



Twin Falls Planning & Zoning Commission Agenda

Tuesday, May 13, 2025, 6:00 PM

Members -

City Limits: Cortney Campbell, Chairperson; Tiffany Zimmerman, Vice-Chairperson; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Rui Gomes

Area of Impact: Jeff Bulkley

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Conflict of Interest Declaration
- 3) Consent Calendar
 - a) Request to approve the minutes from the following meeting: April 22, 2025.
- 4) Items of Consideration
 - a) **ACTION ITEM:** Request for the consideration of the Preliminary Plat for Cattail Subdivision, consisting of 6 lots on 5.5 (+/-) acres on property located on the 1600 block of Mountain View Dr. c/o David Thibault on behalf of Kent Taylor (PZ25-0045)
By: William Klaver, Senior City Planner
 - b) **PRESENTATION:** Preliminary Presentation for a request for a recommendation to City Council for a Zoning Development Agreement/Zoning District Change, from Neighborhood Commercial to R6 High Density Residential, on property located at the 900 block of Falls Ave W. c/o EHM Engineers, Inc on behalf of Grandview Farms, LLC (PZ25-0039).
By: Kelli Ebersole, City Planner
- 5) Public Hearings
 - a) **ACTION ITEM:** Request for a recommendation for a Zoning District Change/Zoning Development Agreement from R-2 to R-4 ZDA on property located at 807 Wendell St. c/o Sid Lezamiz (PZ25-0002)
By: William Klaver, Senior City Planner
 - b) **ACTION ITEM:** Request to approve a Special Use Permit to allow a drive-thru on property located at 1657 Sun West Way. c/o Matt Ahrens on behalf of Jimmy James (PZ25-0034).
By: Kelli Ebersole, City Planner
 - c) **ACTION ITEM:** Request for a Special Use Permit to allow a fourplex on property located at 1445 Washington St S. c/o Kahler Nield on behalf of Derrick Ellis (PZ25-0036).
By: William Klaver, Senior City Planner
 - d) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "Supplemental Regulations" and "Wellhead Protection Overlay District". c/o City of Twin Falls
By: Jonathan Spendlove & William Klaver

6) Upcoming Meeting(s)

- a) June 4, 2025 - Work Session - This will be a public hearing for Title 10 rewrite.
June 10, 2025.

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, April 22, 2025, 6:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

Members -

City Limits: Cortney Campbell, Chairperson; Tiffany Zimmerman, Vice-Chairperson; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Rui Gomes

Area of Impact: Jeff Bulkley

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Campbell called the meeting to order at 06:00 PM

Members Attending: Campbell, Zimmerman, Rambur, Gomes, Bulkley

Staff Attending: Spendlove, Klaver, Green, Palmer

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Request to approve the minutes from the following meeting: April 8, 2025.

Vice-Chairperson Zimmerman made a motion to approve the consent calendar, as presented. Commissioner Bulkley seconded the motion.

4) Items of Consideration

- a) Preliminary Presentation for a request for a Zoning District Change/Zoning Map Amendment from R-2 to R-4 ZDA on property located at 807 Wendell St. c/o Sid Lezamiz (PZ25-0002).

Staff Presentation:

Senior City Planner Klaver presented the Preliminary Presentation for a request for a Zoning District Change/Zoning Map Amendment from R-2 to R-4 ZDA on property located at 807 Wendell St. c/o Sid Lezamiz (PZ25-0002).

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA.

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

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

A full analysis of this application will be provided during the public hearing.

Staff makes no recommendations at this time. Staff will present a full analysis of the request at the public hearing scheduled for Tuesday, May 13, 2025.

PZ/Questions & Comments:

- Commissioner Bulkley asked if there have been any soil samples done on this property.
- Sid Lezamiz replied that fill and water were brought in after the demo and packed. He has no concerns about the ground.
- Commissioner Gomes asked about alley and if they are going to hard surface it.
- Sid Lezamiz replied that they would make it a little wider solid surface paved alley, they are adding parking behind garage 45' deep with extra storage for occupants.
- Commissioner Gomes asked about Robbins Avenue and the standard. Are there going to be curbs.
- Senior Planner Klaver responded that there are no sidewalks or curbs.
- Commissioner Bulkley asked about Robbins and Lawrence and the current condition.
- Senior Planner Klaver explained that part of the ZDA agreement is to build roads and alley standards.
- Chairperson Campbell asked if the neighbors had been notified.
- Senior Planner Klaver not for prelim but will be for meeting
- Vice-Chairperson Zimmerman asked about the number of units for the project and only having 12 garages, will the other tenants have to park on the street.
- Senior Planner Klaver replied that there will be extra parking for studios.

5) Public Hearings

- a) Request for a recommendation for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to “subdivisions”. c/o City of Twin Falls (PZ24-0121).

Staff Presentation:

Director Spendlove presented the request for a recommendation for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to “subdivisions”. c/o City of Twin Falls (PZ24-0121).

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments 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
- 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.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The Commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

- 1. Move to recommend approval for the proposed zoning text amendment to the subdivision regulations chapter of Title 10 as presented;*
- 2. Move to recommend approval with conditions for the proposed zoning text amendment to the subdivision chapter of Title 10; or*
- 3. Move to table the item to a date certain of _____*

PZ/Questions & Comments:

- Commissioner Bulkley asked if someone could just come and vent.
- Director Spendlove responded that a plat is not a public hearing item. If they would like to make it a public hearing item they can make it a condition. Any other item that is a public hearing item that- they can attend and voice their opinion.
- Director Spendlove explained that plats have very specific rules and regulations they have to follow. The applicant needs to follow the rules in order to move forward so the commission cannot add too many rules or deny the request.
- Commissioner Bulkley would like to hear from people.
- Chairperson Campbell feels that it would not be fair to the owner of the property.
- Vice-Chairperson Zimmerman asked why they would take a written comment but not in person. If the applicant is following requirements, then why do they need to come through.
- Director Spendlove explained the difference between what is currently in code and what is being changed.

Commission discussed that the signage needs to be different for subdivisions to stand out.

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the recommendation for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "subdivisions" c/o City of Twin Falls (PZ24-0121). Vice-Chairperson Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 1.

6) Upcoming Meeting(s)

- a) Work Session - May 7, 2025
May 13, 2025.

7) Adjournment

The meeting adjourned at 06:56 PM

Jody Green, Planning Technician



Date: Tuesday, May 13, 2025
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request for the consideration of the Preliminary Plat for Cattail Subdivision, consisting of 6 lots on 5.5 (+/-) acres on property located on the 1600 block of Mountain View Dr. c/o David Thibault on behalf of Kent Taylor (PZ25-0045)

Time Estimate:

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

Background:

Kent Taylor of Northeast Investments, LLC, represented by David Thibault of EHM Engineers, Inc., has submitted an application for a Preliminary Plat titled "Cattail Subdivision, a PUD". This preliminary plat consists of six (6) lots, on 5.5 acres (+/-).

Approval Process:

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:

1. The conformance of the subdivision with a Comprehensive Plan.
2. The availability of public services to accommodate the proposed development.
3. The continuity of the proposed development with the capital improvement program.
4. The public financial capability of supporting services for the proposed development; and
5. 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:

This preliminary plat shall comply with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3 and all regulatory zoning standards.

All general criteria for approval shall be met, per State Statute 50 - Chapter 13 and shall be compatible with the Comprehensive Plan.

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

History:

The property has been zoned C-1 with the Canyon Village PUD since January 2015. In March 2015, the lot was established as Lot 2, Block 1 of Canyon Village Subdivision, a PUD. In August 2016, the southern half was broken off and established the configuration it is in today.

This is a six (6) lot preliminary plat that is served by a single access, that is private, off of Mountain View Drive. Each lot is approximately one (1) acre, with the smallest being 0.6 acres and the largest being 1.2 acres. A sidewalk is proposed along the west side of Mountain View Drive and dead ends at the private access. However, there is a 10 ft sidewalk on the east side of Mountain View Drive. To get people across Mountain View Dr in a safe and efficient manner, Staff would recommend a condition that the ADA ramp aligns with the ADA ramp on the NE corner of Mountain View Dr and Village Park Avenue.

The comprehensive plan calls for this area to be Town Neighborhood and Mixed Use. Mixed Use calls for a pedestrian-oriented environment. Should the condition be approved of aligning the ADA ramps, Staff believes this proposal would follow the Comprehensive Plan.

This subdivision is surrounded by development. The availability of public services is ample and should not be a hindrance to accommodate.

Analysis:

Staff has reviewed the preliminary plat based on the proposed development plan, zoning regulations and the Comprehensive Plan. Staff finds the preliminary plat is within compliance should the applicant conform to Staff recommended conditions.

Conclusion:

Upon conclusion, this preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding C-1 PUD zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50 - Chapter 13.

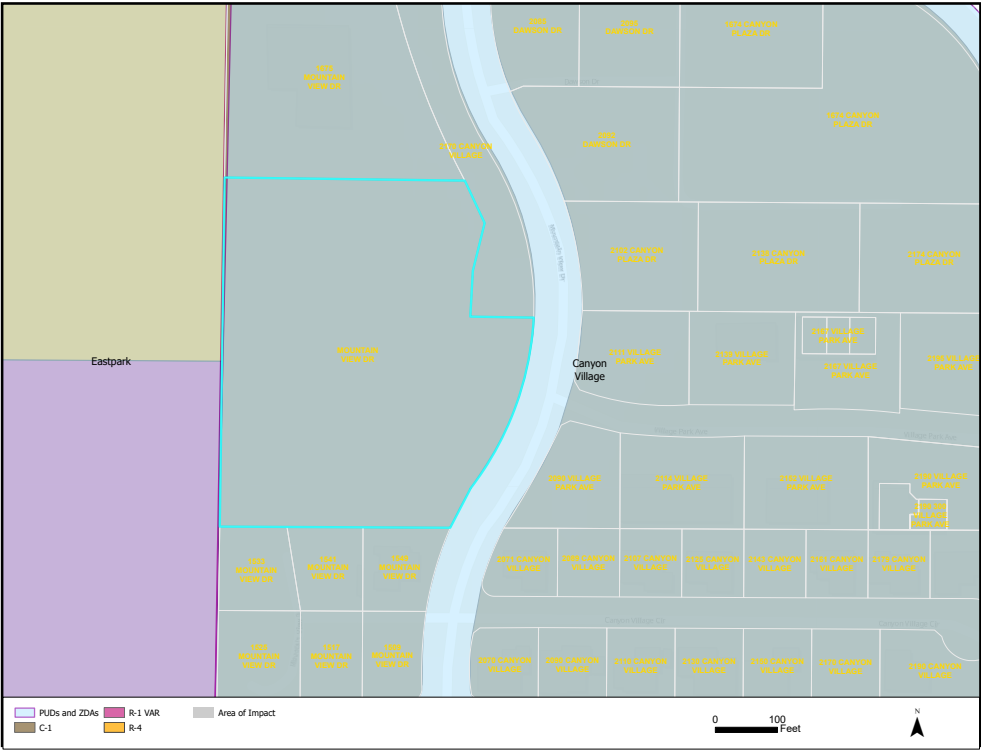
Should the Commission approve this request as presented, Staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards; and
2. Subject to submittal of a preliminary plat, submitted prior to final plat submittal, showing compliance with all conditions and comments in the Engineering Memorandum dated April 9, 2025.
3. Subject to the ADA ramp aligning with the ADA ramp on the NE corner of Mountain View Dr and Village Park Ave.

Attachments:

1. PZ25-0045 Presentation Map
2. PZ25-0045 Aerial Map
3. PZ25-0045 Vicinity Map
4. PZ25-0045 Cattail Subdivision PP - Engineering Memorandum 4-9-25
5. PZ25-0045 Cattail Subdivision, a PUD- Preliminary Plat, 2-14-25

ZONING MAP



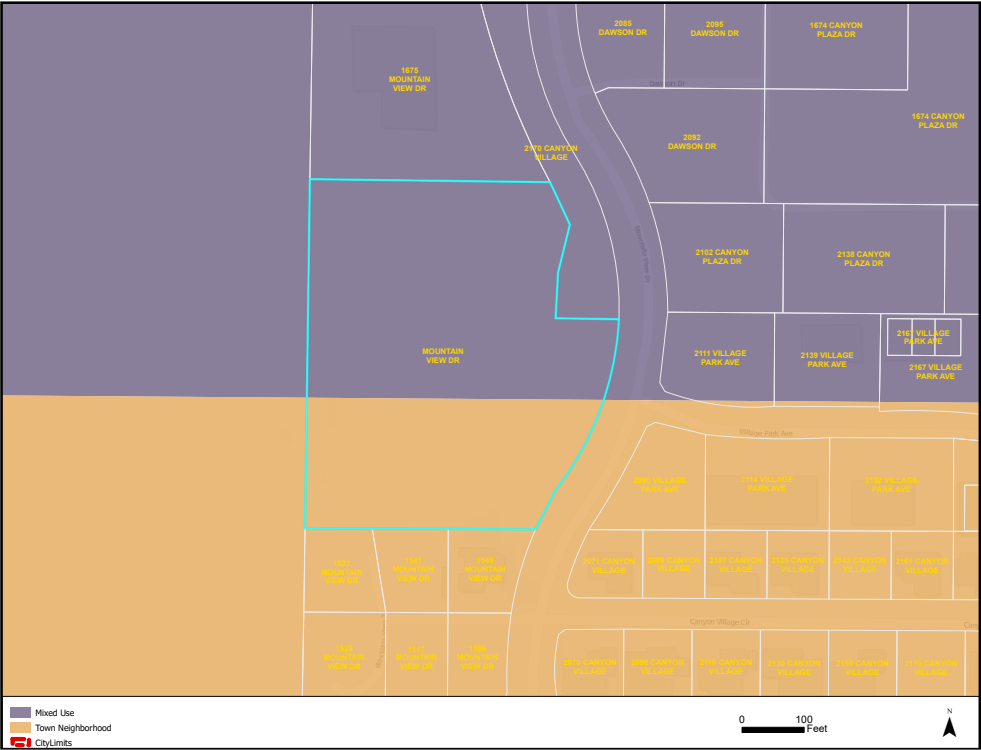
Zoning

<u>Current Zoning:</u>	C-1 PUD
<u>Current Land Use:</u>	Undeveloped
<u>Proposed Zoning:</u>	C-1 PUD
<u>Proposed Land Use:</u>	Commercial

Surrounding Area

<u>North:</u>	Residential (C-1Canyon Village PUD)
<u>South:</u>	Residential (C-1Canyon Village PUD)
<u>East:</u>	Residential (C-1Canyon Village PUD)
<u>West:</u>	Residential (R-1 & R-4 Eastpark PUD)

FUTURE LAND USE MAP



Regulations

Twin Falls Municipal Code Section(s) 10-12-2-4; 10-4-8; and 10-6-1

Future Land Use Category

Town Neighborhood: Primarily residential in character with a desired land use mixture of single family, duplex, triplex, parks and recreation facilities, schools, and civic facilities.

Mixed Use: Serves local and regional commercial that is sited at major arterials 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 where buildings should be located close to the street. Wide sidewalks, street furniture, and other amenities are strongly encouraged.

Aerial Map



Vicinity Map



Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Bowlin Ln



P.O. Box 1907

203 Main Avenue East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2293

ENGINEERING

208-735-7248

ENGINEERING MEMORANDUM

To: William Klaver, Senior Planner

From: Kristi Fehringer, Engineering Development Coordinator

Date: 4/9/2025

Re: Preliminary Plat – **Cattail Subdivision** – Application # 25-0045

The Engineering Department has reviewed the Preliminary Plat for the **Cattail Subdivision**. The following changes and items shall be addressed prior to the final plat submittal.

Sewer Comments:

1. No comments.

Water Comments:

2. Additional fire hydrants may be required.

Pressure Irrigation Comments:

3. Provide an air injection valve at the end of the 6" PI main.

Stormwater Comments:

4. Move the stormwater retention area, located on Lots 1 and 2, out of the existing 15' drainage easement.
5. Provide test pit reports for groundwater levels in the stormwater retention area on Lots 1 and 2.

Streets Comments:

6. The proposed sidewalk located on the west side of Mountain View Drive shall meet current standards of 6' in width.

General Comments:

1. No comments.

If you have any questions, please contact Kristi Fehringer at 208-735-7332 or email at kfehringer@tfid.org

Cc: kent@taylorlawoffices.net
dthibault@ehminc.com

Note: During the preliminary plat review process, the City of Twin Falls Engineering Department will make every attempt to notify the developer of any code or design standard issues that may cause any zoning concerns. The purpose of the review is to check compliance of the proposed development with existing local and state policies, goals and objectives or comprehensive plans; it is not a technical engineering review. Design standards will be reviewed as part of the final platting process. The City of Twin Falls reserves the right to require compliance with all relevant federal, state and local codes as part of the final plat review process.



Date: Tuesday, May 13, 2025
To: Planning and Zoning Commission
From: Kelli Ebersole, City Planner

PRESENTATION

Request:

Preliminary Presentation for a request for a recommendation to City Council for a Zoning Development Agreement/Zoning District Change, from Neighborhood Commercial to R6 High Density Residential, on property located at the 900 block of Falls Ave W. c/o EHM Engineers, Inc on behalf of Grandview Farms, LLC (PZ25-0039).

Time Estimate:

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

Background:

This is a preliminary presentation for a request to rezone property located at the 900 block of Falls Avenue West, specifically Lots 1 through 12, Block 1, Meadow West Subdivision. The proposed amendment would rezone the property to R-6 ZDA, establishing a new Zoning Development Agreement for the property.

Approval Process:

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA.

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

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

Budget Impact:

N/A

Regulatory Impact:

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

The request, if approved, would rezone the property from R2 NCO PUD to R6 ZDA for approximately 8 (+/-) acres.

History:

N/A

Analysis:

A full analysis of this application will be provided during the public hearing.

Conclusion:

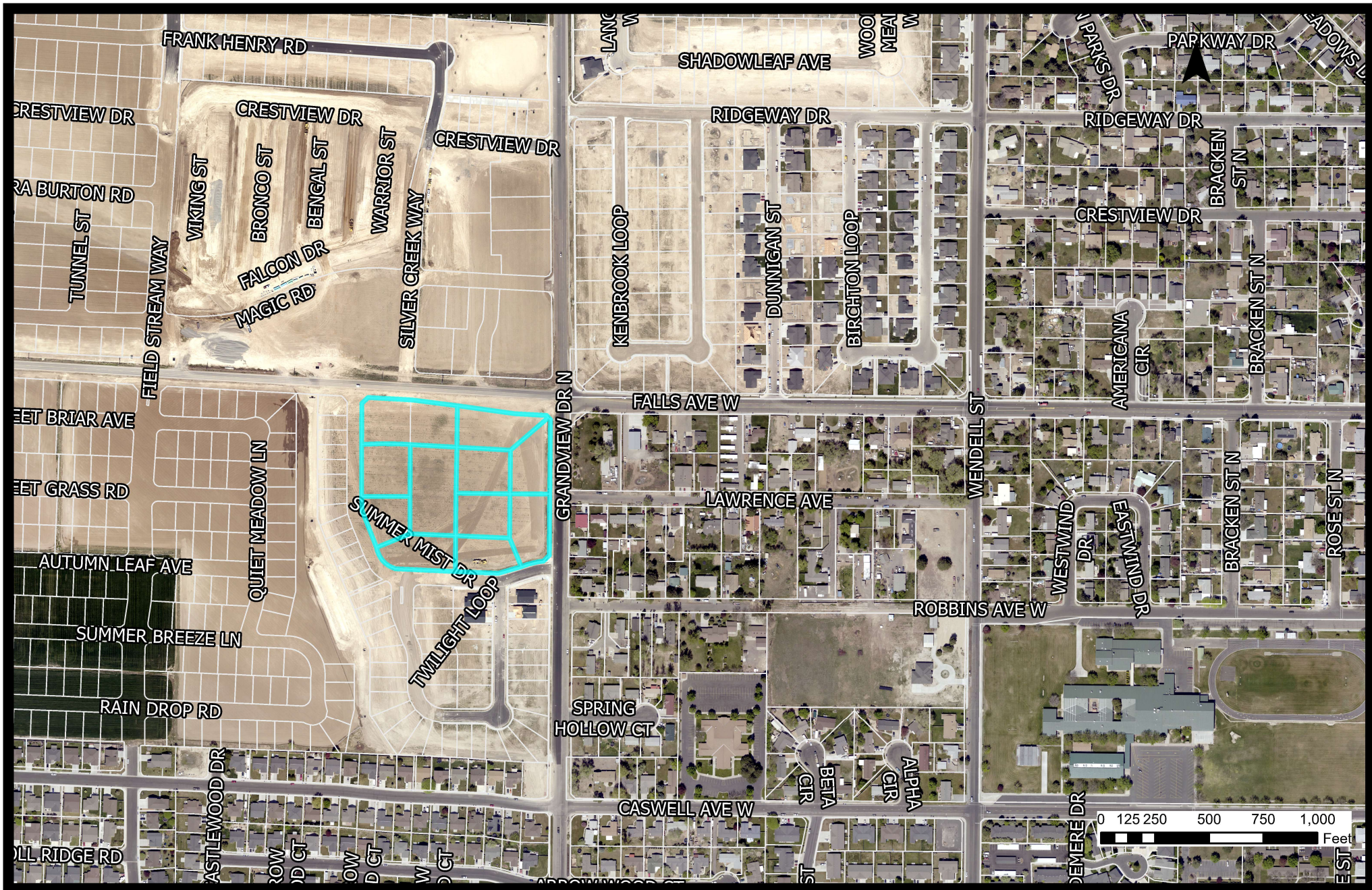
Upon conclusion, the preliminary presentation allows the Commission to preview the request to ask questions and give suggestions to applicants about the proposed project. The Commission may also grant the public the opportunity to do the same. A public hearing is scheduled for June 10, 2025.

At the public hearing, the Commission will hear the request, take public testimony, deliberate and make a recommendation to the Council. The Commission may recommend approval, recommend approval with conditions, recommend denial or table the request for additional information.

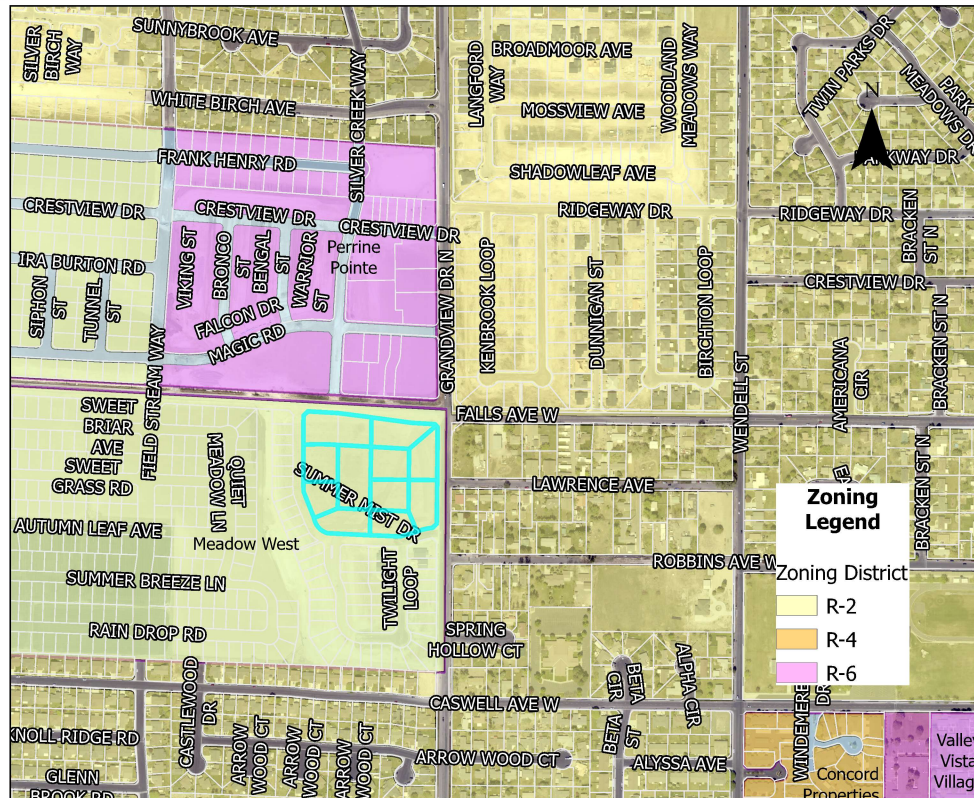
Attachments:

1. PZ25-0039 Vicinity Map
2. PZ25-0039 Presentation Map
3. PZ25-0039 Applicant Exhibits
4. PZ25-0039 Proposed Meadow West Apt. ZDA

VICINITY MAP



ZONING MAP



Zoning

Current Zoning: R-2 NCO PUD

Current Land Use: Vacant

Proposed Zoning: R-6 ZDA

Proposed Land Use: Multi Family Residential

Surrounding Area

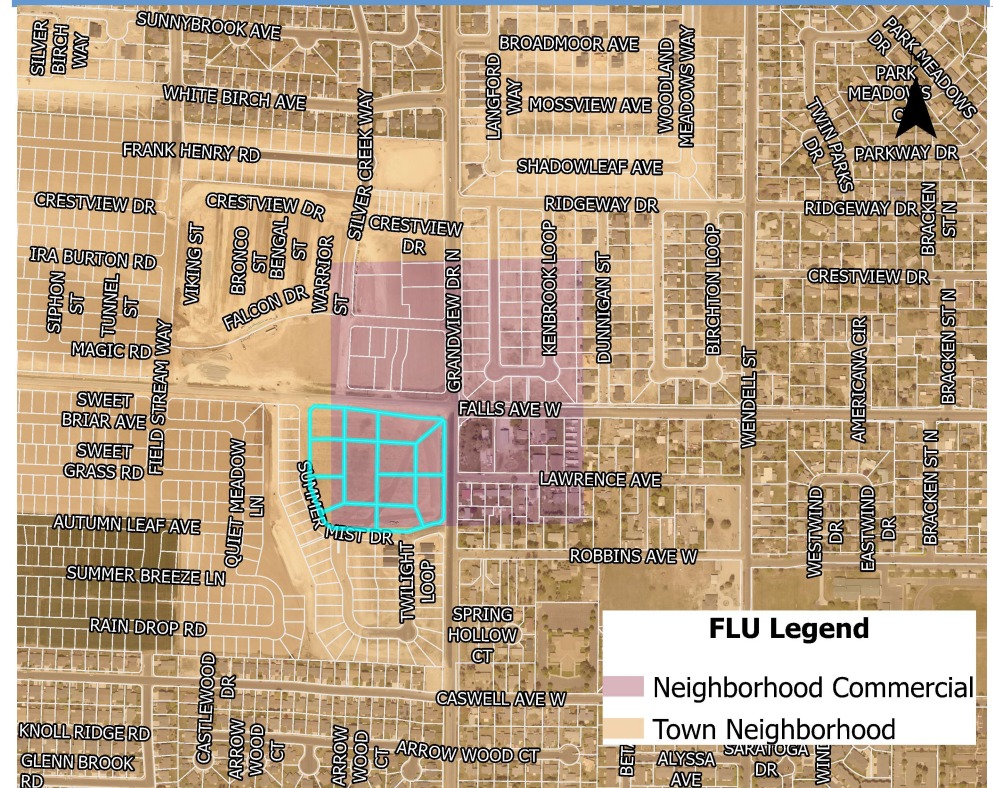
North: Falls Avenue West/Gas Station

South: Residential

East: Grandview Drive/Residential

West: Residential

FUTURE LAND USE MAP



Regulations

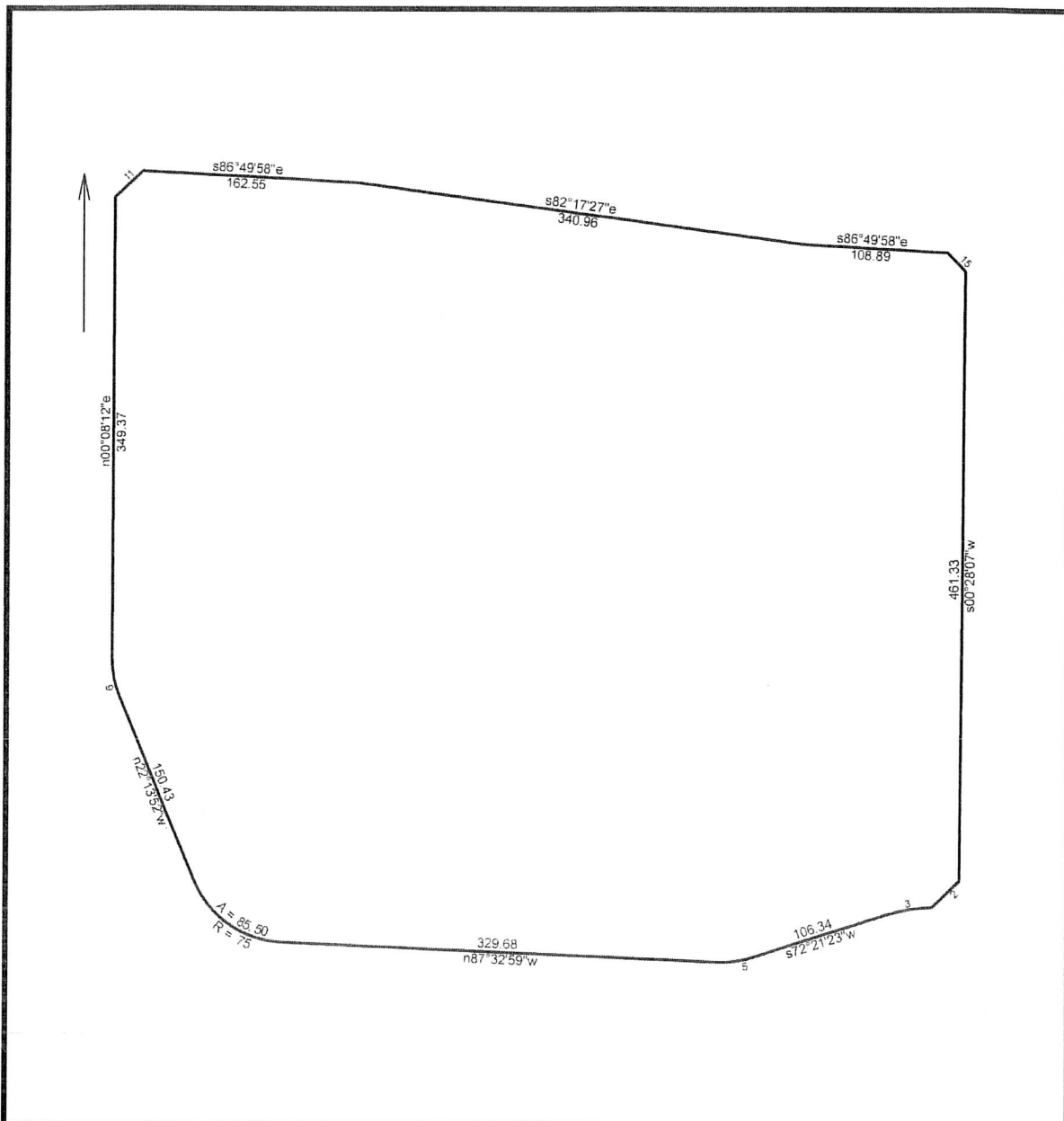
10-4-6, 10-6-1, 10-14-1 thru 8, 10-6-1.4 (B)

FLU Category

Town Neighborhood:
Primarily residential in nature, consisting of single-family, duplex, triplex, and fourplexes, with schools and parks/recreation facilities.

