



Twin Falls Planning & Zoning Commission Agenda

Tuesday, April 10, 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 from the following meeting:
 - March 27, 2018
 - b) Approval of Findings of Fact and Conclusions of Law:
 - Alexa Lane (Pre-plat 03-27-18)
 - The Springs at the Preserve (Pre-plat 03-27-18)
- 5) Items of Consideration
 - a) Consideration of the **Preliminary Plat** for the Rio Vista Subdivision, approximately 28.84 (+/-) acres consisting of 38 lots on property located on the north side of the 1800-1900 blocks of Pole Line Road East. c/o EHM Engineers, Inc. on behalf fo Notch Butte Farms, LLC
Purpose: Action By: Steve O'Connor, Planner I
- 6) Public Hearings
 - a) Request for a **Recommendation** on a **PUD Amendment** to the Cedar Park PUD # 210 to allow a planned Residential 4-plex Development on one (1) lot within the C-1 Zoned Designated area as shown on the Master Development Plan, located at the North West corner of Meadow View Lane, extended, and Addison Avenue East c/o Dave Thibault/EHM Engineers, Inc. on behalf of Summit Development EHM, Engineers, Inc. (app. 2934)
Purpose: Action By: Jonathan Spendlove, Senior Planner
- 7) Upcoming Meeting(s)
 - a) April 24, 2018 Public Hearing
May 2, 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, March 27, 2018, 6:00 PM

203 Main Ave E
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

Members Present: Higley, Hansen, Bolton, Dawson, Munoz, Detweiler, Kelley, Musser, Hawkins

Staff Present: Carraway-Johnson, O'Connor, Spendlove, Strickland, Wonderlich

Chairman Muñoz 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

Senior Planner Spendlove explained that items 5(b) and 6(d) are concerning the same property, therefore these two requests will be heard at the same time with a motion for each item.

3) General Public Input

None

4) Consent Calendar

None

5) Items of Consideration

- a) Consideration of the **Preliminary Plat** for the Alexa Lane Subdivision, consisting of five (5) residential lots and one (1) parcel, on 1.567 +/- acres located at 1700 3rd Avenue East. c/o Rex Harding/Riedesel Engineering, Inc. on behalf of Chris Jones.

Applicant Presentation;

Rex Harding, Riedesel Engineering, Inc., representing the applicant, stated he is here to request approval of an infill subdivision between Locust Street and Madrona with development of duplexes as the plan. The plat shows 5 lots with a public street. the portion shown on the northeast corner is not part of the plat. The home on that lot is too close to the lot, the runoff has been addressed on the plat with a looped waterline and a sewer line running through the middle of the property.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated it has been a residential use since 1989, the parks-in-lieu has been recommended for approval by the Parks & Recreation Commission but not approved by City Council. This is the first step for approval of a preliminary plat.

Aerial Photos show this area with residential development since the 1950's. Records reflect a house being built on this lot in 1946 and it appeared to be agriculturally utilized up to sometime between 1969 and 1989. The Parks n Lieu Request was recommended for approval by the Parks and Recreation Commission on March 13, 2018. The Parks n Lieu Request has not been scheduled for City Council as of today.

This is a request for preliminary plat of Alexa Lane, a proposed residential duplex development located at 1700 3rd Ave. E. The proposed plat consists of 5 buildable lots and one tract.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed

The plat is consistent with subdivision development criteria and is in conformance with the Comprehensive Plan, which designates this area as "Town Neighborhood."

Planner I O'Connor stated upon conclusion staff recommends the commission approve the preliminary plat of the Alexa Lane Subdivision, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to City Council approval of Parks-in-Lieu request before final plat can be approved.

PZ Questions/Comments:

- Commissioner Munoz asked about approval of the parks in lieu request.
- Planner I O'Connor explained that the final plat will not be scheduled until City Council has made a decision on the parks in lieu.

Public Comment:

- Nancy 1737 3rd Avenue East, stated she lives adjacent to the lots that are planned for development and she has concerns about the traffic this development will generate. BJ Mar 1717 3rd avenue East her home is directly across the street from where this development is going in at and she has concerns about headlights shining into her home, and she has concerns about people running into her vehicle that she has to park in front of her home.
- Kevin Rinaldi, 858 Fairway Dr, asked if this is for fourplexes or duplexes will there be off street parking requirements
- Chairman Munoz explained there will be parking requirements to meet.

Closing Statement:

Mr. Harding explained with this small plat they are not required to do traffic studies. They will meet all of the parking requirements for duplex and the property does slope slightly downward which may help project the light shining directly into the home.

Discussion Followed: Without Concerns

Motion:

Commissioner Musser made a motion to approve the request, as presented, with staff recommendations. Commissioner Dawson seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With the Following Conditions

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
 2. Subject to City Council approval of Parks-in-Lieu request before the final plat can be approved.
- b) Consideration of the **Preliminary Plat** for The Springs of the Preserve Subdivision, A PUD, consisting of 53 single-family residential lots on 45.39 (+/-) acres located at the southeast corner of Eastland Drive North and Pole Line Road East. c/o Gerald Martens on behalf of Connie Storrer

This item presentation has been combined with item 6(d)

- c) Preliminary Presentation for a **PUD Amendment** to the Cedar Park PUD # 210 to allow a planned Residential 4-plex Development on one (1) lot within the C-1 Zoned Designated area as shown on the Master Development Plan, located at the North West corner of Meadow View Lane, extended, and Addison Avenue East c/o Dave Thibault/EHM Engineers, Inc. on behalf of Summit Development EHM, Engineers, Inc. (app. 2934)

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc., representing the applicant, stated this is a preliminary presentation to explain the changes that they are requesting to be made in the PUD Agreement. They would like to add that multiple household units, (i.e. fourplexes) be an outright permitted use. The code calls out multi-household units allowed with 5 units under the roof. The applicant has chosen to request an amendment to the PUD Agreement to address the difference the proposed plan to develop fourplexes.

PZ Questions/Comments:

- Commissioner Munoz asked if the Commission can approve a use that is not normally allowed in that zone.
- City Attorney Wonderlich explained that the Commission can make a recommendation on this type of request.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated the Cedar Park PUD is a 132 acre planned commercial/residential mixed-use development. The Rezone/PUD was approved in 1997 and the PUD Agreement was recorded in April 2004. There has been steady residential development, in compliance with the PUD Agreement, occurring since 2004. The undeveloped commercial portion has continued to be farmed.

This is a preliminary presentation of a request to amend the Cedar Park PUD #210 to allow a planned Residential 4-plex Development on one (1) lot within the C-1 Zoned Designated area as shown on the Master Development Plan, located at the North West corner of Meadow View Lane, extended, and Addison Ave East.

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, April 10th, 2018](#). Further staff analysis will be provided at that time.

Senior Planner Spendlove stated upon conclusion Staff makes no recommendation at this time.

Public Comment: Opened & Closed Without Comment**PZ Questions/Comments:**

- Commissioner Higley clarified that the reason for this request is a definition and within the code.

- Senior Planner Spendlove explained that is correct.

Scheduled for Planning & Zoning Commission Public Hearing April 10, 2018

6) Public Hearings

- a) Request for a **Special Use Permit** to construct a 2160 SF (36' x 60') detached accessory building on property located at 4037 North 3320 East in the City's Area of Impact. c/o Ryan Patrick (app. 2928) **WITHDRAWN BY APPLICANT**
- b) Request for a **Zoning District Change and Zoning Map Amendment** from R-2 to R-2 PRO for property located at 104 Lincoln Street. c/o Brian Tanner (app. 2929)

Applicant Presentation:

Brian Tanner, the applicant is requesting a rezone from R-2 to R-2 PRO. He explained he is located at the address for approximately 3 years and his partner has been at this location for approximately 20 year.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated that this address has been a residence from at least 1950 according to the Polk Directories. The Stoker Agreement was applied to this lot when it was entered into and recorded in 1987, by court order. In the late 1990's the residence was converted into a law office with SUP #0472 and has stayed as such.

This is a request for a Zoning District Change and Zoning Map Amendment to rezone property at 104 Lincoln St, from R-2 with the Stoker Agreement to R-2 with Professional Office Overlay (PRO). The applicant has stated in his narrative the purpose for this request is to allow for a freestanding sign on his property. Currently the property is under the Stoker Agreement, which does not allow for freestanding signs. The Professional Office Overlay (PRO) would allow for a free standing sign with a maximum height of eight feet (8') and a maximum of 60 sq-ft in size.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: **1-** to determine whether the request is in conformance with the Comprehensive Plan and **2-** evaluate the request to determine the extent and nature of the amendment requested.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Neighborhood Commercial." Neighborhood Commercial is a designation which focuses on a variety of low intensity land uses which is scaled to serve the surrounding neighborhoods. The PRO fits the neighborhood commercial designation in that it allows for a light or minimally invasive commercial uses in vicinity of residential uses along designated arterial routes.

Therefore staff has determined this request is in compliance with the 2016 comprehensive plan.

To make a positive recommendation, the Commission must determine that **1-** the request is in conformance with the Comprehensive Plan and **2-** the extent and nature of changing the zoning of this property to R-2 with the Professional Office Overlay (PRO) would allow land development that would be compatible with and not detract from the surrounding area.

Senior Planner Spendlove stated upon conclusion the Commission is asked to make a recommendation to the City Council on this request. The Commission's decision may be to recommend denial of the request, recommend approval of the request as presented or request additional information be provided.

PZ Questions/Comments:

- Commissioner Higley asked about the properties to the north and that they are not zoned with a professional office overlay. If it were to be rezoned it would be conducive to the area.
- Senior Planner Spendlove explained yes.

Public Hearing: Opened

- Wendy Rice, 147 Lincoln Street, the neighbors take pride in their neighborhood and they do appreciate the professional offices however, she would like to request that the curbing be repaired and stated the neighbors would like to review the sign to make sure that it doesn't detract from the historic nature of the neighborhood.
- Tim Coiner, owns the property at Buchannan and Addison and he has been facing the signage issue for approximately 20 years. He is in support of the request.

Public Hearing: Closed

Closing Statements:

- Mr. Tanner, explained the curbing is terrible he has contacted the City with regards to the sidewalk improvement assistance program to repair the curb and he has no problem sharing the sign plan with the neighbors once he has a plan.

Discussion Followed:

- Senior Planner Spendlove explained the sidewalk is up to the property owner and that it is up to the applicant whether or not he is willing to share his sign plan with the neighbors.

Motion:

Commissioner Dawson made a motion to recommend approval of the request, as presented. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

Recommended to City Council For Approval, As Presented
Scheduled for City Council Public hearing April 23, 2018

- c) Request for an **Amendment to Special Use Permit #1334**, granted on October 14, 2014 to Dutch Bros to operate a drive-through retail facility, to add parking and drive aisles on an undeveloped portion of Lot 3, Block 1 of the Pole Line Commercial Subdivision #1, a PUD, for property located at 572 Pole Line Road. c/o Kyle Cooper on behalf of BB Holding, LLC ID (app. 2930)

Applicant Presentation:

Kyle Cooper, the applicant, explained that they would like to amend the Special Use Permit to address a situation at this location with regards to the traffic and stacking. The main issue is that traffic to DeVita was having to share a drive lane, causing a backup for them to access their facility. The solution proposed is to expand onto a portion of undeveloped Lot 3 Block 1 of the Pole Line Commercial Subdivision so that there will be unimpeded access to DeVita and allows the customers a direct path from the drive thru without having to cross paths. This lane will allow for approximately 30 cars to stack. The goal is to provide direct access for DeVita patients to get access to their building. There are large events at Dutch Bros and they have worked with DeVita to address the traffic concerns that may arise on the event days. They are excited for the change, and the upgrades to the site.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated prior to the Recordation of the Pole line Commercial PUD #220, this area was farmland. Dutch Brothers coffee was granted SUP #1334, by this commission, for a dual drive-through coffee business on October 14th, 2014. A building permit was issued in October 2014 and a Certificate of Occupancy was issued on January 29, 2015. Immediately staff received complaints regarding the encroachment of Dutch Bros customers/vehicular traffic onto adjacent businesses.

City Staff was tasked by the City Council to help resolve a complaint from DaVita Dialysis, the adjacent property owner to the south, who appeared at a City Council meeting in January 2017. City Staff has met on multiple occasions throughout 2017 with Dutch Bros. and DaVita to help find a solution. In September 2017 Dutch Bros. submitted a new layout design for City Staff comments. After reviewing the plan, Staff determined the proposed new layout would require a public hearing as it is more than 25% expansion from the area approved. Staff offered comments back to the owner/developer to help the proposed expansion/change to move forward.

