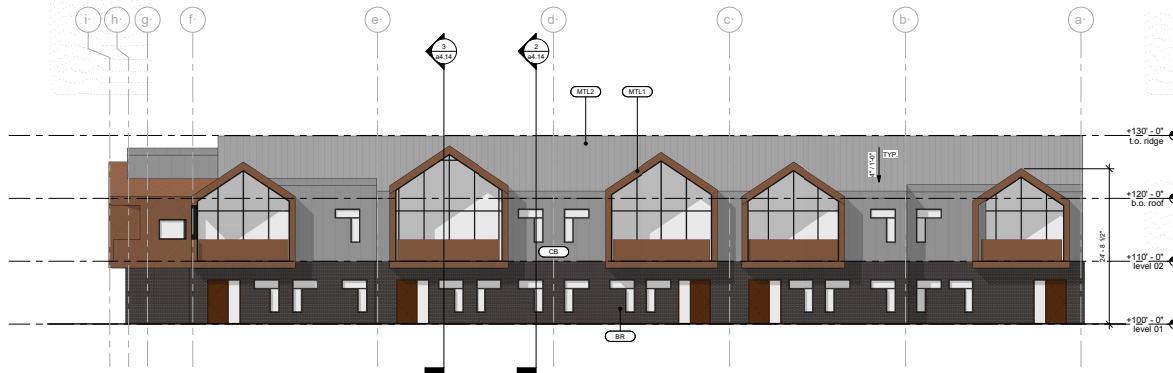
3 building y - west elevation
1/8" = 1'-0"



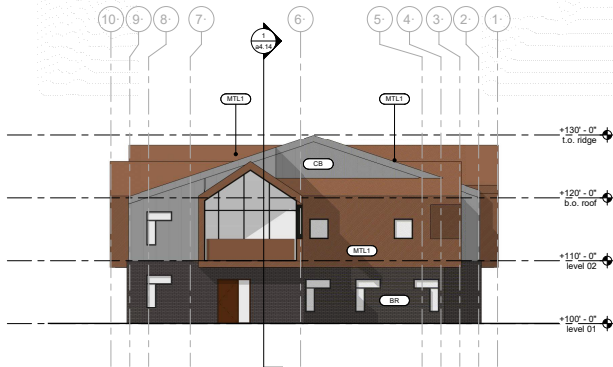
4 building y - south elevation
1/8" = 1'-0"



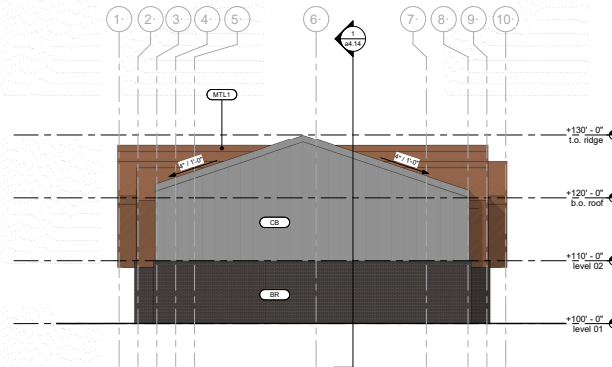
1 building z - south elevation
1/8" = 1'-0"



2 building z - north elevation
1/8" = 1'-0"

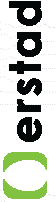


3 building z - east elevation
1/8" = 1'-0"



4 building z - west elevation
1/8" = 1'-0"