Neighborhood Commercial:
Provides supporting services and small-scale commercial for the surrounding neighborhood, designed to complement the neighborhoods character.

EXHIBIT B – REZONE BOUNDARY EXHIBIT



336-24 Block 1

1/17/2025

Scale: 1 inch= 100 feet

File:

Tract 1: 7.9838 Acres (347774 Sq. Feet), Closure: n89.4755w 0.01 ft. (1/260187), Perimeter=2263 ft.

01 s00.2807w 461.33	11 n46.3907e 29.02
02 s45.2807w 28.38	12 s86.4958e 162.55
03 Lt, r=125.00, delta=016.1454, arc=35.45, chord=s80.2849w 35.33	13 s82.1727e 340.96
04 s72.2123w 106.34	14 s86.4958e 108.89
05 Rt, r=75.00, delta=020.0538, arc=26.30, chord=s82.2412w 26.17	15 s43.1055e 19.55
06 n87.3259w 329.68	
07 Rt, r=75.00, delta=065.1907, arc=85.50, chord=n54.5326w 80.95	
08 n22.1352w 150.43	
09 Rt, r=75.00, delta=022.2204, arc=29.28, chord=n11.0250w 29.09	
10 n00.0812e 349.37	



EXHIBIT C
Located In
Lots 1 thru 12, Block 1
Meadow West Subd., a PUD

OWNER:
GRANDVIEW FARMS, LLC
c/o GARY WOLVERTON JR.
P.O. BOX 5170
TWIN FALLS, ID. 83303
(208) 736-9294

PARKING:
REQUIRED: 312 SPACES (BASED ON 96 1 & 2 BEDROOM
UNITS AND 48 3 BEDROOM UNITS)
PROVIDED: 315 TOTAL SPACES (72 OF WHICH ARE GARAGE
SPACES)

LANDSCAPING:
REQUIRED: (10% OF SITE PER R6 ZONING REQUIREMENTS)
= 34,778 S.F.
LANDSCAPING EXCEEDS AREA REQUIREMENTS.

SETBACKS:
BUILDING SETBACKS TO BE AS FOLLOWS:
FRONT YARD: 62' FROM FALLS CL
80' FROM GRANDVIEW CL
20' FROM PROPERTY LINE

SIDE YARD: 5'
REAR YARD: 15'
LAYOUT MEETS OR EXCEEDS REQUIREMENTS.



PUD AMENDMENT - SITE EXHIBIT C
for
MEADOW WEST APARTMENTS

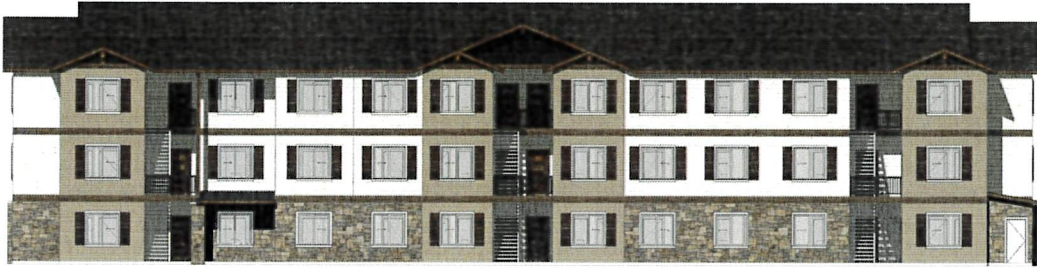
DO NOT SCALE DRAWING
CONTRACTOR SHALL VERIFY ALL
DIMENSIONS AND LOCATIONS
OF ALL UTILITIES AND EXISTING
STRUCTURES PRIOR TO CONSTRUCTION.
ALL DIMENSIONS SHALL BE IN FEET
UNLESS OTHERWISE NOTED.

DATE	3/7/2023
BY	AS 010301
APP. NO.	238-24 EXH.204
PROJECT	EXHIBIT C

EXHIBIT C - CONCEPTUAL MASTER PLAN

EXHIBIT D

RENDERINGS



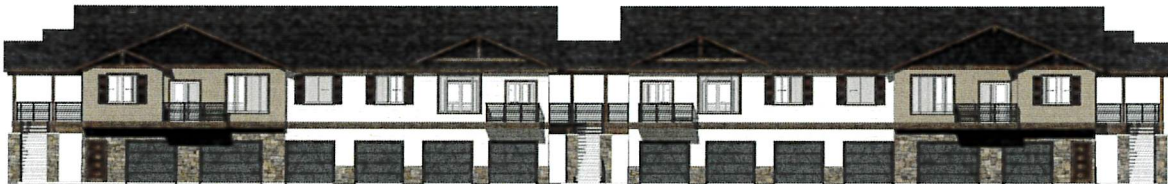
18-Plex Front Elevation



18-Plex Rear Elevation



12-Plex Front Elevation



12-Plex Rear Elevation

(6-Plex Similar to ½ 12-Plex)

Meadow West Apartments, a ZDA

An R6, Residential

Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this ____ day of _____, 202__, by and between the City of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Grandview Farms, LLC (hereinafter called "Developer") for the purpose of developing Multi-family Residential Uses on property located West of Grandview Drive North and South of Falls Avenue West, known as Meadow West Apartments, 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 6; R6, Residential Multi-Household District or as amended, and all references to other sections therein including the following deviations:

2. R6, Residential Multi-Household District modified to include the following:

10-4-6.3: Property Development Standards:

(D) Building Height: No building shall exceed forty two feet (42') in height.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2') off street parking spaces. Garage spaces shall be counted towards the total required off street parking.

Developer: Grandview Farms, LLC, an Idaho
limited liability company
Gary Wolverton, Jr., Manager

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

“CITY”
CITY OF TWIN FALLS

By: _____
Mayor

ATTEST:

City Clerk

“DEVELOPER”
Grandview Farms, LLC, an Idaho
limited liability company

By: _____
Gary Wolverton, Jr., Manager

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 202__ before
me, a Notary Public for said County and State, personally appeared _____,
and _____, known or identified to me, to be the Mayor and City
Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and
acknowledged to me that such City executed the same.

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

Residing at _____

Commission Expires: _____

STATE OF _____)
) ss.
 County of _____)

On this _____ day of _____, 202__ before me, a Notary Public for said County and State, personally appeared Gary Wolverton, Jr., known or identified to me, to be the Manager of the limited liability company, whose name is subscribed to the within instrument, and acknowledged to me that the 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.

Residing at _____

Commission Expires: _____

EXHIBIT A
LEGAL DESCRIPTION
REZONE: R6, ZDA
TWIN FALLS COUNTY, IDAHO

BEING BLOCK 1 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MEADOW WEST SUBDIVISION, A PUD", RECORDED DECEMBER 18, 202017 AS INSTRUMENT NO. 2017-020414 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY, SAID MAP BEING A PORTION OF THE N2 NE4 OF SECTION 7, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 7 AS SHOWN ON SAID MAP;
THENCE, ALONG THE EAST BOUNDARY OF THE NE4 OF SAID SECTION 7, SOUTH 00°28'07" WEST 84.42 FEET;
THENCE, LEAVING SAID EAST BOUNDARY, NORTH 89°31'53" WEST 46.00 FEET TO A POINT ON THE WEST BOUNDARY OF SAID BLOCK 1 AND BEING THE **REAL POINT OF BEGINNING**;
THENCE, ALONG THE BOUNDARY OF SAID BLOCK 1, SOUTH 00°28'07" WEST 461.33 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 45°28'07" WEST 28.38 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 125.00 FEET, THROUGH A CENTRAL ANGLE OF 16°14'54", AN ARC DISTANCE OF 35.45 FEET AND A LONG CHORD THAT BEARS SOUTH 80°28'49" WEST 35.33 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 72°21'23" WEST 106.34 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, ALONG THE ARC OF TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 20°05'38", AN ARC DISTANCE OF 26.30 FEET AND A LONG CHORD THAT BEARS SOUTH 82°24'12" WEST 26.17 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, NORTH 87°32'59" WEST 329.68 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, ALONG THE ARC OF TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 65°19'07", AN ARC DISTANCE OF 85.50 FEET AND A LONG CHORD THAT BEARS NORTH 54°53'26" WEST 80.95 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, NORTH 22°13'52" WEST 150.43 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, ALONG THE ARC OF TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 22°22'04", AN ARC DISTANCE OF 29.28 FEET AND A LONG CHORD THAT BEARS NORTH 11°02'50" WEST 29.09 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, NORTH 00°08'12" EAST 349.37 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, NORTH 46°39'07" EAST 29.02 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 86°49'58" EAST 162.55 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 82°17'27" EAST 340.96 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 86°49'58" EAST 108.89 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 43°10'55" EAST 19.55 FEET TO SAID **REAL POINT OF BEGINNING**.

CONTAINING APPROXIMATELY 7.98 acres.

END OF DESCRIPTION



Date: Tuesday, May 13, 2025
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request for a recommendation for a Zoning District Change/Zoning Development Agreement from R-2 to R-4 ZDA on property located at 807 Wendell St. c/o Sid Lezamiz (PZ25-0002)

Time Estimate:

10-15 minutes for staff presentation with questions to follow.

Background:

The applicant, Sid Lezamiz, is proposing to create a Zoning Development Agreement (ZDA), "807 Wendell Street Housing Project ZDA" located at approximately 807 Wendell Street, on one (1) parcel containing approximately 1.186 acres (more or less). This proposed ZDA will change the base zoning from R-2 to R-4, allow by right the land use dwelling-multiple household (5 units or more), allow for up to two (2) structures on 1 lot, and have a max density of 15 units on the 1.168 acre property. The applicant would agree to general architectural requirements, reconstruction to centerline of Wendell and Lawrence, construct 24 feet of Robbins Avenue, and constructing an underground water retention pit to handle the storm water needs.

This project is anticipated to be constructed in two phases, with all infrastructure being installed in the first phase.

Approval Process:

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA.

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

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

Budget Impact:

N/A

Regulatory Impact:

Should this Zoning Development Agreement amendment be approved, the ZDA will become the regulatory zoning document for the property.

History:

In March 1990 the planning and zoning commission granted a Special Use Permit to operate a public swimming pool with a water slide. Around 2013-2014 the pool site was filled in and the property has been vacant since. In 2022/2023 the eastern half of Wendell Street was reconstructed.

Analysis:

A zoning development agreement (ZDA) is designed to accommodate appropriate combinations of uses that may be planned, developed, and operated as integral land use units either by a single owner or a combination of owners. A ZDA is intended to accomplish some, or all of the following:

- A. Foster and promote a variety of appropriate land use combinations in a pre-planned development pattern;
- B. Encourage developers to use a creative approach in land development;
- C. Retain and conserve natural land and topographic features;
- D. Promote greater use of streetscape and pedestrian-oriented aesthetics;
- E. Promote the creation and efficient use of open spaces;
- F. Create flexibility and variety in the location of improvements on lots;
- G. Provide flexibility in development standards to facilitate creative land development concepts.

Typically, ZDAs need to have a minimum two (2) acres of land. However, because this is an infill property and there's three (3) street frontages, Staff and the applicant believe this would be beneficial to utilize the ZDA process.

The R-2 zoning district allows for 1 residential structure with a maximum of 2 units on the property. To get more units on this property, the developer would need to subdivide the property into various lots. With the acreage available, this would allow for 9 single-family lots or 5 duplex lots resulting in a maximum number of dwelling units of 10. Per the applicant's narrative, the infrastructure required through the subdivision process would make the project unfeasible to develop.

This ZDA proposes to have the base zoning designation of R-4. One of the first questions the Commission should weigh is whether the R-4 zoning designation is appropriate. As a base zone, this would permit 12 single-family lots or 7 duplex lots resulting in a maximum number of dwelling units of 14. Setbacks are very similar between R4 and R2; the difference being as follows: R4 Side yard = 5 ft; R2 Side Yard = 7 ft.

The ZDA proposes to modify the R-4 zoning designation by the following:

- 1. Allow by right the land use dwelling-multiple household (5 units or more),
- 2. Allow for up to two (2) structures on 1 lot, and have a max density on the 1.168 acre property 15 units.

The applicant has agreed to the following:

- 1. General architectural requirements as shown within the documents.
- 2. Reconstruction to the centerline of Wendell and Lawrence.
- 3. Constructing 24 feet of Robbins Avenue.
- 4. Constructing an underground water retention pit to handle the storm water needs.

The ITE trip generator Manual lists multifamily housing generating 0.57 trips per unit on weekdays at the PM peak hour, and 6.74 trips per unit per day. Wendell is classified as a collector road, and will be constructed to full width. The anticipated additional trips would be negligible to the overall functionality of the City's street system in this area.

The comprehensive plan depicts this area to be Town Neighborhood. Town Neighborhood description lists appropriate uses as follows: single-family, duplexes, triplexes, townhomes, parks and recreation facilities, schools, and civic facilities. The surrounding area is characterized as mostly single-family, with public schools across Wendell St, and further south and west duplexes, multifamily, and assisted living have been constructed. Staff believe this proposal to be in line with the Town Neighborhood goals. The ZDA process was created in code to offer a process where creative solutions could be crafted to address unique properties that have limitations on development.

Conclusion:

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

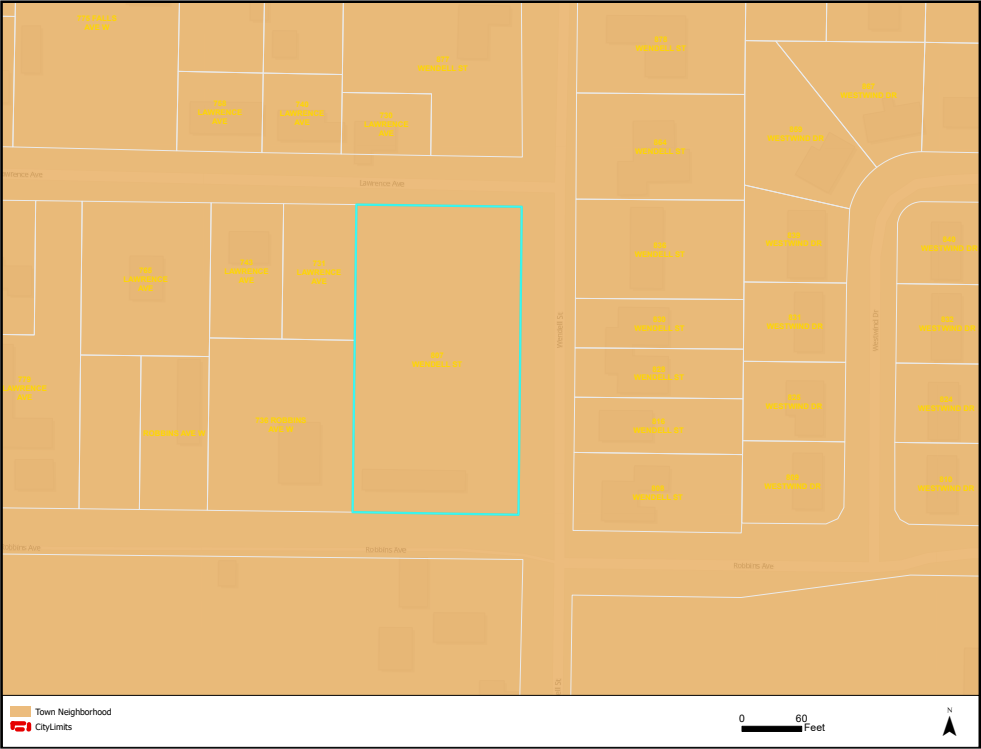
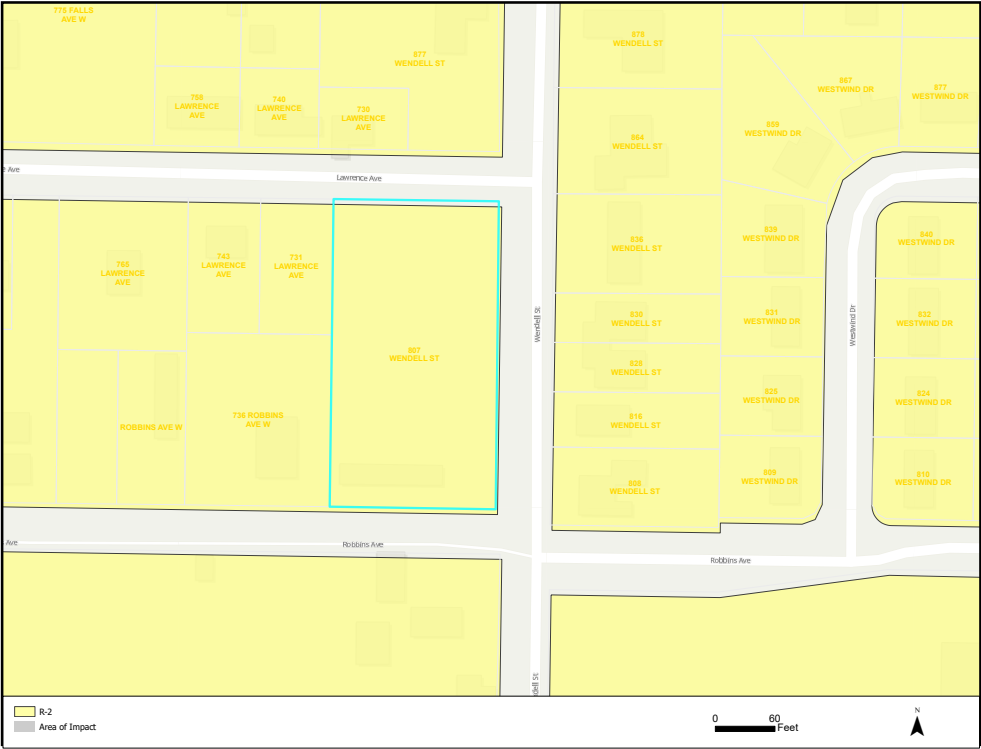
1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards; and
2. Subject to fire hydrant(s) to be installed and coordinated with the Fire Marshal at the time of development.

Attachments:

1. PZ25-0002 Presentation Map
2. PZ25-0002 Vicinity Map
3. PZ25-0002 Aerial Map
4. PZ25-0002 Proposed Zoning Development Agreement
5. PZ25-0002 Proposed Elevations
6. PZ25-0002 Proposed Site Plan
7. PZ25-0002 Applicant Narrative
8. PZ25-0002 District Comparison

ZONING MAP

FUTURE LAND USE MAP



Zoning

Current Zoning:	R-2
Current Land Use:	Undeveloped
Proposed Zoning:	R-4 ZDA
Proposed Land Use:	Residential

Surrounding Area

North:	Residential (R-2)
South:	Residential (R-2)
East:	Residential (R-2)
West:	Residential (R-2)

Regulations

Twin Falls Municipal Code Section(s) 10-14; and 10-6-1

Future Land Use Category

Town Neighborhood: Primarily residential in character with a desired land use mixture of single family, duplex, triplex, parks and recreation facilities, schools, and civic facilities.

Vicinity Map



Aerial Map



Maxar, Microsoft, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS

807 Wendell Street Housing Project

ZDA DEVELOPMENT COMMITMENT

Pursuant to All Parts of the Planning Exhibit

This ZDA Development Commitment is made and entered into this ____ day of ____ 202__ by and between the CITY OF TWIN FALLS, STATE OF Idaho, a municipal corporation hereinafter called "City" and Sid Lezamiz hereinafter call "Developer" for the purpose of developing 15 townhouse style units on property located generally at 807 Wendell Street and more specifically described in the Legal Description.

Legal description of the property is: See Exhibit 1

Development and Improvements shall conform to the standards and regulations of the Twin Falls City Code Title 10-4:5 R4 Residential Medium Density.

(1) Use Regulations:

- (A) Permitted Uses: Dwelling-multiple household (5 units or more)
- (B) Special Uses: None requested
- (C) Prohibited Uses: None requested

(2) Property Development Standards:

- (A) Lot Occupancy: Modified As Follows: Lot area not to exceed 15 units on the 1.6-acre parcel or eight units on .593 acres and 7 units on .593 acres
- (B) Building height: Not requested.
- (C) Yards: Modified as follows: Street setback no Change requested
- (D) Access: Will be from Robbins and Lawrence.
- (E) Parking: Will be garage parking with a parking space tandem outside for 10 of the units and carport parking that is also tandem for the additional 5 units.

(3) Other Site development Criteria – if applicable

- (A) Building Elevations: Project to be Constructed in accordance with the Building Elevations Provided with This Agreement.

(4) Architectural Standards: The buildings will be constructed by the developer and/or its successors and assigns in accordance with the building elevations included with this application.

(5) Project Phasing: is intended to be built out in two phases. Infrastructure will be built in the first phase. Infrastructure to include:

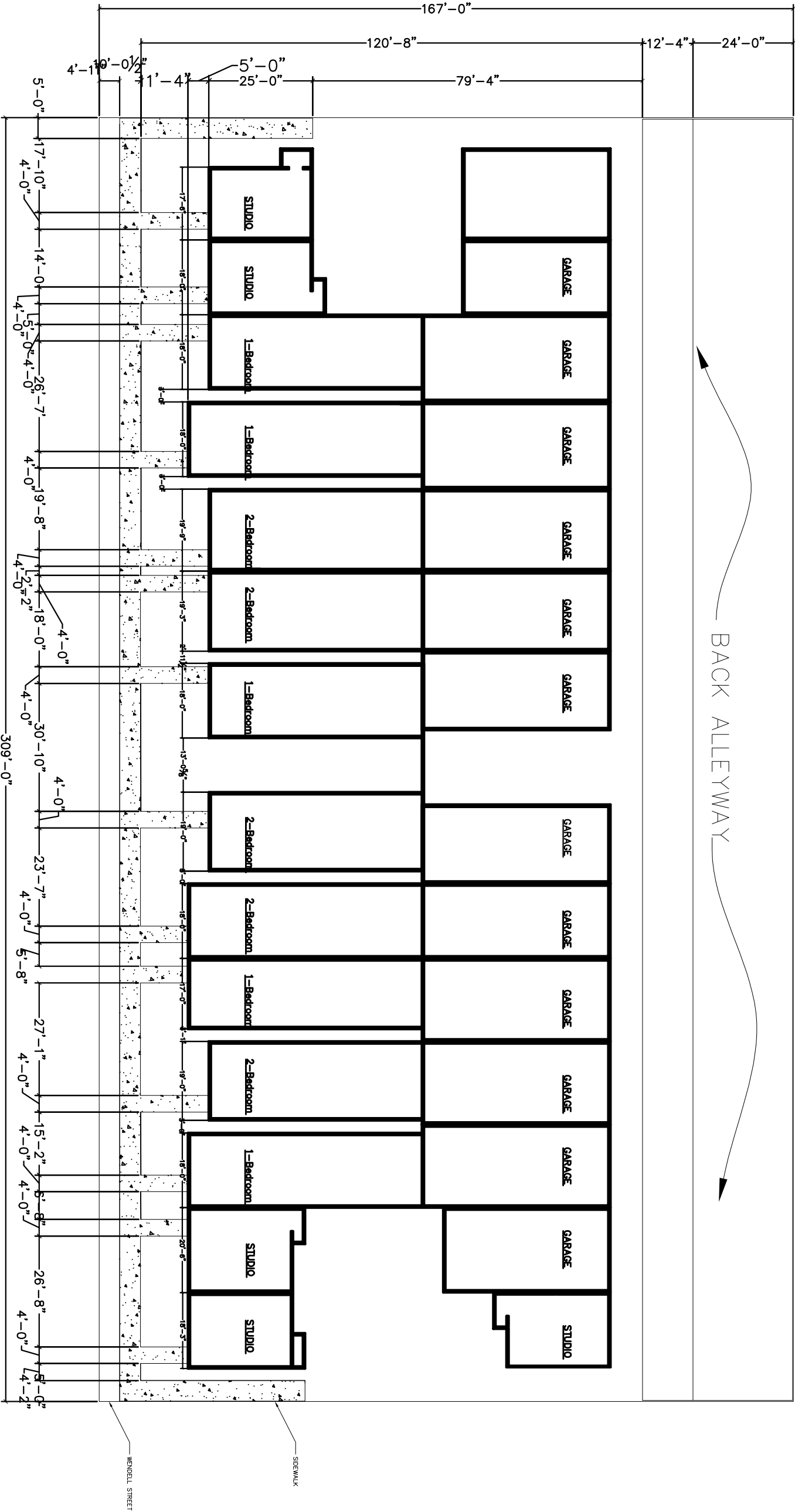
- a. Replacement and relocation of the irrigation ditch presently along Robbins and Wendell Street, would be diverted to the northeast portion of the

property as suggested by the Twin Falls Canal Company and installed to their standard.

- b. Construction of underground water Retention Pit Parallel to Wendell Street and one parallel to the new Alley way along the west of the property.
- c. Installation of curb, gutter, sidewalks along Wendell and Lawrence Streets.
- d. Reconstruct Wendell Street to the centerline of the road which meets City of Twin falls Collector Street standards.
- e. Reconstruction of Residential Street, Lawrence Street to the centerline of the road which meets City of Twin falls Residential Street standards.
- f. Reconstruct Robbins St. to meet City of Twin Falls Alley standards with minimum width of 24 feet.
- g. Construction of alley along west boundary of property providing loading for units and their perspective garages. This will be maintained by the owner.



