



Twin Falls Planning & Zoning Commission Agenda

Tuesday, March 13, 2018, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Members -

City Limits: Danielle Dawson, Vice-Chair; Craig Hawkins; Gerardo "Tato" Muñoz, Chairman; Ed Musser; Carolyn Bolton; Curtis Hansen; Craig Kelley

Area of Impact: Ryan Higley; David Detweiler

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consideration of Amendments to Agenda
- 3) General Public Input
- 4) Consent Calendar
 - a) Approval of Minutes, Findings of Fact and Conclusions of Law for the following:
 - 02-27-18 Minutes
 - Quiroz (SUP Amended)
- 5) Items of Consideration
 - a) Preliminary presentation for request for a **PUD Amendment to the Preserve PUD #261** to reflect changes in proposed uses, project boundary, completion of Canyon Rim Trail, dedicating Trail Head Park and to allow project specific roadway standards on approximately 370(+/-) acres located at the southeast corner of Eastland Drive North and Pole Line Road East. c/o Gerald Martens on behalf of Gary Storrer (app. 2931)
Purpose: Informational By: Jonathan Spendlove, Senior Planner
- 6) Public Hearings
- 7) Upcoming Meeting(s)
 - a)
 - March 27, 2018 Public Meeting
 - April 4, 2018 Work Session
- 8) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Lisa A. Strickland (208) 735-7267 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name, then commence with their comments. Following their statements, they shall write their name on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's 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.

The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.

4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed- **No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The 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 Chairman.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, February 27, 2018, 6:00 PM

203 Main Ave E
Twin Falls, ID 83301

Members -

City Limits: Danielle Dawson, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser, Tom Frank, Kevin Grey, Vacancy

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Members Present: Munoz, Woods, Frank, Musser, Higley, Grey, Hawkins

Staff Present: Carraway-Johnson, Nope, Spendlove, Strickland

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

2) Consideration of Amendments to Agenda : None

3) General Public Input

Scout Master from Kimberly Twin Falls introduced himself and stated he brought scouts from Troop 243 to witness a public meeting as part of working towards their Citizenship Badge.

4) Consent Calendar

a) Approval of Findings of Fact and Conclusions of Law:

- Magic Valley Dining & Entertainment, LLC (SUP 02-13-18)

Motion:

Commissioner Grey made a motion to approve the consent calendar, as presented.
Commissioner Woods seconded the motion.

Unanimously Approved

5) Items of Consideration: None

6) Public Hearings

- #### a) Request for an **amendment to Special Use Permit #1447**, granted August 22, 2017 to allow extended hours or operation to 3:30 AM for property located at 360 Main Avenue North. c/o Adrian Quiroz (app. 2926)

Applicant Presentation:

Adrian Quiroz, the applicant explained the business and stated currently they operate Tuesday thru Thursday 8:30 pm to 12: 00 am and they have approximately 10-15 people a night. On

Friday and Saturday, they are open 8:00 pm to 1:30 am and have about 100 people on those nights. The request is to extend the hours on Friday and Saturday to 3:30 am.

Senior Planner Spendlove reviewed the request on the overhead and stated In June 2007 this Commission approved SUP #1035 for a Restaurant and Lounge with Extended hours to 1am Monday thru Thursday, and until 3:30am Friday & Saturday at this site. In 2015, a new business moved in advertising itself as a Hookah Lounge. They operated for approximately 7-8 months in this location under the original SUP #1035. In August 2017, this commission approved SUP #1447 for extended hours to 1:30 am in conjunction with an Indoor Recreation facility for a Dance Club. There is currently no alcohol served for consumption on-site.

This is a request to amend SUP #1447 to extend the hours from 1:30am to 3:30am on Friday and Saturday. The Hookah lounge itself does not require an SUP per the CB zone, however, the extended retail hours and Indoor Recreation for the dance club do. The applicant established El Compa back in August 2017 and has operated ever since. The narrative states the business operates Tuesday thru Thursday 8:30 pm to 12:00 am/midnight and Friday and Saturday from 8:00 pm to 1:30 am. The Planning and Zoning Staff have not received any complaints, aside from the first weekend, from any of the individuals who testified the evening of August 22nd.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Downtown.” Downtown is defined as supporting and serving a diverse mix of uses from restaurants, retail, civic uses for regional and local activities, and high density residential. A Hookah lounge can be considered “Cultural” in that the activity is commonly practiced in South East Asia, the Middle East and parts of Northern Africa. The Downtown Future Land Use designation specifically calls out Entertainment, Arts, and Cultural activities as categories that should be supported through this designation. Staff has determined this request complies with the 2016 Comprehensive Plan; “Grow With Us”.

Per City Code 10-4-7:

A Special Use Permit is required for operation of an indoor recreation facility/dance club or that operates a retail business outside the hours of 7am to 10pm.

Per City Code 10-11-1 thru 8:

Required improvements will be assessed and all applicable code requirements will be enforced at the time of building permit submittal.

Possible Impacts:

The impacts from extended hours in conjunction with a Hookah lounge and dance club has historically presented a conflict, providing many opportunities for individuals to get into trouble. It is not the establishment itself which is the issue but the hours of operation.

According to conversations with the Police Department, individuals who would usually go home after the bars close, end up at locations still open. This provides the opportunity and

location for individuals to continue drinking. These impacts are exacerbated by the fact there is residential uses adjoining and very near 360 Main Ave N.

Senior Planner Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following condition:

1. Amending Condition #2 of SUP #1447 to read "Subject to the business being closed and all customers out of the building by 1:30 am ***except for Friday and Saturday with the business being closed and all customers out of the building by 3:30 am.*** "

PZ Questions/Comments:

- Commissioner Woods asked for clarification on the history and if there were issues when that business was open until 3:30 am.
- Senior Planner Spendlove explained that the Planning & Zoning Department has no history of complaints when the previous business was open until 3:30 am.
Commissioner Grey asked about police complaints for this business.
Senior Planner Spendlove explained that there have not been issues raised by the Police Department with regards to this request.
Commissioner Munoz asked about fencing along the property line that is across from the residence.
- Senior Planner Spendlove explained that with the alley between the commercial and the residential use screening is not required.
Commissioner Frank asked about clientele shown in the video at the last public hearing.
Mr. Quiroz explained the video shown at the last meeting was not of their clientele and was video of a previous business that was operating at this location.