exterior material schedule:		
FINISH	LEGEND	DESCRIPTION
MTL1		METAL PANEL COLOR: WEATHERED STEEL
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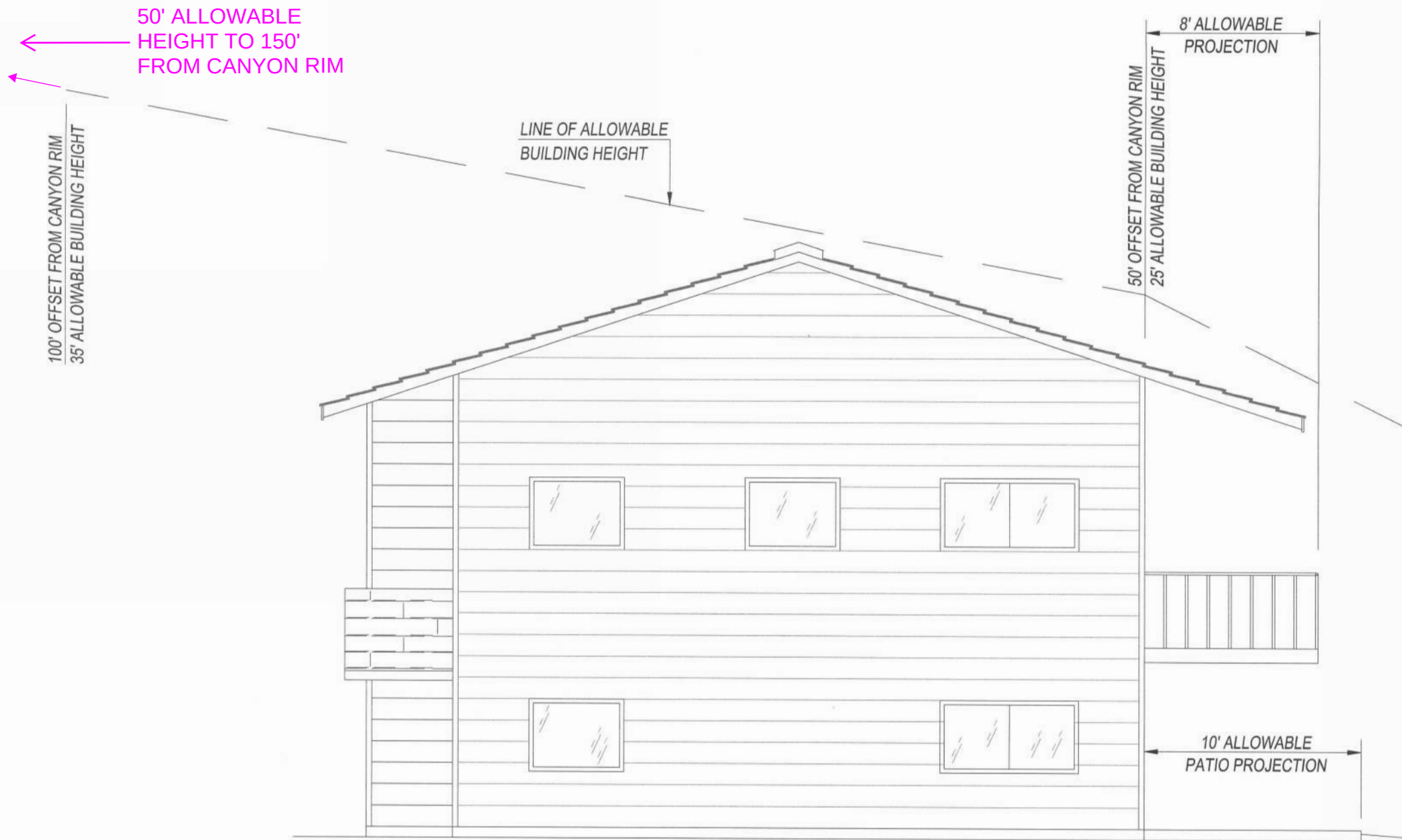
canyon crest townhomes

revision:
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schematic
design

exterior
elevations -
building z
a3.14



Projection Allowance only permitted on 2 buildings as shown on master development plan. Per City Council conditioned approval.

Exhibit B

ORDINANCE NO. O-2021-004

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

WHEREAS, Federation Pointe, LLC_has made application for rezoning of property located at 287 & 292 River Vista Place; City of Twin Falls, and an amendment of the revised Area of Impact and Comprehensive Plan Land Use Map; and

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 26th day of January, 2021, to consider the Zoning Designation and necessary Zoning & Planning Map amendment upon a rezone of the real property below described, and an amendment to the revised area of Impact and Comprehensive Plan Land Use Map; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 22nd day of February, 2021.

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

SECTION 1. The following described real property located at 287 & 292 River Vista Place is the subject of a Zoning District Change and Zoning Map amendment from C-1 PUD to C-1/CRO ZDA.