Wendell Street



BACK ALLEYWAY

WENDELL STREET

SIDEWALK

WENDELL STREET

Important Additional Information

We are finding the cost to develop this infill property is cost prohibitive, such as new curbs, gutters, sidewalks, road improvement of all three bordering streets, extension of Robbins west to Alley standard. As well as installation of irrigation piping being called out, to meet city development requirements. To make the project economically viable a higher density zone is required. Most importantly, in our present inventory of approximately 200 plus Rental properties in the Greater Twin Falls area, these rental properties break down as 69 percent three-bedroom units, and 27 percent two-bedrooms units, 4 percent one-bedroom units, and only 1 studio unit in 200 plus properties.

For years we have been fielding calls for more affordable one-bedroom units, and studio apartment living, and are keenly aware of the strong **need/demand** in the rental market for studio and 1-bedroom units.

This Wendell Street 15 Unit Project is our attempt to meet the need in the Rental Market for smaller more affordable units, more 1-bedroom units, and more studio units. Additionally, our goal with this project is to also provide clean affordable housing with additional storage space, as many Tenants have a need for additional storage space. This shortcoming on the part of the Landowner, of not providing additional storage space in rental housing, often times then requires the Tenant who is already stretched to meet the ever-rising Rental Lease rates to lease storage space off site at an additional cost to store personal belongings. We have designed our garages to meet this need, as our garages are 45 feet in depth with overhead storage to accommodate our valued Tenants.

I believe we can all agree that it is harder for our kids today, to make ends meet financially, to find safe, clean, affordable housing, than it was when we were young adults attempting to break out into the world.

This Wendell Street 15 Unit Project, we feel, is a step in the right direction to bring safe, clean, affordable housing, with storage to our community. Should this project prove to be successful, as we are confident it will, we will build more housing of similar design, with hopes of others following suit, to meet the needs of our community.

The purpose of the R-2 District:

This district is intended to promote and preserve residential development and to provide a low density residential environment with a mix of both single household and duplex dwellings in an area with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required.

Permitted Residential Uses:

- Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
- Dwellings - detached single household.
- Dwellings - duplex

Lot Area:

The minimum lot area per

- single household (6,000) square feet,
- duplex household (10,000) square feet

Yard Setback from property line

- Front Yard: (20') feet
- Side Yard: (7') feet
- Rear Yard: (20') feet

Note:

- On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
- On a corner lot the rear yard setback may be reduced to the side yard setback.

The purpose of the R-4 District:

This district is intended to promote and preserve medium-density residential development and to provide a residential environment to allow present and future residents to live and play in an area with space for personal privacy, minimum vehicular traffic, and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required.

Permitted Residential Uses:

- Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
- Dwellings - detached single household.
- Dwellings - duplex

Lot Area:

The minimum lot area per

- single household (4,000) square feet,
- duplex household (7,000) square feet

Yard Setback from property line

- Front Yard: (20') feet
- Side Yard: (5') feet
- Rear Yard: (20') feet

Note:

- On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
- On a corner lot the rear yard setback may be reduced to the side yard setback.

Proposed ZDA Standards:**Permitted Residential Uses:**

- Base zoning designation permitted uses
- Dwellings - multiple household (5 units or more).

Lot Area:

The max density is 15 units on 1.16 acres

Applicants agree to:

- General architectural requirements
- Reconstruction to centerline of Wendell and Lawrence
- Constructing 24 feet of Robbins Avenue
- Constructing an underground water retention pit to handle the storm water needs.



Date: Tuesday, May 13, 2025
To: Planning and Zoning Commission
From: Kelli Ebersole, City Planner

ACTION ITEM

Request:

Request to approve a Special Use Permit to allow a drive-thru on property located at 1657 Sun West Way. c/o Matt Ahrens on behalf of Jimmy James (PZ25-0034).

Time Estimate:

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

Background:

The applicant, Jimmy James – Sun West Development Partners, LLC, represented by EHM Engineers, Inc., has submitted a Special Use Permit application to construct a retail strip mall with drive through service on property located at 1657 Sun West Way.

Approval Process:

Per City Code 10-13-2-2 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.

10-13-2-2: Upon Granting a Special Use Permit, Conditions May Be Attached To A Special Use Permit Including, But Not Limited To, Those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

City Code 10-4-8(B)6a states a special use permit is required for "any facility with drive-through service."

Budget Impact:

N/A

Regulatory Impact:

If the Planning and Zoning Commission approves the Special Use Permit request, the applicant will be able to construct a drive through for the proposed retail strip mall, following all applicable city code.

History:

The property is zoned C-1 PUD, Commercial Highway District, located in the Sun West Lazy J PUD, recorded in 2011.

The property is currently undeveloped, located on the southeast corner of Washington Street North and Pole Line Road.

Analysis:

The applicant states in their narrative that this drive-through use will be part of a multi-tenant retail strip mall in anticipation of a food related service occupying the north tenant space of the building. The anticipated hours of operation are 7:00 am – 9:00 pm for the future tenant.

The drive-through is designed to be entered from Sun West Way and continue behind the building, with the pickup window located on the north side of the building. Vehicles will exit the drive-through and continue to travel through the parking area back to Sun West Way. The drive-through lane shows an escape lane, and the queue will not interfere with the required parking location. The drive-through queue shows that it meets the minimum requirement of five (5) vehicles to the first order point/menu board.

The intersection of Washington Street North and Pole Line Road is one of the busiest intersections in the City, with approximately 27,000 vehicles traveling through every day, according to the ITD Traffic Count map. The ITE Trip Generation Manual states the average vehicle trips generated by a restaurant with a drive-through and indoor seating in 53 vehicles during the AM Peak hour. An additional 53 vehicles through this area, during peak hours, will not overwhelm the intersection or traffic flow. Pole Line Road is

a State Highway, maintained by ITD. Washington Street North is a road that is maintained and controlled by the City. According to the applicant's narrative, the proposed tenant estimates approximately 25 vehicles per peak hour through the drive-through.

There is a 35' landscape buffer requirement on both Pole Line Road and Washington Street North, as they are both arterial roads. The applicant will be required to install landscaping to the gateway arterial standards, as well as meet the requirements of the Sun West Lazy J PUD. In addition, parking islands will be installed with landscaping, based on the number of parking spaces required for the strip mall.

The 2016 Comprehensive Plan; "Grow With Us", designates this area as appropriate for "Mixed Use" serving local and regional commercial, which allows for high-density mixed-use development in a compact, pedestrian-oriented environment, sitting at intersections of major arterials.

Staff has determined the proposed use is compatible with the comprehensive plan and the area, as it is a high-density commercial center with other retail stores and restaurants serving the community at large.

Based on the standards for approval, Staff does not foresee negative impacts related to the land use.

Conclusion:

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

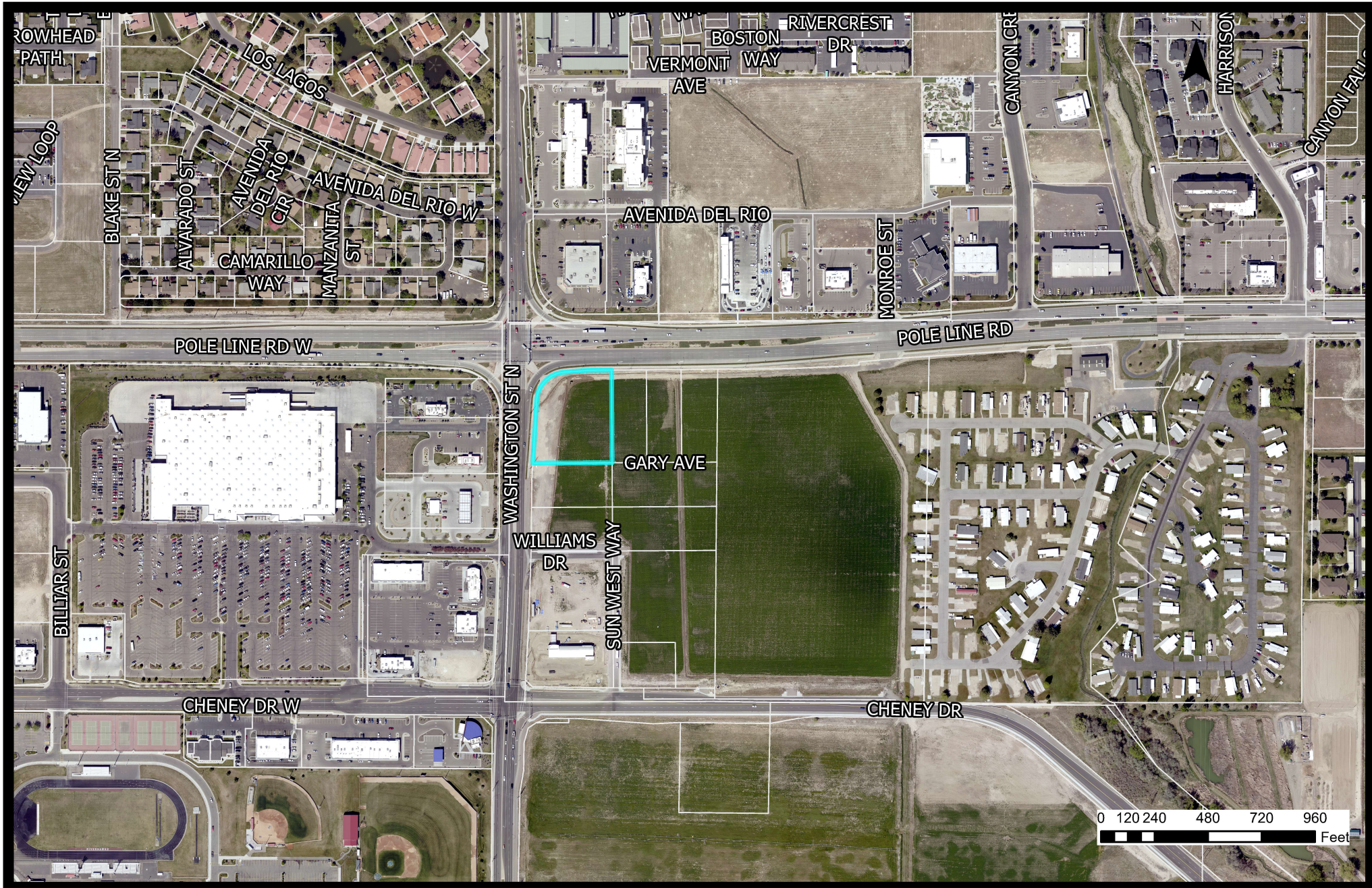
Upon conclusion, should the Commission recommend approval of the request as presented, Staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

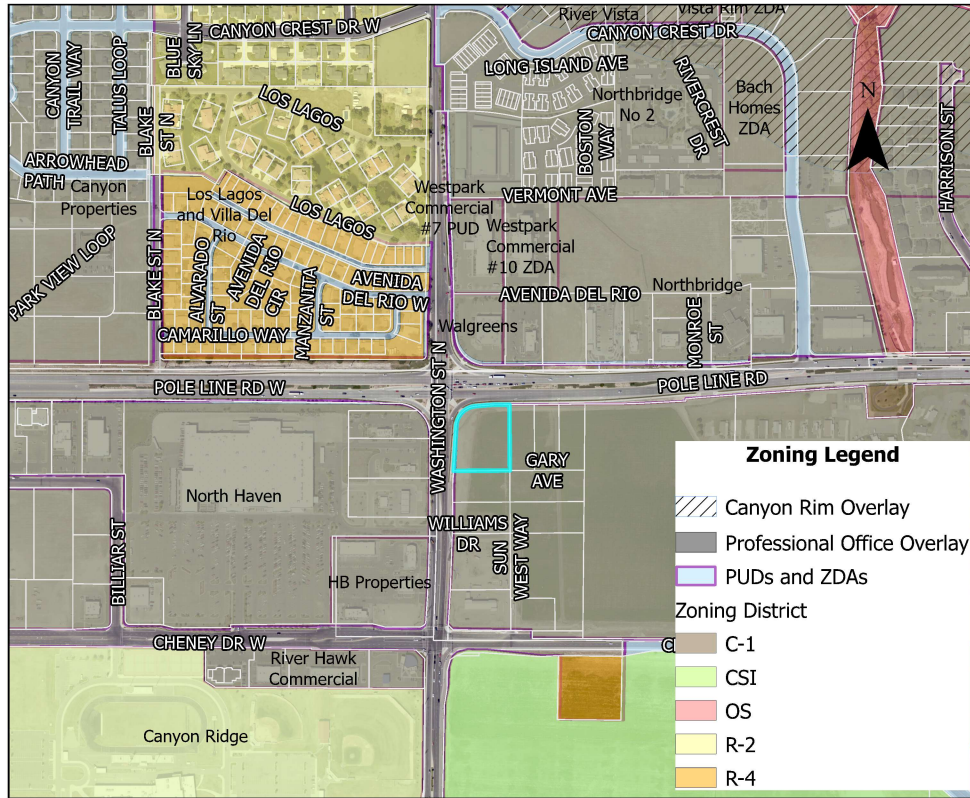
Attachments:

1. PZ25-0034 Vicinity Map
2. PZ25-0034 Presentation Map
3. PZ25-0034 Street View
4. PZ25-0034 Proposed Site Plan
5. PZ25-0034 Proposed Elevations Sun West Development - Twin Falls - 3-17-2025
6. PZ25-0034 Sun West-Lazy J PUD (BCM & W Lazy J Ranch) etc recorded 12-06-11 (#259)
7. PZ25-0034 SUP Statement - Updated - Signed

VICINITY MAP



ZONING MAP



Zoning

Current Zoning: C-1 PUD, Sun West Lazy J PUD

Current Land Use: Undeveloped

Proposed Zoning: N/A

Proposed Land Use: Multi Tenant Strip Mall with a Drive Through

Surrounding Area

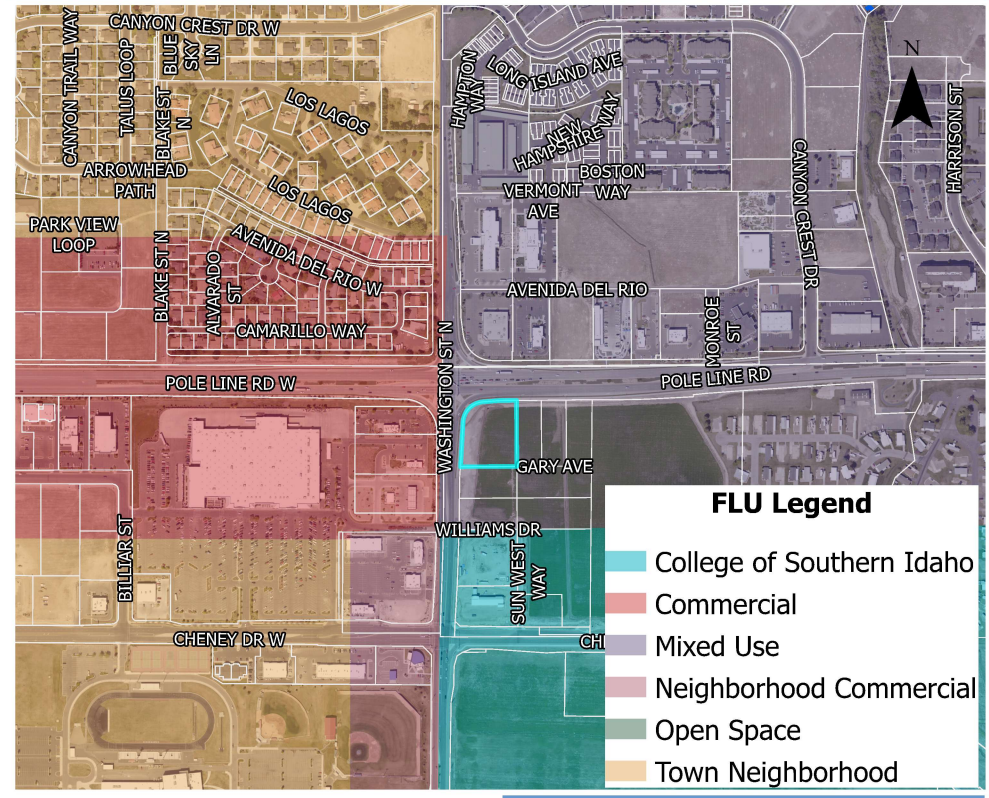
North: Pole Line Rd/Retail

South: Undeveloped

East: Undeveloped

West: Washington St. N/Retail

FUTURE LAND USE MAP



Regulations

10-1, 10-4-8, 10-13-4, Sun West Lazy J PUD

FLU Category

Mixed Use:

- Serves local and regional commercial
- Siting at intersections of major arterials
- 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. Wide sidewalks, street furniture, and other amenities are strongly encouraged

Street View

North



South

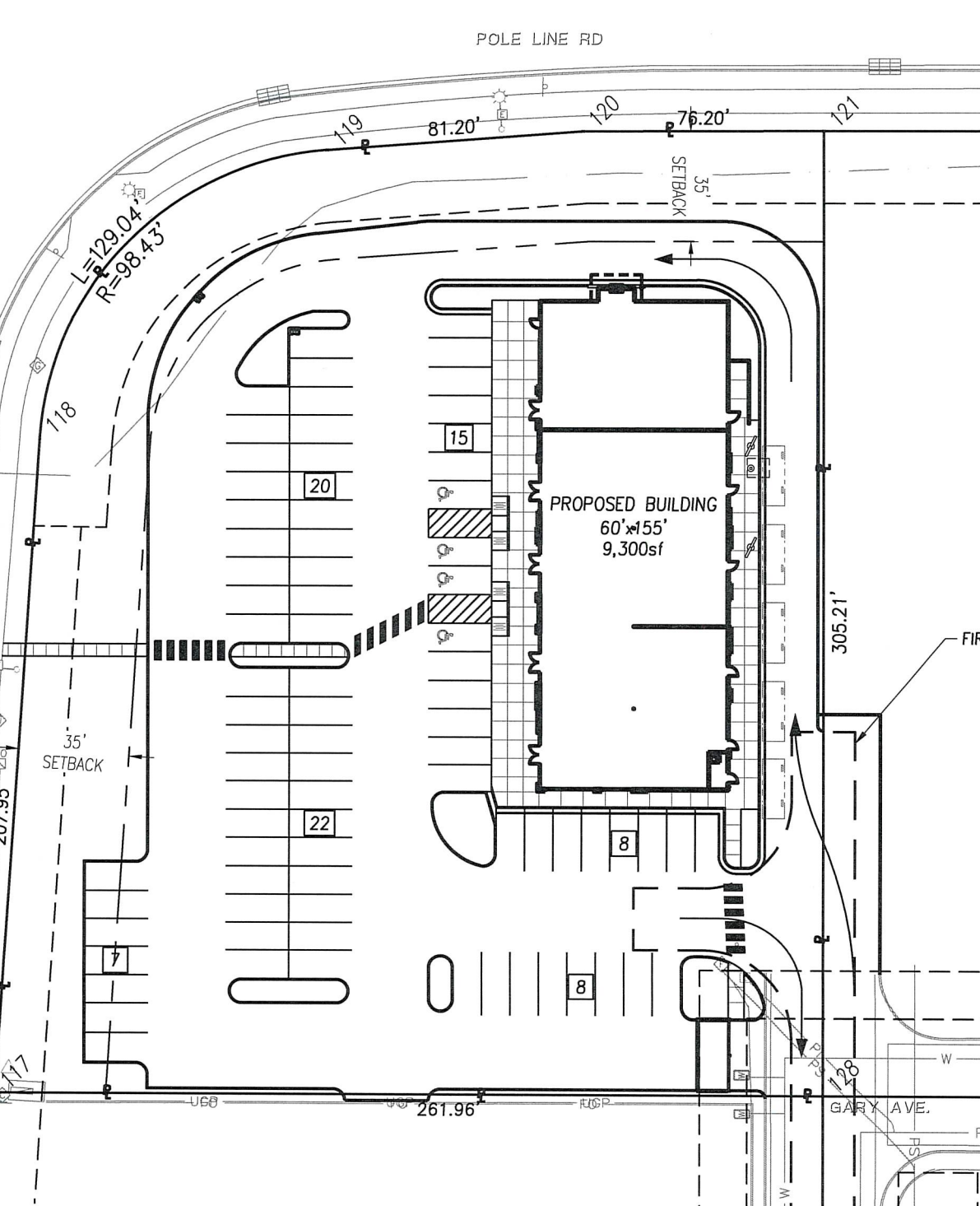


East

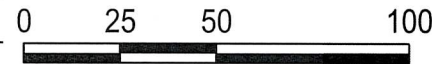


West





NORTH



SCALE IN FEET

ADDRESS

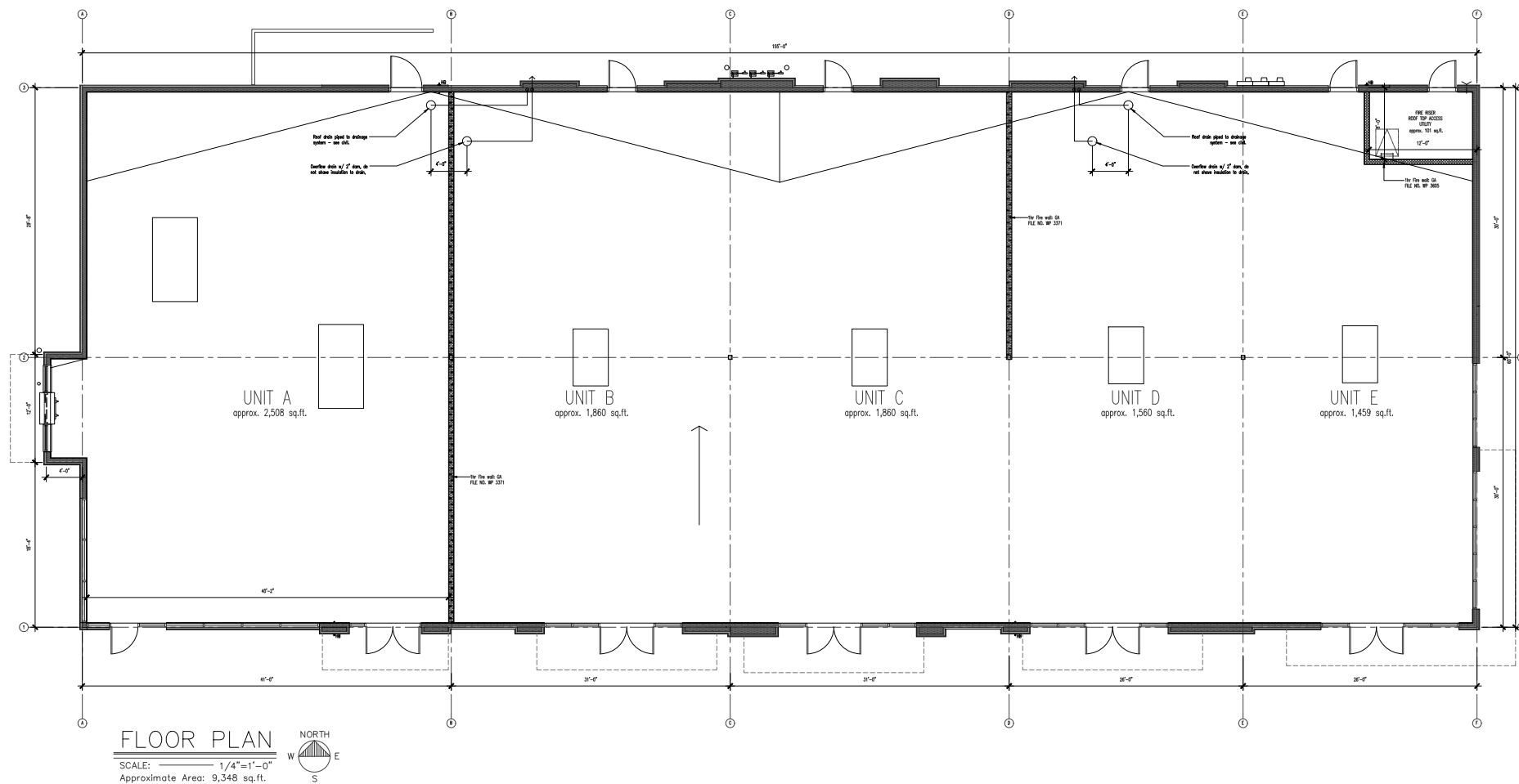
1657 Sun West Way
Twin Falls, ID 83301
Parcel RPT52000020050

LEGAL DESCRIPTION

Twin Falls Sun West Subd. No. 2
PUD, Lot 5, Block 2

DEVELOPER

Jimmy James
Sun West Development Partners
(972) 490-4554
101 West Renner Rd
Richardson, TX 75082



FOR REVIEW ONLY

FOR REVIEW ONLY

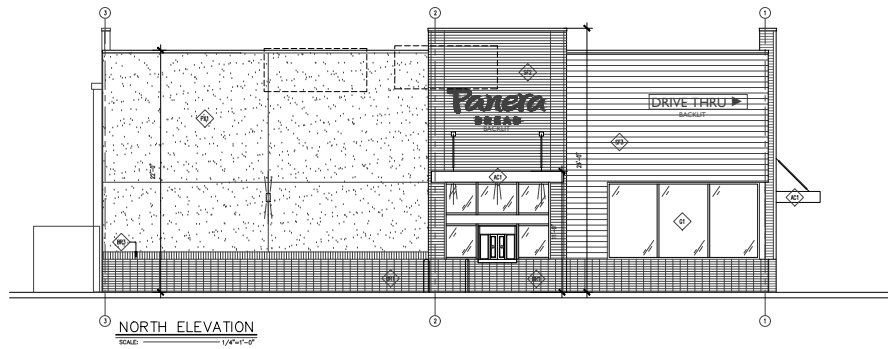
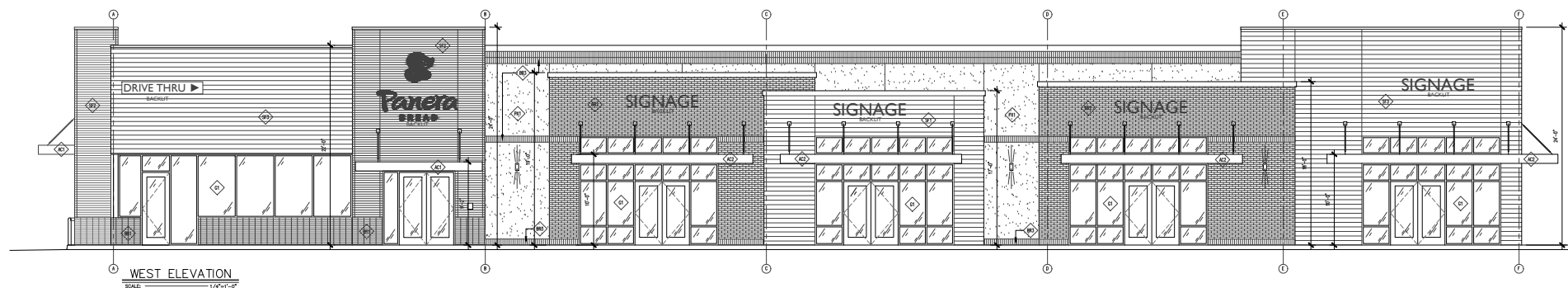
DRAWING SCALE APPLIES TO 30"X42" SHEET SIZE

Sun West Development
Twin Falls
Twin Falls, ID

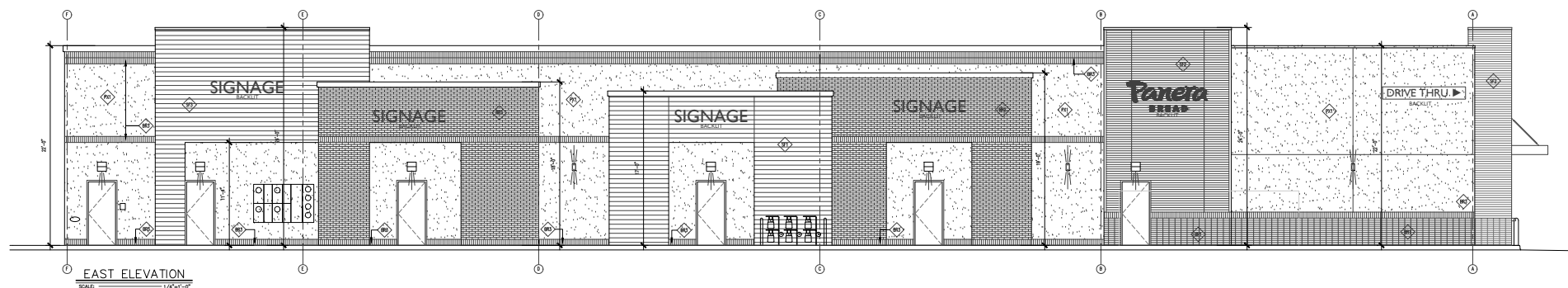
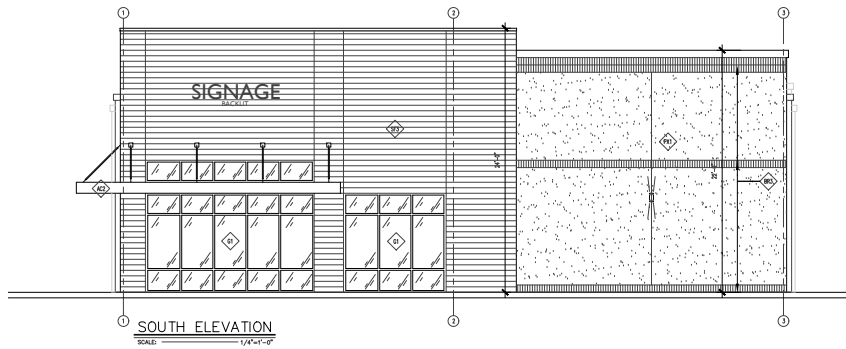
BOOTH Architecture PLLC
100 East One Street, Suite A
Twin Falls, Idaho 83401
Phone: (208) 338-4448
Email: info@bootharchitecture.com

BOOTH Architecture PLLC

Elevations
Date: 3/17/2025
Sheet No: A2.0



NOT THE MANUFACTURED SIGNAGE COPY BY THE
FROM THE MANUFACTURED SIGNAGE. MANUFACTURED BY
UNIVERSITY SIGNAGE INC. ALL LETTERS AND SIGNS ARE
TO BE MANUFACTURED AND DELIVERED TO THE SITE
IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
1. ALL LETTERS AND SIGNS SHALL BE MANUFACTURED
AND DELIVERED TO THE SITE IN ACCORDANCE WITH
THE FOLLOWING SPECIFICATIONS:
2. ALL LETTERS AND SIGNS SHALL BE MANUFACTURED
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AND DELIVERED TO THE SITE IN ACCORDANCE WITH
THE FOLLOWING SPECIFICATIONS:
10. ALL LETTERS AND SIGNS SHALL BE MANUFACTURED
AND DELIVERED TO THE SITE IN ACCORDANCE WITH
THE FOLLOWING SPECIFICATIONS:



2011-022614

No. Pages: 46 Fee: \$

KRISTINA GLASCOCK
County Clerk

Deputy: BHUNTER

SUN WEST PUD

PUD-259

C-1 PLANNED UNIT DEVELOPMENT AGREEMENTTHIS AGREEMENT, made and entered into the 5th day of December, 2011

by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and BCM&W Family Limited Partnership, KLS&M Family Limited Partnership, and Canyon Vista Family Limited Partnership, Lazy J Ranch, Inc. (hereinafter called "Developers"), whose address is 450 Pole Line Road, Twin Falls, Idaho 83301.