Public Hearing: Opened

- Dianne Weaver, 146 Main Avenue N explained that 3:30 am in a residential area is not good for the neighborhood, she feels that it is too late to be operating.
- Barbara Rude, 351 2nd Avenue N explained it is the parking lot across from the hookah lounge, and she has not seen any issues, the owner has been keeping things under control, she has not seen any trash nor any people hanging out in the parking lot. She is aware of the previous business and how it operated but has not seen the same issues with this business. Her concern is if the behaviors changed would there be a right to appeal.
- Sid Vanderpool, 359 Main Ave N showed on the overhead photos of minimal amounts of trash that has been thrown over in his parking lot. He notified the applicant and the applicant came over and cleaned up the trash. He has not seen any issues other than cars parking in his area. His only issue is the lighting of the parking lot and the safety of the clientele with only two exits.
- Marcella, Twin Falls Citizen, explained she thinks extending the hours will be a great opportunity for the business. The business has done a good and it is a nice place to go.

Public Hearing: Closed

Closing Statement:

Mr. Quiroz stated he has been in contact with the neighbors and he has been willing to go and pick up the trash. He has had people move their cars off the neighbors lots when there are issues. They have been trying to support the community by doing fund raisers and inviting local artists to play at their establishment. He thanked the Commission for their time and would appreciate their approval.

Discussion Followed:

- Senior Planner Spendlove stated that one call was received regarding this request and they had concerns about noise later in the night. He also explained if the neighbors feel that the business is in violation of the Special Use Permit they can make a request for the Planning & Zoning Commission to consider revocation.
- Commissioner Woods stated he has mixed emotions on this issue. There were problems with another business in a more commercial area downtown with nighttime activities increasing after 1:30am. His concern is if the hours are extended until 3:30 am would it create similar problems because it would be another place for people to go after 1:30 am. He also stated he thinks this is a cultural issue and it is important for Twin Falls for remain diverse. He would be willing to give it a shot with some limitations.
- Commissioner Munoz explained he was also has mixed feeling about the noise and this being a destination for a different group of people to go to after 1:30am, possibly attracting problems. It sounds like the applicant is working hard to make sure things are going well.
- Commissioner Musser explained he is generally against the 3:30 am and feels there should be some limitations.
- Commissioner Grey explained he was concerned but the fact that they don't sell beer and alcohol makes a difference. He thinks they have done what has been asked and are trying to work at growing their business.
- Commissioner Frank explained he does agree that the residential area is a concern, but with the neighbor's reports and without the alcohol he is willing to give them a good shot.
- Commissioner Woods stated he is concerned that the extended hours would change the character of the neighborhood.
- Commissioner Munoz explained that it is not a change to the area, there has been a previous business operating until 3:30 am and it is across the street from another bar establishment.
- Commissioner Grey explained his encouragement is that there are not many complaints from the Police Department.

Motion:

Commissioner Grey made a motion to approve the requested, as presented, with staff recommendations. Commissioner Musser seconded the motion. Members Dawson, Hawkins, Munoz, Musser, Higley, Grey and Frank voted in favor of the motion while Member Woods voted against the motion. Motion Passed 7-1

Approved, As Presented, With The Following Condition

1. Amending Condition #2 of SUP #1447 to read "Subject to the business being closed and all customers out of the building by 1:30 am ***except for Friday and Saturday with the business being closed and all customers out of the building by 3:30 am.*** "

7) Upcoming Meeting(s)

a) March 7, 2018 Work Session

- Zoning & Development Manager Carraway-Johnson explained the work session will be a training session for the Commission. She also thanked the outgoing members for their service and dedication.
- Commissioner Frank, Wood and Grey thanked staff and fellow Commissioners for their service and dedication.

b) March 13, 2018 Public Hearing

8) Adjournment

Chairman Frank adjourned the meeting at 7: 45 pm.

Lisa A. Strickland, Administrative Assistant



BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Special Use Permit, Application Amended</u>	)	FINDINGS OF FACT,
	)	
<u>Adrian Quiroz</u>	)	CONCLUSIONS OF LAW,
<u>Applicant(s)</u>	)	
	)	AND DECISION

This matter having come before the Planning & Zoning Commission of the City of Twin Falls, Idaho on February 27, 2018 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of amending Special Use Permit #1447, granted August 22, 2017 to allow extended hours of operation to 3:30am on Friday and Saturday on property located at 360 Main Avenue North, and the Planning & Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of amending Special Use Permit #1447, granted August 22, 2017 to allow extended hours of operation to 3:30am on Friday and Saturday on property located at 360 Main Avenue North
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: February 8, 2018
3. The property in question is zoned CB pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Downtown in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Eden Street North/Klover Klub Lounge; to the south, Commercial Office/Music Magic Events; to the east; Residential; and to the west, Main Avenue West/Times News Storage.

5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-7, 10-10-12(A), 10-11-1 thru 8, Twin Falls City Code.

Based on the foregoing Findings of Fact, the Planning & Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of amending Special Use Permit #1447, granted August 22, 2017 to allow extended hours of operation to 3:30am on Friday and Saturday on property located at 360 Main Avenue North is consistent with the purpose of the CB Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.

3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2

4. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)3.

5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.

6. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)6.

7. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

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

11. The application for a Special Use Permit for the purpose of amending Special Use Permit #1447, granted August 22, 2017 to allow extended hours of operation to 3:30am on Friday and Saturday on property located at 360 Main Avenue North should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls Planning & Zoning Commission hereby enters the following

DECISION

1. The application for a Special Use Permit for the purpose of amending Special Use Permit #1447, granted August 22, 2017 to allow extended hours of operation to 3:30am on Friday and Saturday on property located at 360 Main Avenue North is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

3. The Special Use Permit shall be issued, as presented.

TWIN FALLS PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the business being closed and all customers out of the building by 1:30 am *except for Friday and Saturday with the business being closed and all customers out of the building by until 3:30 am.*
3. Subject to blocking the street access from Eden Street North into the property.

APPLICATION #2886, 2926

SUP# 1447_Amended



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Amended by the Planning & Zoning Commission as of February 27, 2108

Permit No.1447

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on August 22, 2017 to Adrian Quiroz whose address is 715 Center St E #114 Kimberly, ID 83341 for the purpose of operating a hookah lounge and indoor dance club with extended hours of operation on property located at 360 Main Avenue North and legally described as RPT0001084017BA Twin Falls Townsite Lots 17, 18 & 19 Blk 84

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Zoning Application No.2886

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the business being closed and all customers out of the building by 1:30am ***except for Friday and Saturday, with the business being closed and all customers out of the building by 3:30 am.***
3. Subject to blocking the street access from Eden Street North into the property.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

ADMINISTRATOR SIGNATURE

DATE

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.

cc: Building Inspection



Public Hearing: **Tuesday, March 13th, 2018**

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Senior Planner

Editor: Renee V. Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM 5a

Request: Preliminary presentation for a **PUD Amendment to The Preserve PUD #261** to reflect changes in proposed uses, project boundary, completion of Canyon Rim Trail, dedicating Trail Head Park and to allow project specific roadway standards on approximately 370 (+/-) acres located at the southeast corner of Eastland Drive North and Pole Line Road East. c/o Gerald Martens on behalf of Gary Storrer (app. 2931)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. There is no staff presentation at this time.