"Exhibit A"-Legal Description

"Exhibit B"-Zoning Development Agreement

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

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other

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

PASSED BY THE CITY COUNCIL

March 8, 2021

SIGNED BY THE MAYOR

March 8, 2021

Guth Pierce
Vice Mayor

ATTEST:

Amey Leno
Deputy City Clerk

PUBLISH: Thursday, MARCH 11, 2021

EXHIBIT A
ZDA Legal Description
Twin Falls County, Idaho

Being a portion of Lots 10 and 11, Block 1 as shown on that certain map entitled "The Pinnacle Subdivision, A Planned Unit Development", recorded August 26, 1996 as Instrument No. 1996-014850 in the office of the County Recorder of Twin Falls, and a portion of the North half of the Southwest Quarter of Section 33, Township 9 South, Range 17 East, Boise Meridian more particularly described as follows:

Beginning at the Northeast corner of said Lot 10 and being the REAL POINT OF BEGINNING;

Thence, North $87^{\circ}17'06''$ East 32.62 feet;

Thence, South $68^{\circ}44'23''$ East 84.15 feet to the Northwest corner of that certain map entitled "Westpark Commercial Subdivision No. 4", recorded May 25, 2007 as Instrument No. 2007-012709 in said office of the County Recorder of Twin Falls County;

Thence, along the West Boundary of said map (2007-012709), South $00^{\circ}13'48''$ West 405.84 feet to the Southwest corner thereof;

Thence, along the North Right-of-Way of Canyon Crest Drive, along the arc of a non-tangent curve to the left having a radius of 282.00 feet, through a central angle of $05^{\circ}32'36''$, an arc distance of 27.28 feet and long chord that bears North $87^{\circ}38'57''$ West 27.27 feet;

Thence, continuing along said North Right-of-way, South $89^{\circ}34'43''$ West 82.75 feet to the Southeast corner of that certain map entitled "River Vista South Subdivision, A Planned Unit Development", recorded June 29, 2006 as Instrument No. 2006-015859;

Thence, along the East Boundary of said map (2006-015859), North $00^{\circ}25'15''$ West 99.11 feet to the Southeast corner of said Lot 11;

Thence, along the South Boundary of said Lot 11, North $89^{\circ}34'43''$ West 102.84 feet to the Southwest corner thereof;

Thence, along the West Boundary of said Lot 11, North $00^{\circ}25'17''$ East 125.00 feet;

Thence, leaving said West Boundary, North $15^{\circ}54'11''$ East 44.87 feet;

Thence, North $00^{\circ}00'00''$ East 24.02 feet to a point on the North Boundary of said Lot 11;

Thence, leaving said North Boundary, North $00^{\circ}00'00''$ East 50.31 feet;

Thence, North $25^{\circ}54'11''$ East 36.50 feet;

Thence, North $00^{\circ}00'00''$ East 55.57 feet to a point on the North Boundary of said Lot 10;

Thence, along said North Boundary, North $87^{\circ}17'06''$ East 75.11 feet to said REAL POINT OF BEGINNING.

Containing approximately 1.79 Acres.

End of Description

Vista Rim Townhomes, ZDA

A C1/CRO Commercial Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this 11th day of MARCH, 2021, by and between the City of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Federation Pointe, L.L.C. (hereinafter called "Developer") for the purpose of developing a Residential Subdivision on property located North of Canyon Crest Drive, adjacent to the Snake River Canyon Rim, known as Vista Rim Townhomes Subdivision, a ZDA.

NOW THEREFORE:

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

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

A. Lot Area:

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

B. Lot Occupancy:

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

C. Yards:

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

Vista Rim Townhomes, ZDA

A C1/CRO Commercial Zoning Development Agreement

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

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

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

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

D. Other Development Criteria:

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

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

Vista Rim Townhomes, ZDA

A C1/CRO Commercial Zoning Development Agreement

Developer: Federation Pointe, L.L.C.
675 Riverview Drive
Twin Falls, ID 83301

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

"CITY"
CITY OF TWIN FALLS

By: Ruth Pierce
Vice Mayor

ATTEST:

Leila A. Sanchez
City Clerk, Deputy

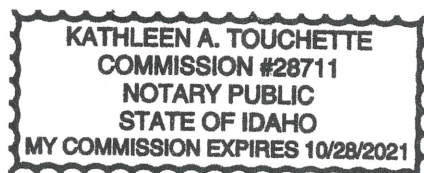
"DEVELOPER"
Federation Pointe, L.L.C.
Michael G. McBride, Managing Member

By: Michael G. McBride

STATE OF IDAHO)
ss
County of Twin Falls)

On this 11th day of March, 2021 before me, a Notary Public for said County and State, personally appeared Ruth Pierce and Leila A. Sanchez, known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and acknowledged to me that such City executed the same.