RECITALS

WHEREAS, BCM&W Family Limited Partnership, KLS&M Family Limited Partnership, Canyon Vista Family Limited Partnership and Lazy J Ranch, Inc. (hereinafter included in reference to "Owners" or "Developers"), are the equitable title holder to certain tracts of land in the City of Twin Falls, State of Idaho, all parcels are more particularly described in "Exhibit A", and attached hereto. The subject land is located at the southeast corner of Pole Line Road and Washington Street North, Twin Falls, Idaho 83301 (hereinafter "Property"); and

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

WHEREAS, Developers have made request of the City of Twin Falls to annex into the City limits and to develop all or portions of the Property, as described in "Exhibit A", as a C-1 Planned Unit Development ("Project") and have submitted to the City a Master Development Plan thereof, attached hereto as "Exhibit B", which has been recommended for approval for development as a "C-1PUD" by the Planning and Zoning Commission on September 28, 2010, as presented and subject to conditions, and approved by the City

Council on February 7, 2011, as presented and subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirement and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.

IN ADDITION:

There shall be no development of the area designated on the Master Development Plan as Lazy J Mobile Home Park for a period of 5 years following the date of rezoning to C-1, annexation and PUD approval with the following specific exceptions:

3. The mobile home located at Space #141, adjacent to the Williams Road entrance from Pole Line Road, may be relocated within the Lazy J Mobile Home Park at Lazy J Mobile Home Park expense.
4. The Lazy J Mobile Home Park spaces adjacent to Cheney Drive, as generally depicted on the Master Development Plan, may be minimally impacted by grading for Cheney Drive on adjacent land owned by College of Southern Idaho. No relocation or removal of mobile homes on said spaces, because of the construction of Cheney Dr, will occur without approval of the owner of the mobile home.
5. Following five years after the date of rezoning to C-1, annexation, and PUD approval there shall be no development restrictions and Lazy J may develop any or all acres the Lazy J Mobile Home Park with no relocation or consolidation obligations provided said development is in conformance with the approved zoning, the revised Master Development Plan, and the

applicable PUD Agreement.

6. Construction of Williams Street will include a 6-foot high screening fence on the east side of the roadway to buffer the Lazy J residents from commercial activities that may occur to the west. Specifications for construction of Williams Street will also include requirements for construction, dust control, and restriction to preclude construction activity between 8:00 p.m. and 8:00 a.m. daily.
7. Lazy J management will provide all residents with a periodic updated report on developments that may impact the resident including scheduled roadway construction, building schedules when known, marketing updates, and anticipated impacts to the mobile home park. These written reports will be prepared on no less than an annual basis. The purpose of the report, in addition to informing the residents, is to minimize the impacts of unfounded rumors.

WHEREAS, City, by and through its City Council, has agreed to the development of said land 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, Developers and City agree as follows:

1. **NATURE OF THE AGREEMENT.** This Agreement shall become part of the C-1 PUD zone with respect to the Property upon its full execution and recording. Developers, Owners, and their assigns or successors in interest, as well as City and its assigns and 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 "C-1PUD" zone shall be interpreted as follows:

- A. USES. Shall be limited to those uses allowed and attached hereto as "Exhibit C".
- B. BUILDING SIZE. There is no limitation to building size provided buildings conform to the International Building Code.
- C. HOURS OF OPERATION. There shall be no restriction to hours of operation for any building or use.
- D. PHASING OF DEVELOPMENT. Developers shall be permitted to develop the Property in phases, provided those phases are in compliance with the Master Development Plan, the PUD Agreement and an approved preliminary/final plat, if property is platted. Approval for each phase may be obtained by submission to the City Engineer of technically correct designs and improvement plans for necessary construction. The designation and location of specific uses and buildings on the Master Development Plan are conceptual and minor changes therefrom shall not provide basis for disapproval. There shall be no minimum or maximum time limit between completion of any phase and commencement of the next phase.

Nothing herein shall preclude the owner from continued operation of the existing mobile home park located on a portion of the property in part or in its entirety until at which time the owner or the owners successor elect to begin redevelopment of the area currently occupied by the mobile home park in conformance with this PUD. Prior to development of the area

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currently utilized by the mobile home park, the owner shall submit a revised Master Development Plan. The revised Master Development Plan and any revisions to the PUD Agreement shall conform to all applicable codes and shall specifically provide a phasing plan for conversion of the mobile home park to commercial uses.

No development of the area designated on the Master Development Plan as Lazy J Mobile Home Park shall be developed for a period of 5 years following the date of rezoning to C-1, annexation and PUD approval with the following specific exceptions:

1. The mobile home located at Space 141, adjacent to the Williams Road entrance from Pole Line Road, may be relocated within the Lazy J Mobile Home Park at Lazy J Mobile Home Park expense.
2. The Lazy J Mobile Home spaces adjacent to Cheney Drive as generally depicted on the Master Development Plan may be minimally impacted by grading for Cheney Drive on adjacent land owned by College of Southern Idaho. No relocation or removal of any Mobile Homes on said spaces, because of the construction of Cheney Dr, will occur without approval of the owner of the mobile home.

Following five years after the date of rezoning to C-1, annexation and PUD approval there shall be no development restrictions and Lazy J may develop any or all acres of the Lazy J Mobile Home Park with no relocation or consolidation obligations provided said development is in conformance with the approved zoning, the revised Master Development Plan and the applicable PUD Agreement.

E. HARRISON STREET.

Harrison Street shall be extended to connect with Cheney Street in a manner that provides an effective collector to accommodate access from properties adjacent to Cheney Street. Final alignment may vary from the Master Development Plan to accommodate adjacent properties and to comply with City of Twin Falls street design standards.

3. STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS.

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

A. IMPROVEMENT PLANS.

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

B. IMPROVEMENT DESIGN AND CONSTRUCTION.

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

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

C. PHASED CONSTRUCTION.

Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time.

Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.

D. NON-COMPLIANCE.

In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will require in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as requirements specified in this Section 3 have been complied with; PROVIDED,

HOWEVER, Developer shall have the right to appear before the City

Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the right of the parties are preserved at law and equity.

E. FEES.

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

F. MAINTENANCE OF IMPROVEMENTS.

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

4. PLATS.

A. PLATTING.

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. PARCEL DEVELOPMENT CRITERIA.

The Property or any portion thereof shall be developed in accordance with the following criteria:

A. APPROVAL AND CONSTRUCTION.

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

B. BUILDING SETBACKS.

All buildings on the Property are to be constructed with minimum setbacks in conformance with the setback requirements of the underlying "C-1" zone and the centerline setbacks of City Code Section 10-7-6 and/or the Twin Falls Master Transportation Plan , whichever is greater.

C. 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.

- i. A 35-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb, will be constructed along Pole Line Road and Washington Street North.
- ii. A 20-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the back of curb, will be constructed along Cheney Drive. Said landscaping shall conform to the CSI Landscaping Requirements regarding plant varieties and planting parameters.
- iii. A 15-foot wide average width landscape buffer, measured from the Right of Way, will be constructed at all other Public Right of Ways and private roadways. The buffer may include walkways, trails, and driveways. Width of the landscaping may vary to accommodate parking, service roads and other features but in no case shall the actual landscaping width be less than 5-feet.
- iv. The Developer will maintain all landscaping and common parking areas (if any) in a uniform manner. The Property landscaping will utilize a pressure irrigation system constructed in compliance with applicable standards.

Back of Curb has been determined/enforced for Private Roads as this would be from the access easement.



D. LANDSCAPING PLAN.

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

- i. Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height. The landscape buffer shall be planted with a minimum of one tree per five-hundred (500) square feet of landscaped area and a minimum of one shrub per one-hundred (100) square feet of landscaped area. At least fifty percent (50%) of all trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from groups last approved by the Tree Commission through its Tree Selection Guide. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet (4') when planted.
- ii. The use of planters and landscaped islands within parking lots will be used to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. The area adjacent to residential areas shall be landscaped with coniferous and deciduous trees with shrubs, and berms to create a dense buffer in a relatively short period of time.

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- iii. In all cases, landscaping will meet or exceed the minimum requirements of the City of Twin Falls Zoning and Subdivision Regulations.
 - iv. Nothing herein shall preclude the City from evaluating the landscape on a project basis when such evaluation can be shown to provide a more uniform and aesthetically desirable landscaping.

E. BUILDING STANDARDS.

Buildings and improvements shall comply with the following standards.

- i. Architectural Standards.
 - 1. All buildings exteriors shall be constructed of architectural masonry, stone, stucco or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces. Where building parapets cannot effectively screen roof top equipment the equipment shall be screened with equipment obscuring screens of material of a color and texture to minimize observation. Basic building colors shall be neutral earth tones.
 - 2. Height Limitations. Building height shall be in conformance with City Code, or as amended.

3. **Building Siting.** Buildings will be located in a manner that optimizes the appearance of the building to adjacent streets and other public areas. Where possible, buildings shall be utilized to screen or break up large parking areas. All building lighting shall be located in soffit areas or shielded to preclude the light source from being seen from adjacent properties or any residential areas.
4. **Building Landscaping.** Building plans shall include detailed landscape plans. The landscaping shall be designed to complement the building, and provide further screening for large uniform building surfaces.
- ii. **Outside Storage / Loading Docks.** Loading docks, trash containers and such facilities shall be screened from roadways, residential areas and adjacent properties to the extent possible. Screening may consist of landscaping, masonry walls, buildings or solid fencing. No outside storage yards shall be permitted
- iii. **Utilities.** All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material.
- iv. **Sign Plan.** All signage shall conform to City of Twin Falls Sign Regulations Ordinance (Chapter 9) and subject to the following:

1. Free standing signs shall be located in a manner to provide primary visibility from Pole Line Road West and Washington Street North.
 2. Signage adjacent to Cheney Drive shall be monument type signs with a maximum height of 10-feet.
- v. Pedestrian / Bicycle Facilities. Development plans for each project phase and each building shall include facilities that will accommodate pedestrian and bicycle access to the project interior streets, adjacent neighborhood and collector streets and the adjacent arterial streets (Pole Line Road and Washington Street North). Where reasonably feasible the pathways shall be separated from the interior streets by landscaping or other features to encourage use of pedestrian/bicycle facilities.
- vi. Fencing. Construction of Williams Road will include a 6-foot high sight obscuring screening fence along the Easterly boundary of Williams Street to provide a visual and security buffer between the street and the Lazy J mobile Home Park. The fencing shall remain until development of Lazy J Park area is approved per Section 2-D of this agreement.

6. STANDARD DEVELOPER'S AGREEMENT.

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

7. GENERAL PROVISIONS.

A. COOPERATION.

The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications and working drawings required by the City.

B. Entire Agreement.

This Agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this Agreement shall be valid or effective unless reduced to writing and signed by the parties.

C. APPLICABLE LAW.

This Agreement shall be construed in accordance with the laws of the State of Idaho.

D. NOTICES.

If notices from one party to the other are desired or required hereunder such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed

received on the date of hand delivery or upon seventy- two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested".

E. SUCCESSORS AND ASSIGNS.

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

F. SEVERABILITY.

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

G. SIGNATORIES.

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

H. EFFECTIVE DATE.

This Agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.

I. ATTORNEY FEES.

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

J. CONSTRUCTION.

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

K. ATTACHMENT.

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

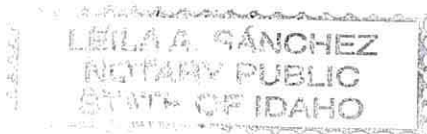
L. CAPTIONS.

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

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

CITY OF TWIN FALLS

ATTEST: Leila A. Sanchez BY: [Signature]
 12/5/2011 Mayor

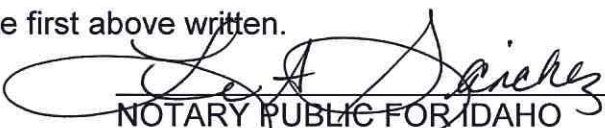


ACKNOWLEDGMENTS

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

On this 5th day of December, 2011, before me, the undersigned, a Notary Public in and for said State and County, personally appeared Don Hall 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.



NOTARY PUBLIC FOR IDAHO
Residence of Twin Falls
My Commission Expires 5-18-2012

KLS&M Family Limited Partnership
An Idaho limited partnership

By: KLS&M, an Idaho
Limited Liability Company
Its: General Partner

By: 
Linda S. Wills
Its: Managing Member

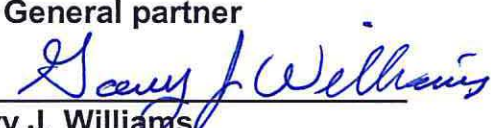
Canyon Vista Family Limited Partnership
An Idaho limited partnership

By: Canyon Vista Corporation
An Idaho Corporation
Its: General Partner

By: 
Christy J. Williams, President
Its: Sole Director

BCM&W Family Limited Partnership
An Idaho limited partnership

By: BCM&W LLC, an Idaho
Limited Liability Company
Its: General partner

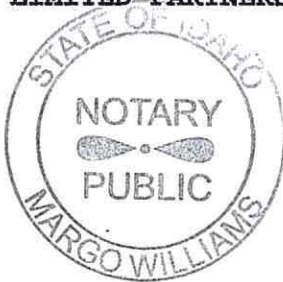
By: 
Gary J. Williams
Its: Managing Member

Lazy J Ranch Inc.
An Idaho Corporation

By: 
Christy J. Williams, President

STATE OF IDAHO)
) ss.
COUNTY OF Twin Falls)

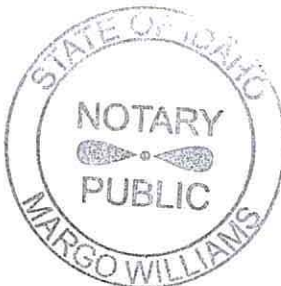
On this 23rd day of November 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared LINDA S. WILLS, known or identified to me to be the **MANAGING MEMBER OF KLS&M, LLC.**, an Idaho Limited Liability Company, the General Partner of KLS&M Family Limited Partnership, an Idaho Limited Partnership, that executed the instrument and acknowledged to me that such Limited Liability Company executed the same in said **LIMITED PARTNERSHIP'S** name.



Margo Williams
Notary Public
Residing at: Twin Falls
My Commission expires: 9-1-2012

STATE OF IDAHO)
) ss.
COUNTY OF Twin Falls)

On this 23rd day of November, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared GARY J. WILLIAMS, known or identified to me to be the **MANAGING MEMBER of BCM&W, LLC.**, an Idaho Limited Liability Company, the General Partner of BCM&W Family Limited Partnership, an Idaho Limited Partnership, that executed the instrument and acknowledged to me that such Limited Liability Company executed the same in said **LIMITED PARTNERSHIP'S** name.



Margo Williams
Notary Public
Residing at: Twin Falls
My Commission expires: 9-1-2012

STATE OF IDAHO)
) ss.
 COUNTY OF Twin Falls)

On this 23rd day of November, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared CHRISTY J. WILLIAMS, known or identified to me to be the PRESIDENT and SOLE DIRECTOR of CANYON VISTA CORPORATION, an Idaho Corporation, the General Partner of CANYON VISTA FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership, that executed the instrument and acknowledged to me that such Limited Liability Company executed the same in said LIMITED PARTNERSHIP'S name.



Margo Williams
 Notary Public
 Residing at: 412012 Twin Falls
 My Commission expires: 9-1-2012

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STATE OF IDAHO)
)ss
County of Twin Falls)

On this 23rd day of November, 2011, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **CHRISTY J. WILLIAMS**, known to me to be the **PRESIDENT** of **LAZY J RANCH** the corporation whose name is subscribed to the within 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 first above written

Margo Williams
Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 9-1-12



SUN WEST - LAZY J - C-1 PUD AGREEMENT**EXHIBIT A**

A parcel of land located in a portion of Government Lots 3 and 4, in Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the North quarter corner of Section 4. Said point lies North $89^{\circ}54'58''$ East 2640.95 feet from the Northwest corner of Section 4. Thence South $01^{\circ}00'53''$ West 70.88 feet along the East boundary of Government Lot 3 of Section 4 to a point on the Southerly Right of Way of Highway Project DHP-NH-F-2390 (104) and being the REAL POINT OF BEGINNING.

THENCE continuing South $01^{\circ}00'53''$ West 1199.28 feet along the East boundary of Government Lot 3 to the Southeast corner thereof;

THENCE North $89^{\circ}38'17''$ West 2571.15 feet along the Southerly boundary of Government Lots 3 and 4, of Section 4 to a point on the Easterly Right of Way of Highway Project DHP-NH-F-2390 (104);

THENCE along a curve Right along said Right of Way:
 $\Delta - 00^{\circ}33'13''$
 R - 8146.31'
 A - 78.70'
 C - 78.70'
 LCB - North $03^{\circ}56'50''$ East to a point 17.00 meters right of metric Highway Station PRC 216+67.393;

THENCE along a curve Left along said Right of Way:
 $\Delta - 03^{\circ}22'50''$
 R - 8257.86'
 A - 487.23'
 C - 487.16'
 LCB - North $02^{\circ}31'51''$ East to a point 17.00 meters Right of metric Highway Station PT 218+14.893;

THENCE North $00^{\circ}50'26''$ East 164.39 feet along said Right of Way to a point 17.00 meters Right of metric Highway Station 218+65.000;

THENCE North $03^{\circ}49'43''$ East 264.34 feet along said Right of Way to a point 21.20 meters Right of metric Highway Station 219+45.461;

THENCE along a curve Right along said Right of Way:
 $\Delta - 81^{\circ}53'14''$
 R - 98.43'
 A - 140.67'
 C - 129.00'
 LCB - North $44^{\circ}48'17''$ East to a point 27.00 meters Right of metric Highway Station 819+46.168;

THENCE North 85°44'43" East 81.20 feet along said Right of Way to a point 25.20 meters Right of metric Highway Station 819+70.851;

THENCE North 89°54'59" East 261.66 feet along said Right of Way to a point 25.20 meters Right of metric Highway Station PC 820+50.605;

THENCE along a curve Left along said Right of Way:
 Δ - 03°06'02"
 R - 11,565.59'
 A - 625.87'
 C - 625.80'
 LCB - North 88°21'55" East to a point 25.20 meters Right of metric Highway Station 822+40.00;

THENCE North 03°11'04" West 11.81 feet along said Right of Way to a point 21.60 meters Right of metric Highway Station 822+40.00;

THENCE along a curve Left along said Right of Way:
 Δ - 01°20'56"
 R - 11,553.78'
 A - 272.00'
 C - 272.00'
 LCB - North 86°08'28" East to a point 21.60 meters Right of metric Highway Station PT 823+22.398;

THENCE North 85°28'00" East 96.51 feet along said Right of Way to a point 21.60 meters Right of metric Highway Station PC 823+51.813;

THENCE along a curve Right along said Right of Way:
 Δ - 04°26'57"
 R - 11,412.05'
 A - 886.17'
 C - 885.95'
 LCB - North 87°41'30" East to a point 21.60 meters Right of metric Highway Station PT 826+23.597;

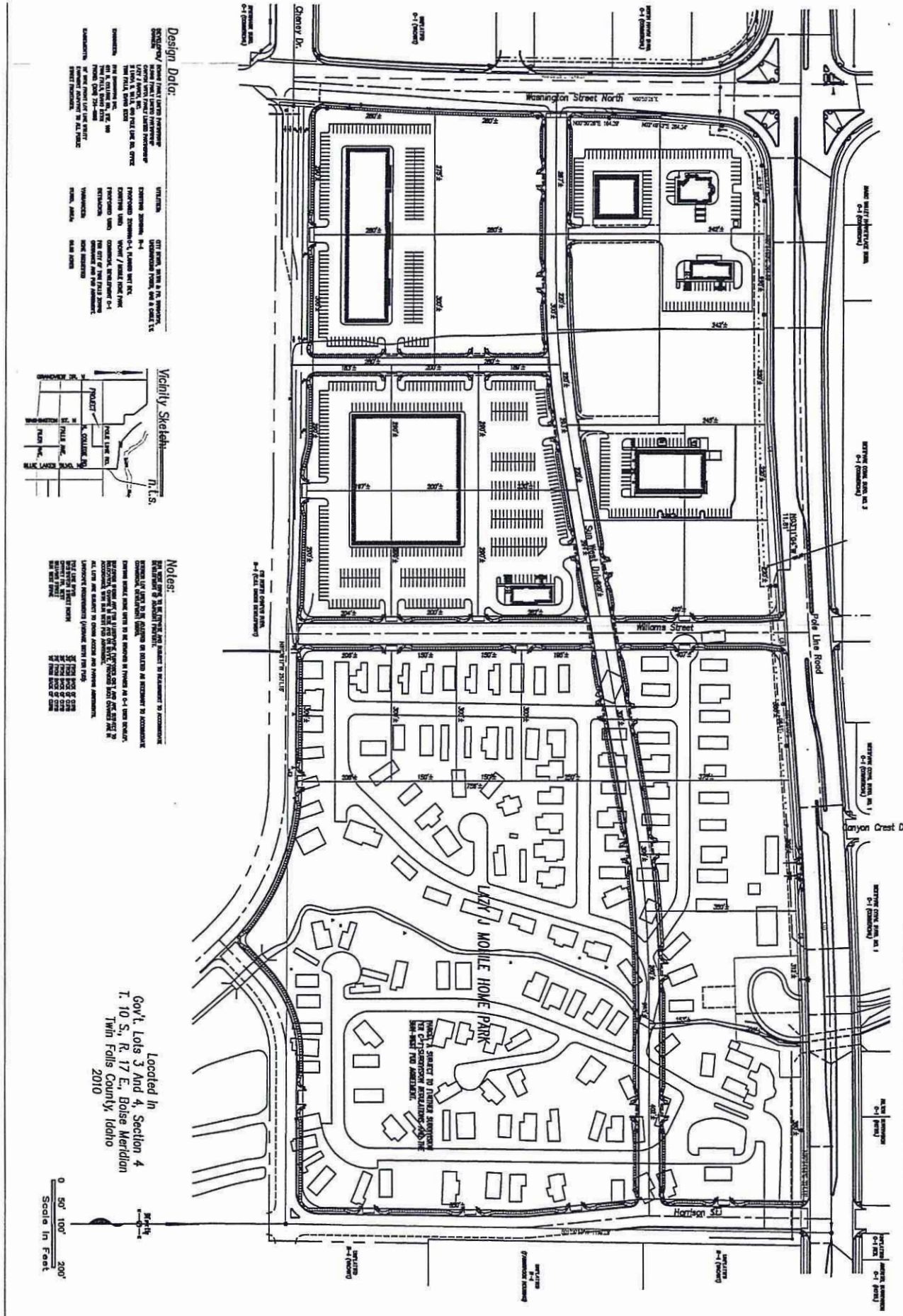
THENCE North 89°54'58" East 234.11 feet along said Right of Way to the REAL POINT OF BEGINNING.

Containing approximately 66.95 acres.

PUD-259

SUN WEST – LAZY J C-1 PUD AGREEMENT

EXHIBIT B – MASTER DEVELOPMENT PLAN



Design Data:

DESIGNER/OWNER	DAVID L. LARSEN, JR., INC.
DATE	10/1/00
PROJECT	SUN WEST SUBDIVISION
LOT	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
REVISIONS	1. 10/1/00
BY	DLL
CHECKED	10/1/00
BY	DLL
DATE	10/1/00
PROJECT	SUN WEST SUBDIVISION
LOT	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
REVISIONS	1. 10/1/00
BY	DLL
CHECKED	10/1/00
BY	DLL
DATE	10/1/00

Vicinity Sketch:



Notes:

1. ALL LOT LINES ARE TO BE SET BY MEASUREMENT TO ADJACENT PROPERTY OR TO A CORNER OF A PREVIOUSLY RECORDED PLAT.

2. THE LOT LINES SHOWN ON THIS PLAN ARE BASED ON THE ASSUMPTION THAT THE LOT LINES SHOWN ON THE PREVIOUS PLAT ARE CORRECT.

3. THE LOT LINES SHOWN ON THIS PLAN ARE BASED ON THE ASSUMPTION THAT THE LOT LINES SHOWN ON THE PREVIOUS PLAT ARE CORRECT.

4. THE LOT LINES SHOWN ON THIS PLAN ARE BASED ON THE ASSUMPTION THAT THE LOT LINES SHOWN ON THE PREVIOUS PLAT ARE CORRECT.

5. THE LOT LINES SHOWN ON THIS PLAN ARE BASED ON THE ASSUMPTION THAT THE LOT LINES SHOWN ON THE PREVIOUS PLAT ARE CORRECT.