Background:

Applicant Connie Storrer 1042 Wildwood Way Twin Falls, ID 83301 Representative Gerald Martens 621 N College Rd, Ste 100 Twin Falls, ID 83301 208.734.4888 gmartens@ehminc.com	Status: Owner/Developer	Size: 370 +/- acres
	Current Zoning: R2 PUD	Requested Zoning: PUD Amendment
	Comprehensive Plan: Town Neighborhood	Lot Count: 1 PUD
	Existing Land Use: Agriculture	Proposed Land Use: Residential and Open Space with Recreation Facility
	Zoning Designations & Surrounding Land Use(s)	
	North: SUI Aol & OS; Res & OS	East: SUI Aol & SUI PUD; Ag, Res, OS
	South: SUI Aol, R1 VAR, & R2; Res & Ag	West: Eastland Dr North; R1 VAR & C1 PUD; Comm, Religious, & Res
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-4, 10-6-1, 10-11-1 thru 8, 10-14-1 thru 7, The Preserve PUD #261	

Approval Process:

As per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District:

The applicant is required to do a presentation to the Planning and Zoning Commission and the Public a preliminary review. The Commission and Public are allowed to give suggestions and ask questions of the applicant about the proposed project. A public hearing shall be held before the Commission for a recommendation to the Council to amend the zoning district and the zoning map, amend with recommendations or deny the request.

Budget Impact:

No impact to budget from this presentation.

Regulatory Impact:

The Commission makes no decision at this time. After a public hearing, a recommendation from the Planning and Zoning Commission for the requested change will allow the request to proceed to the City Council for a decision.

History:

The land included in this request has been agriculturally used since it could be farmed and still is currently being grazed.

On October 31, 2005 Ord #2843 was adopted by the City Council . This Ordinance annexed 343 +/- acres and rezoned the property to R-2 PUD aka The Preserve PUD. In May 2006 Ord #2858 was adopted by the City Council. This Ordinance annexed 24 +/- acres and rezoned to R-2 PUD. This made the property known as The Preserve PUD a total of 370 +/- Acres. The PUD consists of mixed density residential from R-1 VAR to R-4 density. The PUD had two (2) conditions on it one being full compliance with the PUD agreement and the other being a connection to the Snake River Canyon Trail. The trail has since been completed through public and private donations and community partnerships to make a full connecting trail system to benefit all who live and visit Twin Falls. There has been no development within this PUD. The "Springs at the Preserve" preliminary plat was submitted for review in Sept. 2017.

Analysis:

This is a preliminary presentation of a request for an amendment to The Preserve PUD #261.

City Code requires that the applicants make a preliminary presentation to the Commission and to the public. This presentation allows the Commission and the public to become familiar with the proposed planned development project prior to the actual public hearing. The Commission can also give suggestions to the applicants on the project outside of the hearing process. No action is taken at the presentation meeting.

A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting [Tuesday, March 27th 2018](#). Further staff analysis will be provided at that time.

Conclusion:

Staff makes no recommendation at this time.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. Applicant Submitted Site Plan
6. Springs at the Preserve Preliminary Plat
7. Color Exhibits of site development
8. Alternative Roadways Exhibit
9. DRAFT PUD Amendment

WRITTEN STATEMENT

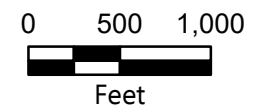
The purpose of this amendment is to update the PUD Agreement to reflect the changes in proposed uses, project boundary, completion of the canyon rim trail, dedication of the trail head park and to officially allow for project specific roadway standards.

The proposed revisions will have no impact on the proposed development and will eliminate the existing options for other uses.

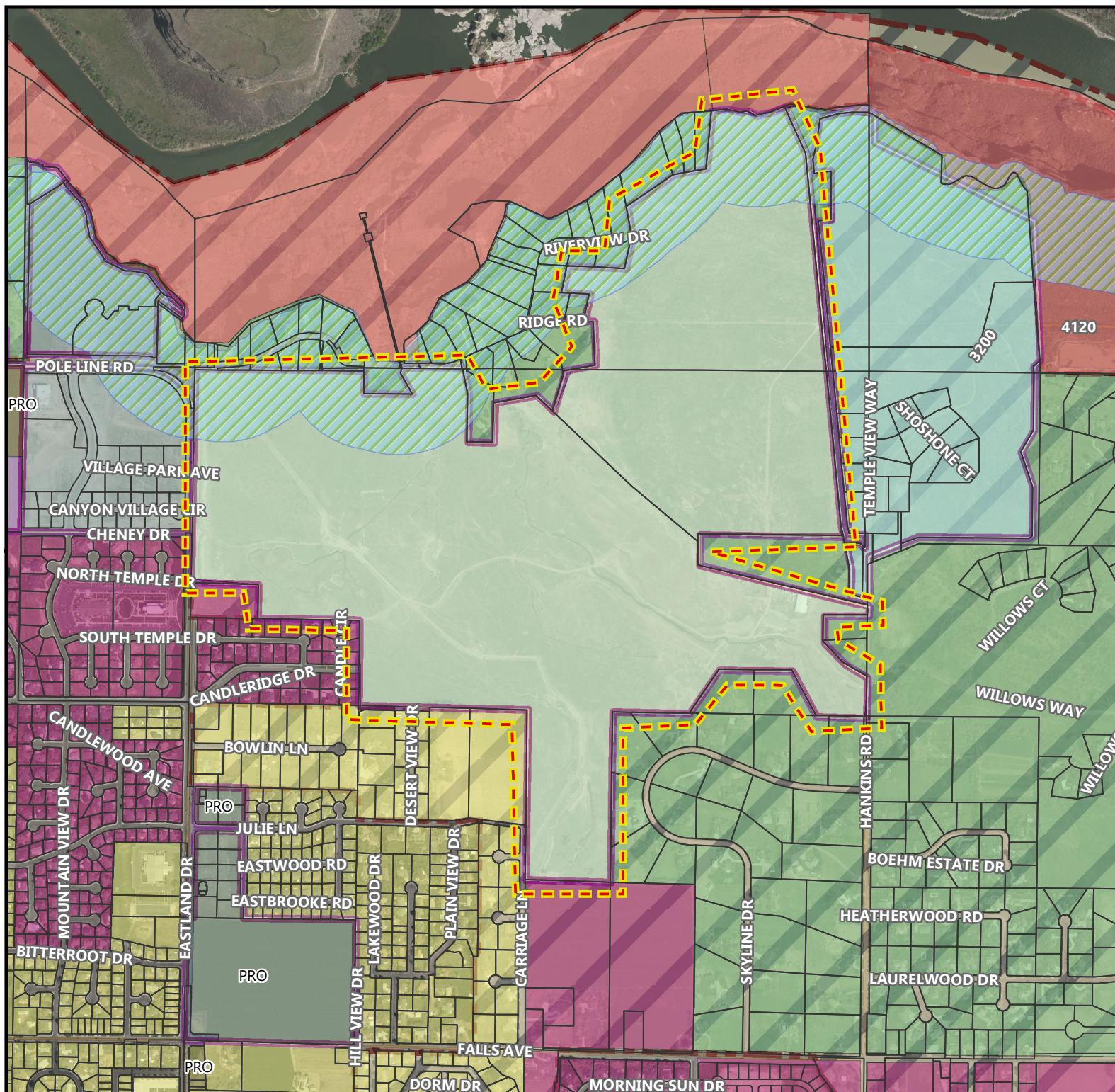
The changes will have no changes that impact existing or proposed neighboring uses.