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



Kathleen A. Touchette

Residing at TWIN FALLS, ID

Commission Expires: 10/28/2021

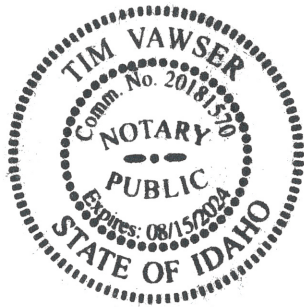
Vista Rim Townhomes, ZDA

A C1/CRO Commercial Zoning Development Agreement

STATE OF Idaho)
County of Twin Falls) ss

On this 11TH day of MARCH, 2021 before me, a Notary Public for said County and State, personally appeared Michael G. McBride, known or identified to me, to be the person, that executed said instrument.

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

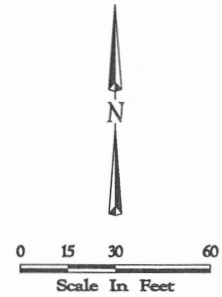
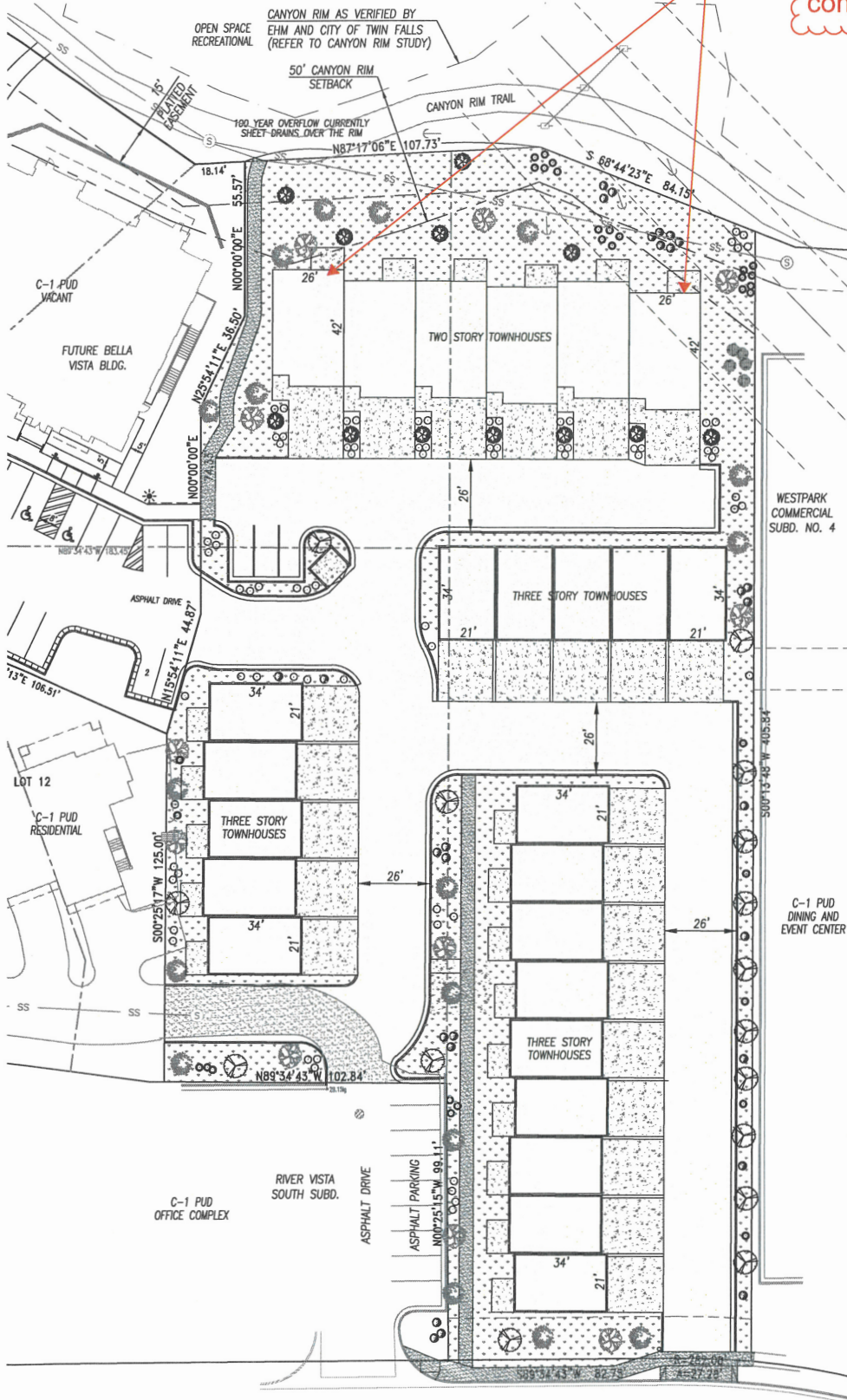


[Signature]

Residing at KIMBERLY, ID

Commission Expires: 8-15-2024

Projection allowance only permitted for these buildings. Per City Council conditioned approval.