0 50' 100' 200'

Scale in Feet

Located in
Gov't. Lots 3 and 4, Section 4
T. 10 S., R. 17 E., Boise Meridian
Twin Falls County, Idaho
2010

Master Development Plan
For:

Sun West Subdivision
A Planned Unit Development



Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS
621 NORTH COLLEGE ROAD, SUITE 100 - TWIN FALLS, IDAHO 83301
TELEPHONE (208)754-4888 - FAX (208)754-6048

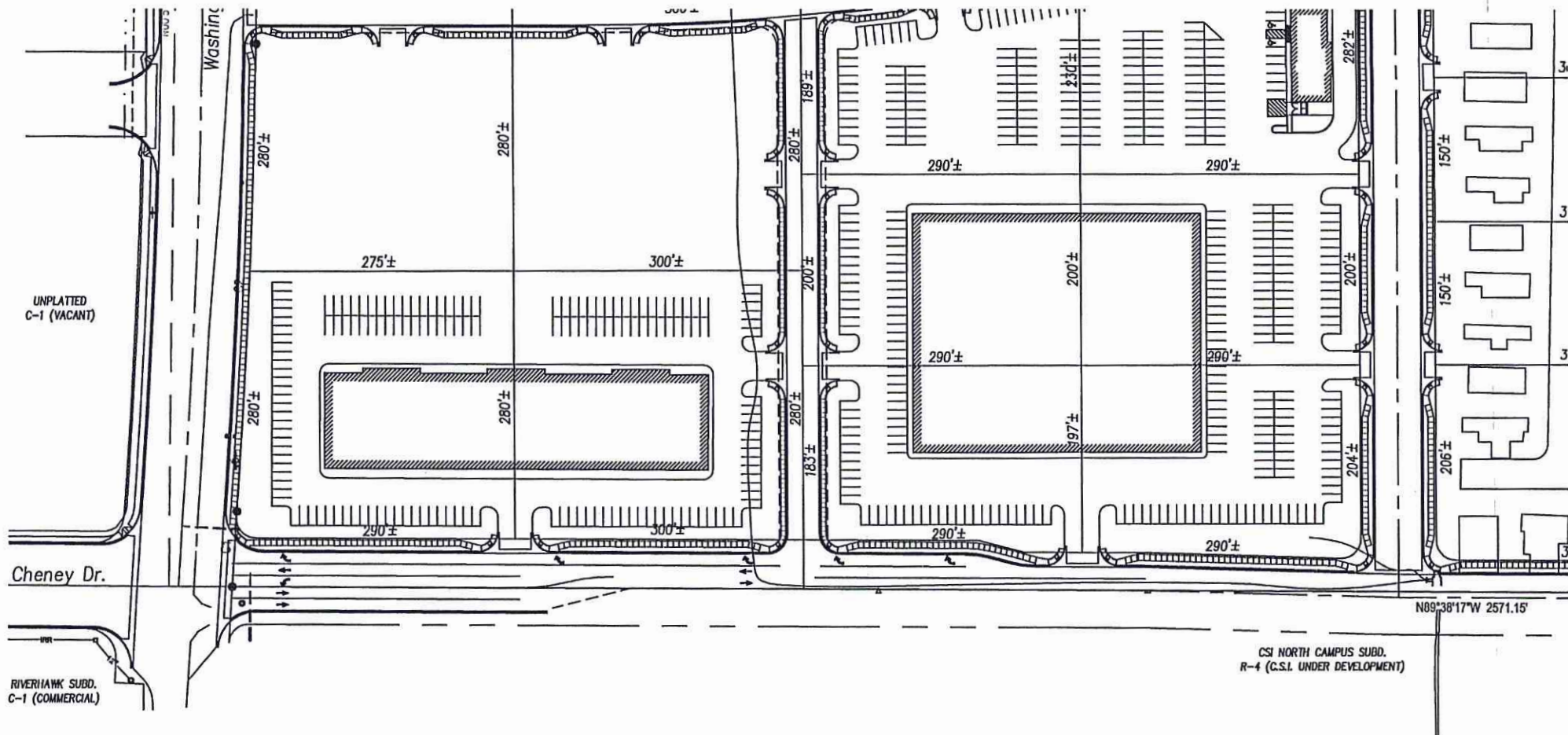
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CHECKED	10/1/00
BY	DLL
DATE	10/1/00
PROJECT	SUN WEST SUBDIVISION
LOT	10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
REVISIONS	1. 10/1/00
BY	DLL
CHECKED	10/1/00
BY	DLL
DATE	10/1/00

259
240





621 NORTH COLLEGE ROAD, SUITE 100 - TWIN FALLS, IDAHO 83301
TELEPHONE (208)734-4888 - FAX (208)734-6049



Design Data:

DEVELOPER/OWNER: BOM&W FAMILY LIMITED PARTNERSHIP
KLS&M FAMILY LIMITED PARTNERSHIP
CANYON VISTA FAMILY LIMITED PARTNERSHIP
LAZY J RANCH, INC.
% LINDA S. WILLS, 450 POLE LINE RD. OFFICE
TWIN FALLS, IDAHO 83301

ENGINEER: EIM ENGINEERS INC.
621 N. COLLEGE RD., STE. 100
TWIN FALLS, IDAHO 83301
PHONE: (208) 734-4888

EASEMENTS: 15' WIDE FRONT LOT LINE UTILITY
EASEMENT ADJACENT TO ALL PUBLIC
STREET FRONTAGES.

UTILITIES: CITY SEWER, WATER & PR. IRRIGATION,
UNDERGROUND POWER, GAS & CABLE T.V.

EXISTING ZONING: R-4

PROPOSED ZONING: C-1, PLANNED UNIT DEV.

EXISTING USE: VACANT / MOBILE HOME PARK

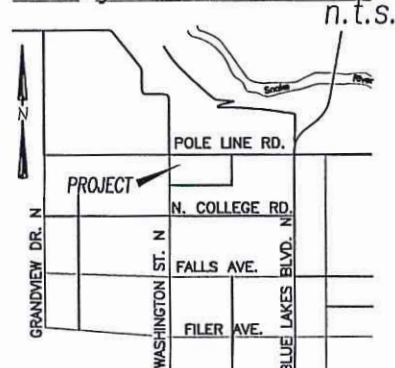
PROPOSED USE: COMMERCIAL DEVELOPMENT C-1

SETBACKS: PER CITY OF TWIN FALLS ZONING
ORDINANCE AND PUD AGREEMENT.

VARIANCES: NONE REQUESTED

SUBD. AREA: 66.95 ACRES

Vicinity Sketch:



Notes:

SUN WEST DRIVE TO BE PRIVATE AND SUBJECT TO REALIGNMENT TO
DEVELOPMENT OF ADJACENT PROPERTY.

INTERIOR LOT LINES TO BE ADJUSTED OR DELETED AS NECESSARY TO
COMMERCIAL DEVELOPMENT USERS.

EXISTING MOBILE HOME UNITS TO BE REMOVED IN PHASES AS C-1 L

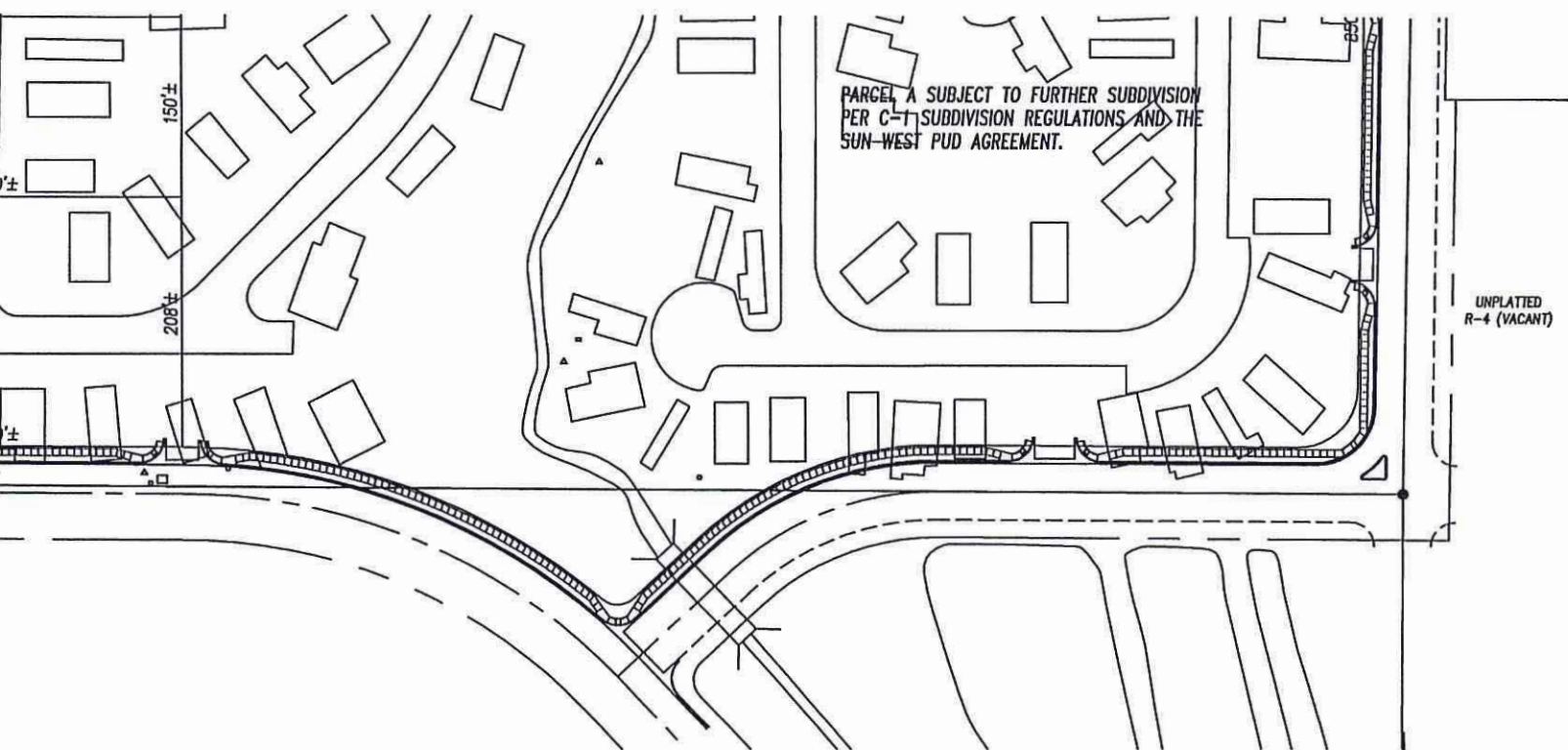
BUILDINGS SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE
RELOCATION, CHANGE IN SIZE AND OR SHAPE. PROVIDED SUCH CHA
ACCORDANCE WITH SUN WEST PUD AGREEMENT.

ALL LOTS ARE SUBJECT TO CROSS ACCESS AND PARKING AGREEMENT

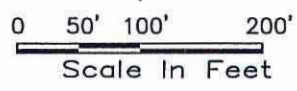
LANDSCAPE REQUIREMENTS (AVERAGE WIDTH PER PUD):

POLE LINE ROAD	35' FROM BACK OF CURB
WASHINGTON STREET NORTH	35' FROM BACK OF CURB
CHENEY DR. WEST	20' FROM BACK OF CURB
WILLIAMS STREET	20' FROM BACK OF CURB
SUN WEST DRIVE	10' FROM BACK OF CURB

254-
254



Located In
Gov't. Lots 3 And 4, Section 4
T. 10 S., R. 17 E., Boise Meridian
Twin Falls County, Idaho
2010



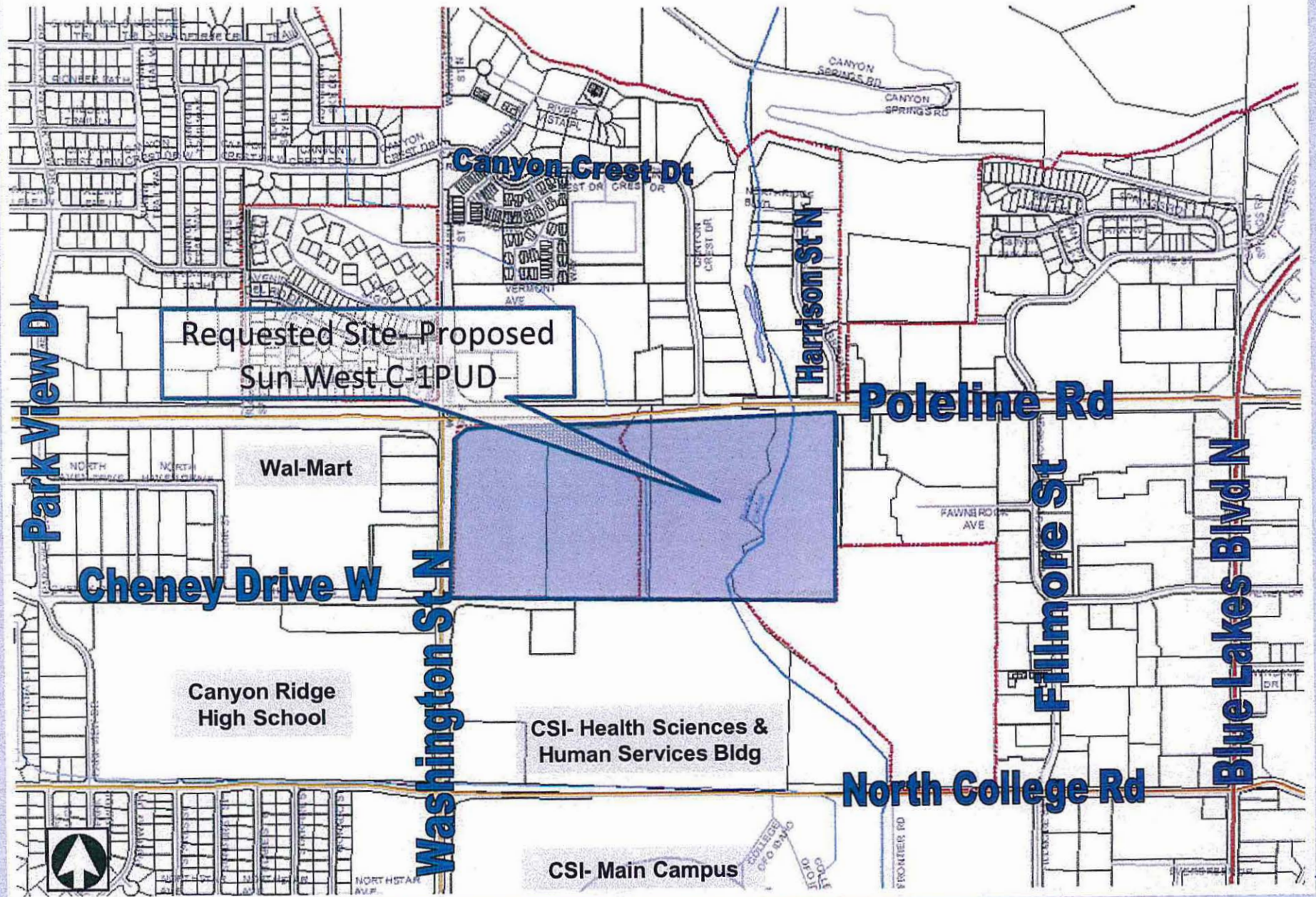
Master Development P
For: **Sun West**
A Planned Unit Develop

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL
CONDITIONS AND DIMENSIONS AT
THE JOB SITE AND NOTIFY THE
ENGINEER OF ANY DIMENSIONAL
ERRORS, OMISSIONS, OR DIS-
CREPANCIES BEFORE BEGINNING
OR FABRICATING ANY WORK.

REVISIONS:	
APPROVED	G. Martens
DESIGN	G. Martens
DRAWN	T. McBride
DATE	4 Aug., 2010
SCALE	Shown
DWG. NO.	090-10PUD

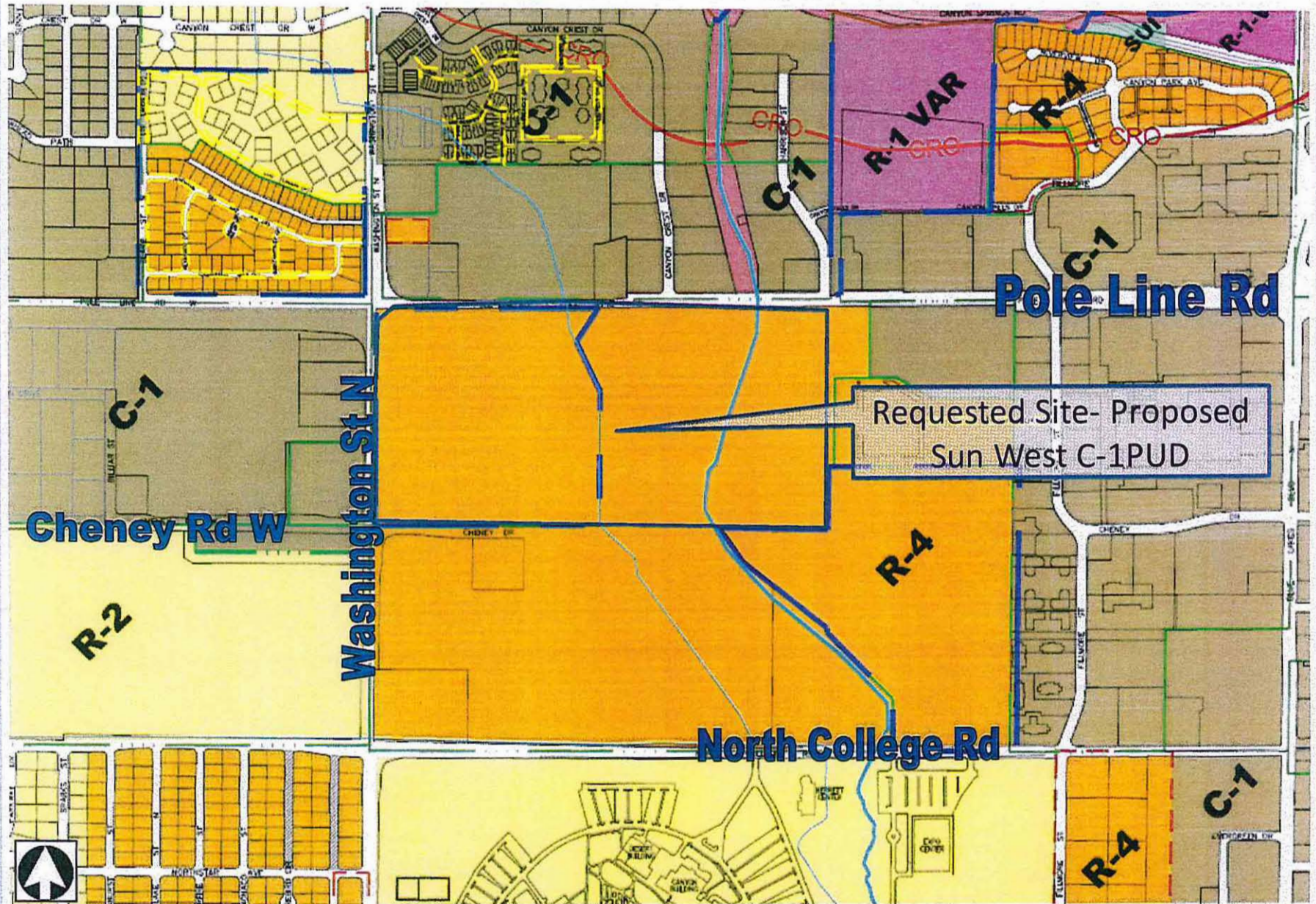
PUD-
254

VICINITY MAP



PUD 259

ZONING MAP



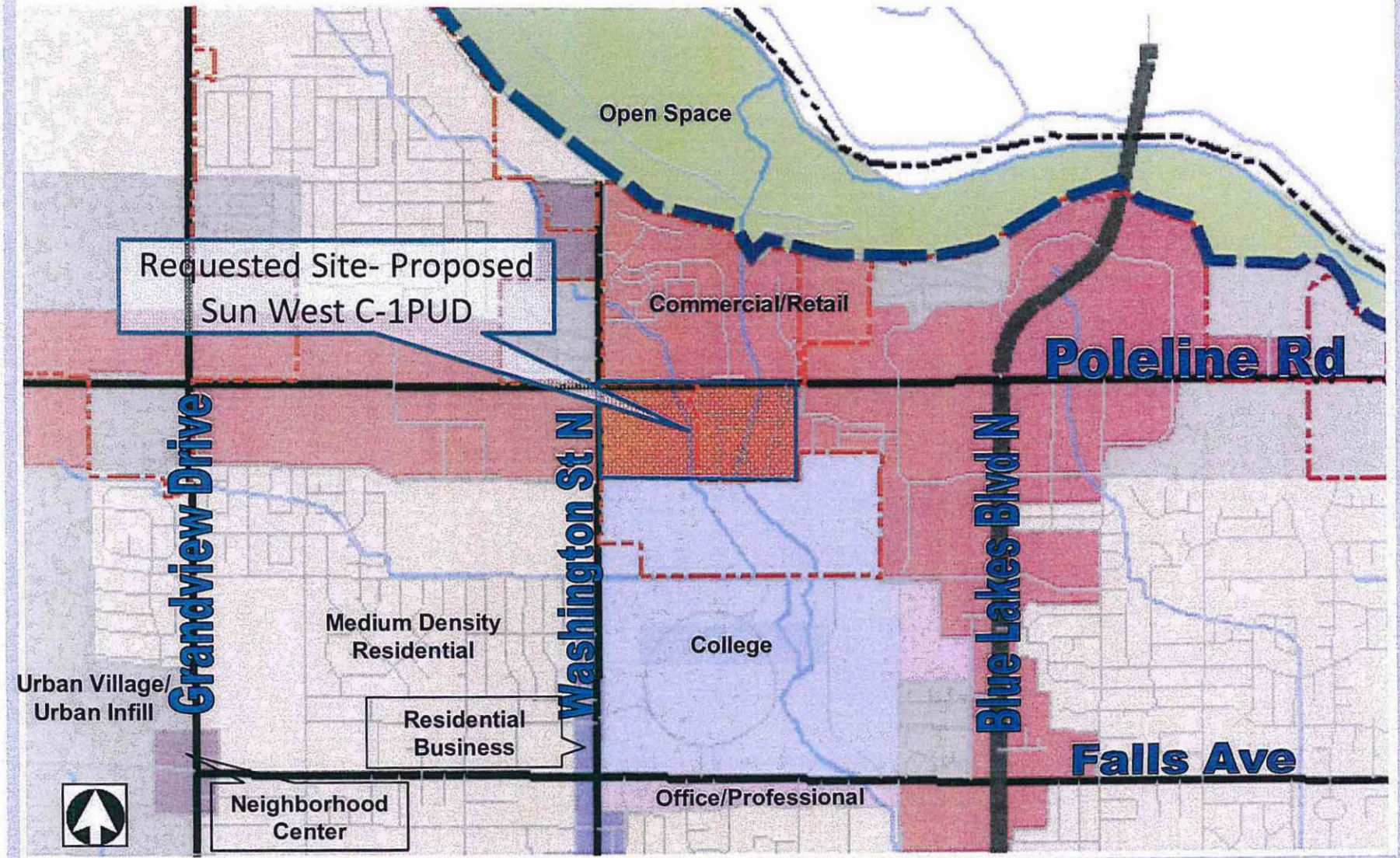
PUD 259

AERIAL VIEW



PUD-259

COMPREHENSIVE PLAN FUTURE LAND USE MAP



PUD 259

PUD 259

SUN WEST – LAZY J - C-1 PUD AGREEMENT
EXHIBIT C – LAND USES

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

1. Communications And Utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Telegraph centers and telegraph stations.
 - c. Telephone exchange stations.
 - d. Underground and aboveground transmission lines.
 - e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
 - f. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Governmental office buildings.
 - c. Judicial facilities.
4. Manufacturing:
 - a. **Business park PUD only. Development within a C-1 BUSINESS PARK PUD shall comply with the following land uses and development standards. Per Ordinance 2786, City Code §10-6-3**
5. Medical Facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Ambulance service.
 - c. Doctors' offices.
 - d. Drug and alcohol treatment centers.
 - e. Hospitals and clinics.
 - f. Rehabilitation services.
6. Parks:
 - a. Open space.
 - b. Park concessions.
 - c. Private parks and playgrounds without crowd attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
 - e. Public parks and playgrounds with crowd attracting facilities.
7. Public Assembly:
 - a. Auditoriums.
 - b. Funeral chapels.
 - c. Religious facilities.

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

(Nothing to preclude the owner from continued operation of the existing Lazy J-mobile home park in part or in its entirety until the time the owner or the owner's successor elect to begin redevelopment of the area in conformance with THIS PUD. Redevelopment of the Lazy J-mobile home park area the property owner shall require City Council approval for an amended PUD & Master Development Plan.)

9. Retail Trade:
- a. Alcoholic beverages when consumed on premises where sold and if located three hundred feet (300') or more from residential property.
 - b. Apparel and accessories.
 - c. Automobile parts store.
 - d. Bakery.
 - e. Bookstore.
 - f. Commercial greenhouses.
 - g. Craft shop, in conjunction with retail business.
 - h. Eating places.
 - i. Farm and garden supplies.
 - j. Florist shop.
 - k. Food, drugs, etc.
 - l. General merchandise.
 - m. Hardware store.
 - n. Hobby and toy store.
 - o. Home furnishings and equipment.
 - p. Ice cream store.
 - q. Import store.
 - r. Laundering and dry cleaning.
 - s. Laundromats.
 - t. Lumber, plumbing and/or electrical supply stores.

PUD-
259

- u. Music store.
- v. Pawnshop.
- w. Pet shop.
- x. Sporting goods store.
- y. Taxidermy studio.
- z. Temporary automobile, truck and recreational vehicle sales permitted with staff approval, provided that there shall be state approval, no parking or display of vehicles in landscaped areas, and no sight obstructions.

10. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Building care contracting offices.
- e. Business associations.
- f. Civic, social and fraternal organizations.
- g. Construction trade offices.
- h. Consumer credit collection offices.
- i. Copy center - self-service.
- j. Daycare services.
- k. Dog grooming and/or kennels.
- l. Duplicating and stenographic offices.
- m. Employment agency.
- n. Finance and investment offices.
- o. Horticultural services.
- p. In home daycare services.
- q. Insurance and related business.
- r. Labor unions and organizations.
- s. Photography studios.
- t. Professional organizations.
- u. Professional services.
- v. Real estate and related business.
- w. Tourist information center.
- x. Welfare and charitable facilities.

11. Sports Facilities:

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

12. Transportation:

- a. Bus facilities, including pick up shelters.
- b. Open parking lot or garage for automobiles.
- c. Taxicab office.
- d. Ticket and arrangement facilities.

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

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

1. Communications And Utilities:
 - a. Radio and television stations with wireless communications facilities.
2. Cultural Facilities:
 - a. Cemeteries.
 - b. Zoos.
2. Governmental Facilities:
 - a. Jails, detention centers, work release centers.
 - b. Water treatment plants.
4. Manufacturing:
 - a. Handcrafted furniture.
5. Medical Facilities:
 - a. Animal hospital - large animals.
 - b. Animal hospital - small animals.
 - c. Prosthetics - sales, service and/or construction.
6. Miscellaneous:
 - a. Any facility with drive-through service.
7. Parks:
 - a. Amusement parks.
8. Public Assembly:
 - a. Exhibition halls.
 - b. Fairgrounds.
 - c. Sports arena.
 - d. Theaters - outdoor.
9. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
 - b. Motels and transient hotels.
 - c. RV and camping parks.
 - d. Shelter homes.
10. Retail Trade:
 - a. Alcoholic beverages when consumed on the premises where sold if located less than three hundred feet (300') from residential property.
 - b. Automobile and recreational vehicle rental/storage yard.
 - c. Automobile and truck sales and/or rentals.
 - d. Car wash facilities.

- e. Equipment rental.
- f. Fuel sales (bulk).
- g. Gasoline service stations.
- h. Large implement and heavy equipment sales and/or rentals.
- i. Manufactured/mobile home sales and/or rentals.
- j. Sporting vehicles and motorcycles - sales and/or rentals.
- k. Storage unit rentals.
- l. Tire shops.

11. Services:

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

12. Sports Facilities:

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

13. Transportation:

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

14. Wholesale:

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

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

10-4-8.3: PROPERTY DEVELOPMENT STANDARDS:

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

(A) Lot Area:

- 1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Uses: No requirement.
2. Residential Uses: Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.
- Building Height: No building shall exceed thirty five feet (35') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)
- All buildings' exteriors shall be constructed of architectural masonry, stone, stucco or architectural steel. Building faces shall include windows setbacks, awnings, parapet, material, and color variations, and other architectural treatments to break up large uniform surfaces.
- Rooftop equipment shall be screened.
- Basic building colors shall be neutral earth tones.