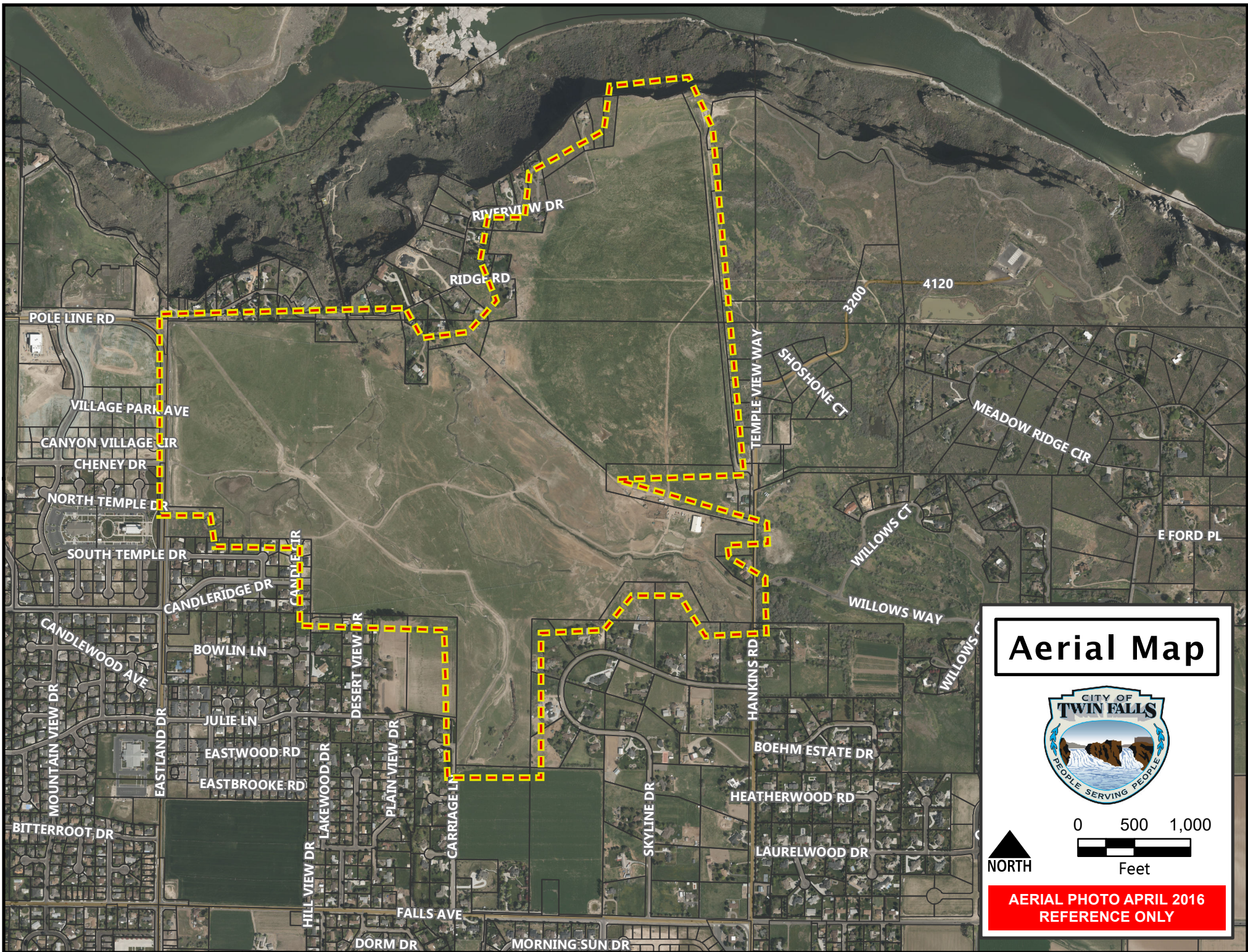
Zoning Vicinity Map

-  CRO
-  PRO
-  PUD
-  C-1
-  OS
-  R-1 VAR
-  R-2
-  R-4
-  SUI
-  Area Of Impact