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

PARKING COUNTS:

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

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

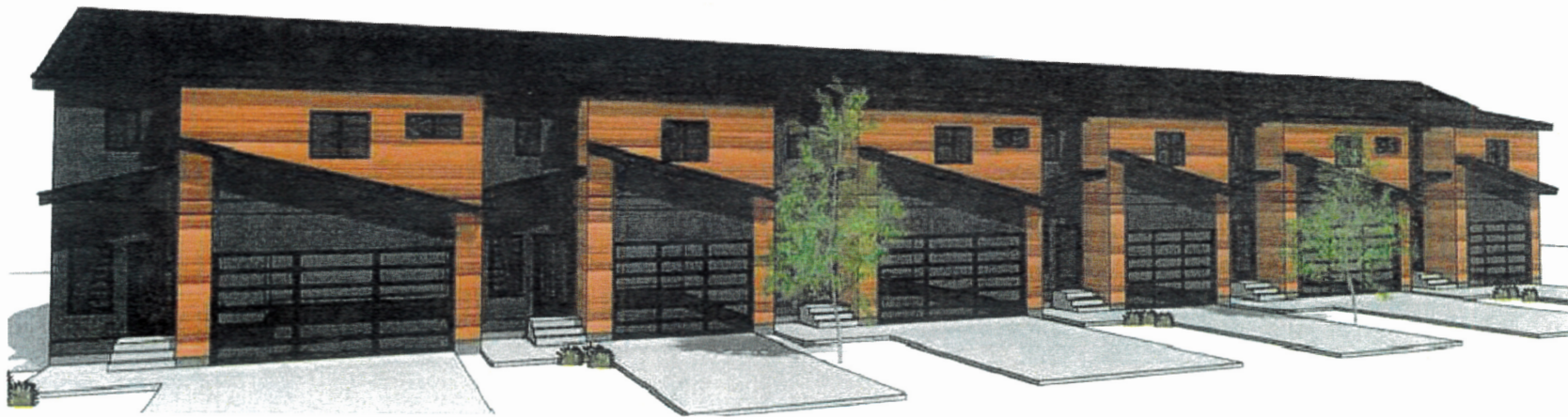
NOTES:

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

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

Canyon Crest Drive

C-1 ZDA
APARTMENT COMPLEX

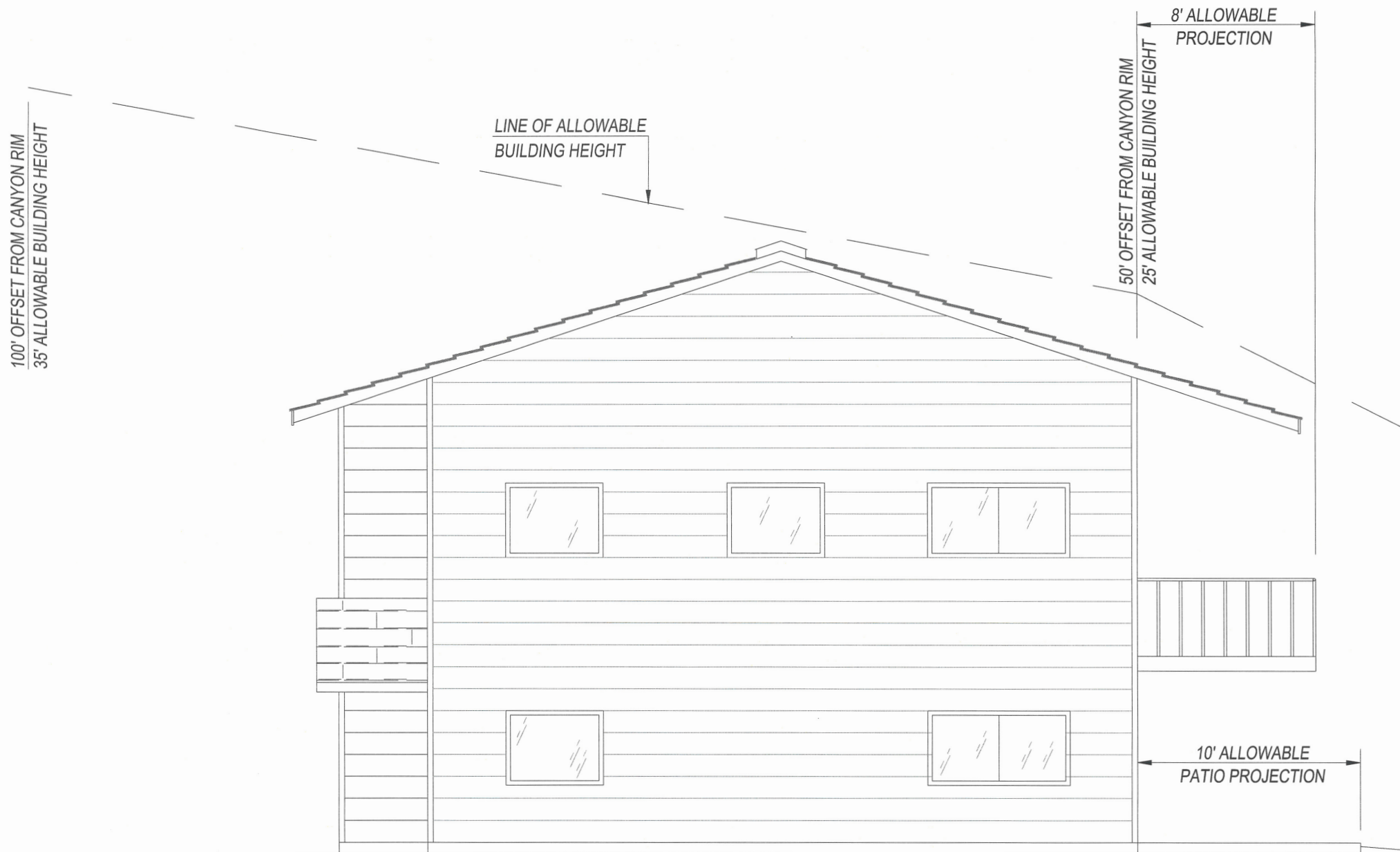


2 - Story Units



3 - Story Units

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



Projection Allowance only permitted on 2 buildings as shown on master development plan. Per City Council conditioned approval.

Exhibit B

ORDINANCE NO. O-2021-003

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

WHEREAS, Federation Pointe, LLC c/o Michael G. McBride has made application for vacation of the easement located at 287 & 292 River Vista Place; 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 26th day of January, 2021, 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 22nd day of February, 2021.

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:

"Exhibit A" - Legal Description

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

March 8, 2021

SIGNED BY THE MAYOR

March 8, 2021

Vince Bata Science
Mayor

ATTEST:

Jimmy Luna
Deputy City Clerk

PUBLISH: Thursday, MARCH 11, 2021

EXHIBIT A

Legal Description

Landscape, Utility, Irrigation & Public Access Easement to be Vacated (Lot 10 & 11) Twin Falls County, Idaho

Being a portion of that certain "Landscape, Utility, Irr. & Access Easement" in Lots 10 and 11, Block 1 as shown on that certain map entitled "The Pinnacle Subdivision, A Planned Unit Development", recorded August 26, 1996 as Instrument No. 1996-014850 in the office of the County Recorder of Twin Falls, and a portion of the North half of the Southwest Quarter of Section 33, Township 9 South, Range 17 East, Boise Meridian, more particularly described as follows:

Beginning at the Northeast corner of said Lot 11 and being the REAL POINT OF BEGINNING;

Thence, along the East Boundary of said Lot 11, South 00°13'48" West 15.00 feet to a point on said "Landscape, Utility, Irr. & Access Easement";

Thence, along said Easement, North 89°34'43" West 90.34 feet;

Thence, leaving said Easement, North 00°00'00" East 30.00 feet to a point on said "Landscape, Utility, Irr. & Access Easement";

Thence, along said Easement, South 89°34'43" East 90.46 feet to a point on the East Boundary of said Lot 10;

Thence, along the East Boundary of said Lot 11, South 00°13'48" West 15.00 feet to said REAL POINT OF BEGINNING.

End of Description

[illegible]

Canyon Crest Drive