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

1. Commercial Uses And Residential Uses With Five Or More Units Per Building: No property line setbacks are required on side yard or rear yard. A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:
 - a. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five feet (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
 - b. Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of twenty feet (20') or the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission. (Ord. 2981, 12-7-2009)
2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district.

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

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

(E) Landscaping:

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

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

- A 35-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb, will be constructed along Pole Line Road and Washington Street North.
- A 20-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb, will be constructed along Cheney Drive. Landscaping will conform to the CSI Landscaping Requirements regarding plant varieties and planting parameters.
- A 15-foot average width landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb, will be constructed along all other public right-of-ways and private roadways. The width may vary but in no case can the width be less than 5-feet.
- For each buffer area 50% of the lineal footage shall have berms with a ridge of at least 18" in height with 50% of berming at a minimum of 30".
- The use of planters and landscaped islands in parking lots will be used to reduce visual impact of large paved areas.
- Area adjacent to residential areas shall to be landscaped to create a dense buffer in a relatively short period of time.

(F) Off Street Parking:

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

(G) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996) SIGN VERBIAGE DIFFERS FROM CODE LANGUAGE

1. Additional Signage Requirements for this PUD:

- Pylon signs shall be located to provide primary visibility from Pole Line Road West and Washington Street North.
- Signage adjacent to Cheney Drive, Harrison Street and interim streets shall be monument type signs with a maximum height of 10-feet.
- Building identification logos shall be non-glaring internally illuminated or backlit signs directly mounted to the façade and at a height clearly visible from all major routes of access.
- Building and Building Department signs shall be limited to wall mounted signs or monument type signs with a maximum height of 20'.
- Site Wayfinding signs shall be of a size and height required for ease of legibility from a slow moving vehicle. Signs may be located at all main entry points from public streets, building entry points and parking area locations.
- Animated or flashing signs are not allowed.

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

1. Additional Development Requirements for this PUD:

- Loading docks and trash containers shall be screened from roadways, residential areas and adjacent properties to the extent possible.
- No outside storage or display of merchandise is allowed beyond the front sidewalk adjacent to the primary business building or outside of screened areas.



PUD 259







To: City of Twin Falls – Community Development Services
From: Matt Ahrens P.E. – EHM Engineers, Inc.
Date: May 1, 2025
RE: Sun West Subd. Lot 5 | Drive-Through SUP

This statement is intended to satisfy the requirement of Section C3 as listed in the Special Use Permit Application.

Sun West Development Partners is currently in the on-going process of approval to construct a new multi-tenant strip mall building. The development is located in Lot 5 of the Sun West Subdivision. The site design incorporates a new drive-through facility in anticipation of a food-related service occupying the north tenant space of the building. The site is currently zoned C-1, and therefore requires a Special Use Permit for a drive-through facility.

It is anticipated that the tenant requesting a drive-through will be operating during the hours of 7am – 9pm with approximately 10 employees per shift. According to the tenant, at their other locations operating under similar conditions with customers of similar demographics, approximately 30%-35% of average weekly sales are tallied at the drive-through. At peak-hour, approximately 25 vehicles/hour are anticipated.

When considering a peak generation rate of 25 vehicles/hr, vehicles would queue in the drive-through approximately every 2 minutes and 30 seconds. The tenant notes that a drive-through customer waits approximately 4 minutes between order given and order received- resulting in a vehicle queue in the drive-through at peak hour. According to the tenant, queues in the drive-through consistently reach a maximum of 5 vehicles. The vehicle queue capacity of the drive-through is 8 vehicles, which provides an additional 60% capacity over the maximum anticipated queue.

In regards to general compatibility with its neighboring properties, this lot and its proposed use is acceptable within the C-1 Zone – which is also the applied zone upon all neighboring lots. Notably, all neighboring lots are currently undeveloped. The project location is at the intersection of Pole Line Road and Washington Street where noise, glare, odor, fumes, and vibration are already prominent. Increases of magnitude of these effects caused by the proposed drive-through would be negligible in an already highly active area.

The consideration given to this Special Use Permit Application by the City of Twin Falls is appreciated. Please contact me at my office number: (208) 734-4888 or by email: mahrens@ehminc.com if you have any questions or concerns.

Thank you,

Matt Ahrens, P.E.
EHM Engineers, Inc.

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • [208] 734-4888 • Fax [208] 734-6049



Date: Tuesday, May 13, 2025
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request for a Special Use Permit to allow a fourplex on property located at 1445 Washington St S. c/o Kahler Nield on behalf of Derrick Ellis (PZ25-0036).

Time Estimate:

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

Background:

This is a request for a special use permit to allow a fourplex on property located at 1445 Washington St S. The property is approximately 25,000 sq. ft. The applicant is proposing to construct a four-plex approximately 5,000-6,000 sq. ft.

Approval Process:

Per City Code 10-4-5 states "a special use permit is required to allow a fourplex."

Per City Code 10-13-2-2 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.

Per City Code 10-13-2-2: Upon Granting a Special Use Permit, Conditions May Be Attached To A Special Use Permit Including, But Not Limited To, Those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

Budget Impact:

N/A

Regulatory Impact:

Should the Commission approve the proposed Special Use Permit, a fourplex may be built on property located generally at 1445 Washington St S.

History:

The property is zoned R-4; Residential Medium Density. According to our records, the original home was demolished in 2010 and the property has remained vacant.

Analysis:

Per City Code 10-13-2.2 a special use is a use otherwise prohibited by the terms of this title in a given zone, but may be allowed under specific provisions and when not in conflict with the comprehensive plan. The commission is tasked with reviewing the request based on a set of standards set forth by Title 10 and to make a final decision on whether to approve the request as presented, approve the request with conditions, deny the request or table the request for additional information.

Per City Code 10-4-5 a special use permit is required for a fourplex within the R-4 zoning district. The comprehensive plan identifies this area as neighborhood commercial and town neighborhood. Designations within the comprehensive plan are not property specific but are a guide for future development for a certain area. Neighborhood Commercial provides supporting services that complement the neighborhood character with land uses types such as small scale office/commercial, townhomes, condominiums, apartments and civic facilities. Town Neighborhood is primarily residential in nature with smaller lots of clustered development consisting of single-family, duplex, townhomes, parks, schools and civic facilities. A fourplex would be compatible with the land uses supported by the comprehensive plan and compatible with anticipated growth patterns.

The property is surrounded by a mix of single-family and multifamily residential uses. The lot is an existing residential lot that has been vacant for approximately 15 years. Adding a fourplex to the lot would revitalize the property and blend well with the surrounding area. It is located within the city limits and

would be able to obtain service required by the code to adequately serve the development. Connections to these services will be the responsibility of the developer and will not be an added burden to the public or its facilities. As this property is located along an arterial that supports a high volume of traffic, the addition of the fourplex will not create a noticeable change to the surrounding area. Access to the property will be required to meet city codes and standards and designed to avoid creating undo interference with existing traffic patterns. Considering the zoning district, comprehensive plan designation and the possible impacts related to the proposed land use Staff anticipates the addition of a fourplex will not adversely impact the surrounding area.

Conclusion:

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 approval the request as presented, Staff recommends approval be subject to:

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

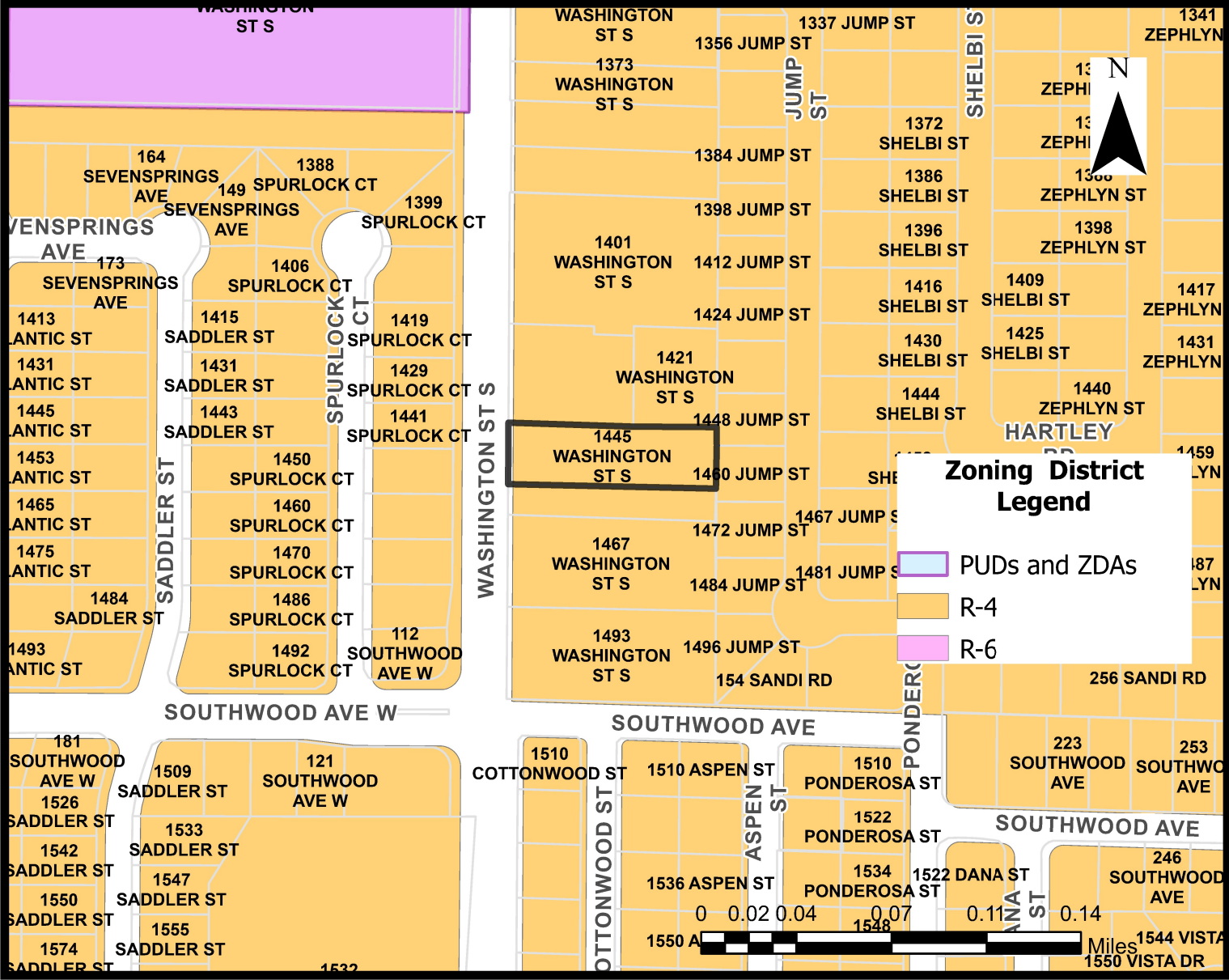
Attachments:

1. PZ25-0036 Vicinity Map
2. PZ25-0036 Zoning & FLU Map
3. PZ25-0036 Proposed Site Plan
4. PZ25-0036 Proposed Building Elevations
5. PZ25-0036 Applicant Narrative

Vicinity Map



ZONING MAP



Zoning

Current Zoning: R-4

Current Land Use Designation: Undeveloped

Proposed Land Use Designation: Fourplex

Proposed Land Use: Residential Units

Surrounding Area

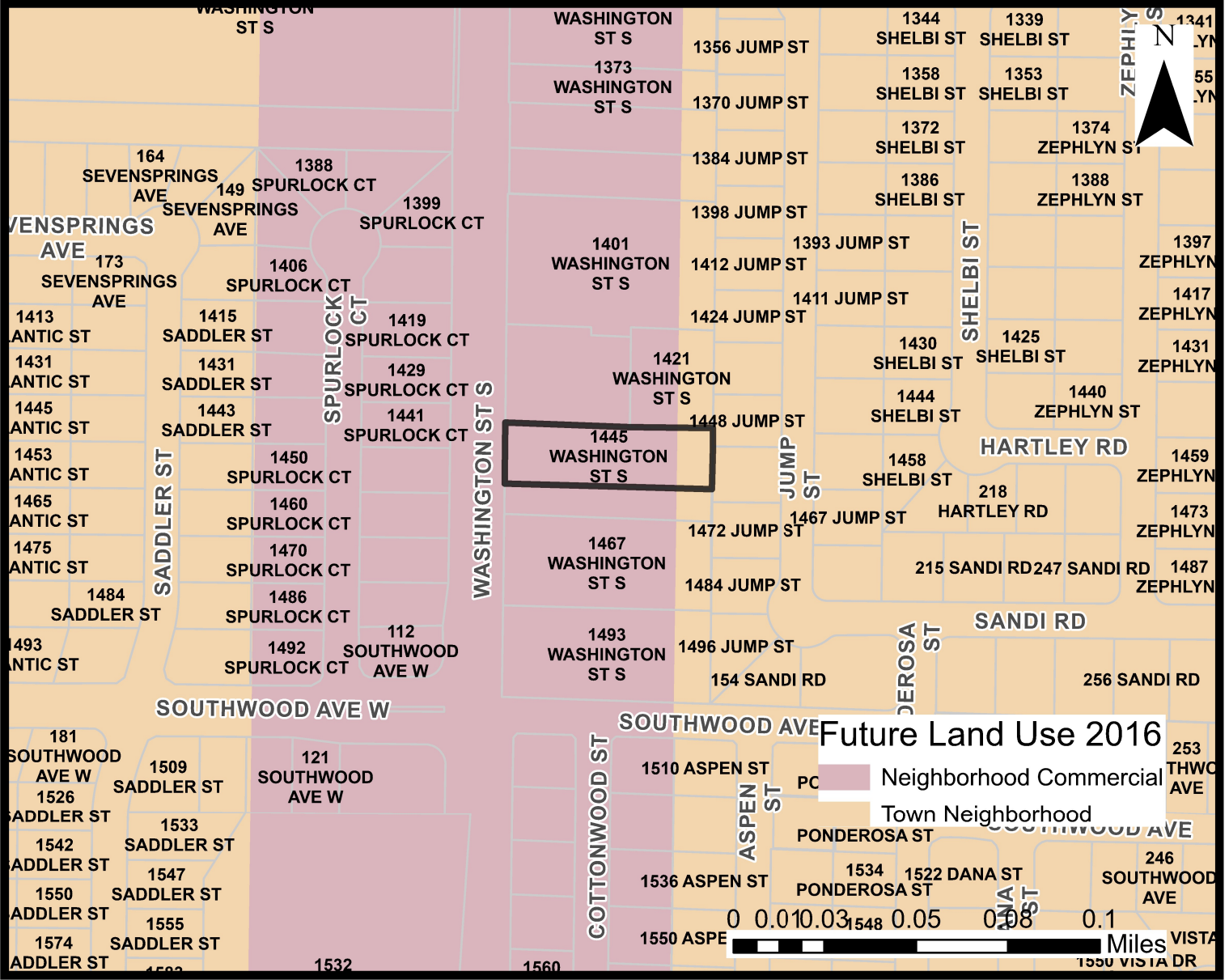
North: Residential

South: Residential

East: Residential

West: Washington St S

FUTURE LAND USE MAP



Regulations

10-1-4, 10-1-5, 10-13-2.2, 10-4-6

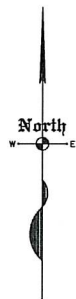
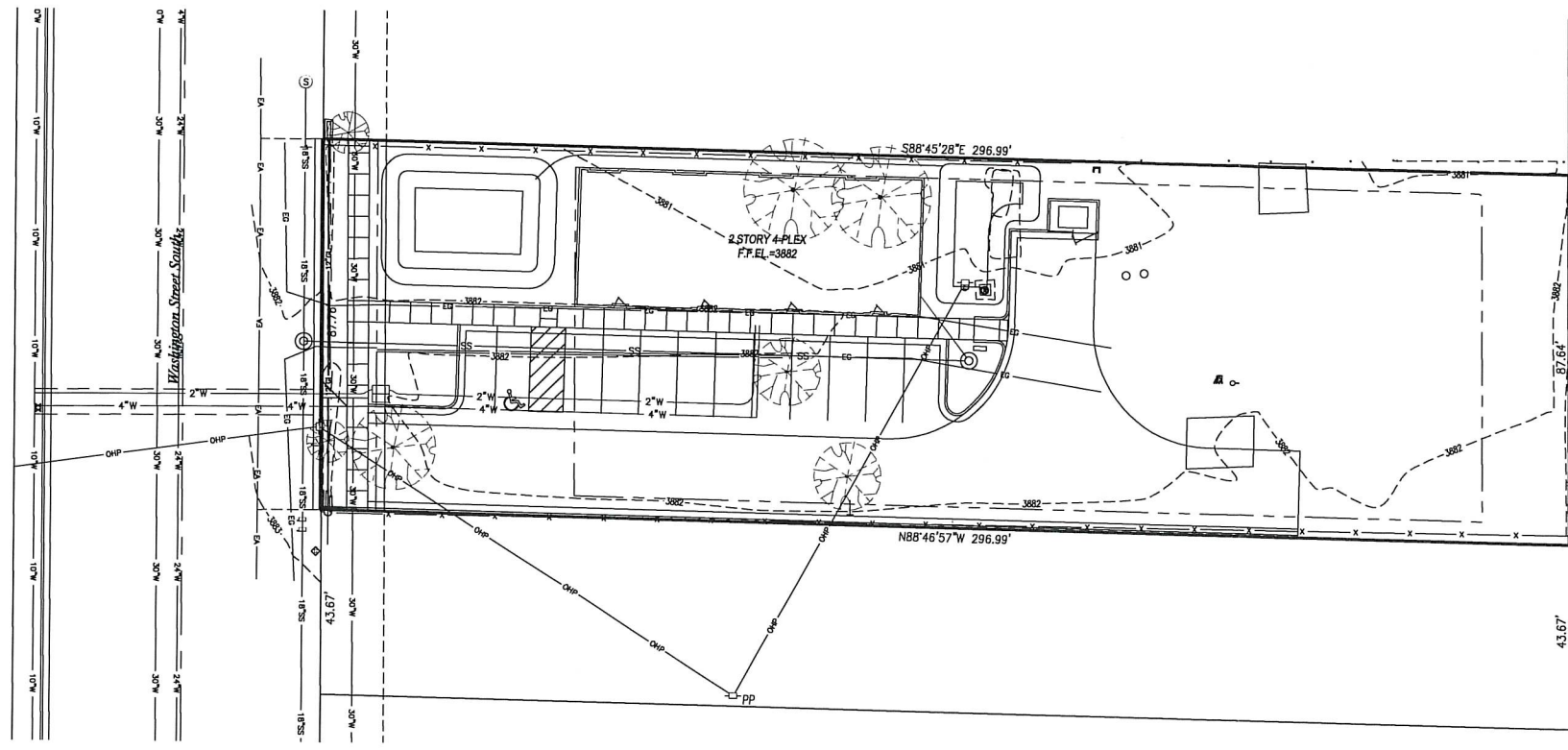
FLU Category

Neighborhood Commercial: Provides supporting services that complement the neighborhood character.

Land Use Types: Small scale Office/Commercial, Townhomes, Condominiums, Apartments, Senior/Student Housing. Civic Facilities

Town Neighborhood: Primarily Residential, smaller lot sizes, clustered development

Land Use Type: Single Family, Duplex, Townhomes, Parks, Recreational Areas, Schools, Civic Facilities



A Portion of
Lot 8
Twin Falls South Washington Addition
Located In
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28
Township 10 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2025

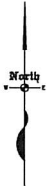
0 10' 20' 40'
Scale In Feet

Topographic Legend

- ⊙ SEWER MANHOLE
- ⊙ WATER METER
- ⊙ FIRE HYDRANT
- ⊙ WATER VALVE
- △ TELEPHONE RISER
- FIBER OPTIC RISER
- SIGN
- HANDICAP PARKING SPACE
- SS SANITARY SEWER LINE
- W WATER LINE
- EA EDGE OF ASPHALT
- ==== CURB AND GUTTER
- - - - -3711- - - - - EXISTING GROUND CONTOUR (COTF FIRE HYDRANT DATUM)



VICINITY MAP
NOT TO SCALE



Design Data:

DEVELOPER/ OWNER:	DERRICK ELLIS BOX 221 JEROME, ID 83338	UTILITIES:	CITY SEWER, WATER & PR. IRRIGATION, UNDERGROUND POWER, GAS & CABLE T.V.
ENGINEER:	EHM ENGINEERS INC. 621 N. COLLEGE RD., STE. 100 TWIN FALLS, IDAHO 83301 PHONE: (208) 734-4888	EXISTING ZONING:	R-4
EASEMENTS:	15' WIDE FRONT LOT LINE UTILITY EASEMENT ADJACENT WASHINGTON STREET AND AS SHOWN	PROPOSED ZONING:	R-4
		EXISTING USE:	VACANT
		PROPOSED USE:	4 PLEX HOUSING
		SETBACKS:	PER CITY OF TWIN FALLS ZONING ORDINANCE AND PUD AGREEMENT.
		VARIANCES:	NONE REQUESTED
		SUBD. AREA:	0.598 ACRE

EHM Engineers Inc.
Engineers / Surveyors / Planners
621 N College Rd., Suite 100 Twin Falls, ID 83301 - (208)734-4888

SITE EXHIBIT
For
ELLIS FOUR-PLEX
Twin Falls, Idaho

DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL
CONDITIONS AND DIMENSIONS AT
THE JOB SITE AND NOTIFY THE
ENGINEER OF ANY DIMENSIONAL
ERRORS, OMISSIONS, OR DIS-
CREPANCIES BEFORE BEGINNING
OR FABRICATING ANY WORK.

REVISIONS

STAMP

PRELIMINARY
NOT FOR CONSTRUCTION

APPROVED

DESIGN T. MCBRIDE

DRAWN T. MCBRIDE

DATE JAN. 2025

SCALE AS SHOWN

DWG. NO. 442-10741d



FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION

Ellis Fourplex Special Use Permit

3a.

The purpose of this request is for a Special Use Permit to allow the construction of a fourplex residential building on the property located at 1445 Washington Street South, Twin Falls, Idaho, currently zoned R-4 (Residential Multi-Family). Under Twin Falls City Code Section 10-4-5.2 (B) 6, a special use permit is required for any residential structure in the R-4 district containing more than two dwelling units. The proposed fourplex, with four units, exceeds this threshold.

The proposed fourplex will consist of four residential units within a single structure on the 0.598-acre parcel at 1445 Washington Street South. Each unit will feature one to three bedrooms, two bathrooms, designed for small families, couples, or individuals. The building will include off-street parking, landscaped areas with native plants, and modern, energy-efficient construction.

3b.

- i. As a residential building, the fourplex will not have defined “hours of operation” in the commercial sense. Residents will occupy the units 24 hours a day, 7 days a week, typical of a multi-family dwelling. No business activities or public access will occur on-site.
- ii. Traffic generation is estimated at 8-12 daily vehicle trips, based on Institute of Transportation Engineers (ITE) standards for small multi-family residences (approximately 2-3 trips per unit daily). This level is minimal and aligns with residential patterns on Washington Street South, a collector road designed to handle such volumes.
- iii. The fourplex will not employ staff during operation, as it is a residential property. During construction, a small crew (e.g., 5-10 workers) will be present temporarily, adhering to standard daytime hours (e.g., 7 AM to 5 PM), Monday through Friday, with completion expected within 6-9 months. Post-construction, occasional maintenance (e.g., landscaping, repairs) may involve 1-2 workers intermittently, hired by the property owner or manager.

3c.

- i. Noise will be limited to typical residential levels (e.g., conversation, occasional vehicle use), comparable to existing homes nearby. Construction noise will be temporary, confined to daytime hours, and mitigated with sound barriers if needed. Soundproofing between units and exterior walls will reduce tenant noise post-occupancy.
- ii. Exterior lighting will be minimal, using downward-directed, low-intensity fixtures for safety (e.g., parking area, entryways), compliant with city standards to avoid glare onto neighboring properties.
- iii. No significant odors are anticipated, as this is a residential use without commercial kitchens, waste processing, or industrial activities. Household trash will be managed via city pickup in enclosed bins.
- iv. No fumes or vibration will result from operation, as the fourplex involves no machinery or industrial processes. Construction-related vibration (e.g., from equipment) will be temporary and limited to standard building practices, with no long-term impact.



EHM Engineers, Inc.

BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE

- v. The fourplex is highly compatible with adjacent and district properties. Washington Street South features a mix of single-family homes and small multi-family buildings, and the two-story, brick-and-siding design mirrors this character. The modest scale (four units) and residential nature align with R-4's intent, avoiding the intensity of larger developments while enhancing the area's housing diversity.

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

IN THE FIELDS OF:

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



Date: Tuesday, May 13, 2025
To: Planning and Zoning Commission
From: Jonathan Spendlove & William Klaver

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to “Supplemental Regulations” and “Wellhead Protection Overlay District”. c/o City of Twin Falls

Time Estimate:

20-30 minutes for Staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

1. Update the current definitions;
2. Simplify the code navigation process for users;
3. Streamline the development approval process; and
4. Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapters applicable to this Staff Report are the Supplemental Regulations & Wellhead Protection Overlay District chapters. Supplemental Regulations, or current code section 10-7, were adopted and amended in various years, ranging from 1981 to 2021. The Wellhead Protection Overlay District was last amended in 1995 by Ordinance 2526.

These chapters utilized the majority of the previous language as it pertained to the Supplemental Regulations & Wellhead Protection Overlay District chapters. The Supplemental Regulations chapter had several sections removed and placed in various other chapters. The Wellhead Protection Overlay District is currently found in Twin Falls Municipal Code 10-4-20. It is proposed to have this section moved to it's own chapter.

A few of the more notable changes include:

1. Move Wellhead Protection Overlay District from District Chapters to it's own Chapter;
2. Move Detached Accessory Building Setbacks in Residential Zoning Districts and Subdistricts to 10-4-10 (A);
3. Remove street centerline setbacks;
4. Remove lot splits for separate ownership of units in Duplexes;
5. Remove landscaping requirements for property fronting the College of Southern Idaho's property;
6. Move Adult Entertainment Businesses to 10-4-11;
7. Move Gateway Arterials Landscaping to 10-6;
8. Update for clarity for regulations on outside storage and display;
9. Remove placement of satellite dishes;
10. Update and Reformatted Wireless Communication Facilities regulations;
11. Moved the notice requirements for Public Hearing to 10-8; and

12. Moved Sports Shooting Range - Indoor regulations to 10-4-9 (B).

These drafts have been on the City's website since April 14, 2025.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments 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
- 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.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Budget Impact:

N/A

Regulatory Impact:

If approved, this section will provide the general verbiage for the Supplemental Regulations & Wellhead Protection Overlay District chapters in Title 10. Prior to adoption, the entirety of Title 10 will be brought forth to the Commission and Council in its final format, where the Council will decide to proceed with an ordinance or not.

History:

N/A

Analysis:

N/A

Conclusion:

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The Commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the Supplemental Regulations & Wellhead Protection Overlay District chapters of Title 10 as presented;*
2. *Move to recommend approval with conditions for the proposed zoning text amendment to the Supplemental Regulations & Wellhead Protection Overlay District chapters of Title 10; or*
3. *Move to table the item to a date certain of _____*

Attachments:

1. PZ25-0121 Current Wellhead Protection Overlay District Regulations
2. PZ25-0121 Proposed Wellhead Protection Overlay Regulations
3. PZ25-0121 Current Zoning Supplementary Regulations
4. PZ25-0121 Proposed Supplemental Regulations

10-4-20: WPO, WELLHEAD PROTECTION OVERLAY DISTRICT:

10-4-20.1: SHORT TITLE AND PURPOSE:

(A) This section shall be known as the *WELLHEAD PROTECTION PLAN*.

(B) It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to contamination of the public water supply, and to formalize groundwater protection/pollution abatement and control procedures. Specific goals are to:

1. Protect human life and health;
2. Ensure that the public is provided with a sustainable, safe potable water supply;
3. Minimize expenditure of public money for pollution remediation projects;
4. Minimize regulations on land use; and
5. Minimize business interruptions. (Ord. 2526, 5-20-1996)

10-4-20.2: DEFINITIONS:

When used in this section the following words and phrases shall have the meanings given in this section:

AGRICULTURAL RUNOFF WASTEWATER: Water diverted for irrigation but not applied to crops, or runoff of irrigation tail water from the cropland as a result of irrigation.