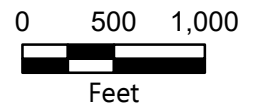


**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**





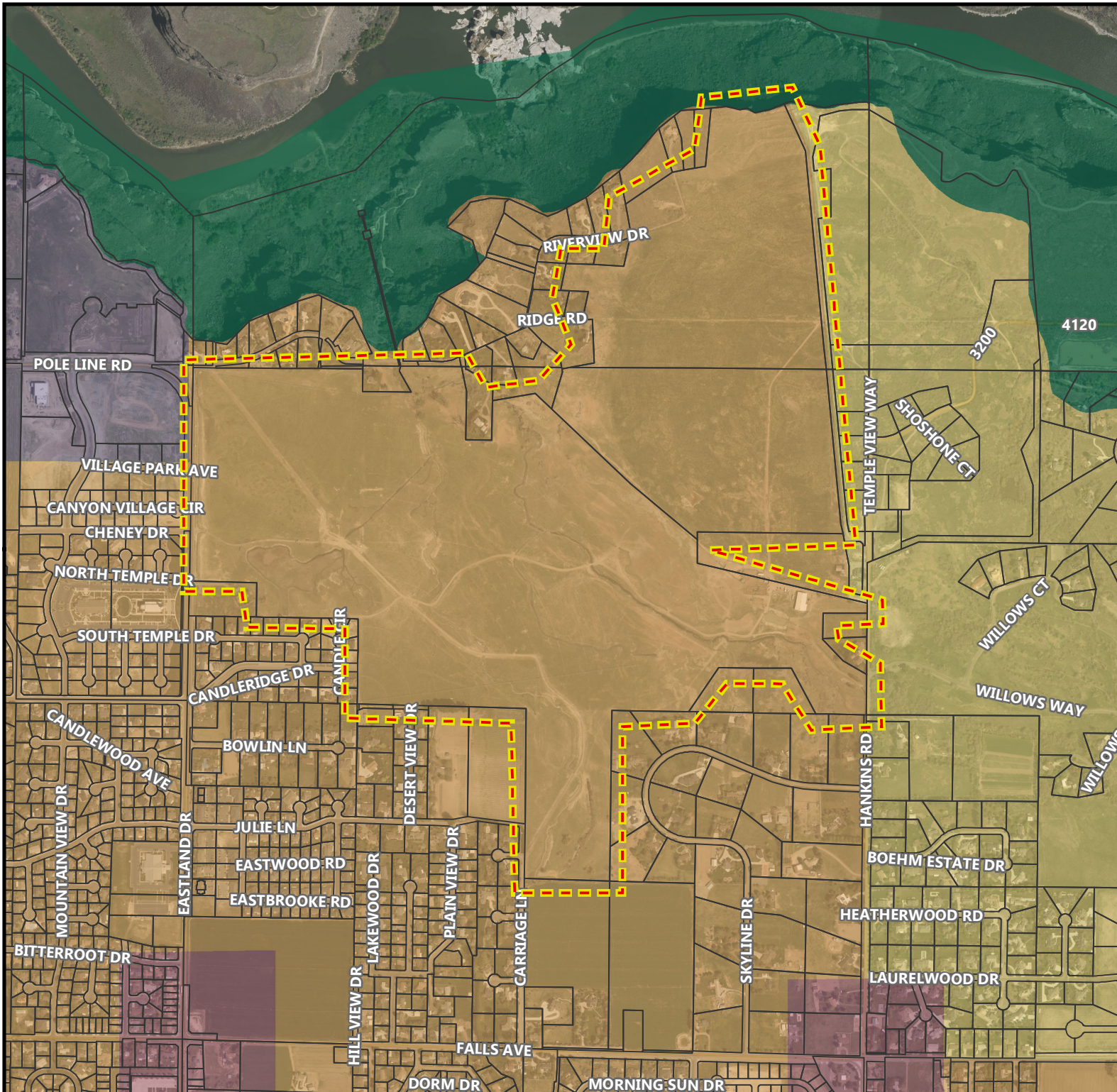
Aerial Map



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

Future Land Use Map

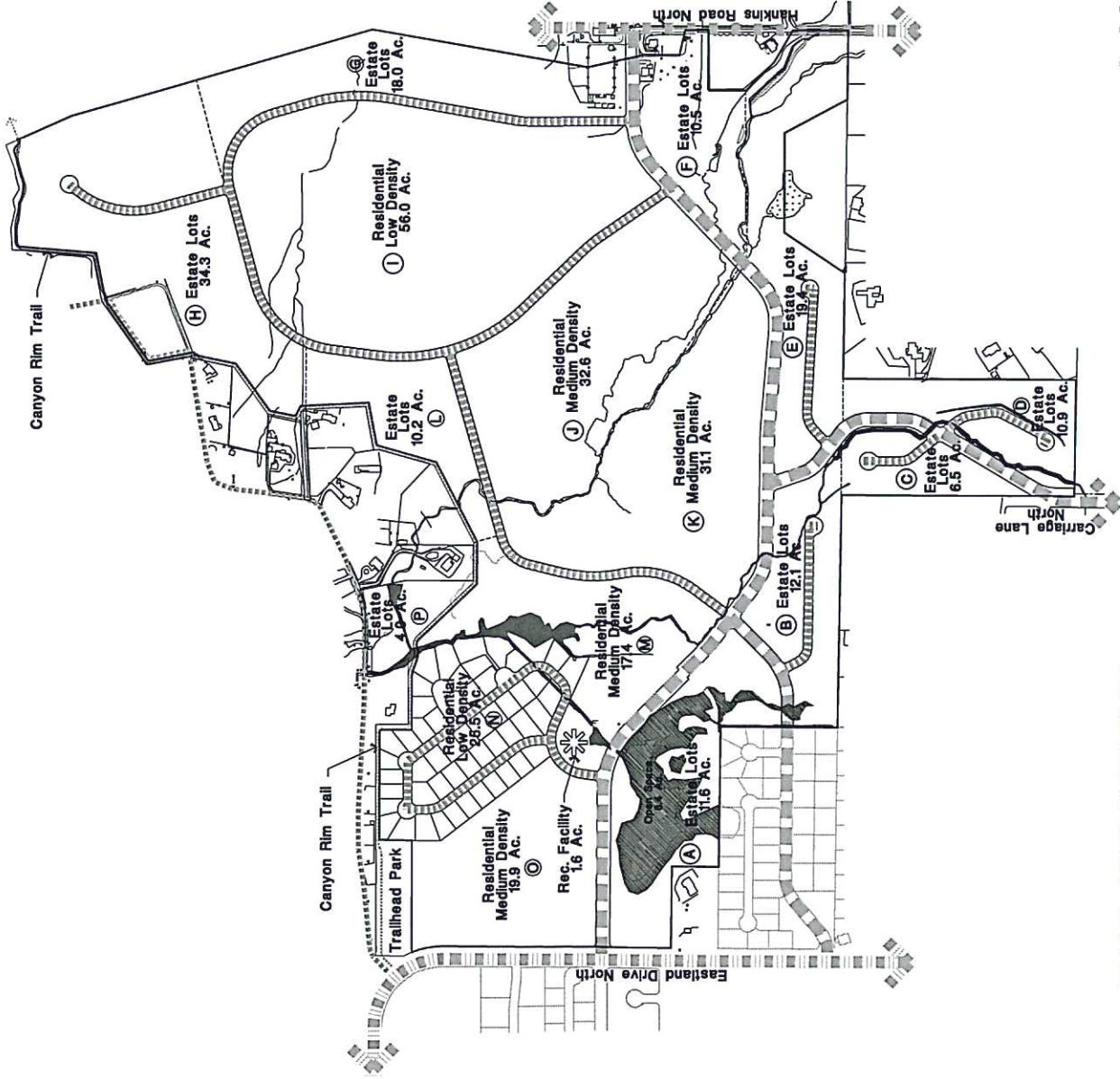
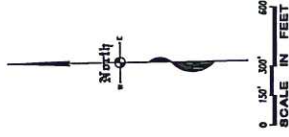
- Mixed Use
- Neighborhood Commercial
- Natural Areas
- Rural Residential
- Town Neighborhood



0 500 1,000
Feet



AERIAL PHOTO APRIL 2016
REFERENCE ONLY



SITE INFORMATION

REC. FACILITY	1.6
ESTATE	137.5
LOW DENSITY	81.5
MEDIUM DENSITY	101
ROAD RIGHT OF WAYS	17.8
WETLAND OPEN SPACE	8.4
Total	347.8 Ac.