This is a request to Amend Special Use Permit #1334, granted October 14, 2014, to expand the current dual drive-thru aisles and add additional parking for Dutch Bros., located at 572 Pole Line Rd. The request is to expand onto a portion of undeveloped Lot 3 Block 1 of the Pole Line Commercial Subdivision, a PUD. The applicant has provided a Lease Agreement for the expansion onto the lot to the west of their current leased location and a site plan, which appears to comply with current city codes. Staff believes the proposed plan could alleviate most of the issues experienced by the surrounding establishments. The proposed plan has added two drive/stacking aisles/ lanes that would require the queuing on lot 3 rather than

clogging the current parking lot and DaVita's lot up with waiting vehicles. It also includes an overflow lane, which directs traffic completely around DaVita to the south to not interfere with DaVita's entrance. Additional directional signage could also help with traffic confusion.

Per a phone conversation with the applicant, they already have a contractor lined up for the construction of the lot, and upon approval of the SUP will begin construction in mid-April 2018. It is anticipated to take two to three weeks to build the entire lot.

Per City Code 10-11-1 thru 8:

Required improvements, such as paving, landscaping, storm water, directional signage, etc. may be required. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of development and/or building permit submittal.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this Area as appropriate for "Commercial Use." As this is a request to expand and improve a current special use, Staff has determined it complies with the 2016 comprehensive plan.

Possible Impacts:

Staff anticipates the additional development improvements to the active special use permit will help to alleviate the existing problems, which arise from the operation of Dutch Bros. especially at peak hours.

Planner I O'Conner stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

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 landscaping, directional signs, markings, and paint to be maintained and in good visible condition at all times.

PZ Questions/Comment:

- Commissioner Bolton, explained that she was mistified as to where she was supposed to drive, she is very pleased with this plan
- Commissioner Detweiler asked if the concrete will be raised, and asked for clarification on traffic flow.
- Mr. Cooper explained that it will be clearly marked and the concrete will be raised curve. The staff will be directing traffic.
- Commissioner Kelley asked about the lease.
- Mr. Cooper explained the lease is for 15 years which matches the current lease for the building.
- Commissioner Kelley explained he is concerned with the high traffic volume going around DeVita.

- Mr. Cooper explained that they will have staff direct the heavy traffic also.
- Commissioner Kelley explained this is a valid effort.
- Commissioner Munoz asked about the first entrance and direction of traffic.
- Planner I O'Connor explained ITD would have to approve signage for the entrances.
- Commissioner Hansen asked if there will be one or two lanes open during the high volume days.
- Mr. Cooper explained the first lane will be blocked and all traffic will have to go around the DeVita building.
- Commissioner Higley asked if it is possible to have a do no enter sign on the back side of the stop sign.

Public Hearing: Opened

- Gloria Galan 501 5th Ave E, explained she is here as a patient, there are sometimes two patients coming in at the same time. While they are waiting for the first patient to clear out so that she can unload and it is crazy that coffee is more important than her life. This does look like it will work if everyone will stay in the lanes. Most of the people will move and leave an opening but some people are not cooperative, after being there 4 hours she just wants to get home. If this plan is followed it might work well.
- Olinda Bybee 1214 Villa Loop, drives several patients and she appreciates the fact that they do fund raisers for non profits but it has created access problems. This plan looks good the second entrance is cumbersome with coming from the east because of the turn around lanes, coming from the west it will work fine.
- Trevor Polly, the administrator of DeVita, explained they have been working with Dutch Bros and that he hopes this will work, He is happy with this proposal.

Public Hearing: Closed

Closing Statements:

Mr. Cooper, explained making this happen is because the patients' lives are more important than coffee. He would like to be able to find a way to provide signage and work with ITD, but currently there has been no resolution.

Discussion Followed:

- Commissioner Higley explained the changes that are proposed will make it better.
- Commissioner Munoz explained he understands the applicant is committed to make things better.
- Commissioner Hansen explained during the construction phase it is going to be difficult and it needs to be clearly planned and explained to customers.
- Commissioner Munoz explained a resolution is important.
- Commissioner Dawson explained the lanes will be raised which will make it clear as to the customers where the traffic should queue up.

Motion:

Commissioner Bolton made a motion to approve the request, as presented, with staff recommendations. Commissioner Musser seconded the motion. All members present voted in favor of the motion.

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 landscaping, directional signs, markings, and paint to be maintained and in good visible condition at all times.
- d) 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 Connie Storrer (app. 2931)

Item 5(b) is also included in this items presentation with a separate motion for 5(b) and 6(d).

Applicant Presentation:

Gerald Marten, representing the applicant explained that this PUD was approved more than 10 years ago and things have changed that have necessitated an amendment. The trail that was originally required for dedication has been completed with a trail head park. They have deleted language that allows for commercial, there will be no commercial in this development. Parts of this property will be maintained for cattle, and most of the land will not be developed because of rock or wetland issues. There will be no hard fences, the wetlands will be retained and there are several watercourses that will be preserved and used as amenities for the project. There will not be berms, it will be left open to create a community in the neighborhood, with a community center. The initial phase of that will be started in phase 1. The springs of the preserve, is a portion of the property for the first development, the initial phase has been scaled back from 115 to 54 single family residential lots, it will be accessed off of Cheney and will have a sense of arrival with a Boulevard entry and they will work with staff on the design of the median. The sidewalks will be meandering and detached from the roadway, the roadside drainage will be approximately 2' deep to accommodate drainage, the land is basically flat so there has to be accommodations made for the water run off. Cheney Drive will eventually go all the way through to Hankins Road approximately a mile across, There will also be a round about in the future with a community center to the north with a mail center so that there are not any mailboxes along the road. There will be pedestrian connections and facilities throughout the property, focusing on trails, sidewalks and bicycle types of uses. He explained the cross section to address storm water drainage, and the cross section of the road way development. He displayed on the overhead a change to the median so that they are not creating issues with traffic, the flowers and plantings will add to the home owners

cost. There are plantings that will be placed in the drainage galleries for retention of water. The drainage galleries will be basically drywells so that no water will drain to the street, and minimizing of hardscape, to keep the views clear and unobstructed. The cattle will be fenced and kept away from the developed area, the people love walking the trails and seeing the open space, and hope this will add to the area. This is an infill project close to shopping, close to the canyon, the trail system and the roadways. it will be irrigated with the spring water and the shares that come with this property and is a product that is right for Twin Falls and should be very successful.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead he stated The land included in this request has been used for agricultural purposes since city records were established. As of today, the property continues to be used for agricultural purposes.

On October 31, 2005, Ord #2843 was approved by the City Council. This Ordinance annexed and zoned 343 +/- acres to R-2 PUD aka **The Preserve PUD #261**. In May 2006, Ord #2858 was approved by the City Council. This Ordinance annexed and zoned 24 +/- acres located at the SE corner of Eastland Dr N and Pole Line Rd E to R-2 PUD and added this property to The Preserve PUD #261. This increased The Preserve PUD #261 to 370 +/- Acres. The PUD consists of mixed density residential from R-1 VAR to R-4 density. The PUD was approved with two (2) conditions; 1) subject to full compliance with The Preserve PUD Agreement #261 and 2) Subject to a connection to the Snake River Canyon Trail. Through public and private donations and community partnerships, the portion of the Snake River Canyon Trail System within this property has since been completed. There is today a full connecting trail system that is a benefit to all who live and visit Twin Falls. As of today, there has been no development within this PUD.

On March 13, 2018, the commission heard the Preliminary Presentation for an amendment to The Preserve PUD #261. The public hearing on the request is on the commission agenda this evening.

He explained there are conditions that have been divided into two pieces, for each of these requests. He summarized the conditions as follows for the preliminary plat:

Senior Planner Spendlove stated upon conclusion should the Commission approve the preliminary plat of The Springs at the Preserve, as presented, staff recommends approval be subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. No building permit shall be released for Lot 29 Block 1 until approval of acceptable fire prevention plan as determined by City Fire Marshall (turn around or residential fire sprinklers).
3. Subject to Twin Falls Canal Company comments, if any, be incorporated into the Construction Plans and Final Plat.
4. Subject to all storm drainage basins be designed Per *City Code 10.11.8.e.4 "overflow*

from storm events larger than the 25 year storm are required (1.6"); historical overflow paths be shown; and necessary easements be provided to accomplish these items.

5. Subject to the water surface of the *Design Storm* in the roadside ditches being designed lower in elevation than the bottom of the road ballast base to preserve the life of the roadway.
6. Subject to sidewalks being designed per *City Code 10-12-4-2-k*; requiring five (5) foot sidewalks on both sides of the street.
7. Subject to Cheney Drive design be reflective of our current ISPWC standards for Minor Collectors and require 20 1/2" of base.
8. Subject to an acceptable Storm Water Plan, including potential retention areas, being approved by City Engineer.
9. Subject to the landscaping island within Cheney Drive being shifted a distance from Eastland Drive in order to accommodate a future left turn lane. Distance to be determined by City Engineer.
10. The Preliminary Plat is being presented prior to the PUD has been finalized by City Council. If the City Council revise the PUD agreement in a manner which modifies elements shown on the preliminary plat, the proper documents will be revised accordingly and resubmitted to reflect those changes.

Senior Planner Spendlove proceeded to review on the over the request for a PUD amendment and stated this is a request to amend The Preserve PUD #261. The purpose of this amendment is to update the project boundary, to allow a 4 +/- acre portion located south of Pole Line Road E to be developed under the SUI development requirements, including wells and septic systems as utilities are unavailable, and the developer is requesting a variance to city roadway standards be approved. The applicant also wants the amendment to reflect the improvements that have taken place since the PUD was recorded in 2006. Mainly addressing, the completion of Canyon Rim Trail and the dedication of Trailhead Park.

The proposed changes to the PUD #261 may decrease the overall density of the approved planned development and will create new development standards for the Collector streets within the project, which at full build out will create connections east west from Eastland Dr. N. to Hankins Rd. N. and another connection to Carriage Ln. south to Falls Ave. E.

The Engineering Dept. has expressed concerns over the proposed road sections and will address the Commission this evening.

Per City Code 10-6: Zoning Development Agreements:

Development of a ZDA shall conform to all sections of Title 10 unless specifically addressed within the written zoning development agreement and approved by the City. The agreement shall list ALL requested variations from standard code requirements. The council may add other requirements they deem appropriate.

The applicant has provided a draft of the 1st Amended- The Preserve PUD Agreement identifying the changes requested from the original PUD Agreement.

Comprehensive Plan Compliance:

Twin Falls "Grow With Us" 2016 Comprehensive Plan identified this area as "Town Neighborhood." Town Neighborhood is described as residential in nature with limited service and facilities, such as schools and parks, which serve the surrounding neighborhoods. As this PUD is requesting low to medium density residential development clusters, staff has determined this request complies with the 2016 comprehensive plan.

As with any new development, there will be an increase in residents within the development. This will bring more vehicles and the impacts they cause such as traffic, noise, and odors. However, as this will be developed over time and is limited to medium density it will be localized to the neighborhood. Also, many surrounding residents of the property who have enjoyed views open pasture over the years will lose that amenity as the development reaches full build out.

He explained there are conditions that have been divided into two pieces, for each of these requests. He summarized the conditions as follows for the PUD Amendment:

Senior Planner Spendlove stated upon conclusion should the Commission recommend approval of the The Preserve #261 PUD Amendment 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.
2. Subject to approval and recordation of the 1st Amended Preserve PUD Agreement #261.
3. Subject to the typical size of barrow ditch to be confirmed in the acceptable Storm water Plan by the City Engineer.
4. Subject to a pedestrian/bicycle pathway along Eastland Drive being designed and constructed by developer, as approved by City Staff. Construction to be completed by June 1, 2021, or as separately agreed to between Developer and City Council.
5. Subject to street islands and drainage swales being the responsibility of the homeowners association for maintenance, and uniformity in management.
6. Subject to a final modified roadway section being approved by City Engineer.

PZ Questions/Comments:

- Commissioner Munoz clarified that if the applicant came in with the previously approved preliminary plat the applicant would be able to move forward.
- Senior Planner Spendlove stated that is correct however because of the topography of the site the applicant has provided an amendment to the preliminary plat.
- Commissioner Hansen asked for some clarification on the pedestrian/bike path to be constructed by June 2021.
- Senior Planner Spendlove staff felt this was a high demand and made the condition that the path be developed along Eastland Drive by June 2021 and amending the PUD this has been added.
- Commissioner Higley asked for clarification as to why street island and drainage swells

will be maintained by the home owners association.

- Senior Planner Spendlove explained the city does not have equipment to maintain these area.
- Assistant City Engineer Vitek explained the home owners association will need to maintain it, most of the city has curb and gutter to handle the water, however there are burrow ditches in this plan so the home owners will be responsible for maintaining the area. The applicant has made this request and staff agrees that it is a good plan, however staff wants to make sure drainage is accounted for, and the goal is water will drain next to the road without entering the roadway.
- Commissioner Dawson for more clarification on the storm water management.
- Assistant City Engineer Vitek explained the storm water condition has been added, the driveways take up space where the drainage will go.
- Commissioner Detweiler asked about the retention being done by the property owner.
- Assistant City Engineer Vitek explained there will be an opportunity for a drainage plan and the amount to be retained on each site will be called out on the plans.
- Commissioner Kelly asked for clarification as to where the trail will be located, and asked how it will connect.
- Assistant City Engineer Vitek explained they are asking for it to start at Cheney Drive and head north.
- Commissioner Munoz asked about the community center, if that will be used for events.
- Mr. Martens explained that there was discussion about how big it could be and what its uses could be. The uses are limited to community center and is approximately 8000 sq. ft. and used for neighborhood parties, birthday parties and possibly a reception if you live out there. There will be benches and tables provided upon development and the homeowners will have to pay for any amenities. This will be regulated by the home owners association. He also explained the neighborhood needs to maintain their neighborhood and the entry which is why the home owners association is going to maintain the facilities.
- Commissioner Munoz asked about the fence restrictions.
- Mr. Martens explained that will be addressed in the CCR's not the PUD.

Public Hearing: Opened

- Cindy Collins, 731 Riverview Drive, she is in support of the concept of this subdivision. The quality of life is what brings families here, and the buys are more interested in their surroundings where they can be close to everything.
- Jenna Johnson, 2733 Skyline Drive, originally when this came up a few years back there were discussion about the springs and wetlands, she wants to know where the natural springs and wetland are located on the property.
- Karl Nelson, 2213 Candleridge East Circle, stated his property borders Eastland Drive and he is concerned about the walking path and if there are any plans to continue the path on the eastside of Eastland Drive, will Candleridge drive be continued to Hankins or Desert View.

- James Anderson, 2406 Bowlin Lane, explained they are concerned with the east end of Bowlin Lane with the drainage that comes down through his property he asked what type of drainage line will they be putting in to address the flooding on Desert View.
- Randall Watson, 2788 Pole Line Road East, he is concerned with the traffic flows and the lack of turn lanes, he would request that this project be brought to the Traffic Safety Commission for review. The installation of the trail has damage their private road, the trail doesn't meet spec, and has created non-conforming homes, he is also concerned with flooding.
- Debra Brunell, 2365 Bowlin Lane has concerns with the wetlands in the area. Along the east edge of The Springs plat flooding is an issue with heavy rains and the wetlands. She strongly encourage some type of access at Cheney Drive for residence to get across Eastland Drive.
- Tyler Ellison, 2264 Candleridge Drive explained he owns the Lot 4 of Canyon Villages west of this development and is very invested in the area. His concerns is compared to his neighborhood it is the same amount of space with 20 more homes. The 45 acres includes the 19.9 and puts 58 homes smashed in like cookie cutters. What are the restrictions for square footage and materials to be used, he is a little nervous about what is going on and why the lots are so small. He understands the concept sell more lots make more money. The area where this development is proposed is a marsh and there is water there, the Mary Alice Lake was there 5 years ago. The development on Candleridge Drive East is terrible because of the lack of raised sidewalks they are used by cars. He has nothing against development he just thinks there needs to be less lots. High density homes will change the demographics of this area.
- Tawna Root, 2563 Pole Line Road East, explained this is a private road, and there is no access to the ones designate SUI.
- Chad Johson, 2330 Candleridge Drive, high density homes will not provide what the neighbors in this area are looking to establish, he is concerned. He thinks it is negligent of the city.
- Sean Mallett, 2679 Pole Line Rd E, he is concerned with the density, and drainage is an issue, there was significant flooding in this area when the winters are hard. The water will not seep through rock so the burrows should be designed to handle the water.
- Victoria Wakewood, 1165 Skyline Dr, when will the people have an opportunity to voice the concerns related to the PUD Agreement.
- Senior Planner Spendlove explained the zoning for this property was established 10 years ago and as an entity the City cannot go back and reexamine the approved zoning. The amendments to the PUD is what the hearing is about tonight. Final plats are approved on the Consent Calendar the City Council.

Closing Statements:

Mr. Martens explained there are 3 primary wetlands, there are approximately 8-10 springs, water is a valuable amenity and the ponds and wetland areas will be maintained and are protected law. There is a lot of water that drains into this property that drains south and they will provide good conduits to get across the property. The storm water will be retained through this development currently it is not managed. The density has been reduced to 1/2 the size of

the zoning requirement. The lack of fencing will provide open spaces and they do not feel that the lots are small or that it will be too dense. He explained he did not develop the property to the south and it has been a lesson for the City. He and the applicant will work with staff to enhance the property to insure they are good neighbors. Access to the property along the trail zoned SU1 is through a private road and they have agreed to help the neighbors pave that section of the road.

Public Hearing: Closed

Discussion Followed:

- Commissioner Munoz asked about water retention requirements and laws.
- Assistant City Engineer Vitek explained there is a drainage pipe that is south of this property, encroaching on other people's property is difficult, City Code requires 1.6 in of water to be retained and must dissipate over 48 hours. He has to plan for a 100 year storm, so that there is no increased drainage offsite. The impervious surfaces will create the need for storm water to be retained. There are no construction plans for this project and they will be required to work with staff to meet the code. The volume is there and has to be accounted for in the swells.
- Senior Planner Spendlove explained the PUD amendment was to designate some lots as SU1, roadway modifications, identify that a private PI system must be constructed, the removal of the commercial area and the removal of the trail dedication.
- Commissioner Higley explained this is an improvement to the development.
- Commissioner Dawson explained her only concern is the water management but that will need to be reviewed by the Engineers.
- Commissioner Munoz explained the conditions have addressed his concerns. Commissioner Kelley thinks the water is going to be the draw to this location and management of the water and the aesthetics to make it appealing.
- Commissioner Higley explained this is an improvement to this PUD and it is sometimes hard to do other 1/2 acres in the City Limits. He has also learned the City can't force people to install sidewalks on their property. The development will force the water management and improve the runoff.
- Commissioner Munoz. thinks the layout is better and the water management will improve, the removal of the commercial and the lower density proposed will not have as large an impact as with before plans. The conditions have help to reduce his concerns.
- Commissioner Higley asked about a condition about a specific lot.
- Senior Planner Spendlove explained the Fire Department and applicant need to work together to get access for fire safety.

Motion 6(d): PUD Amendment

Commissioner Musser made a motion to recommend approval of the PUD Amendment request, as presented, with staff recommendations. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

Recommended For Approval To City Council, With The Following Conditions

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

Scheduled For City Council Public Hearing April 23, 2018

Motion 5(b): Preliminary Plat

Commissioner Hawkins made a motion to approve the preliminary plat, as presented with staff recommendations. Commissioner Musser seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With the Following Conditions

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. No building permit shall be released for Lot 29 Block 1 until approval of acceptable fire prevention plan as determined by City Fire Marshall (turn around or residential fire sprinklers).
3. Subject to Twin Falls Canal Company comments, if any, be incorporated into the Construction Plans and Final Plat.
4. Subject to all storm drainage basins be designed Per *City Code 10.11.8.e.4 "overflow from storm events larger than the 25 year storm are required (1.6")"*; historical overflow paths be shown; and necessary easements be provided to accomplish these items.
5. Subject to the water surface of the *Design Storm* in the roadside ditches being designed lower in elevation than the bottom of the road ballast base to preserve the life of the roadway.
6. Subject to sidewalks being designed per *City Code 10-12-4-2-k*; requiring five (5) foot sidewalks on both sides of the street.
7. Subject to Cheney Drive design be reflective of our current ISPWC standards for Minor Collectors and require 20 1/2" of base.
8. Subject to an acceptable Storm Water Plan, including potential retention areas, being approved by City Engineer.
9. Subject to the landscaping island within Cheney Drive being shifted a distance from Eastland Drive in order to accommodate a future left turn lane. Distance to be determined by City Engineer.
10. The Preliminary Plat is being presented prior to the PUD has been finalized by City

Council. If the City Council revise the PUD agreement in a manner which modifies elements shown on the preliminary plat, the proper documents will be revised accordingly and resubmitted to reflect those changes.

- e) Request for an **Amendment to Special Use Permit #1380**, granted December 8, 2015, by adding an outside storage unit facility on property located at 147 Madrona Street. c/o U-Haul Co. of Idaho (app. 2932) **WITHDRAWN TO BE RESCHEDULED**

7) Upcoming Meeting(s)

- a) April 4, 2018 Work Session
- b) April 10, 2018 Public Hearing

8) Adjournment

Lisa A. Strickland, Administrative Assistant



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

In Re:

Preliminary Plat Application,

Chris Jones

c/o Rex Harding, Riedesel Engineering, Inc.

Applicant(s)

)
)
) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
)
) AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the **March 27, 2018** hearing for consideration of the preliminary plat of **Alexa Lane Subdivision, approximately 1.567 (+/-) acres, to develop 5 lots and 1 Parcel located at 1700 3rd Avenue East**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the preliminary plat of **Alexa Lane Subdivision, approximately 1.567 (+/-) acres, to develop 5 lots and 1 Parcel located at 1700 3rd Avenue East**

2. The property in question is zoned **R-4** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Town Neighborhood** in the duly adopted Comprehensive Plan of the City of Twin Falls.

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

5. The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets,

curb, gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

6. Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of the **Alexa Lane Subdivision, approximately 1.567 (+/-) acres, to develop 5 lots and 1 Parcel located at 1700 3rd Avenue East** is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

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

DECISION

The request for approval of the preliminary plat of **Alexa Lane Subdivision, approximately 1.567 (+/-) acres, to develop 5 lots and 1 Parcel located at 1700 3rd Avenue East** is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. 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.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to City Council approval of Parks-in-Lieu request before Final Plat can be approved.



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

In Re:

Preliminary Plat Application,

The Springs at the Preserve

c/o Gerald Martens

Applicant(s)

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)
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)

FINDINGS OF FACT,

CONCLUSIONS OF LAW,

AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the **March 27, 2018** hearing for consideration of the preliminary plat of **The Springs as the Preserve** Subdivision, approximately **45.39 (+/-)** acres, to develop **53 residential** lots located **at the SE corner of Pole Line Road East and Eastland Drive**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the preliminary plat of **The Springs as the Preserve** Subdivision, approximately **45.39 (+/-)** acres, to develop **53 residential** lots located **at the SE corner of Pole Line Road East and Eastland Drive**

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

4. The existing neighboring land uses in the immediate area of this property are: to the north, **Residential/Open Space**; to the south, **Residential/Agricultural**; to the east, **Residential/Open Space**; to the west, **Religious Facility/Residential**

5. The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb, gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

6. Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of the **The Springs at the Preserve** Subdivision, approximately **45.39 (+/-)** acres, to develop **53 residential** lots located **at the SE corner of Pole Line Road East and Eastland Drive** is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of

development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H)(2)(d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

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

DECISION

The request for approval of the preliminary plat of **The Springs as the Preserve** Subdivision, approximately **45.39 (+/-)** acres, to develop **53 residential** lots located **at the SE corner of Pole Line Road East and Eastland Drive** is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. 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.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. No building permit shall be released for Lot 29 Block 1 until approval of acceptable fire prevention plan as determined by City Fire Marshall (turn around or residential fire sprinklers).
3. Subject to Twin Falls Canal Company comments, if any, be incorporated into the Construction Plans and Final Plat.
4. Subject to all storm drainage basins be designed Per City Code 10.11.8.e.4 "overflow from storm events larger than the 25 year storm are required (1.6'"); historical overflow paths be shown; and necessary easements be provided to accomplish these items.
5. Subject to the water surface of the Design Storm in the roadside ditches being designed lower in elevation than the bottom of the road ballast base to preserve the life of the roadway.
6. Subject to sidewalks being designed per City Code 10-12-4-2-k; requiring five (5) foot sidewalks on both sides of the street.
7. Subject to Cheney Drive design be reflective of our current ISPWC standards for Minor Collectors and require 20 1/2" of base.
8. Subject to an acceptable Storm Water Plan, including potential retention areas, being approved by City Engineer.
9. Subject to the landscaping island within Cheney Drive being shifted a distance from Eastland Drive in order to accommodate a future left turn lane. Distance to be determined by City Engineer.
10. The Preliminary Plat is being presented prior to the PUD has been finalized by City Council. If the City Council revise the PUD agreement in a manner which modifies elements shown on the preliminary plat, the proper documents will be revised accordingly and resubmitted to reflect those changes.



Public Meeting: **TUESDAY, April 10th, 2018**

To: Planning and Zoning Commission

Presenter: Steve O'Connor

Authors: Steve O'Connor

Editor: Renee V. Carraway-Johnson

AGENDA ITEM 5a

Request: Consideration of the Preliminary Plat for the Rio Vista Subdivision, approximately 28.84 (+/-) acres consisting of 38 lots on property located on the north side of the 1800-1900 blocks of Pole Line Road East. c/o EHM Engineers, Inc. on behalf of Notch Butte Farms, LLC

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant John Lezamiz Notch Butte Farms, LLC 136 Bridon Way Jerome, ID 83338 Representative David Thibault EHM Engineers, Inc. 621 North College Rd. Twin Falls, ID 83301 208.734.4888	Status: Owner/Developer	Size: 28.8 +/- acres
	Current Zoning: R-2, R-6, C-1 CRO ZDA	Requested Zoning: Preliminary Plat
	Comprehensive Plan: Mixed Use	Lot Count: 38 Lots
	Existing Land Use: Vacant & Residential	Proposed Land Use: Mixed Use
	Zoning Designations & Surrounding Land Use(s)	
	North: OS; Snake River Canyon	East: SUI & C-1 CRO PUD; Residential & Vacant
	South: Pole Line Rd. E; SUI AOI & C-1 PUD; Commercial & Agriculture	West: C-1 CRO; Assisted Living
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-6, 10-4-4, 10-4-6, 10-4-8, 10-4-19, 10-12-1 through 4; Rio Vista ZDA	

Approval Process:

As per Twin Falls City Code 10-12-2.3 Action on Preliminary Plat:

The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

Budget Impact:

As the request is for a Preliminary Plat, approval of this request will have negligible impact on the City budget.

Regulatory Impact:

Upon approval of a preliminary plat a final plat that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

History:

This property was agriculturally utilized until development appeared around it. A preliminary ZDA presentation was conducted for the Planning and Zoning Commission on July 26, 2016, the public hearing was held on Tuesday, August 9th, 2016, and the City Council Public Hearing occurred on September 12, 2016. The Annexation and associated Rezone to R-2, R-6, and C-1 CRO ZDA was recorded in March 2018.

Analysis:

This is a request for approval of a Preliminary Plat of the Rio Vista Subdivision, a ZDA, consisting of 28.8 +/- acres with 38 Lots; located on the north side of the 1800 & 1900 block of Pole Line Rd. E.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the final plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed

The plat is consistent with City Code in regards to subdivision development criteria, follows the applicable Zoning District - Rio Vista ZDA, and is in conformance with the current Comprehensive Plan, which designates this area as "Mixed Use."

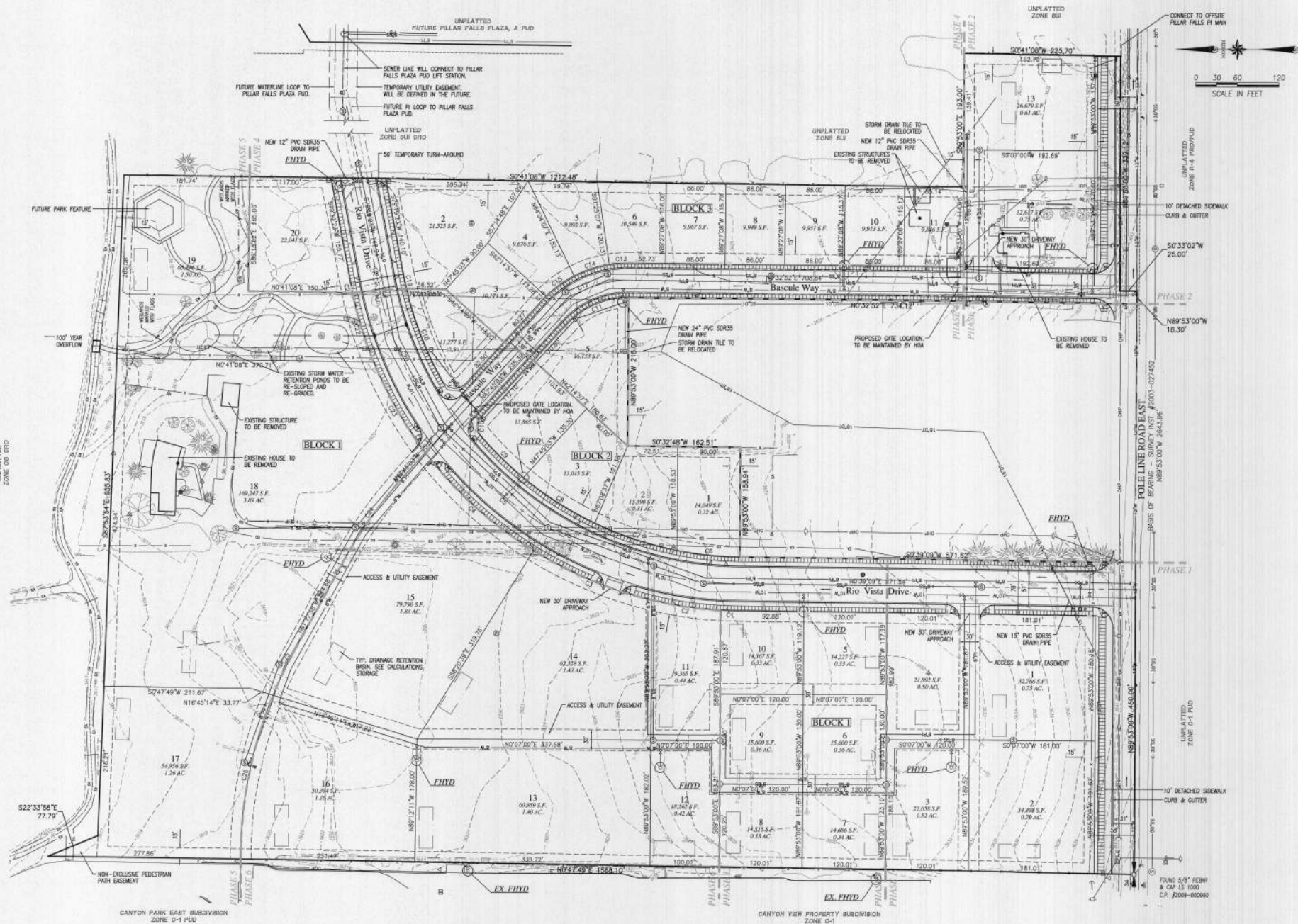
Conclusion:

Staff recommends the commission approve the preliminary plat of the Rio Vista Subdivision, a ZDA, as presented, and subject to the following conditions:

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

Attachments:

1. Preliminary Plat
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Site Photos



0 30 60 120

SCALE IN FEET

PRELIMINARY PLAT

for

RIO VISTA SUBDIVISION, a ZDA

EHM Engineers, Inc.

REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF CALIFORNIA

Engineers / Surveyors / Planners

621 North College Road, Suite 100 Twin Falls, Idaho 83301

P: (208) 734-4888 Fax: (208) 734-4949 web: ehminc.com

DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE PRIOR TO CONSTRUCTION. ENGINEER OF ANY DIMENSIONAL ERRORS, OMISSIONS, OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.

APPROVED

DESIGN: O. THIBAUT

DRAWN: Y. SMITH

DATE: 10/4/2018

SCALE: AS SHOWN

SHEET NO: 009-15 PP

SHEET

REVISIONS

1. CITY COMMENTS 6-16-17

2. CITY COMMENTS 11-7-17

NOTES

1. FOUND 5/8" REBAR & CAP 15 1000

2. FOUND 5/8" REBAR & CAP 15 1000

3. FOUND 5/8" REBAR & CAP 15 1000

Zoning Vicinity Map

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

Canyon
Park East
223

Magic Valley Mall
Magic Valley
Mall 215

Rio
Vista/Notch
Butte 0

Pillar
Falls
Plaza 253

BRIDGEVIEW BLVD
POLE LINE RD

Eastpark 213

PRO

Eastpark 213

Canyon
Village
270

Eastpark
#3 ZDA 0

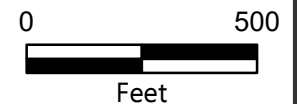
PRO

Eastpark
213

MADRONA ST

MOUNTAIN VIEW DR

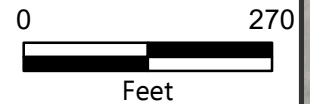
VILLAGE



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**



Aerial Map



AERIAL PHOTO APRIL 2016
REFERENCE ONLY



Panorama Photo of frontage along Pole Line Road – East of the YMCA



Panorama of frontage along Pole Line Road – west of the YMCA



Taken from back YMCA Parking lot looking West – Bridgeview Care Center in the background.



Taken from back YMCA Parking lot looking North toward Canyon Rim.



Taken from Sportsmans parking lot looking East – Bridgeview Center on Right of photo.



Access towards Bridgeview Blvd Public Road



Taken from Canyon Rim Trail looking South – Bridgeview Center on Right of photo, YMCA in the middle background.



Public Hearing: **TUESDAY, April 10th, 2018**

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Senior Planner

Editor: Renee V. Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove

AGENDA ITEM 6a

Request: For a recommendation on an **Amendment to Cedar Park PUD #210** to allow a planned Residential 4-plex Development on one (1) lot within the C-1 Zoned Designated area as shown on the Master Development Plan, 12.5 +/- acres, located at the North West corner of Meadow View Lane, extended, and Addison Ave East. c/o Dave Thibault/EHM Engineers, Inc. on behalf of David Skaggs/Summit Development, Inc. (app 2934)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant Summit Development David Skaggs 9408 W. Burnett Dr. Boise, ID 83709 Representative EHM Engineers, Inc. David Thibault 621 N. College Dr., Ste. 100 Twin Falls, ID 83301 208.734.4888 dthibaut@ehminc.com	Status: Developer	Size: 12.25+/- acres
	Current Zoning: C-1 PUD	Requested Zoning: Amendment to PUD
	Comprehensive Plan: Neighborhood Commercial & Town Neighborhood	Lot Count: 1 Lot
	Existing Land Use: Agriculture	Proposed Land Use: Residential
	Zoning Designations & Surrounding Land Use(s)	
	North: R-4 PUD; Undeveloped	East: R-2 (AOI); Agriculture
	South: C-1 PUD-Undeveloped ; C-1; Addison Ave E/Residential, Commercial	West: C-1 PUD; proposed Mixed Use ZDA; Thad Farnham
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-6, 10-4-8, 10-6-1.6 & 7, 10-9, 10-10, 10-11-1 thru 8 and the Cedar Park PUD #210	

Approval Process: This request is an amendment to existing PUD, the process followed is the same as a ZDA.

As per Twin Falls City Code 10-6-1.6 and 10-6-1.7 a change to the approved PUD/Master Development Plan shall require a public hearing before the Planning & Zoning Commission for a recommendation on the change(s) and a public hearing before the City Council for a decision.

The applicant is first required to do a preliminary presentation to the Planning and Zoning Commission and the Public. The Commission and Public are allowed to give suggestions and ask questions of the applicant about the proposed project prior to the public hearing(s).

Budget Impact:

No impact to budget from this presentation.

Regulatory Impact:

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 Cedar Park PUD is a 132 acre planned commercial/residential mixed-use development. The Rezone/PUD was approved in 1997 after multiple public hearings following the process outlined in City Code. The PUD Agreement was signed and recorded in April 2004. There has been steady residential development, in compliance with the PUD Agreement, occurring to the north of this site since 2004. The undeveloped commercial portion has continued to be farmed without interruption up to this point.

On March 27, 2018 a preliminary presentation was made to the Planning Commission. There was minimal comment on the matter when opened for public comment.

Analysis:

This is a request to amend the Cedar Park PUD #210 to allow a planned Residential Development consisting of 4-Plex Dwellings on one (1) large commercially zoned future lot within the C-1 Zoned Designated area as shown on the Master Development Plan. This area is located at the North West corner of Meadow View Lane extended (not currently constructed), and Addison Ave East. The applicant is wishing to develop a residential 4-plex planned development on 1.4 +/- acre lot in the center of the designated area.

Per Current City Code 10-4-8 Commercial Highway: Residential Developments with *Dwellings – multiple household (5 units or more)*, are a Permitted Use. Therefore, current code prohibits residential developments which consist of 4-Plex Buildings, they are required to have 5 units or more per building.

Possible Impacts: the change in PUD language will allow developments with fewer units per building. Current code does not implicitly cap the total number of dwelling units on C-1 Zoned property. Since this is only changing the layout/construction type of the buildings being proposed, staff does not foresee largely detrimental impacts to surrounding properties with the requested change.

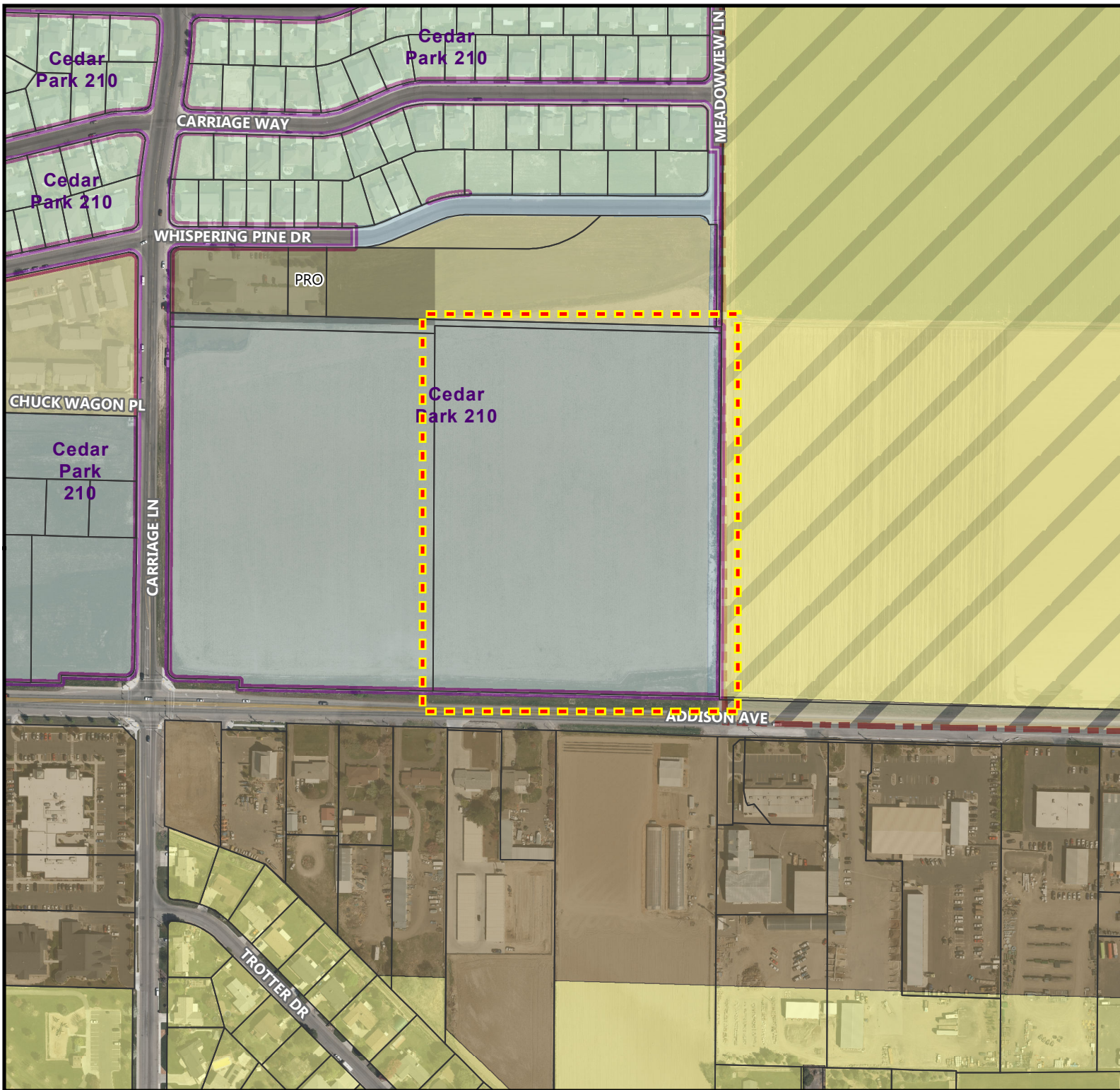
Conclusion:

If the Commission concludes to approve the 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 ensure compliance with applicable codes and standards.
2. Subject to approval by the property owner(s) prior to recordation.
3. Subject to a signed PUD Amendment being recorded prior to any development or platting occurring on the property.

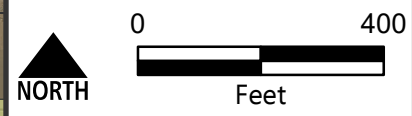
Attachments:

1. Zoning Vicinity Map
2. Aerial Photo Map
3. Future Land Use Map
4. Draft PUD Amendment
5. Cedar Park PUD #210 – Currently Recorded
6. Location Map – Applicant Provided



Zoning Vicinity Map

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



AERIAL PHOTO APRIL 2016
REFERENCE ONLY

2695 ADDIS

MEADOWVIEW LN

ADDISON AVE

Aerial Map



NORTH

0 150

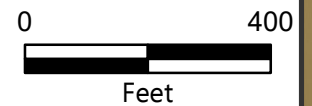


Feet

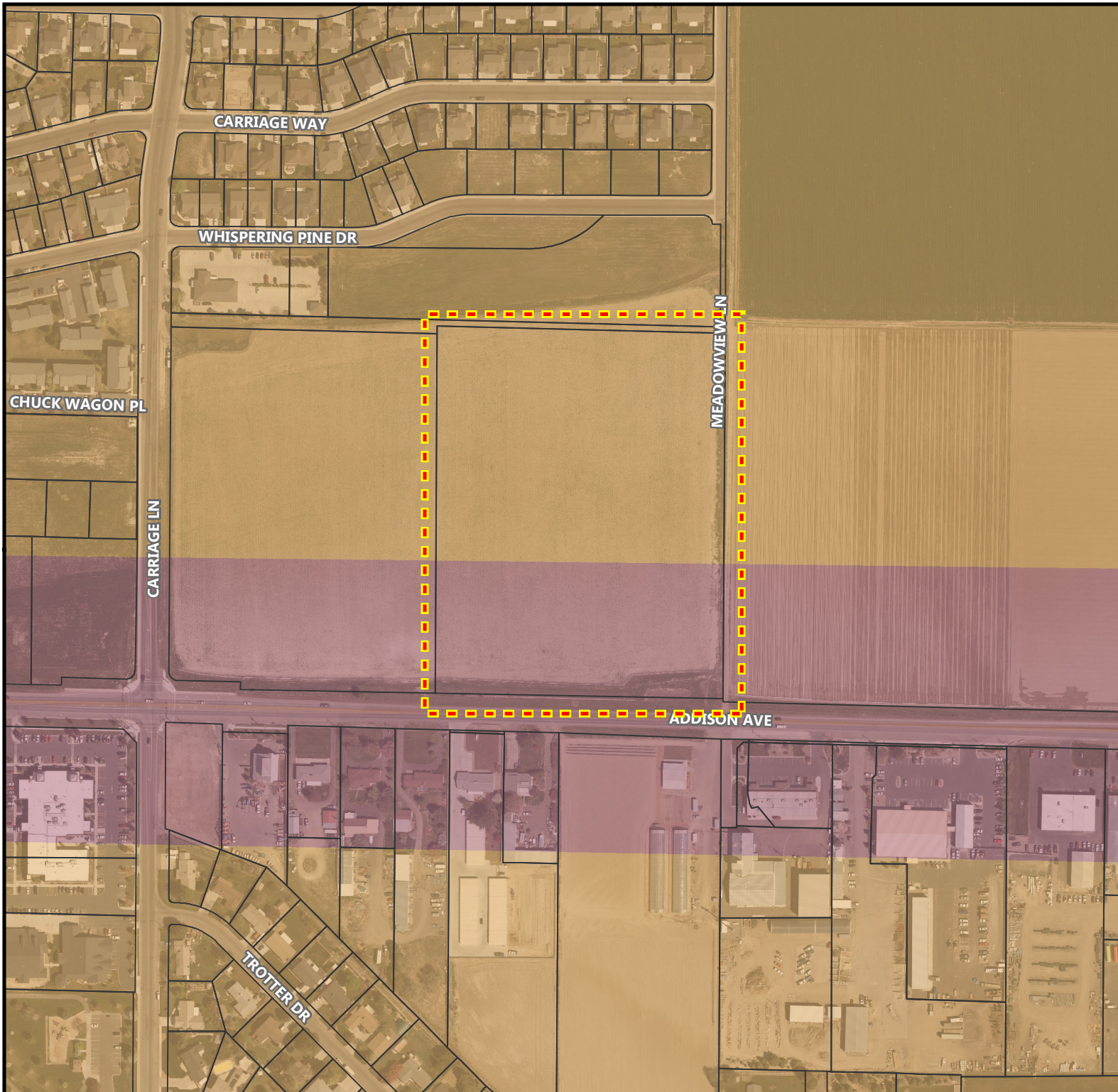
**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**

Zoning Vicinity Map

- Neighborhood Commercial
- Town Neighborhood



AERIAL PHOTO APRIL 2016
REFERENCE ONLY



Amendment to
CEDAR PARK P.U.D. (No. 210)
C-1 Planned Unit Development Agreement

THIS AGREEMENT, made and entered into this _____ day of _____, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City") and Jane George, Rosemary McGonigal, and Gary Nelson (hereinafter called "Developers"), whose address is 430 Blue Lakes Blvd. Suite D, Twin Falls Idaho 83301.

RECITALS

WHEREAS, Jane George, Rosemary McGonigal, and Gary Nelson, are the Developers and the equitable title holders to certain tracts of land in the City of Twin Falls, State of Idaho, being more particularly described in Exhibit A attached hereto. The subject land is located between the 2400 and 2700 blocks of Addison Avenue East to a depth of one-half mile north of Addison Avenue East (hereinafter referred to as "Property") and;

WHEREAS, Developers design to amend and modify the permitted uses within the existing CEDAR PARK Planned Unit Development Agreement and;

WHEREAS, City, by and through its City Council, has agreed to the development of said land and agreed to amendment of the permitted land uses within the City of Twin Falls, Idaho, subject to certain terms, conditions, and understandings, which 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:

Section 2. Subsection A. USES. shall be amended and modified to read as follows:

- A. USES. The use language in the Twin Falls City Code, Title 10, regarding the underlying “C-1, R-2, R-4, & R-4(PRO) PUD” zone shall apply with regard to permitted uses, special uses, and prohibited uses on the Property or any portion thereof as shown on the Master Plan.

Within the C-1 PUD designated areas of the Property multiple household dwelling units, being fourplexes, shall be permitted upon the premises as a permitted use.

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

By:_____

DEVELOPERS

By:_____

By:_____

By:_____

STATE OF IDAHO)

)ss

County of Twin Falls)

On this ____ day of _____, 2018, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Jane George, known or identified to me to be the person who subscribed the foregoing instrument and acknowledged to me that she executed the same.

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

Notary Public for the State of Idaho _____

Residing at:_____

My Commission Expires:_____

STATE OF IDAHO)

)ss

County of Twin Falls)

On this ____ day of _____, 2018, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Rosemary McGonigal, known or identified to me to be the person who subscribed the foregoing instrument and acknowledged to me that she executed the same.

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

Notary Public for the State of Idaho _____

Residing at:_____

My Commission Expires:_____

STATE OF IDAHO)

)ss

County of Twin Falls)

On this ____ day of _____, 2018, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Gary Nelson, known or identified to me to be the person who subscribed the foregoing instrument and acknowledged to me that he 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 the State of Idaho _____

Residing at:_____

My Commission Expires:_____

Twin Falls County, Idaho

Recorded for:

TWIN FALLS, CITY OF

02:17pm

Apr. 28, 2004

2004 - 009021

No. of Pages: 27 Fee: \$81.00
KRISTINA GLASCOCK
County Clerk
Deputy: CNCEDAR PARK PUDC-1, R-2, R-4 & R-4(PRO) PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this 2ND DAY OF JUNE, 1997, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and Jane George, Rosemary McGonigal and Gary Nelson (hereinafter called "Developers"), whose address is 430 Blue Lakes Blvd. No., Suite D, Twin Falls, Idaho 83301.

RECITALS

WHEREAS, Jane George, Rosemary McGonigal and Gary Nelson (hereinafter included in reference to "Owners" or "Developers"), are the equitable title holder to certain tracts of land in the City of Twin Falls area of impact, State of Idaho, all parcels are more particularly described in Exhibits "A" (zoning) and "B" (ownership), and attached hereto. The subject land is located between the 2400 and 2700 blocks of Addison Avenue East to a depth of one-half mile north of Addison Avenue East (hereinafter "Property"); and

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

WHEREAS, Developers have made request of the City of Twin Falls to develop a portion of the Property as commercial subdivisions, and the balance as one or more residential

subdivisions, including portions with professional overlay ("Project") and have submitted to the City a master plan and zoning thereof (attached hereto as Exhibit "C") which has been approved for development as a "C-1 PUD" by the Planning and Zoning Commission and as a "C-1, R-2, R-4 & R-4(PRO) PUD" by the City Council of the City; and

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, R-2, R-4 & R-4(PRO) 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-1, R-2, R-4 & R-4(PRO) PUD" zone shall be interpreted as follows:

TWIN FALLS COUNTY, IDAHO
RECORDED FOR: City of T.F.

1997 JUN 13 A 8:23

1997009394

ROBERT S. FORT₂ -
EX-OFFICIO RECORDER

FEE: 81.00 DEPUTY: Sho

A. **USES.** The use language in the Twin Falls City Code, Title 10, regarding the underlying "C-1, R-2, R-4 & R-4(PRO) PUD" zone shall apply with regard to permitted uses, special uses, and prohibited uses on the Property or any portion thereof, as shown on the Master Plan.

B. **PHASING OF DEVELOPMENT.** Developers shall be permitted to develop the Property in phases, provided those phases are in compliance with the Master Plan, 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, and buildings on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum and a maximum time limit of three years between completion of one phase and commencement of the next phase.

3. **STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS.**
Developers shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property (hereinafter "Improvements") as described herein in accordance with City standards.

A. **IMPROVEMENT PLANS.** Developers 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 improvements shown thereon shall meet with the approval of the City, which approval shall be given if such plans conform with published City requirements.

B. **IMPROVEMENT DESIGN AND CONSTRUCTION.** Developers shall cause to be designed, constructed and installed, in accordance with the Improvement Plans and at its expense, all Improvements shown on the Improvement Plans. Notwithstanding the foregoing, nothing in this Agreement shall prohibit City participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.

C. **PHASED CONSTRUCTION.** Developers may install the Improvements all at once or in phases. Developers shall provide the City with written notification of which phase it intends to develop, when and of what portion, or portions, of said Improvements it intends to complete at the time; and agree to make such modifications and/or construct any temporary facilities necessitated by such phased construction work as shall be required and approved by the City, which approval shall not be unreasonably withheld.

D. **CONSTRUCTION SUPERVISION.** Developers shall use a qualified construction engineer or supervisor 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. **NONCOMPLIANCE.** In the event any of the requirements with regard to the installation of said Improvements are not complied with, the City shall give written notice to Developers of said non-compliance. Developers shall cure said non-compliance within thirty (30) days of this receipt of notice (or, in the case of non-compliance that will take in excess of thirty (30) days to cure, Developers shall commence to cure within thirty (30) of receipt of notice and diligently pursue the same to completion). In the event Developers fail 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 that phase of such "PUD" until such time as all requirements specified in Section 3 have been complied with; PROVIDED, HOWEVER, Developers 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 rights of the parties are preserved at law and equity.

F. **FEES.** Developers shall pay, or cause to be paid, to 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.

G. **DEDICATION OF IMPROVEMENTS.** City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City standards.

4. **PLATS.** Developers agree to file with City a preliminary plat, prepared by a registered professional engineer, of the real property which is the subject of this Agreement. Final plats for phases to be developed shall be submitted specifically identifying and dedication all necessary public easements and those rights-of-way the City agrees to accept herein and in the Standard Developers Agreement. It is agreed that said plats and any amendments thereto must first be approved by 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, which drawings and specifications shall first be approved by City and meet City standards, 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, R-2, R-4 & R-4(PRO) PUD" zones and the centerline setbacks of Addison Avenue East and Carriage Lane.

C. **LANDSCAPING.** The Developers will provide pedestrian and bicycle access from multi-family areas to commercial areas and provide a continuous internal pedestrian walkway from the perimeter public sidewalk to the principal customer entrance of commercial buildings over 50,000 square feet. The walkways are to be distinguished from driving surfaces through the use of special pavers, bricks or scored concrete to enhance pedestrian safety. Landscaping is to be provided on north sides of commercial buildings to integrate with residential development to the north, and the parking lots are to be broken up with islands of landscaping within the parking lots. Also, a landscaped buffer thirty feet (30') in depth from the sidewalk is to be provided along Addison Avenue East, and a landscaped buffer from behind the sidewalk to sixty feet (60') from the centerline is to be provided on Carriage Lane in both the commercial and professional overlay areas.

D. **DRAINAGE.**

(1) Storm water from commercial developments shall be retained. Facilities to retain storm water shall be designed, constructed, and maintained by the property owner of each lot in the development, unless specific written arrangements are made to share those responsibilities among several lot owners and/or the City.

(2) Storm water from residential developments shall be detained to limit discharge to downstream drainways. Detention facilities meeting City Code requirements in effect at the time of plat approval shall be designed and constructed by the Developers, and

maintained by the property owners' association of each development, unless specific written arrangements are made to share those responsibilities among individual lot owners and/or the City.

E. **BUILDING STANDARDS.** Buildings and Improvements shall comply with the following standards.

(1) **Prohibited Materials.** Metal sided buildings and buildings with exposed unpainted plain concrete block are prohibited. Concrete tilt-up or double-T panels are prohibited unless they have a decorative finish. This does not preclude the use of decorative masonry block or brick or the use of architectural residential metal siding. The commercial buildings are to have pitched roofs and facades broken up with windows, awnings and building recesses. Commercial building colors are to be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Neon tubing is not allowed as an accent material.

(2) **Outside Storage and Display.** Loading docks, trash collection, outdoor storage and similar facilities and functions are to be incorporated into the overall design of the building and the landscaping so the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.

(3) **Utilities.** All on-site utility service lines, including electrical lines

and telephone 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 appropriate screening material.

(4) **Special Pedestrian Improvements.** The Developers will provide pedestrian and bicycle access from multi-family areas to commercial areas and provide a continuous internal pedestrian walkway from the perimeter public sidewalk to the principal customer entrance of commercial buildings over 50,000 square feet. The walkways are to be distinguished from driving surfaces through the use of special pavers, bricks or scored concrete to enhance pedestrian safety. Construction of Carriage Lane will include provision for a bike route and pedestrian crossings with special pavers, bricks or scored concrete to enhance pedestrian safety.

F. **CODES.** All construction on the Property shall be to the standards established by applicable codes.

G. **CONTROL DURING DEVELOPMENT OF INDIVIDUAL PARCELS.** Developers shall maintain control during development of the Property or any part thereof, through the use of deed restrictions to be recorded setting forth the required development criteria contained herein.

6. **ACCESSES TO ADDISON AVENUE EAST.** Developers and subsequent

property owners agree to limit the number of accesses on Addison Avenue East west of Carriage Lane to one (1) and on Addison Avenue East east of Carriage Lane to one (1).

7. **WIDENING OF ADDISON AVENUE EAST.** Developers hereby agree to dedicate the right-of-way to the City the area under the Developers' control needed for widening of the Addison Avenue East right-of-way (hereinafter "Addison Avenue East Expansion Area"). The Developers agree to be responsible for the cost of widening Addison Avenue East when they develop the adjacent phase of their property.

8. **STANDARD DEVELOPERS' AGREEMENT.** It is understood and agreed by the parties hereto that it shall be necessary for Developers or individual owners to execute the City's Standard Developers' Agreements.

9. **GENERAL PROVISIONS.**

A. **COOPERATION.** The parties hereto agree to cooperate each with the other. Developers 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 this address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "Return Receipt Requested." On the date of this Agreement, the addresses of the parties are as follows:

DEVELOPERS: Rosemary McGonigal, Gary Nelson, Jane George
AKA Cedar Park Group
Attention: Jane George
430 Blue Lakes Blvd. N., Ste. D
Twin Falls, ID 83301

DEVELOPERS: Rosemary McGonigal, Gary Nelson, Jane George
AKA Cedar Park Group
Attention: Jane George
430 Blue Lakes Blvd. N., Ste. D
Twin Falls, ID 83301

CITY: City of Twin Falls
P.O. Box 1097
321 Second Avenue East
Twin Falls, ID 83303-1907

E. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto.

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 thereby.

G. **SIGNATORIES.** Each of the persons executing this Agreement hereby represents and 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 "PUD" Agreement shall become valid and binding only upon its approval by the City, through its City Council, and upon its execution by the Mayor and Developers.

I. **ATTORNEY'S FEES.** In the event that either party should be required to retain an attorney because of the default or breach of the other or to pursue any other remedy

provided by law, that party which prevails in any litigation shall be entitled to a reasonable attorney's fee.

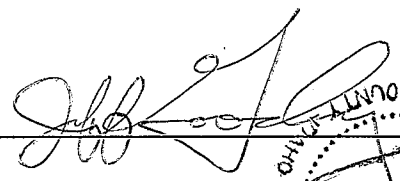
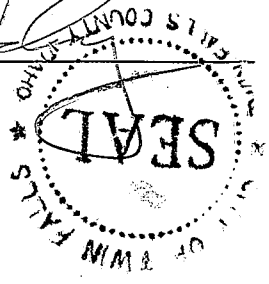
J. **CONSTRUCTION.** Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a document is to 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. **ATTACHMENTS.** All attachments to this Agreement and recitals are incorporated herein and made a part hereof as if set forth in full.

L. **CAPTIONS.** The captions, section 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.

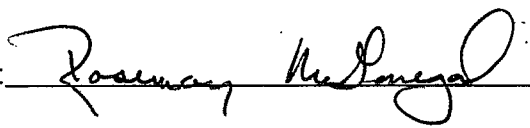
IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

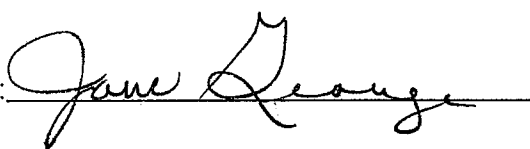
CITY OF TWIN FALLS

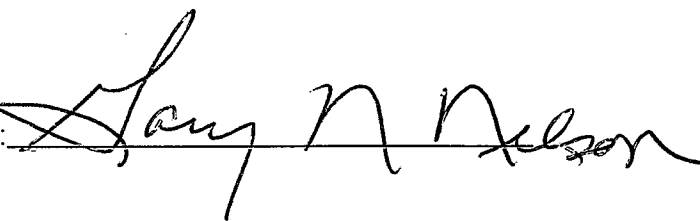
By: 


DEVELOPERS

Rosemary McGonigal, Gary Nelson,
Jane George (AKA Cedar Park Group)

By: 

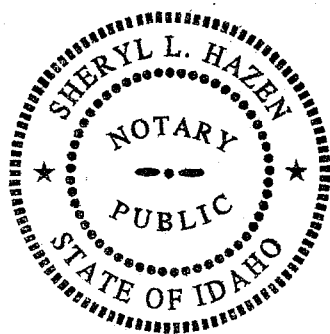
By: 

By: 

STATE OF IDAHO)
) ss
County of Twin Falls)

On this 2nd day of JUNE, 1997, before me, the undersigned, a Notary Public
in and for the State of Idaho, personally appeared Jane George, known to me to be the person who
subscribed the foregoing instrument and acknowledged to me that she executed the same.

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

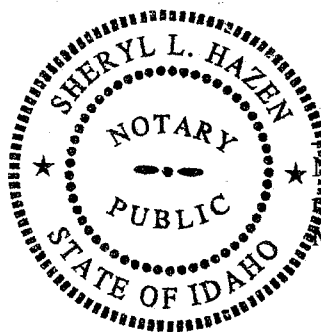


Sheryl L. Hazen
Notary Public for the state of Idaho;
residing at TWIN FALLS
My commission expires: 7/29/00

STATE OF IDAHO)
) ss
 County of Twin Falls)

On this 2nd day of JUNE, 1997, before me, the undersigned, a Notary Public
 in and for the State of Idaho, personally appeared Rosemary McGonigal, known to me to be the person
 who subscribed the foregoing instrument and acknowledged to me that she executed the same.

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

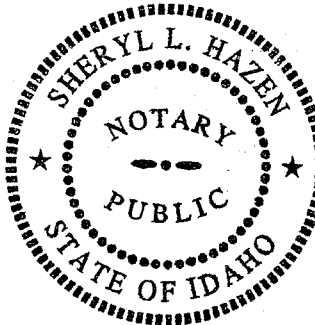


Sheryl L. Hazen
 Notary Public for the state of Idaho;
 residing at TWIN FALLS
 My commission expires: 7/29/00

STATE OF IDAHO)
) ss
 County of Twin Falls)

On this 2ND day of JUNE, 1997, before me, the undersigned, a Notary Public
 in and for the State of Idaho, personally appeared Gary N. Nelson, known to me to be the person who
 subscribed the foregoing instrument and acknowledged to me that he 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.



Sheryl L. Hazen
 Notary Public for the state of Idaho;
 residing at TWIN FALLS
 My commission expires: 7/29/00

PUB-210
EXHIBIT A

Zone Description
for
Cedar Park

Parcel A C-1 Commercial

A parcel of land located in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the Southeast corner of Section 11. Thence North 88°51'28" West 2614.72 feet to the South quarter corner of Section 11 and being the REAL POINT OF BEGINNING.

Thence North 88°51'24" West 653.72 feet along the South boundary of Section 11.

Thence North 00°03'14" West 660.00 feet,

Thence South 88°51'28" East 654.27 feet,

Thence North 00°00'25" West 240.00 feet,

Thence South 88°51'31" East 1308.40 feet,

Thence South 00°03'35" West 900.00 feet along the East boundary of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11.

Thence North 88°51'28" West 1307.36 feet along the South boundary of Section 11 to the REAL POINT OF BEGINNING.

Parcel A contains approximately 36.92 acres.



Zone Description
for
Cedar Park

Parcel B R-4 P.U.D.

A parcel of land located in SE¼SW¼, Section 11, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the Southeast corner of Section 11. Thence North 88°51'28" West 2614.72 feet to the South quarter corner of Section 11. Thence North 88°51'24" West 653.72 feet along the South boundary of Section 11. Thence North 00°03'14" West 660.00 feet to the REAL POINT OF BEGINNING.

Thence North 88°51'28" West 330.07 feet,

Thence North 00°03'14" West 167.65 feet,

Thence North 49°31'56" East 203.47 feet,

Thence along a curve left

Δ - 24°05'57"
R - 200.00 feet
A - 84.12 feet
C - 83.50 feet
T - 42.69 feet
LCB - South 77°57'02" East

Thence South 90°00'00" East 195.90 feet,

Thence along a curve left

Δ - 12°10'11"
R - 200.00 feet
A - 42.48 feet
C - 42.40 feet
T - 21.32 feet
LCB - North 83°54'55" East

Thence North 77°49'49" East 521.46 feet,

Thence North 89°59'36" East 654.07 feet,

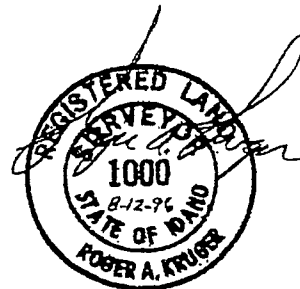
Thence South 00°00'25" East 189.43 feet,

Thence North 88°51'34" West 654.20 feet,

Thence South 00°00'25" East 240.00 feet,

Thence North 88°51'28" West 654.27 feet to the REAL POINT OF BEGINNING.

Parcel B contains approximately 9.88 acres.



Zone Description
for
Cedar Park

Parcel C. R-4 PRO

A parcel of land located in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the South quarter corner of Section 11. Said point lies North 88°51'28" West 2614.71 feet from the Southeast corner of Section 11. Thence South 88°51'28" East 1307.36 feet to the Southeast corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11. Thence North 00°03'34" East 900.00 feet along the East boundary of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11. Thence North 88°51'31" West 654.20 feet to the REAL POINT OF BEGINNING.

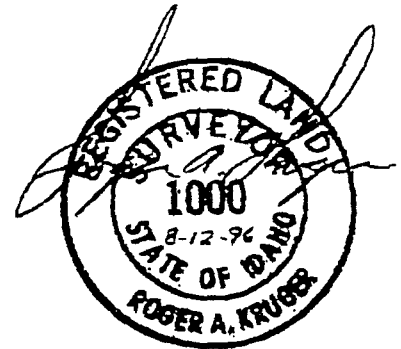
Thence North 88°51'34" West 654.20 feet,

Thence North 00°00'25" West 176.32 feet,

Thence North 89°59'36" East 654.07 feet,

Thence South 00°00'25" East 189.43 feet the REAL POINT OF BEGINNING.

Parcel C contains approximately 2.75 acres.



Pub-210

Zone Description
for
Cedar Park

Parcel D R-4 P.U.D.

A parcel of land located in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the South quarter corner of Section 11. Said point lies North 88°51'28" West 2614.71 feet from the Southeast corner of Section 11. Thence South 88°51'28" East 1307.36 feet to the Southeast corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11. Thence North 00°03'34" East 900.00 feet along the East boundary of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11 to the REAL POINT OF BEGINNING.

Thence North 88°51'31" West 654.20 feet,

Thence North 00°00'25" West 189.43 feet,

Thence North 89°59'36" East 201.75 feet,

Thence along a curve left

▲ - 44°59'36"
R - 200.00 feet
A - 157.06 feet
C - 153.05 feet
T - 82.83 feet
LCB - North 67°29'48" East

Thence North 45°00'00" East 183.83 feet,

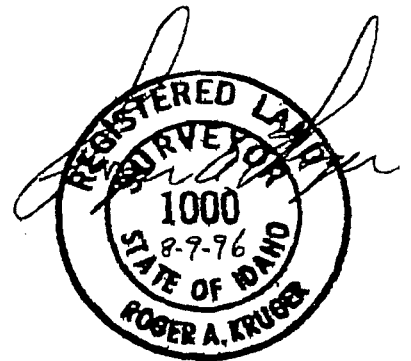
Thence along a curve left

▲ - 12°29'40"
R - 100.00 feet
A - 21.81 feet
C - 21.76 feet
T - 10.95 feet
LCB - North 38°45'10" East

Thence South 71°23'53" East 176.95 feet,

Thence South 00°03'35" West 351.57 feet along the East boundary of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11 to the REAL POINT OF BEGINNING.

Parcel D contains approximately 4.11 acres.



Zone Description
for
Cedar Park

Parcel E R-2

A parcel of land located in W $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the South quarter corner of Section 11. Said point lies North 88°51'28" West 2614.71 feet from the Southeast corner of Section 11. Thence South 88°51'28" East 1307.36 feet to the Southeast corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11. Thence North 00°03'34" East 1251.57 feet along the East boundary of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11 to the REAL POINT OF BEGINNING.

Thence North 71°23'53" West 176.95 feet,

Thence along a curve right

- Δ - 12°29'40"
- R - 100.00 feet
- A - 21.81 feet
- C - 21.76 feet
- T - 10.95 feet
- LCB - South 38°45'10" West

Thence South 45°00'00" West 183.83 feet,

Thence along a curve right

- Δ - 44°59'36"
- R - 200.00 feet
- A - 157.06 feet
- C - 153.05 feet
- T - 82.83 feet
- LCB - South 67°29'48" West

Thence South 89°59'36" West 855.82 feet,

Thence South 77°49'49" West 521.46 feet,

Thence along a curve right

- Δ - 12°10'11"
- R - 200.00 feet
- A - 42.48 feet
- C - 42.40 feet
- T - 21.32 feet
- LCB - South 83°54'55" West

Thence South 90°00'00" West 195.90 feet,

Thence along a curve right

- Δ - 24°05'57"
- R - 200.00 feet
- A - 84.12 feet
- C - 83.50 feet
- T - 42.69 feet
- LCB - North 77°57'02" West

Thence South 49°31'56" West 203.47 feet,

Thence South 00°03'14" East 497.65 feet,

Thence North 88°51'24" West 323.92 feet,

Thence North 00°06'04" West 1654.71 feet along the West boundary of E½SW¼, Section 11 to the Northwest corner of S½NE¼SW¼, Section 11.

Thence South 88°47'53" East 1310.74 feet to the Northeast corner of S½NE¼SW¼, Section 11.

Thence North 00°00'24" West 661.10 feet to the Northwest corner of W½SE¼, Section 11.

Thence South 88°46'40" East 1310.46 feet to the Northeast corner of W½SE¼, Section 11.

Thence South 00°03'35" West 1390.94 feet along the East boundary of W½SE¼, Section 11 to the REAL POINT OF BEGINNING.

Parcel E contains approximately 80.65 acres.



EXHIBIT B

THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT LEGAL DESCRIPTION

TWIN FALLS COUNTY, IDAHO
RECORDED FOR: **TITLEFACT, Inc.**
~~1995 JUL 11 10:01~~ 19950101131
ROBERT S. FORT
EX-OFFICIO RECORDER
FEE: 300 DEPUTY *mjs*

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****
36942ML

QUITCLAIM DEED

For Value Received CEDARPARK BUILDERS COMPANY, do hereby convey, remise and forever quit claim unto ROSEMARY McGONIGAL, as to an undivided 1/4 interest, CAROL JANE GEORGE, as to an undivided 1/4 interest, GARY N. NELSON, as to an undivided 1/4 interest AND STEVEN R. KEIM, as to an undivided 1/4 interest, whose address is: P.O. BOX 174, TWIN FALLS, ID 83303, the following described premises, to-wit:

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho
Section 11: W1/4SE1/4; E1/4SW1/4; SE1/4NW1/4
SUBJECT TO: Twin Falls County Highway Right of Way EXCEPT: Township 10 South, Range 17 East, Boise, Meridian, Twin Falls County, Idaho Section 11: SE1/4NW1/4 and together with their appurtenances. N1/2NE1/4SW1/4 TOGETHER WITH: Access easement to pump over and across the North 20 feet of the NW1/4SE1/4

Dated:

CEDARPARK BUILDERS COMPANY

BY: *Gary N. Nelson*
GARY N. NELSON, PRESIDENT

BY: *Carol Jane George*
CAROL JANE GEORGE, SECRETARY-TREASURER

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 7th day of MAY, 1994, before me, the undersigned, Notary Public in and for said State, personally appeared GARY N. NELSON AND CAROL JANE GEORGE known or identified to me to be the PRESIDENT AND SECRETARY-TREASURER of the said corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Christy J. Grist
Notary Public for Idaho
Residing at: *Twin Falls*
My Commission expires: *12/13/97*
TWIN FALLS COUNTY, IDAHO
RECORDED FOR: **TITLEFACT, Inc.**
1995 JUL 13 A 8:38 1995010883
FEE: 300 DEPUTY *Sr*

39163ml
TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

TWIN FALLS COUNTY, IDAHO

TITLEFACT, Inc.

1996 DEC 30 P 4: 55

19960218631

***** SPACE ABOVE FOR RECORDER *****

RECORDED
TWIN FALLS COUNTY, IDAHO

WARRANTY DEED

RE: 600 : FIFTY 84

FOR VALUE RECEIVED STEVEN R. KEIM and BONNIE E. KEIM, husband and wife, as to an undivided one-fourth (1/4) interest, being all their interest, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto CAROL JANE GEORGE, a single woman, as to an undivided one-eighth (1/8) interest; and ROSEMARY McGONIGAL, a married woman dealing with her sole and separate property, as to an undivided one-eighth (1/8) interest, hereinafter called grantee, whose address is: 430 Blue Lakes Blvd North, Suite D, Twin Falls, ID 83301, the following described premises, in Twin Falls County, Idaho, to-wit:

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho
Section 11: W $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$
EXCEPT

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho
Section 11: SE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

Together with: Access easement to pump over and across the North 20 feet of the NW $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO: Twin Falls County Highway Right of Way

AND EXCEPT:

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho

Section 11: A parcel of land located in the S $\frac{1}{2}$, being more particularly described as follows;

COMMENCING at the Southwest corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 11;

THENCE East 1320.00 feet along the South boundary of Section 11 to the REAL POINT OF BEGINNING;

THENCE North 866.58 feet parallel with the West boundary of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11;

THENCE East 660 feet parallel with the South boundary of Section 11;

THENCE South 866.58 feet parallel with the West boundary of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11;

THENCE West 660 feet along the South boundary of Section 11 to the REAL POINT OF BEGINNING.

SUBJECT TO: Twin Falls County Highway Right of Way

AND ALSO EXCEPT

Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho

Section 11: A parcel of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ being more particularly described as follows:

COMMENCING at the Southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, and being the REAL POINT OF BEGINNING;

THENCE East 660 feet along the South boundary of Section 11;

THENCE North 660 feet parallel with the West boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;

THENCE West 330 feet parallel with the South boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;

THENCE South 330 feet parallel with the West boundary of SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11;

THENCE West 330 feet parallel with the South boundary of Section 11;

THENCE South 330 feet along the West boundary of SE $\frac{1}{4}$ SW $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

SUBJECT TO: Twin Falls County Highway Right of Way.

74B-210

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 30, 1996

Steven R. Keim
STEVEN R. KEIM

Bonnie E. Keim
BONNIE E. KEIM

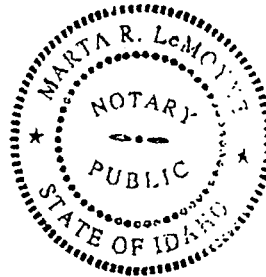
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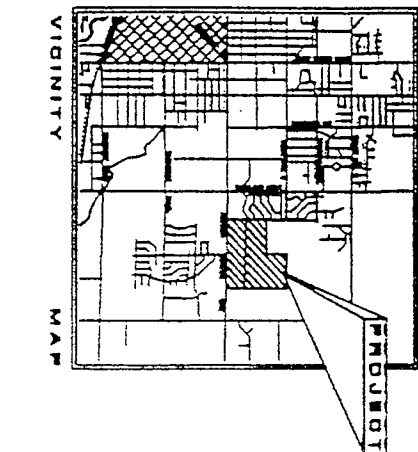
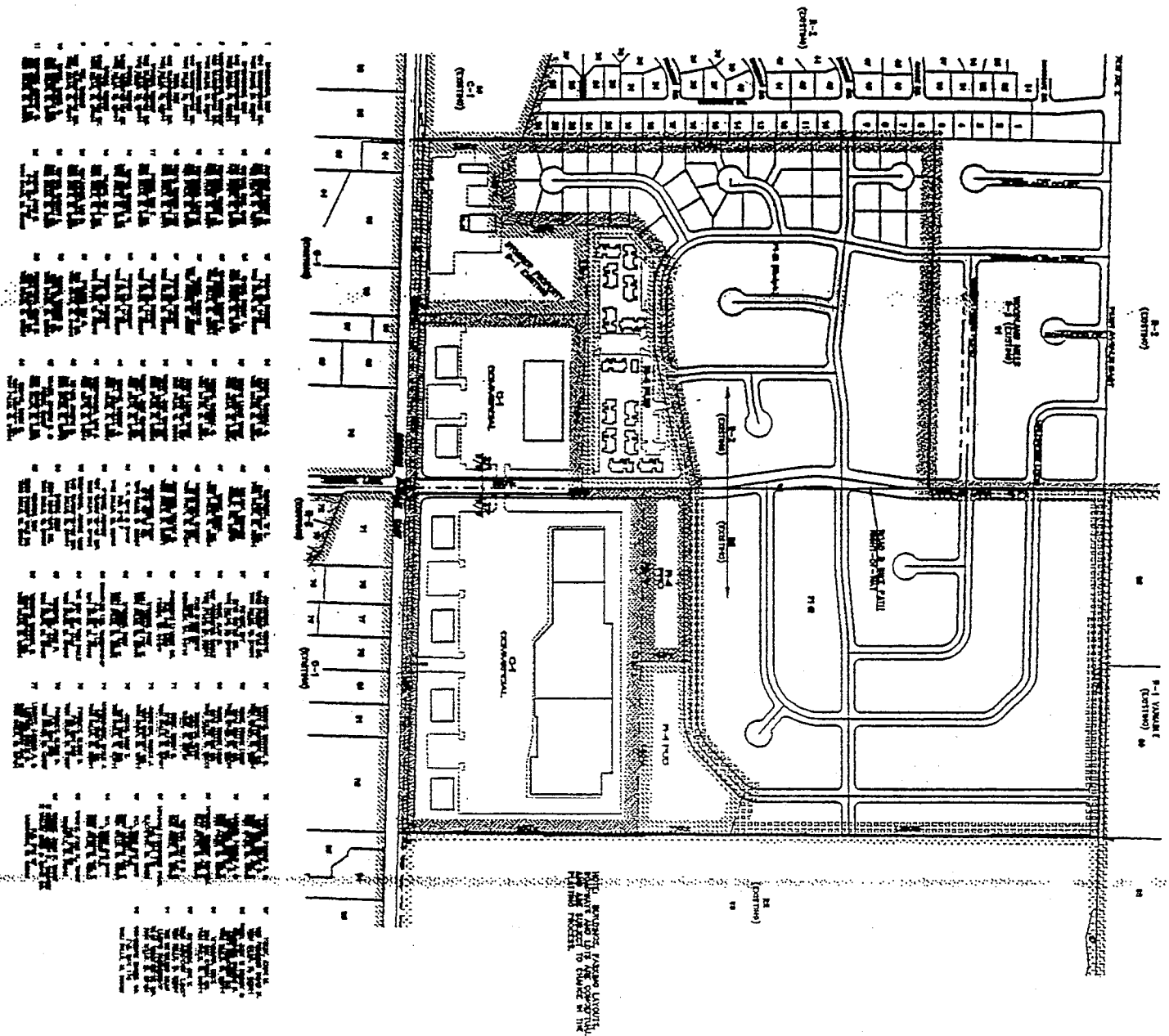
STATE OF IDAHO
County of Twin Falls

On this 30th day of December, 1996, before me, a Notary Public in and for said State, personally appeared STEVEN R. KEIM and BONNIE E. KEIM, husband and wife, as to an undivided one-fourth (1/4) interest, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Marta R. Lemoyne
Notary Public for Idaho
Residing in: Buhl
Commission Expires: 9-8-99



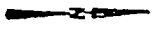


OWNER/DEVELOPER
 CEDAR PARK COMPANY
 500 N. 1000 E. SUITE 212
 TWIN FALLS, IDAHO 83401
 PHONE (208) 735-1000

- C-1 PUD. (PROPOSED)
- R-4 PUD. (PROPOSED)
- R-4 PRO PUD. (PROPOSED)
- R-2 (PROPOSED)
- C-1 (existing)
- R-2 (existing)
- R-1 Var. (existing)
- FR (existing)

CEDAR PARK PLUD
 Located in
 S&W RWA, S&W RWA, & W&S RWA,
 SECTION 17,
 TOWNSHIP 10 SOUTH, RANGE 17 EAST,
 BOISE NATIONAL
 TWIN FALLS COUNTY, IDAHO
 83401

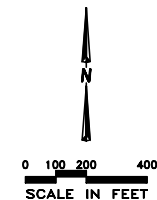
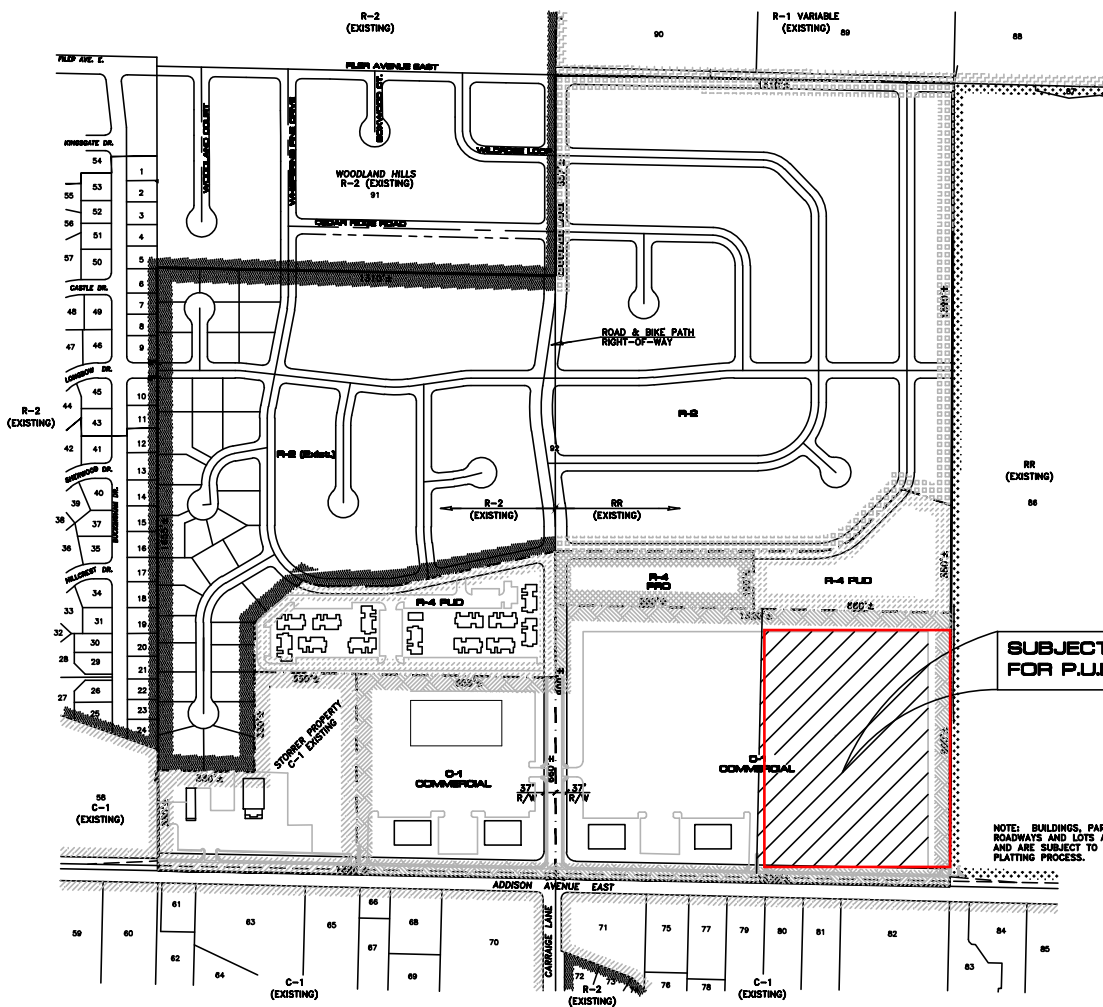
0 100 200 400
 FEET
 SCALE IN FEET



Zoning Exhibit For
CEDAR PARK PLUD
 Twin Falls, Idaho

Engineers, Inc.
 ENGINEERS/SURVEYORS/PLANNERS

DATE	11/11/91
BY	J. C. HARRIS
APP. BY	APRIL 92
REVISION	
NO.	027-41



CEDARPARK P.U.D.

Located in
 S2 NE4 SW4, S24 SW4, & W2 S24,
 SECTION 11,
 TOWNSHIP 10 SOUTH, RANGE 17 EAST,
 BOISE MERIDIAN,
 TWIN FALLS COUNTY, IDAHO
 1696

- C-1 P.U.D. (PROPOSED)
- R-4 P.U.D. (PROPOSED)
- R-4 PRO P.U.D. (PROPOSED)
- R-2 (PROPOSED)
- C-1 (Existing)
- R-2 (Existing)
- R-1 Var. (Existing)
- RR (Existing)

**SUBJECT PROPERTY
 FOR P.U.D. AMENDMENT**

NOTE: BUILDINGS, PARKING LAYOUTS,
 ROADWAYS AND LOTS ARE CONCEPTUAL
 AND ARE SUBJECT TO CHANGE IN THE
 PLATTING PROCESS.

OWNER/DEVELOPER: CEDARPARK COMPANY
 % GARY M. NELSON
 1525 ADDISON AVE. E., SUITE 212
 TWIN FALLS, IDAHO 83301
 PHONE: (208) 734-8000

ENGINEER: EDM ENGINEERS, INC.
 821 NO. COLLEGE RD., SUITE 100
 TWIN FALLS, IDAHO 83301
 PHONE: (208) 734-4888