COMMUNITY WATER SYSTEM: A public system which serves at least fifteen (15) service connections used by year round residents or regularly serves at least twenty five (25) year round residents.

COMMUNITY WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

FACILITY: Refers to any business or corporation that is built, installed, or established to serve a particular purpose.

HAZARDOUS WASTE DISPOSAL FACILITY: A hazardous waste treatment, storage, or disposal facility which receives hazardous material as described in part 40 chapter 260.1 of the code of federal regulations.

HAZARDOUS WASTE OR MATERIAL: Any waste or material which, because of its quantity, concentration, physical, chemical or infectious characteristics, may:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,

(B) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or,

(C) Any material or substance designated as a hazardous or toxic substance defined by part 40 chapter 261.3 of the Code of Federal Regulations, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Division of Environmental Quality or any successor agency.

INJECTION: The subsurface emplacement of fluids.

LIVESTOCK CONFINEMENT OPERATION: As defined in the County Zoning Ordinance.

NONCOMMUNITY WATER SYSTEM: A public water system that is not a community water system.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty five (25) individuals daily at least sixty (60) days out of the year. Such term includes: 1) any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and 2) any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. A public water system is either a "community water system" or a "noncommunity water system" as defined herein.

SANITARY LANDFILL: A solid waste disposal operation where the wastes are spread on land in thin layers, compacted to the smallest practical volume, and covered with cover material once each day of operation in order to safeguard against environmental pollution, nuisances, and health hazards.

STORM WATER RUNOFF: Water discharged as a result of rain, snow, or other precipitation.

TIME OF TRAVEL DISTRICTS (TOT): The time required for a contaminant to move in the ground from a specific point to a well.

UNDERGROUND INJECTION WELL: Any excavation or artificial opening into the ground which meets the following three (3) criteria:

- (A) It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and,
- (B) It is deeper than its largest straight-line surface dimension; and,
- (C) It is used for or intended to be used for injection.

WELLHEAD PROTECTION OVERLAY DISTRICT (WHO): A land use designation on the Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. The Wellhead Protection Overlay District will also appear in the hazardous component of the Comprehensive Plan. A map will define specific area districts centering around wells supplying drinking water to a public water system. The map is delineated using one of the following methods:

- (A) Calculated fixed radius; or,
- (B) Arbitrary fixed radius; or,
- (C) Simplified variable shapes; or,
- (D) Semi-analytical, and analytical methods; or,
- (E) Hydrogeologic mapping; or,
- (F) Numerical modeling;

and follow the guidelines established in the Idaho Wellhead Protection Plan.

WELLHEAD PROTECTION OVERLAY DISTRICT Ia: A minimum fixed radius extending no less than fifty feet (50') radially from the wellhead supplying potable water to the public water supplies.

WELLHEAD PROTECTION OVERLAY DISTRICT Ib: A three (3) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT II: A six (6) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT III: A ten (10) year "time of travel district (TOT)" as defined in this Section.

10-4-20.3: ESTABLISHMENT OF WELLHEAD PROTECTION OVERLAY DISTRICT:

There is hereby established a Wellhead Protection Overlay District identified and described as all the area within the ten (10) year TOT district around public water supplies as shown on the Official Zoning Map. It is further established that these areas be composed of four (4) districts: "Wellhead Protection Overlay District Ia," "Wellhead Protection Overlay District Ib", "Wellhead Protection Overlay District II", and "Wellhead Protection Overlay District III", as they are defined in this Chapter. The City may record with the County Recorder's office a metes and bounds description of the Wellhead Protection Overlay District.

10-4-20.4: PROHIBITED USES WITHIN DISTRICT Ia OF THE WELLHEAD PROTECTION AREA:

Uses permitted within District Ia shall be limited to necessary public water supply wellhead equipment including the following: wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage and approved landscaping. All other uses shall be prohibited.

10-4-20.5: PROHIBITED USES WITHIN DISTRICT Ib OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are hereby prohibited within District Ib of the Wellhead Protection areas:

- (A) Sanitary landfills.
- (B) Livestock confinement operations.
- (C) Hazardous waste disposal facility.
- (D) Injection wells except for the following:
 - 1. Closed systems.
- (E) All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on ground water.
- (F) Existing sewer lines shall not be closer than one hundred feet (100') of a wellhead or of new sanitary systems and sewer lines shall not be closer than one hundred fifty feet (150') of a wellhead.
- (G) Existing septic tanks or drain fields shall not be closer than one hundred feet (100') of a wellhead and new installation of septic tanks or drain fields shall not be closer than two hundred feet (200') away from the wellhead.
- (H) Junk or salvage yards.
- (I) Disposal of waste oil, oil filters, tires and all other petroleum products.
- (J) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.6: PROHIBITED USES WITHIN DISTRICT II OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are prohibited within District II of the Wellhead Protection Overlay District:

- (A) Sanitary landfills;
- (B) Hazardous waste disposal facilities;

(C) Injection wells except for the following:

1. Deep well injection (below 18 feet in depth):
 - a. Geothermal heat;
 - b. Heat pump return;
 - c. Cooling water return.
2. Shallow well injection only (less than 18 feet in depth):
 - a. Storm runoff;
 - b. Agricultural runoff waste water;
 - c. Special drainage water;
 - d. Aquifer recharge;
 - e. Aquifer remediation;
 - f. Septic systems (general).

(D) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.7: PROHIBITED USES WITHIN DISTRICT III OF THE WELLHEAD PROTECTION OVERLAY DISTRICT:

The following uses or conditions shall be and are prohibited within District III of the Wellhead Protection Overlay District:

(A) Injection wells except for the following:

1. Deep well injection (below 18 feet in depth):
 - a. Geothermal heat;
 - b. Heat pump return;
 - c. Cooling water return.
2. Shallow well injection only (less than 18 feet in depth):
 - a. Storm runoff;
 - b. Agricultural runoff waste water;
 - c. Special drainage water;
 - d. Aquifer recharge;
 - e. Aquifer remediation;
 - f. Septic systems (general).

(B) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.8: NOTICE OF PROPOSED ACTION TO OPERATOR OF PUBLIC OR COMMUNITY WATER SUPPLY:

Whenever there is a request which requires approval from the Planning and Zoning Commission for land lying within a Wellhead Protection District, written notice of the hearing shall be given to the entity operating the public or community water supply within that overlay district.

The Planning and Zoning Commission may require a granting of easements for monitoring wells if the Commission deems it appropriate for protection of the public water supply.

10-4-20.9: NONCONFORMING USES:

Any legal use existing at the time of the adoption of this section and listed as a prohibited use herein, shall become a legal nonconforming use and may not be expanded or improved except as otherwise provided in the zoning ordinance. (Ord. 2526, 5-20-1996)

10-4-20.10: ENFORCEMENT:

It shall be unlawful for any person, corporation, government entity or business to occupy or use the land within the area designated in the wellhead protection overlay district I, II, and III contrary to, or in violation of, any of the provisions of this section 10-4-20. (Ord. 2526, 5-20-1996)

10-4-20.11: AMENDMENTS:

Amendments will require approval from all of the counties and municipalities that this section 10-4-20 affects. (Ord. 2526, 5-20-1996)

10-14: WPO, WELLHEAD PROTECTION DISTRICT:

10-4-1: SHORT TITLE AND PURPOSE:

(A) This section shall be known as the *WELLHEAD PROTECTION PLAN*.

(B) It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to contamination of the public water supply, and to formalize groundwater protection/pollution abatement and control procedures. Specific goals are to:

1. Protect human life and health;
2. Ensure that the public is provided with a sustainable, safe potable water supply;
3. Minimize expenditure of public money for pollution remediation projects;
4. Minimize regulations on land use; and
5. Minimize business interruptions. (Ord. 2526, 5-20-1996)

10-4-2: DEFINITIONS:

When used in this section the following words and phrases shall have the meanings given in this section:

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COMMUNITY WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

FACILITY: Refers to any business or corporation that is built, installed, or established to serve a particular purpose.

HAZARDOUS WASTE DISPOSAL FACILITY: A hazardous waste treatment, storage, or disposal facility which receives hazardous material as described in part 40 chapter 260.1 of the code of federal regulations.

HAZARDOUS WASTE OR MATERIAL: Any waste or material which, because of its quantity, concentration, physical, chemical or infectious characteristics, may:

- (A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,
- (B) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or,
- (C) Any material or substance designated as a hazardous or toxic substance defined by part 40 chapter 261.3 of the Code of Federal Regulations, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Division of Environmental Quality or any successor agency.

INJECTION: The subsurface emplacement of fluids.

LIVESTOCK CONFINEMENT OPERATION: As defined in the County Zoning Ordinance.

NONCOMMUNITY WATER SYSTEM: A public water system that is not a community water system.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty five (25) individuals daily at least sixty (60) days out of the year. Such term includes: 1) any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and 2) any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. A public water system is either a "community water system" or a "noncommunity water system" as defined herein.

SANITARY LANDFILL: A solid waste disposal operation where the wastes are spread on land in thin layers, compacted to the smallest practical volume, and covered with cover material once each day of operation in order to safeguard against environmental pollution, nuisances, and health hazards.

STORM WATER RUNOFF: Water discharged as a result of rain, snow, or other precipitation.

TIME OF TRAVEL DISTRICTS (TOT): The time required for a contaminant to move in the ground from a specific point to a well.

UNDERGROUND INJECTION WELL: Any excavation or artificial opening into the ground which meets the following three (3) criteria:

- (A) It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and,
- (B) It is deeper than its largest straight-line surface dimension; and,
- (C) It is used for or intended to be used for injection.

WELLHEAD PROTECTION OVERLAY DISTRICT (WHO): A land use designation on the Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. The Wellhead Protection Overlay District will also appear in the hazardous component of the Comprehensive Plan. A map will define specific area districts centering around wells supplying drinking water to a public water system. The map is delineated using one of the following methods:

- (A) Calculated fixed radius; or,
- (B) Arbitrary fixed radius; or,
- (C) Simplified variable shapes; or,
- (D) Semi-analytical, and analytical methods; or,
- (E) Hydrogeologic mapping; or,
- (F) Numerical modeling; and
- (G) Follow the guidelines established in the Idaho Wellhead Protection Plan.

WELLHEAD PROTECTION OVERLAY DISTRICT Ia: A minimum fixed radius extending no less than fifty feet (50') radially from the wellhead supplying potable water to the public water supplies.

WELLHEAD PROTECTION OVERLAY DISTRICT Ib: A three (3) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT II: A six (6) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT III: A ten (10) year "time of travel district (TOT)" as defined in this Section.

10-4-3: ESTABLISHMENT OF WELLHEAD PROTECTION OVERLAY DISTRICT:

There is hereby established a Wellhead Protection Overlay District identified and described as all the area within the ten (10) year TOT district around public water supplies as shown on the Official Zoning Map. It is further established that these areas be composed of four (4) districts: "Wellhead Protection Overlay District Ia," "Wellhead Protection Overlay District Ib", "Wellhead Protection Overlay District II", and "Wellhead Protection Overlay District III", as they are defined in this Chapter. The City may record with the County Recorder's office a metes and bounds description of the Wellhead Protection Overlay District.

10-4-4: PROHIBITED USES WITHIN DISTRICT Ia OF THE WELLHEAD PROTECTION AREA:

Uses permitted within District Ia shall be limited to necessary public water supply wellhead equipment including the following: wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage and approved landscaping. All other uses shall be prohibited.

10-4-5: PROHIBITED USES WITHIN DISTRICT Ib OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are hereby prohibited within District Ib of the Wellhead Protection areas:

- (A) Sanitary landfills.
- (B) Livestock confinement operations.
- (C) Hazardous waste disposal facility.
- (D) Injection wells except for the following:
 - 1. Closed systems.
- (E) All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on ground water.
- (F) Existing sewer lines shall not be closer than one hundred feet (100') of a wellhead or of new sanitary systems and sewer lines shall not be closer than one hundred fifty feet (150') of a wellhead.

- (G) Existing septic tanks or drain fields shall not be closer than one hundred feet (100') of a wellhead and new installation of septic tanks or drain fields shall not be closer than two hundred feet (200') away from the wellhead.
- (H) Junk or salvage yards.
- (I) Disposal of waste oil, oil filters, tires and all other petroleum products.
- (J) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.6: PROHIBITED USES WITHIN DISTRICT II OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are prohibited within District II of the Wellhead Protection Overlay District:

- (A) Sanitary landfills;
- (B) Hazardous waste disposal facilities;
- (C) Injection wells except for the following:
 - 1. Deep well injection (below 18 feet in depth):
 - a. Geothermal heat;
 - b. Heat pump return;
 - c. Cooling water return.
 - 2. Shallow well injection only (less than 18 feet in depth):
 - a. Storm runoff;
 - b. Agricultural runoff waste water;
 - c. Special drainage water;
 - d. Aquifer recharge;
 - e. Aquifer remediation;
 - f. Septic systems (general).
- (D) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.7: PROHIBITED USES WITHIN DISTRICT III OF THE WELLHEAD PROTECTION OVERLAY DISTRICT:

The following uses or conditions shall be and are prohibited within District III of the Wellhead Protection Overlay District:

- (A) Injection wells except for the following:
 - 1. Deep well injection (below 18 feet in depth):
 - a. Geothermal heat;
 - b. Heat pump return;
 - c. Cooling water return.
 - 2. Shallow well injection only (less than 18 feet in depth):
 - a. Storm runoff;
 - b. Agricultural runoff waste water;
 - c. Special drainage water;
 - d. Aquifer recharge;

- e. Aquifer remediation;
- f. Septic systems (general).

(B) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.8: NOTICE OF PROPOSED ACTION TO OPERATOR OF PUBLIC OR COMMUNITY WATER SUPPLY:

Whenever there is a request which requires approval from the Planning and Zoning Commission for land lying within a Wellhead Protection District, written notice of the hearing shall be given to the entity operating the public or community water supply within that overlay district.

The Planning and Zoning Commission may require a granting of easements for monitoring wells if the Commission deems it appropriate for protection of the public water supply.

10-4-20.9: NONCONFORMING USES:

Any legal use existing at the time of the adoption of this section and listed as a prohibited use herein, shall become a legal nonconforming use and may not be expanded or improved except as otherwise provided in the zoning ordinance. (Ord. 2526, 5-20-1996)

10-4-20.10: ENFORCEMENT:

It shall be unlawful for any person, corporation, government entity or business to occupy or use the land within the area designated in the wellhead protection overlay district I, II, and III contrary to, or in violation of, any of the provisions of this section [10-4-20](#). (Ord. 2526, 5-20-1996)

CHAPTER 7

ZONING SUPPLEMENTARY REGULATIONS

SECTION:

10-7-1: Effect Of Supplementary Regulations

10-7-2: Sale Or Lease Of Required Space

10-7-3: Additional Height In CB, C1, OT, M1 And M2 Zoning Districts And Subdistricts

10-7-4: Canyon Rim Setback (Rep. by Ord. 2466, 2-6-1995)

10-7-5: Detached Accessory Building Setbacks In Residential Zoning Districts And Subdistricts

10-7-6: Front Yard Setbacks

10-7-7: Swimming Pools (Rep. by Ord. 2288, 10-2-1989)

10-7-8: Separate Ownership Of Units In Duplexes

10-7-9: Filling Of Canyons

10-7-10: Special Landscaping Requirements For Properties Fronting The College Of Southern Idaho (CSI) Property

10-7-11: Adult Entertainment Businesses

10-7-12: Special Landscaping Requirements For Gateway Arterials

10-7-13: Vehicle Stacking Requirements For Drive-Through Facilities (Rep. by Ord. 2016-7, 4-18-2016)

10-7-14: Outside Storage And Display

10-7-15: Placement Of Satellite Dishes

10-7-16: Recreational Vehicles On Residential Lots

10-7-17: Wireless Communications Facilities

10-7-18: Commercial Painting

10-7-19: City Services

10-7-20: Public Hearings Notice Requirements

10-7-21: Sport Shooting Range - Indoor

10-7-1: EFFECT OF SUPPLEMENTARY REGULATIONS:

The regulations herein set forth qualify or supplement the regulations within zoning districts and subdistricts appearing elsewhere in this title. (Ord. 2045, 7-6-1982)

10-7-2: SALE OR LEASE OF REQUIRED SPACE:

No space needed to meet the width, yard, area, coverage parking or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided. (Ord. 2045, 7-6-1982)

10-7-3: ADDITIONAL HEIGHT IN CB, C1, OT, M1 AND M2 ZONING DISTRICTS AND SUBDISTRICTS:

The council may allow greater than standard building heights with or without extra setback requirements, in the CB, C1, OT, M1 and M2 zoning districts and subdistricts. A request for additional height shall follow the public hearing process for zoning map amendments as described in subsection 10-14-5(B) and section 10-14-7 of this title. (Ord. 3077, 8-11-2014)

10-7-4: CANYON RIM SETBACK:

(Rep. by Ord. 2466, 2-6-1995)

10-7-5: DETACHED ACCESSORY BUILDING SETBACKS IN RESIDENTIAL ZONING DISTRICTS AND SUBDISTRICTS:

Detached accessory buildings may be built on the side or rear property line, provided all of the following conditions are met:

- (A) Written permission of adjacent property owner is obtained.
- (B) Firewalls as required by the building code are constructed.
- (C) There is no water runoff from building onto adjacent property.
- (D) The accessory building is not located closer than ten feet (10') to a main building.
- (E) There is no architectural projection beyond the property line. (Ord. 2045, 7-6-1982)

10-7-6: FRONT YARD SETBACKS:

Front yard building setbacks shall be as designated in either of the subsections below, whichever is greater: (Ord. 2620, 8-2-1999)

(A) Arterials And Collectors: Setbacks from street centerline for arterials and collectors are as follows: (Ord. 2662, 8-7-2000)

Street	Limits	Front Yard Setback
Street	Limits	Front Yard Setback
2700 East	3600 North to 4200 North	80 feet
2750 East	Entire length	62 feet
2850 East	North College Road to Pole Line Road	62 feet
2875 East	4150 North to 4200 North	52 feet
3200 East	3600 to Falls Avenue	93 feet
3200 East	Falls Avenue to end	62 feet
3300 East	Entire length	80 feet
3400 North	2600 East to Eastland Drive South	80 feet
3600 North	2700 East to 3200 East	93 feet
3600 North	3200 East to 3300 East	80 feet
4150 North	2700 East to Washington North	62 feet
4200 North	2700 East to 2850 East	62 feet
4th Avenue East	Blue Lakes Boulevard to 3200 East	52 feet
4th Avenue East, North	All townsite except CB zone	62 feet
4th Avenue West	Blake to Washington	52 feet
6th Avenue East, North	All townsite except CB zone	62 feet
6th Avenue West	Washington to Shoshone	52 feet
9th Avenue East	Blue Lakes Boulevard to 3200 East	52 feet
9th Avenue East	Townsite	62 feet
Addison Avenue	Washington to Eastland	80 feet
Addison Avenue East	Eastland to 3300 East	93 feet
Addison Avenue West	2700 East to Washington	93 feet
Blake Street	4th Avenue West to Filer Avenue	62 feet
Blue Lakes Boulevard	Kimberly Road to Pole Line Road	80 feet
Blue Lakes Boulevard North	Pole Line Road to Perrine Bridge	93 feet
Blue Lakes Boulevard South	3300 North to Kimberly Road	93 feet
Bridgeview Boulevard	Blue Lakes Boulevard North to Pole Line Road East	52 feet
Bridgeview Boulevard	Pole Line Road East to Locust Street North	62 feet
Candleridge Drive	Entire length	62 feet
Canyon Rim Road	2850 East to 4150 North	52 feet
Carriage Lane	Entire length	62 feet
Caswell Avenue	Entire length	52 feet
Cheney Drive	Entire length	62 feet
Clearwater Way	Entire length	52 feet
Eastland Drive North	3600 North to Falls Avenue	80 feet
Eastland Drive North	Falls Avenue to Pole Line Road	93 feet
El Camino Avenue	Entire length	52 feet
Eldridge Avenue	Entire length	62 feet
Elizabeth Boulevard	Locust Street to 3300 East	62 feet
Falls Avenue	Grandview to Eastland	80 feet
Falls Avenue East	3200 East to 3300 East	80 feet
Falls Avenue East	Eastland to 3200 East	93 feet

Falls Avenue West	2700 East to Grandview	62 feet
Federation Road	Entire length	62 feet
Filer Avenue	Entire length	62 feet
Fillmore Street	Addison Avenue to Caswell Avenue	52 feet
Fillmore Street	Caswell Avenue to Blue Lakes Boulevard North	62 feet
Grandview (2800 East)	3500 North to 4200 North	80 feet
Harrison Street	Entire length	62 feet
Heyburn Avenue	Entire length	52 feet
Highland Avenue	Entire length	62 feet
Hillcrest Road/ Pheasant Road	Entire length	62 feet
Kimberly Road	Blue Lakes Boulevard to Eastland	80 feet
Kimberly Road	Eastland to 3300 East	93 feet
Locust Street	Entire length	62 feet
Madrona Street	Entire length	62 feet
Martin Street	Entire length	62 feet
Maurice Street	Entire length	52 feet
Meadowview Lane	Entire length	62 feet
Minidoka Avenue	2nd Avenue South to Blue Lakes Boulevard	62 feet
Minidoka Avenue	Shoshone Street to 2nd Avenue South	52 feet
Monroe Street	Entire length	52 feet
Mountain View Drive	Entire length	52 feet
North College Road	Entire length	62 feet
Orchard Drive	2700 East to 3300 East	80 feet
Osterloh Avenue	Entire length	52 feet
Park Avenue	Entire length	80 feet
Pheasant Road	Entire length	62 feet
Pole Line Road (4100 North)	2700 East to Eastland	93 feet
Ridgeway Drive	Entire length	52 feet
Rose Street	North College Road to 4200 North	62 feet
Rose Street	South Park Avenue West to Victory Avenue	62 feet
South Park Avenue West	2700 East to Washington	80 feet
Southwood Avenue	Entire length	52 feet
Sparks Street	Entire length	62 feet
Stadium Boulevard	Entire length	52 feet
Sunrise Boulevard	Entire length	52 feet
Victory Avenue	Entire length	62 feet
Washington Street and Washington Street North	6th Avenue West to 4150 North	80 feet
Washington Street South	3600 North to South Park Avenue West	93 feet
Washington Street South	Airport to 3600 North	80 feet
Welch Lane	Entire length	62 feet
Wendell Street	Entire length	62 feet

(B) Area Of Impact: All front yard setbacks on roads, streets and highways designated on the current Twin Falls highway district "highway designation map" shall conform to the setbacks required by that map. (Ord. 2620, 8-2-1999)

(C) Access Restricted Developments: Residential developments which have a front, rear, or side yard adjacent to an arterial or collector street, and having no access to that street may have the above listed setback reduced from ninety three feet (93') to eighty three feet (83') or from eighty feet (80') to sixty five feet (65'), for arterial streets, and from sixty two feet (62') to fifty two feet (52'), for collector streets. Any residential development with a reduced setback, as provided herein, shall be prohibited direct access to the arterial or collector street. (Ord. 2686, 4-2-2001)

10-7-7: SWIMMING POOLS:
(Rep. by Ord. 2288, 10-2-1989)

10-7-8: SEPARATE OWNERSHIP OF UNITS IN DUPLEXES:
Duplexes may have the separate units sold to different owners under the following procedure: (Ord. 2045, 7-6-1982)

(A) An application for duplex split to be made with the administrator on a form provided by the administrator.

The administrator shall allow a duplex split upon receiving evidence that the following conditions have been met:

1. Each unit shall have a lot area not less than the following:

R1-VAR: The minimum lot area shall be eight thousand (8,000) square feet.

R2: The minimum lot area shall be five thousand five hundred (5,500) square feet.

R4: The minimum lot area shall be four thousand (4,000) square feet.

R6: The minimum lot area shall be four thousand (4,000) square feet. (Ord. 2550, 6-2-1997)

2. Firewalls as required by the building code and the city inspection department have been provided between the units.

3. Separate sewer and water facilities are provided to each unit.

4. Two (2) off street parking spaces are provided for each unit. (Ord. 2012, 7-6-1981)

10-7-9: FILLING OF CANYONS:

Filling of canyons is prohibited and a special use permit shall be required for filling within one hundred feet (100') of canyon rims. Minor filling may be allowed by the administrator for cosmetic purposes. (Ord. 2550, 6-2-1997)

10-7-10: SPECIAL LANDSCAPING REQUIREMENTS FOR PROPERTIES FRONTING THE COLLEGE OF SOUTHERN IDAHO (CSI) PROPERTY:

In addition to the other landscaping requirements of this title, the following landscaping shall be provided on all properties fronting CSI property on Washington Street North, North College Road, and Falls Avenue except properties containing single and duplex household dwellings:

A berm of at least three feet (3') in height and twelve feet (12') in width shall be provided immediately behind the sidewalk or future sidewalk. The berm shall be planted in grass with a minimum of one conifer tree per three hundred (300) square feet of berm area and a minimum of one deciduous shrub per three hundred (300) square feet. Trees and shrubs may be grouped, but there shall be no open space greater than fifty feet (50') between tree and shrub groupings. (Ord. 2620, 8-2-1999)

10-7-11: ADULT ENTERTAINMENT BUSINESSES:

(A) Intent And Purpose: In the development and adoption of this section, it is recognized that there are some adult business uses which, due to their very nature, have serious, objectionable, operational characteristics, particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well being of the youth in their communities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable, operational characteristics of these adult uses by restricting their close proximity to churches, parks, schools, restaurants, movie theaters and residential areas.

This section is not intended and should not be construed to create a contemporary community standard nor to allow the sale, loan, distribution, dissemination, presentation or exhibition of material or live conduct which is obscene or which is in violation of any other law, nor to permit the creation or maintenance of any moral nuisance. (Ord. 2238, 6-20-1988)

(B) Definitions:

ADULT BOOKSTORE: An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET: A nightclub, bar, theater, restaurant or similar establishment which frequently features live performances

by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly feature films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

ADULT DRIVE-IN THEATER: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT ENTERTAINMENT BUSINESS: An adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade or adult service establishment.

ADULT LIVE ENTERTAINMENT ARCADE: Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or both a series of live dance routines, strip performances or other gyrational choreography, which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, videocassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or related to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT MOTEL: A hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE ARCADE: Any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, videocassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT SERVICE ESTABLISHMENT: Any building, premises, or structure or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

ENLARGEMENT: An increase in the size of the building, structure or premises in which the adult entertainment business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.

ESTABLISHING AN ADULT ENTERTAINMENT BUSINESS: Shall mean and include any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
3. The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or
4. The relocation of any such business.

RECONSTRUCTION: The rebuilding or restoration of any nonconforming adult use which was damaged or partially destroyed by an exercise of the power of eminent domain, or by fire, flood, wind, explosion or other calamity or act of God if the damage or destruction exceeds two-thirds ($\frac{2}{3}$) of the value of the structure or the facilities affected.

RESIDENTIAL ZONING DISTRICT: SUI, R1-8,000, R2, R4, R6 and AG zoning districts, or any subdistricts or overlays thereof.

RESUMPTION: The reuse or reoccupation of a nonconforming adult use which has been discontinued for a period of six (6) or more consecutive months.

SERVICES INVOLVING SPECIFIED SEXUAL ACTIVITIES OR DISPLAY OF SPECIFIED ANATOMICAL AREAS: As used in the definition of "adult service establishment" herein, shall mean and include any combination of two (2) or more of the following activities:

1. The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
2. The presentation of films, motion pictures, videocassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
3. The operation of coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
4. Live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
5. The operation of a massage school, massage parlor, massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio.

SPECIFIED ANATOMICAL AREAS: Shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Shall mean and include any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in 1 through 6 of this definition.

STRUCTURAL ALTERATION: Any change which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams or girders, except such changes as are ordered. (Ord. 2238, 6-20-1988; amd. Ord. 2275, 7-17-1989; Ord. 2796, 6-14-2004)

(C) **Prohibitions:** The establishment, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business shall be prohibited if such business is within five hundred feet (500') of any other such business, within two thousand five hundred feet (2,500') of any existing church, school, restaurant or movie theater or within five hundred feet (500') of any existing open space zoning district or residential zoning district within the city or the area of city impact. (Ord. 2238, 6-20-1988)

Provided, further, that no adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in a C1 (commercial highway), M1 (light manufacturing), or M2 (heavy manufacturing) zoning district. (Ord. 2238, 6-20-1988; amd. Ord. 2526, 5-20-1996)

(D) **Measurement Of Distances:** The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business and any church, school, restaurant, movie theater, open space or residential zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall to the adult entertainment business to the nearest property line of the church, school, restaurant, movie theater, open space or residential zoning district.