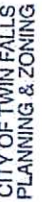
PARCEL AREA	DENSITY	UNITS/AC.	# UNITS
A	11.6	ESTATE	2
B	12.1	ESTATE	2
C	6.5	ESTATE	2
D	10.9	ESTATE	2
E	19.4	ESTATE	2
F	10.5	ESTATE	2
G	18.0	ESTATE	2
H	34.3	ESTATE	2
I	56.0	LOW	4
J	32.6	MEDIUM	5
K	31.1	MEDIUM	5
L	10.2	ESTATE	2
M	17.4	MEDIUM	5
N	25.5	LOW	4
O	19.9	MEDIUM	5
P	4.0	ESTATE	2
Total	320		1106
TOTAL RESIDENTIAL DENSITY			3.46 DU
PROJECT DENSITY			3.46 DU

LAND USE DIAGRAM

THE PRESERVE

Twin Falls, Idaho

Pub-Ad



LANDSCAPE CHARACTER:



CONCEPT
THE PRESERVE
TWIN FALLS, ID

SCALE 1" = 100'

RECEIVED

FEB 22 2018

CITY OF TWIN FALLS
PLANNING & ZONING

CANYON RIM TRAIL

TRAILHEAD PARK

THE MEADOWS AT
THE PRESERVE
(FUTURE)

THE SPRINGS AT
THE PRESERVE

COMMUNITY
CENTER

CHENEY DR.

EASTLAND DR.

(FUTURE)

(FUTURE)

NATURAL
LAKE

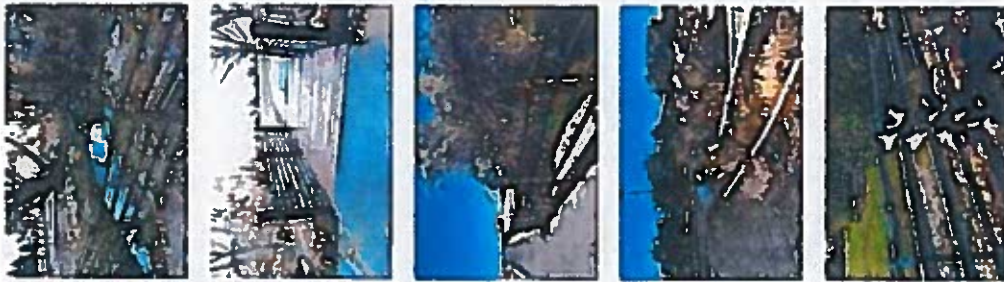
Callouts

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

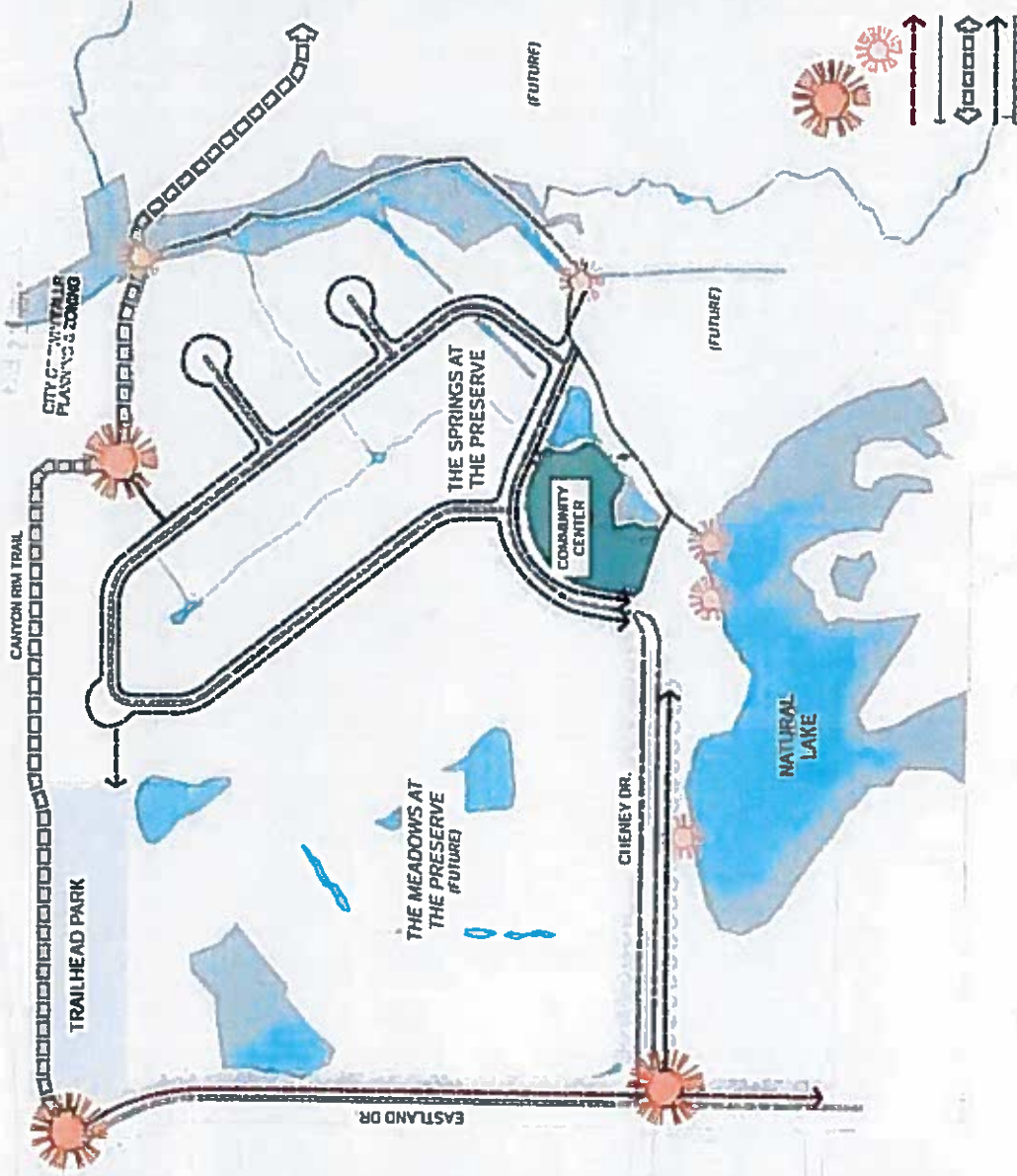
NATURAL AREA CHARACTER:



EXISTING FEATURES:



RECEIVED



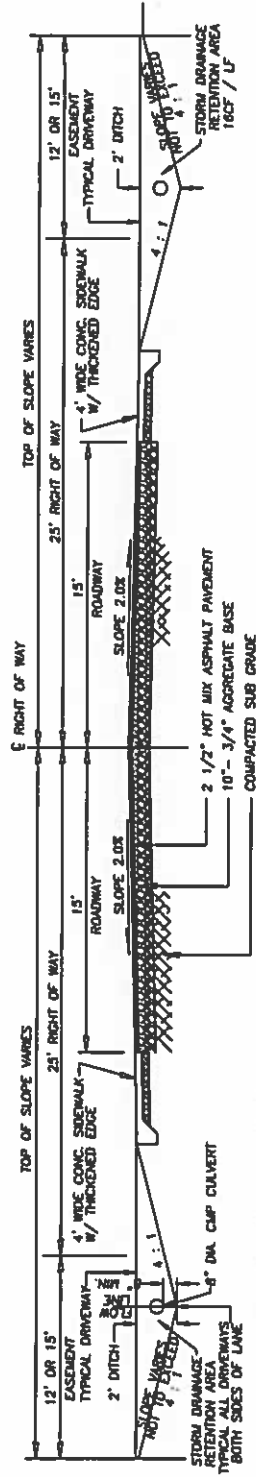
- MAJOR NODE
- MINOR NODE/ WILDLIFE VIEWING
 - 6'-0" EASTLAND DR. SIDEWALK
 - 10'-0" CREEK TRAIL
 - 10'-0" CANYON RIM TRAIL
 - INTERIOR PEDESTRIAN CIRCULATION
 - VEHICLE CIRCULATION

CIRCULATION CONCEPT
THE PRESERVE
TWIN FALLS, ID



SCALE 1" = 100'



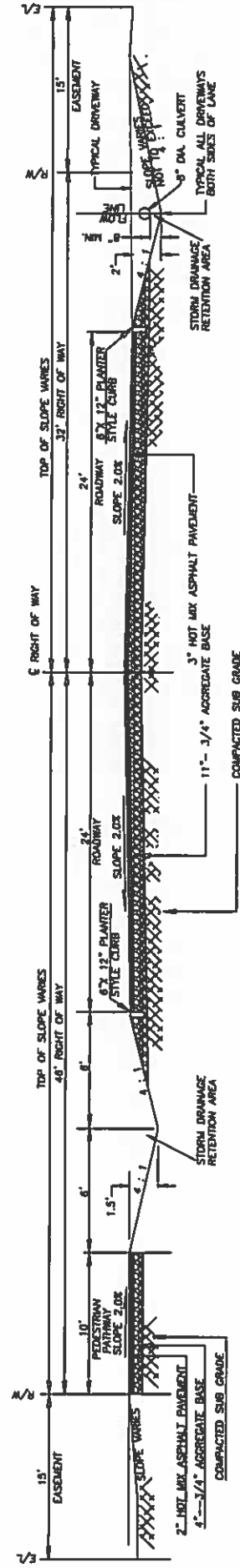


CROSS-SECTION DETAIL
TYPICAL PROPOSED CONCRETE PLANTER CURB
M.L.S.

TYPICAL ROADWAY SECTION

Roads RESIDENTIAL STREETS

not to scale



TYPICAL ROADWAY SECTION

Roads COLLECTOR STREETS

not to scale

RECEIVED
FEB 08 2018
CITY OF TWIN FALLS
PLANNING & ZONING

DRAFT

AMENDED
R2 PLANNED UNIT DEVELOPMENT AGREEMENT

PRESERVE SUBDIVISION PUD

THIS AGREEMENT, made and entered into this ____ day of ____, 20__, by
and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho
(hereinafter called "City"), and _____. (hereinafter called
"Developer"), whose address is _____.

RECITALS

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

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

WHEREAS, Developer has made request of the City to develop a subdivision (the
"Project") on the Property and has submitted to the City an amended Master Development
Plan (Exhibit "B") thereof which has been approved for development as a Planned Unit
Development by the Planning and Zoning Commission and City Council of the City; and

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

COVENANTS

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

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

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

A. USES.

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

2. The area designated as SUI development shall be developed in accordance with City Code Section 10-4-2: SUI, Subdivision – Urban Interface District Development will utilize private and subsurface disposal systems. Total number of residential units shall not exceed three (3).
3. The uses of areas designated as estate lots on Exhibit B shall conform to requirements of City Code 10-4-3 R 1-VAR, Residential Single Household District.
4. The uses in the area designated as residential low density on Exhibit B shall conform to the requirements of City Code 10-4-4 R2, Residential Single Household. Also allowed in this area is a Planned Zero Lot Line Subdivision as per 10-12-5-6.
5. The uses in the area designated as residential medium density on Exhibit B shall conform to the requirements of City Code 10-4-5 R-4 Residential Medium Density District. Also allowed is a Planned Zero Lot Line Subdivision per 10-12-5-6.
6. Development within the CRO Zone shall conform to the requirements of City Code 10-4-19 Canyon Rim Overlay District and underlying zoning district.

B. PHASING OF DEVELOPMENT. Developer shall be permitted to develop the property in phases, so long as those phases are in compliance with the Master Plan (Exhibit B), this PUD Agreement, and an approved preliminary plat. Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum and a maximum of 3 years limit between phases. If development of subsequent phases is not initiated within the 3-year limit the City shall review the P.U.D. for conformance to the Comprehensive Plan and Development Standards.

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

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

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

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

B. IMPROVEMENT DESIGN AND CONSTRUCTION. Developer, at its expense, shall cause all Improvements shown on the Improvement Plan to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided herein. Roadways within the project will be developed to approved alternate sections as depicted on attached Exhibit _____.

C. PHASED CONSTRUCTION. Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City. City will commit water, sewer and pressure irrigation services only on a phase-by-phase basis.

D. CONSTRUCTION SUPERVISION. Developer shall use a registered professional engineer to supervise the construction,

inspection and testing of the work as necessary, to ensure that all such improvements are constructed in accordance with the approved Improvement Plans.

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

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

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

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

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

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

- A. **APPROVAL AND CONSTRUCTION.** All improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld. All building plans shall be approved by the Project Architectural Control Committee.
- B. **LANDSCAPING AND PLANTING.** Landscaping buffer along bordering and interior streets shall be required to be installed on each parcel of the Property and in the public right-of-way adjacent thereto at the time site and building improvements are completed thereon. Such landscaped buffer shall be installed from the back of the curb in the public right-of-way and shall be extended to the dimensions set forth below. Where curb and gutter does not exist the dimensions shall be from the edge of the paved travel way. A 35-foot wide landscape buffer including meandering sidewalk, measured from the back of the curb or edge of paved travel way, will be constructed along Eastland Drive and Hankins Road. In residential areas the landscaping shall be accomplished as part of individual lot development.
- Each property will be required to meet the minimum requirements of City Code onsite to include adjacent landscape buffers in addition to the Master Development Plan. All landscaping shall be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. SIGN PLAN.

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

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

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

8. PUBLIC PEDESTRIAN/BICYCLE/PARKS FACILITIES.

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

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

A. PARK DEVELOPMENT.

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

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

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

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

C. APPLICABLE LAW. This agreement shall be construed in accordance with the laws of the State of Idaho.

D. NOTICES. If notices from one party to the other are desired or required hereunder such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if property addressed, stamped and sent with "return receipt requested". ON the date of this agreement, the addresses of the parties are as follows.

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

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

- E. **SUCCESSORS AND ASSIGNS.** This agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this agreement with respect to said transferred property.
- F. **SEVERABILITY.** In the event any portion of this agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this agreement, and the remaining portions shall not be affected thereof.
- G. **SIGNATORIES.** Each of the persons executing this agreement hereby warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this agreement is binding on, and enforceable against, such entity.
- H. **EFFECTIVE DATE.** This agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.

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

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

CITY OF TWIN FALLS

ATTEST: _____ BY: _____
Mayor

Gary's Westland, L.L.C.

ATTEST: _____ BY: _____

ACKNOWLEDGEMENTS

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

On this _____ day of _____, 2018, before me, the undersigned, a Notary Public in and for said State and County, personally appeared _____, known to me to be the _____ 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 _____

My Commission Expires _____

ACKNOWLEDGEMENTS

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

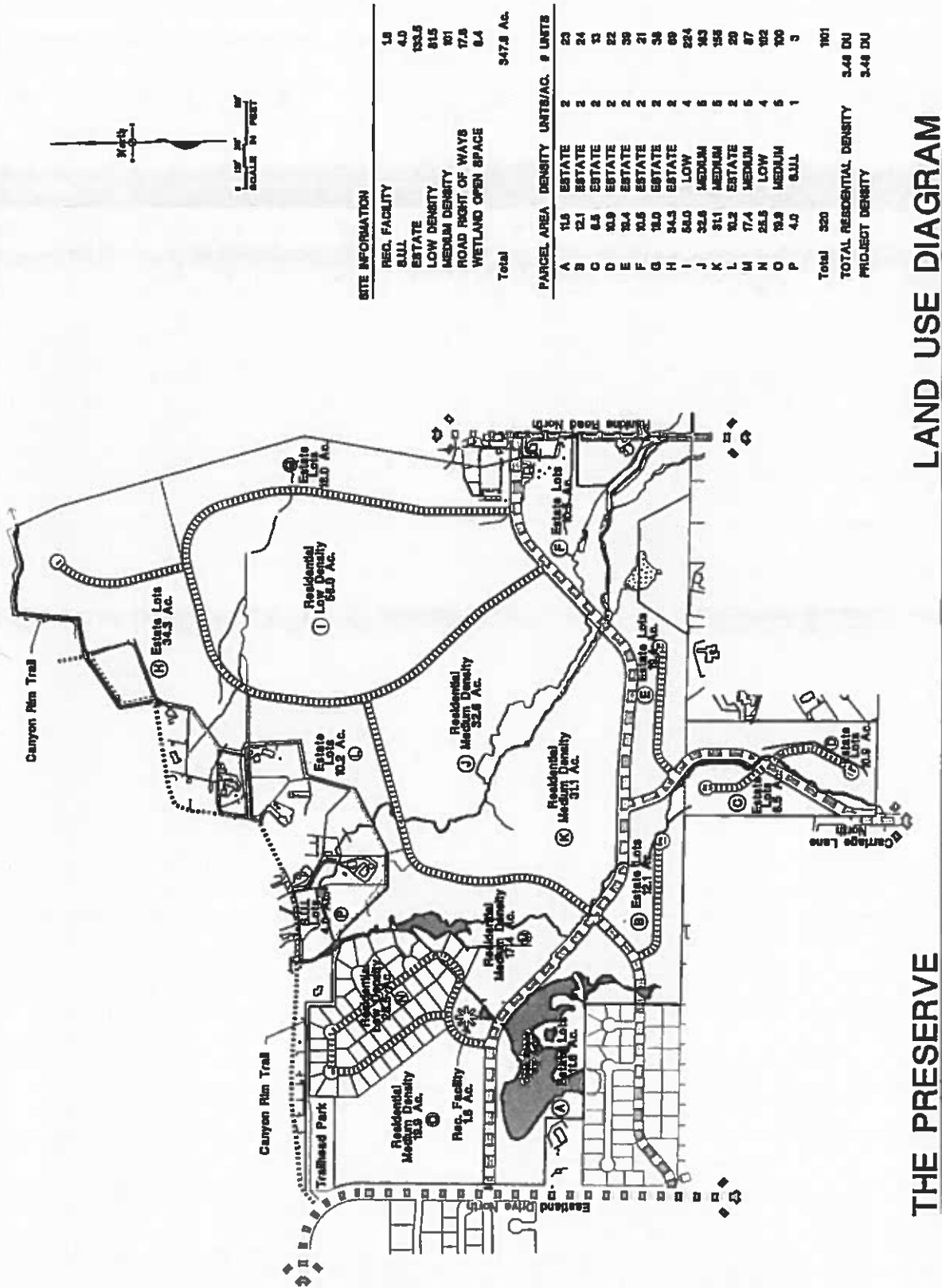
On this _____ day of _____, 2018, before me, the undersigned, a Notary Public in and for said State and County, personally appeared _____, known to me to be the _____ of Gary's Westland, L.L.C. that executed the within and foregoing instrument, and acknowledged to me that he executed the same in said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

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

NOTARY PUBLIC FOR IDAHO

Residence of _____

My Commission Expires _____



LAND USE DIAGRAM

THE PRESERVE

Twin Falls, Idaho