(E) **Exterior Display:**

1. **Visibility:** No adult entertainment establishment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

2. **Number Of Signs:** Not more than one business wall sign shall be permitted for an adult entertainment business and said sign shall be permitted only on the front facade. Such requirements shall include direct access to a public street from

that property and a full amount of required parking on the site with the use. All other sign structures shall be prohibited.

3. Sign Surface Area: The sign surface area of a business wall sign for an adult entertainment business shall not exceed an amount equal to five percent (5%) of the front building facade of the first floor elevation (first 10 feet) of the premises occupied by the adult entertainment business, or thirty two (32) square feet, whichever is the lesser.

4. Lighting: Signs may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

(F) Other Laws: This section shall not be construed:

1. To establish a contemporary community standard as a defense to the violation of any other law;
2. To allow the sale, loan, distribution, dissemination, presentation or exhibition of material or live conduct which is obscene or which is in violation of any other law; or
3. To permit the creation or maintenance of any moral nuisance.

(G) Severability: If any provision or clause of this section or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the unconstitutional or invalid provision, clause or application, and to this end the provisions and clauses of this section are declared to be severable. (Ord. 2238, 6-20-1988)

10-7-12: SPECIAL LANDSCAPING REQUIREMENTS FOR GATEWAY ARTERIALS:

(A) Gateway Arterials: Gateway arterials include the following streets: Addison Avenue, Addison Avenue East, Addison Avenue West, Blue Lakes Boulevard, Blue Lakes Boulevard North, Blue Lakes Boulevard South, Kimberly Road, Washington Street from Addison Avenue to Second Avenue West, Washington Street North, Washington Street South, Pole Line Road from Rock Creek Canyon to Eastland Drive North, and Eastland Drive from Pole Line Road East to Kimberly Road. (Ord. 2620, 8-2-1999)

(B) Landscaping Requirements: In addition to, and as part of, the landscaping requirements specified elsewhere in this title, the following landscaping shall be provided, retained and maintained on all properties in commercial or industrial zoning districts and fronting gateway arterials: a landscaped strip at least ten feet (10') in width shall be provided immediately behind the sidewalk or future sidewalk when existing buildings are being remodeled, and thirty feet (30') when vacant land or cleared land is being developed, with the following exception: Washington Street North from Addison Avenue to Caswell Avenue will be required to provide a landscaped strip at least ten feet (10') in width immediately behind the sidewalk or future sidewalk when an existing building is being remodeled or vacant land or cleared land is being developed. Any continuous landscaped strip exceeding forty feet (40') in length shall contain a twelve inch (12") minimum height undulating berm. Each separate section of the landscaping strip shall contain trees or shrubs. The plant types in each portion of the landscaping strip shall be as set forth in subsection 10-11-2(A) of this title, except that evergreen trees shall not be required. Each landscaped strip shall be kept clean and free of noxious and other weeds. (Ord. 2978, 10-26-2009)

(C) Hardship: In the case of the expansion of existing commercial developments, these requirements may be modified by the commission if it can be shown by the developer that strict compliance with these requirements will result in the removal of existing and proposed parking spaces below eighty five percent (85%) of the number of spaces required to serve the existing and proposed development. (Ord. 2323, 10-15-1990)

10-7-13: VEHICLE STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES:

(Rep. by Ord. 2016-7, 4-18-2016)

10-7-14: OUTSIDE STORAGE AND DISPLAY:

No outside storage or display of merchandise is allowed between any street and the primary business building or outside of screened areas except in the M2 zoning district and except for the display of vehicles, motor homes, travel trailers, recreational vehicles, pickup shells and large implements where offered for sale or rent and except for the seasonal display of living plants and materials such as Christmas trees, pumpkins, bedding plants, etc. The term "primary business building" shall include any paved pedestrian area adjoining the building and parallel to any portion of the building facing the street. All refuse areas shall also be visibly screened from adjacent streets and properties.

(A) Notwithstanding the above outside display restriction, a retail business may apply for a "parking lot sale" permit for the temporary outside display of retail merchandise. Parking lot sale permits are subject to the following conditions:

1. Up to eight (8) temporary parking lot sale permits shall be allowed on a lot or parcel in a calendar year, with not more than two (2) per quarter.
2. A parking lot sale permit shall be issued for not more than five (5) consecutive days. Parking lot sale permits issued in different calendar year quarters shall have a minimum of seven (7) days between permits.
3. Retail merchandise may only be temporarily displayed on private real property and only on the same lot, parcel or shared parking as the primary business building to which the parking lot sale permit has been issued.
4. Retail merchandise shall not be temporarily displayed within required landscape areas or in any other area that creates a site obstruction or other traffic obstruction or hazard.

5. Retail businesses that share a lot, parcel or parking with other businesses may apply for a parking lot sale permit if a parking lot sale site plan has been prepared by the applicant and the site plan has been approved by an authorized representative of each business sharing the same lot, parcel, or parking. Approval signatures shall be provided to the planning department with the permit application along with name and contact information for the authorized representatives who provided the approval.

(B) Parking lot sale permit applications shall be submitted to the planning department not less than two (2) weeks prior to the planned parking lot sale. The administrator may approve parking lot sale permit requests that comply with the standards contained herein. (Ord. 3113, 1-25-2016)

10-7-15: PLACEMENT OF SATELLITE DISHES:

No satellite dish over eighteen inches (18") in diameter shall be placed in the front yard setback nor in front of any existing building which exceeds the front yard setback in any zoning district of the city or its area of impact. (Ord. 2550, 6-2-1997)

10-7-16: RECREATIONAL VEHICLES ON RESIDENTIAL LOTS:

Motor homes, camp trailers, campers and other similar recreational vehicles may be stored, maintained, loaded or unloaded (but not occupied otherwise or connected to sewer, water or cable services, except in approved RV parks) on residential lots. The zoning administrator may approve a temporary RV park (not to exceed 6 months) for on site construction on nonresidential lots for a minimum of three (3) and a maximum of fifteen (15) RVs, provided that all RVs are connected to centralized sewer and water services. (Ord. 2800, 8-9-2004)

10-7-17: WIRELESS COMMUNICATIONS FACILITIES:

(A) Regulations:

1. Use: The placement, use or modification of any wireless communication facility is subject to the provisions of this section.

a. Residential zones: New freestanding towers are prohibited. Wireless communication facilities attached to utility poles, existing towers or facades attached to nonresidential buildings are permitted subject to the provisions of this section.

b. Nonresidential zones: Lattice towers are prohibited. Other wireless communication facilities are permitted subject to the provisions of this section.

2. Preferred Locations And Facility Types:

a. Site Selection Criteria: A master development plan is to be created, prior to any wireless communication facility permit request, based upon engineering constraints and desired areas of service. Wireless communication facilities shall be located on a master development plan in the following priority order:

(1) Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate as described in this section.

(2) Publicly owned property.

(3) Other nonresidential buildings or vacant nonresidentially zoned land.

b. Priority Order: Facility types are preferred in the following priority order:

(1) Roof mounted.

(2) Facade mounted.

(3) Utility pole mounted.

(4) Freestanding.

3. Collocation: Collocation is considered to be a visually unobtrusive installation method because the equipment is attached to an existing structure. Collocation of a wireless communication facility shall require only approval of the administrator.

4. New Freestanding Towers: No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed wireless communication facility. Evidence submitted to demonstrate the unavailability of other towers or structures shall address all of the following:

a. An RF engineering analysis of all utility poles, regardless of height, and of all towers or structures thirty five feet (35') in height or higher, within a one thousand three hundred twenty foot (1,320') radius of the proposed wireless communication facility site.

b. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for collocation are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

5. Prohibitions: The following are prohibited or restricted:

a. Lattice towers are prohibited.

b. Interference with city and public safety communication systems and/or area television or radio broadcast is

prohibited.

c. Freestanding towers within residentially zoned areas are prohibited.

d. Diagonal bracing is permitted only to anchor the antenna to an existing building to which the antenna is attached.

(B) Application Procedure: The administrator shall be the granting authority for wireless communication facility collocating on existing structures or utility poles in accordance with the standards set forth below. All other wireless communications facilities shall require a special use permit from the planning and zoning commission. An application for a special use permit for a wireless communication facility shall contain the information set forth below, in addition to the standard application information required for all special use permits:

1. A site plan including location, type and height of the proposed wireless communication facility with setbacks, property lines, adjacent land uses, structures and zoning.

2. Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosures and other accessory uses.

3. The master development plan showing the location of all existing and proposed wireless communication facility sites of the applicant within the city and its area of impact, including the service area of each wireless communication facility.

4. Evidence demonstrating the unavailability of collocation, as set forth above.

5. Certification from the applicant's engineer that collocation of additional antennas for at least one additional provider is possible on the proposed pole, and a signed and notarized statement by the applicant agreeing to accommodate collocation of additional antennas on the tower and that the applicant agrees to enter into leases with other providers allowing use of the tower at a monthly lease rate not to exceed one-half ($\frac{1}{2}$) the capital cost of the tower, excluding the equipment to be used exclusively by the applicant, paid over fifteen (15) years at (7 percent interest) an interest rate not to exceed the Dow Jones twenty (20) year bond index, as published by the Wall Street Journal thirty (30) days prior to the lease date, plus one-half ($\frac{1}{2}$) the land lease. The maximum monthly lease rate shall be included in the application.

6. A lease agreement with the landholder that allows other providers to locate equipment on the subject property, and provides that if the provider fails to remove the wireless communication facility and equipment within one hundred eighty (180) days of its discontinued use, the responsibility for removal shall belong to the landholder.

(C) Standards:

1. Roof Mounted:

a. Height: Roof-mounted wireless communications facilities may extend above the highest portion of the roof, including parapet walls, by a distance equal to its distance to the nearest exterior wall. The maximum height for any roof-mounted facility, including the building, shall be one hundred feet (100'). (Ord. 2700, 7-16-2001)

b. Setback: Roof-mounted wireless communications facilities shall be set back from the edge of the building the height of the antenna and support system.

c. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

2. Facade Mounted:

a. Height: Facade-mounted wireless communications facilities may not exceed five feet (5') above the facade to which it is attached.

b. Setback: Maximum projection of eighteen inches (18"), but may not encroach into the public right of way.

c. Attachment: The antenna and supporting electrical and mechanical equipment must be the same color as the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.

3. Utility Pole Mounted:

a. Height: Maximum height of one hundred thirty three percent (133%) of the height of the original utility pole or an additional fifteen feet (15'), whichever is greater.

b. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

c. Attachment: The antenna shall be either fully concealed within the utility pole or face mounted (not to exceed 18 inches from the face of the pole). Standoffs and amps platforms are prohibited.

d. Pole Replacement: Existing utility poles may be replaced with a new utility pole of the same height, dimensions and appearance as the existing utility pole.

e. Equipment Enclosures: Aboveground equipment enclosures on utility poles in the right of way shall not exceed twelve (12) cubic feet in volume and shall be constructed so as to minimize their visual impact. Aboveground equipment enclosures off the right of way shall meet building line setbacks in the underlying district, and shall be finished to blend in with the surrounding area. If a security fence is installed, landscaping and screening shall be installed to visually screen the

aboveground equipment enclosure. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in the form of either: 1) a screening wall or fence surrounded by a five foot (5') wide landscape planter; or 2) a ten foot (10') wide landscape planter without a screening wall or fence. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days.

f. Relocation Of Utilities: In the event the utilities located on a utility pole are relocated underground, the wireless communication facility shall be relocated to another location pursuant to the requirements of this section.

4. Freestanding:

a. Height: Freestanding towers shall not exceed one hundred feet (100') in height as measured from the ground.

b. Setback: Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all residential and residentially zoned property one hundred twenty five percent (125%) of the tower height as measured from ground level.

c. Color: Freestanding towers shall be a neutral color, simulate a standard utility pole, or otherwise be camouflaged or disguised so as to make the tower as unobtrusive as possible.

d. Attachment: The antenna shall be either fully concealed within the tower or face mounted (not to exceed 18 inches from the face of the tower). Standoffs and amps platforms are prohibited.

e. Landscaping: Landscaping and screening shall be installed to visually screen the support structure and aboveground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in the form of either: 1) a screening wall or fence surrounded by a five foot (5') wide landscape planter; or 2) a ten foot (10') wide landscape planter without a screening wall or fence. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days.

f. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

g. Maintenance: All facilities and landscaping shall be properly maintained. (Ord. 2678, 1-16-2001)

(D) Modification: Modification to any existing wireless communication facility, which includes construction involving the replacement of support structure apparatus, antennas or any exterior alteration, shall comply with all the requirements of this chapter.

(E) Abandonment: Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communication facility within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition. The carrier shall provide to the city, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the facility will be removed when no longer in use. The city shall be named as an obligee in the bond and must approve the bonding company. (Ord. 2850, 2-21-2006)

10-7-18: COMMERCIAL PAINTING:

Outside commercial painting is prohibited in all zoning districts. Inside commercial painting is permitted only by special use permit. The painting of interior and exterior of buildings and fixtures to real estate shall be excluded from these regulations. (Ord. 2741, 11-4-2002)

10-7-19: CITY SERVICES:

(A) Intent And Purpose: It is recognized that property development within all zoning districts necessarily requires supporting infrastructure for the provision of city services, including, but not limited to, streets, utility services, emergency services, recreational facilities, etc. It is also recognized that many city owned and/or operated facilities existed without zoning approval, and were considered nonconforming under the zoning ordinance. The purpose of this section is to declare that municipal services are permitted uses in all zoning districts, but to require notice, public hearing, and city council approval before the establishment of new municipal services uses.

(B) Permitted Uses: All uses on real property owned and/or operated by the city of Twin Falls are permitted uses. (Ord. 2985, 5-3-2010)

(C) Approval Of New Uses By City Council: Any proposed new use to be established on real property owned and/or operated by the city of Twin Falls, not already permitted by other provisions of this zoning ordinance or already approved as required utility improvements in new developments, must be approved by the city council after a public hearing at which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this chapter. (Ord. 3091, 3-2-2015)

10-7-20: PUBLIC HEARINGS NOTICE REQUIREMENTS:

Public notice shall be provided for land use actions requiring a public hearing. Public notice shall comply with the following requirements. Public hearings for appeals to the administrator's interpretation and administration of this title, zoning title amendments not relating to a specific property, and comprehensive plan amendments not relating to a specific property are not required to provide mail and site posting notice.

(A) Mail: Mail notice shall be provided as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be provided by mail to the following:

a. Property owners, or purchasers of record, within the land being considered,

b. Property owners, or purchasers of record, within five hundred feet (500') of the external boundaries of the land being considered,

(1) For special use permit, zoning map amendment, and future land use map amendment requests involving the R6, MHO-1, and nonresidential districts, except M1, M2, and OS, notices shall be mailed to property owners, or purchasers of record, within seven hundred fifty feet (750') of the external boundaries of the land being considered.

(2) For special use permit, zoning map amendment, and future land use map amendment requests involving the M1 and M2 districts, notices shall be mailed to property owners, or purchasers of record, within one thousand feet (1,000') of the external boundaries of the land being considered.

c. Any additional property owners, or purchasers of record, that may be impacted by the proposed change as determined by the administrator, and

d. All political subdivisions providing services within the planning jurisdiction, including the city, school districts, and the Magic Valley regional airport manager.

2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.

3. The applicant requesting the proposed change shall mail the notices to the required property owners. Upon mailing, the applicant shall sign an affidavit stating that he has notified in writing the required property owners as to his purpose of application, time and place of hearing, residents served, and date of service. A copy of the notification shall be attached to the affidavit and returned to the city not less than ten (10) days prior to the hearing.

(B) Site Posting: Notice shall be posted on site as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the premises.

2. The applicant requesting the proposed change shall post the required notice on the premises as follows:

a. Notice shall be provided by not less than one sign located on the subject property adjacent to each street frontage of the property. In the event that the subject property is not adjacent to a public street, signs may be placed within the nearest public street right of way with prior approval from the administrator and the owner of the right of way.

b. Signs shall be placed on the property so as to remain clearly visible from adjacent streets. In the event that visibility of signs located on the property is obstructed, signs may be placed within the adjacent street right of way with prior approval from the administrator and the owner of the right of way.

c. If a property contains three hundred (300) or more feet of street frontage on a single street, one sign shall be placed on the property for each three hundred feet (300'), or portion thereof, of the street frontage.

d. Additional notice signs may be required as determined by the administrator.

e. Notice signs shall be made from metal, plywood, or an equivalent hard surface and shall be mounted on two (2) posts in a manner that is perpendicular to the street along which the sign posted.

f. Notice signs shall be a minimum of two feet (2') tall by three feet (3') wide and mounted so the bottom of the sign is at least two feet (2') above the ground. Notice signs that are located along a city designated arterial street or a state highway shall be a minimum of four feet (4') tall and four feet (4') wide and mounted so the bottom of the sign is at least three feet (3') above the ground.

g. Notice signs shall be white in color. At the top of the sign, notice signs shall include each of the following with a minimum size of six inch (6") black letters:

(1) The words, "Notice of Public Meeting",

(2) The words, "for more information call", and then the phone number for the city's planning and zoning department, and

(3) The official city logo.

h. Notice signs shall include a brochure holder mounted to the sign. The applicant requesting the proposed change shall ensure that, until such time as the notice sign is removed, the brochure holder contains handouts providing notice of the time and place of the hearing and a summary of the proposal. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.

i. The applicant requesting the proposed change shall remove the posted notice sign(s) from the property not more than three (3) days after the conclusion of the final public hearing for the proposed action.

(C) Newspaper: Newspaper notice shall be provided as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction of the city.
2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The administrator shall cause the newspaper notice to be prepared and published.

(D) Press Release: A press release shall be provided as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be made available as a press release to news media outlets serving the jurisdiction, including newspapers, radio, and television stations.
2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The administrator shall cause the press release to be prepared and made available to news media outlets. The city cannot guarantee that media outlets will broadcast the press release.

(E) City Website: Notice shall be provided on the city website as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the city website, www.tfid.org.
2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The administrator shall cause the notice to be posted on the city website. (Ord. 3091, 3-2-2015)

10-7-21: SPORT SHOOTING RANGE - INDOOR:

The following shall be provided when applying for a special use permit for a sport shooting range - indoor:

- (A) Site Location: A sport shooting range shall be located: not less than five hundred (500') lineal feet from any property in an existing residential district, with the exception of parks, open space, stormwater management areas, or similar lands reserved for uses that do not include dwellings.
- (B) Indoor Range Design: Indoor sport shooting ranges must be designed so projectiles cannot penetrate walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Considerations should be made for cleaning of all surfaces and handling of hazardous wastes.
- (C) Staffing: Sport shooting range staff must always be present on the subject property when the shooting range is in use.
- (D) Shooting Range Operation Plan: Each sport shooting range shall provide an operation plan. A copy of the operation plan shall be filed with an application for a special use permit. The operational plan shall include:
 1. Site plan;
 2. Building plan and elevations;
 3. Safety plan;
 4. Outside security plan;
 5. Copy of liability insurance;
 6. Other plans and/or information, as may be reasonably requested by staff to verify compliance with this section or unique conditions that apply to the site.
- (E) The application shall include a sound study prepared by a licensed sound engineer that demonstrates how the proposed use will address the impact of noise on adjoining uses. Any adverse effects shall be mitigated through setbacks, buffers, sound mitigation and/or hours of operation.

(F) Alcohol Sales Prohibited: Sport shooting ranges shall not sell or dispense alcoholic beverages, nor shall they be in a building which contains a business that sells or dispenses alcoholic beverages. Alcoholic beverages are not allowed on the premises of the sport shooting range at any time.

(G) Receive permission from the city for the ability to discharge firearms within city limits in accordance with city code section 6-2-1-D. (Ord. 2021-010, 5-3-2021)

10-13-1: EFFECT OF SUPPLEMENTARY REGULATIONS:

The regulations herein set forth qualify or supplement the regulations within zoning districts and appearing elsewhere in this title.

10-13-2: SALE OR LEASE OF REQUIRED SPACE:

No space needed to meet the yard, area or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

10-13-3: FILLING OF CANYONS:

Filling of canyons is prohibited and a special use permit shall be required for filling within one hundred feet (100') of canyon rims. Minor filling may be allowed by the administrator for cosmetic purposes.

10-13-4: OUTSIDE STORAGE AND DISPLAY:

Merchandise shall not be stored or displayed outside of the primary business building unless in areas that are screened from public view. Exceptions include vehicles, as defined in Title 49 of Idaho State Code, pickup shells, large agricultural implements and machinery for sale or rent, and seasonal items as determined by the administrator. The term "primary business building" shall include any paved pedestrian area adjoining the building and parallel to any portion of the building facing the street.

- (A) Notwithstanding the above outside display restriction, a retail business may apply for a "parking lot sale" permit for the temporary outside display of retail merchandise. Parking lot sale permits are subject to the following conditions:
1. Up to eight (8) temporary parking lot sale permits shall be allowed on a lot or parcel in a calendar year, with not more than two (2) per quarter.
 2. A parking lot sale permit shall be issued for not more than five (5) consecutive days. Parking lot sale permits issued in different calendar year quarters shall have a minimum of seven (7) days between permits.
 3. Retail merchandise may only be temporarily displayed on private real property and only on the same lot, parcel or shared parking as the primary business building to which the parking lot sale permit has been issued.
 4. Retail merchandise shall not be temporarily displayed within required landscape areas or in any other area that creates a site obstruction or other traffic obstruction or hazard.
 5. Retail businesses that share a lot, parcel or parking with other businesses may apply for a parking lot sale permit if a parking lot sale site plan has been prepared by the applicant and the site plan has been approved by an authorized representative of each business sharing the same lot, parcel, or parking. Approval signatures shall be provided to the planning department with the permit application along with name and contact information for the authorized representatives who provided the approval.
- (B) Parking lot sale permit applications shall be submitted to the planning department not less than two (2) weeks prior to the planned parking lot sale. The administrator may approve

parking lot sale permit requests that comply with the standards contained herein. (Ord. 3113, 1-25-2016)

10-13-5: RECREATIONAL VEHICLES ON RESIDENTIAL LOTS:

Motor homes, camp trailers, campers and other similar recreational vehicles may be stored, maintained, loaded or unloaded (but not occupied otherwise or connected to sewer, water or cable services, except in approved RV parks) on residential lots. The zoning administrator may approve a temporary RV park (not to exceed 6 months) for on site construction on nonresidential lots for a minimum of three (3) and a maximum of fifteen (15) RVs, provided that all RVs are connected to centralized sewer and water services.

10-13-6: COMMERCIAL PAINTING:

Outside commercial painting is prohibited in all zoning districts. Inside commercial painting is permitted only by special use permit. The painting of interior and exterior of buildings and fixtures to real estate shall be excluded from these regulations.

10-13-7: WIRELESS COMMUNICATION FACILITIES:

(A) General Regulations:

1. Preferred Locations and Facility Types:

- a. Site Selection Criteria: A master development plan is to be created, prior to any wireless communication facility permit request, based upon engineering constraints and desired areas of service. Wireless communication facilities shall be located on a master development plan in the following priority order:
 - 1) Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate as described in this section.
 - 2) Publicly owned property.
 - 3) Other nonresidential buildings or vacant nonresidentially zoned land.
- b. Priority Order: Facility types are preferred in the following priority order:
 - 1) Roof mounted.
 - 2) Facade mounted.
 - 3) Utility pole mounted.
 - 4) Stealth Freestanding.
 - 5) Freestanding.

2. New Freestanding Towers: No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed wireless communication facility. Evidence submitted to demonstrate the unavailability of other towers or structures shall address all of the following:

- a. An RF engineering analysis of all utility poles, regardless of height, and of all towers or structures thirty five feet (35') in height or higher, within a one

thousand three hundred twenty foot (1,320') radius of the proposed wireless communication facility site.

- b. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for collocation are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
3. Prohibitions: The following are prohibited or restricted:
 - a. Lattice towers are prohibited.
 - b. Interference with city and public safety communication systems is prohibited.
 - c. Freestanding towers within residentially zoned areas are prohibited.
 - d. Diagonal bracing is permitted only to anchor the antenna to an existing building to which the antenna is attached.
4. The City Shall follow the requirements for review of Micro and Macro Towers as regulated by the FCC.
5. When a Wireless Communication Facility is identified as causing radio frequency interference (RFI) with the City of Twin Falls public safety communications equipment, the following steps shall be taken:
 - a. Upon notification by the City of interference with public safety communications equipment, the owners of the Wireless Communications Facility equipment shall utilize the hierarchy and procedures set forth in the Federal Communication Commission's (FCC) Wireless Telecommunications Bureau's Best Practices Guide. If the Wireless Communication Facility owner fails to cooperate with the City and/or County in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City of Twin Falls may take steps to contact the FCC to eliminate the interference.
 - b. If there is a determination of RFI with the public safety communications equipment, the party which caused the interference shall be responsible for reimbursing the City and/or for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the City to determine the source of the interference.
6. Lighting: Lighting shall follow the Federal Aviation Administration (FAA) minimum standard.
7. Pedestrian and Vehicular Movement: No facility, structure, or associated equipment shall impede pedestrian or vehicular movement and circulation.
8. Facility Storage:

- a. A wireless communication facility shall not be used for the storage of any excess equipment or hazardous materials, nor be used as habitable space.
- b. No outdoor storage yard(s) shall be allowed in a wireless communications facility equipment compound.

(B) Application Procedure: The administrator shall be the granting authority for wireless communication facility collocating on existing structures or utility poles in accordance with the standards set forth below. All other wireless communications facilities shall require a special use permit from the planning and zoning commission. An application for a special use permit for a wireless communication facility shall contain the information set forth below, in addition to the standard application information required for all special use permits:

1. Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosures and other accessory uses.
2. The master development plan showing the location of all existing and proposed wireless communication facility sites of the applicant within the city and its area of impact, including the service area of each wireless communication facility.
3. Evidence demonstrating the unavailability of collocation, as set forth above.

(C) Standards For Wireless Communication Types:

1. Colocation
 - a. Roof Mounted:
 - i. Height: Roof-mounted wireless communications facilities may extend above the highest portion of the roof, including parapet walls, by a distance equal to its distance to the nearest exterior wall. The maximum height for any roof-mounted facility, including the building, shall be one hundred feet (100').
 - ii. Setback: Roof-mounted wireless communications facilities shall be set back from the edge of the building the height of the antenna and support system.
 - b. Facade Mounted:
 - i. Height: Facade-mounted wireless communications facilities may not exceed five feet (5') above the facade to which it is attached.
 - ii. Setback: Maximum projection of twenty-four inches (24") but may not encroach into the public right of way.
 - iii. Attachment: The antenna and supporting electrical and mechanical equipment must be the same color as the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.

c. Utility Pole Mounted:

- i. Height: Maximum height of one hundred thirty three percent (133%) of the height of the original utility pole or an additional fifteen feet (15'), whichever is greater.
- ii. Attachment: The antenna shall be either fully concealed within the utility pole or face mounted (not to exceed 24 inches from the face of the pole). When located within the right-of-way the antenna shall be fully concealed within the utility pole.
- iii. Pole Replacement: Existing utility poles may be replaced with a new utility pole of the same height, dimensions and appearance as the existing utility pole.
- iv. Equipment Enclosures: Aboveground equipment enclosures are classified as utility distribution facilities.
- v. Relocation Of Utilities: In the event the utilities located on a utility pole are relocated underground, the wireless communication facility shall be relocated to another location pursuant to the requirements of this section.

2. Freestanding:

- a. Height: Freestanding towers shall not exceed one hundred feet (100') in height as measured from the ground.
- b. Setback: Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all residential and residentially zoned property one hundred twenty five percent (125%) of the tower height as measured from ground level.
- c. Color: Freestanding towers shall be a neutral color, simulate a standard utility pole, or otherwise be camouflaged or disguised so as to make the tower as unobtrusive as possible.
- d. Maintenance: All facilities and landscaping shall be properly maintained.

(D) Modification: Modification to any existing wireless communication facility, which includes construction involving the replacement of support structure apparatus, antennas or any exterior alteration, shall comply with all the requirements of this title.

(E) Abandonment: Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communication facility within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition.