

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

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 and address, then commence with their comments. Following their statements, they shall write their name and address 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.



Public Hearing: **TUESDAY, November 25, 2014**

To: Planning & Zoning Commission

From: Rene'e (Carraway) Johnson, Community Development Department

AGENDA ITEM V-1

Request: Requests for the Commission's recommendation to allow **Additional Building Height** for new silos on property located at 236 Washington Street South. Steve Maughan on behalf of Glanbia USA (app. 2689)

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: 19.38 Acre Lot
Glanbia Foods, Inc. 121 4 th Ave South Twin Falls ID, 83301 208-733-7555	Current Zoning: M-1	Requested Zoning: Additional Height for new silos – max 70' 9"
	Comprehensive Plan: Industrial	Lot Count: 1 Lot
	Existing Land Use: Industrial; Cheese and Whey Production	Proposed Land Use: No Change
Representative:	Zoning Designations & Surrounding Land Use(s)	
Steve Maughan Dane Higdem 121 4 th Ave South Twin Falls ID, 83301 208-316-0731 208-329-3681 smaughan@glanbiausa.com dhigdem@glanbiausa.com	North: Diamond Ave (Undeveloped), M-2 Industrial and Undeveloped	East: Washington St South; R-6 MHO-1, Residential
	South: Highland Ave (Undeveloped); M-1, Residential/Agricultural	West: R-4 AOI, Undeveloped
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-10.3(C), 10-7-3, 10-14-5(B) & 10-14-7	

Approval Process:

The Additional Height process requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the application.

After the public hearing, the Commission shall make a recommendation to the City Council in the form of approval, conditional approval, or disapproval of the application as presented during the hearing.

After receiving the recommendation of the Commission, the City Council shall hold a public hearing. After the public hearing, the Council may approve, conditionally approve, or disapprove the application as presented.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with their projects to construct silo's greater than the allowed Height of 50 Feet.

Other permits such as sign, building, electrical or plumbing permits, etc. **may be required.** **All facilities must comply with all Building and Fire Code Regulations.**

History:

The property is currently Zoned M-2, it can be reasonably assumed that this designation was implemented in 1981 when a comprehensive zoning title amendment occurred that effectively created the zones we use today. In February 2011, a non-conforming expansion permit was issued to Glanbia Foods for an expansion of their operations at this location.

Analysis:

The applicant has supplied a narrative detailing the reason for this request. The applicant has identified 3 separate silos that will exceed the 50 foot maximum allowed within the M-2 Zone. The function of these silos is detailed in their narrative as part of their cheese manufacturing operation.

Per City Code 10-4-10 (C) – Building Height: No building shall exceed fifty feet (50') in height except as provided by Section 10-7-3.

Per City Code 10-7-3 – Additional Building Height: The council may allow greater than standard building heights with or without extra setback requirements, in the CB, C1, OT, M1 and M2 zoning districts and subdistricts. A request for additional height shall follow the public hearing process for zoning map amendments as described in subsection 10-14-5(B) and section 10-14-7 of this title. (Ord. 3077, 8-11-2014)

This project is located in the M-2 Zoning District and therefore the applicant may apply for additional building height following the public hearing process outlined in City Code 10-14. This process will include a Public Hearing with the Planning and Zoning Commission with a recommendation forwarded to the City Council for a decision.

Possible Impacts: Staff does not foresee a significant negative impact on adjoining property owners for this requested item. The locations of the proposed silos are considerably set back from the current roadway, and from any nearby residential properties. The facility currently utilizes silos of similar size and height for their operation, and staff does not expect these proposed silos to cause an unreasonable visual impact to the area.

Conclusion:

Should the Commission recommend approval of 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 no more than three (3) silos at maximum heights of 70'9", as presented. Placement shall be as shown on the site plan submitted by the applicant.

Attachments:

- | | |
|------------------------|-----------------------------------|
| 1. Letter of Request | 4. Applicant Submitted Site Plan |
| 2. Zoning Vicinity Map | 5. Applicant Submitted Elevations |
| 3. Aerial Map | 6. Site Photos |



Glanbia Foods, Inc. Telephone (208) 733-7555
121 4th Ave. S. Facsimile (208) 733-9222
Twin Falls, ID 83301-6223

Additional Building Height Application (Ord. 3077)
To: City of Twin Falls Community Development Services
P.O. Box 1907
324 Hansen Street E
Twin Falls, ID., 83303
Phone 208.735.7267
Fax: 208.736.2641

Oct 24, 2014

From: Steve Maughan
Senior Project Manager
Glanbia Foods, Inc.
121 4th Avenue South
Twin Falls, ID 83301-6223
Phone: 208.735.4677

RECEIVED
OCT 24 2014
CITY OF TWIN FALLS
BUILDING DEPT

5)

a) The Reason for the Request:

Glanbia is communicating with the city to discuss a possible communication oversight with the City of Twin Falls. Ordinance 3077 states that no building or structure shall exceed 50 feet. At this time Glanbia is planning to install additional processing and environmental equipment at the Twin Falls plant (the project is designated as Project Boost). The silos required to complement this equipment are planned to be over this height (70 ft. 9 in.).

The project has already received a City of Twin Falls shell permit for construction (Project Boost); Glanbia is anticipating that the full permit will be issued 10/16-10/17. The plans for this project were submitted in July 2014 and Glanbia is currently unaware if these silos are required to undergo an Additional Building Height application. Glanbia has not been notified that this is required for this project.

A second project that is planned for the Glanbia Twin Falls facility is calling for the installation of another silo above 50 feet (Project Iris). The city informed Glanbia that this particular project would be required to undergo the Additional Building Height Application process. It was at this time that Glanbia became aware of Ordinance 3077 and was concerned about its impact with Project Boost.

In light of the Project Iris information from the City of Twin Falls, Glanbia is requesting confirmation from the City of Twin Falls that the Project Boost can continue as planned (in regards to the installation of the polished water silos).

Regards,


Steve Maughan
(cc. Dane Higdem)

RECEIVED
OCT 24 2014
CITY OF TWIN FALLS
BUILDING DEPT.

b) A Statement on:

i. What is the current use of the property:

1. The Glanbia Twin Falls plant is a cheese and whey processing facility.

ii. The use of the new structure(s) being proposed:

1. Two (2) silos will be used as potable water storage to complement a water extraction process from milk. This initiative will result in a lower city water demand for future processing equipment. The stored water will be used for equipment processing and cleaning. This initiative will contribute to the overall environmental sustainability of the processing plant.
2. One (1) silo will be used to store milk

iii. The Additional Height being requested:

1. The proposed silos will measure 70 feet and 9 inches tall.

iv. The reason for the Additional Height

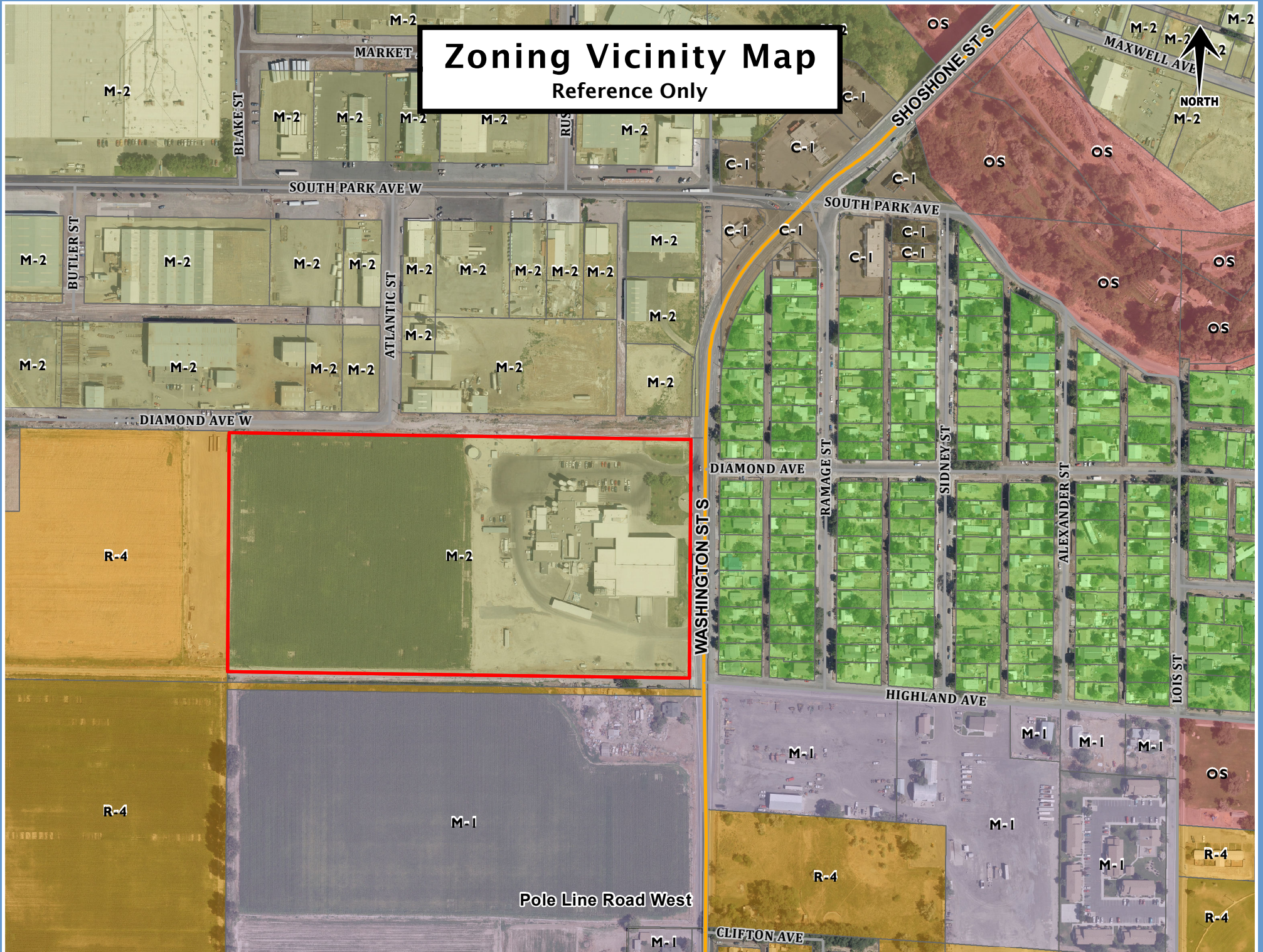
1. The required volumes of the silos dictate the height.
2. For the water silos, the combined capacity of 100,000 gallons is required to eliminate water loss waste at the Twin Falls facility and allow Glanbia the process capability to extract the full amount of water from milk.
3. For the milk silo, process/product changes require segregation (different types of milk).

v. Impacts to the surrounding area and/or Compatibility with the surrounding area:

1. The liquid silos planned to be installed at the Glanbia Twin Falls facility should not impact the surrounding area. They will be about the same height as the tallest existing silos. They will be fabricated from high-quality stainless steel. They will resist rusting or corrosion and, along with our other silos, will be progressively maintained. The silos complement the existing facility and should not impact views or be a distraction to the immediate neighbors and public.

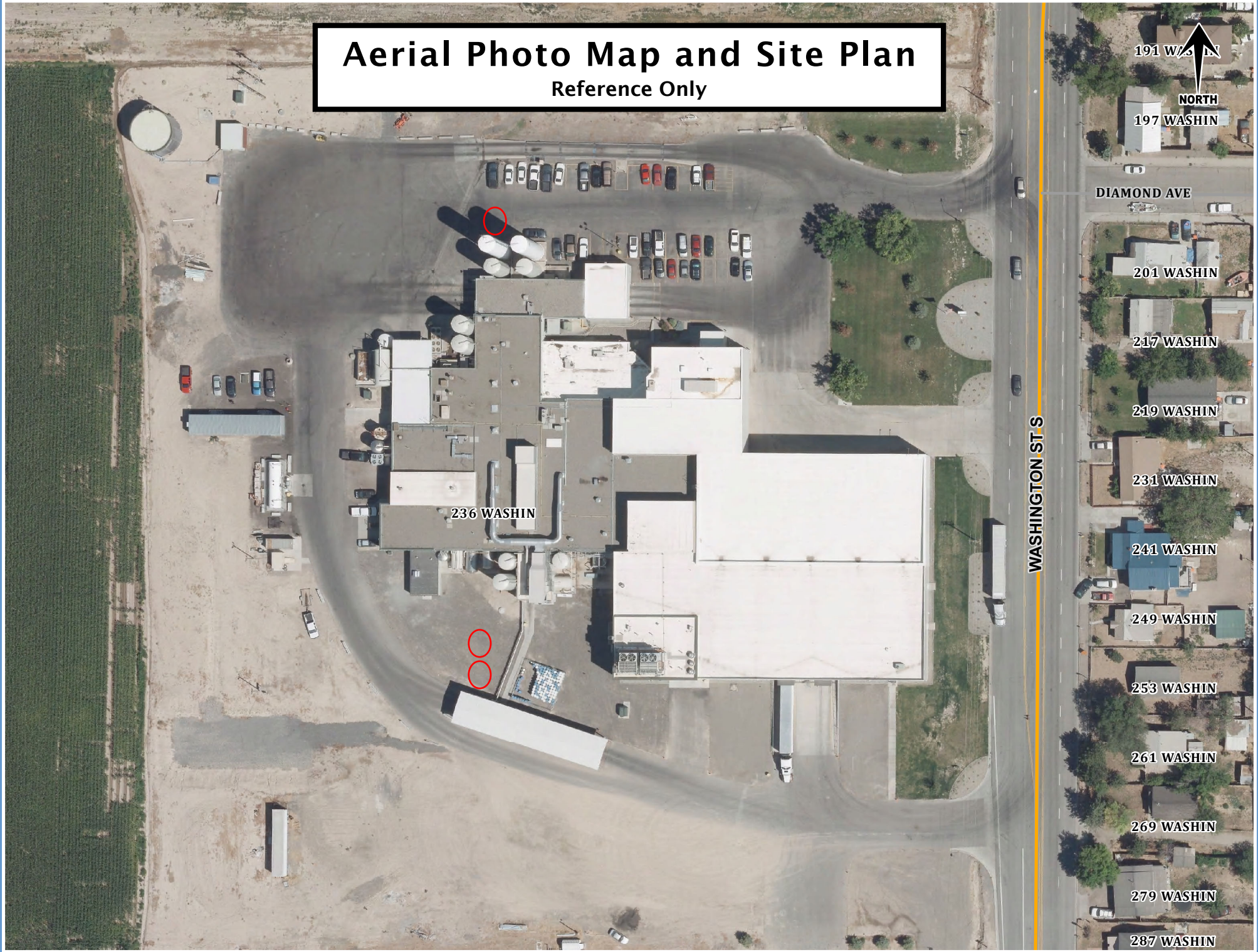
Zoning Vicinity Map

Reference Only

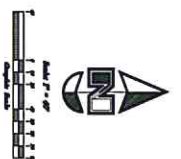


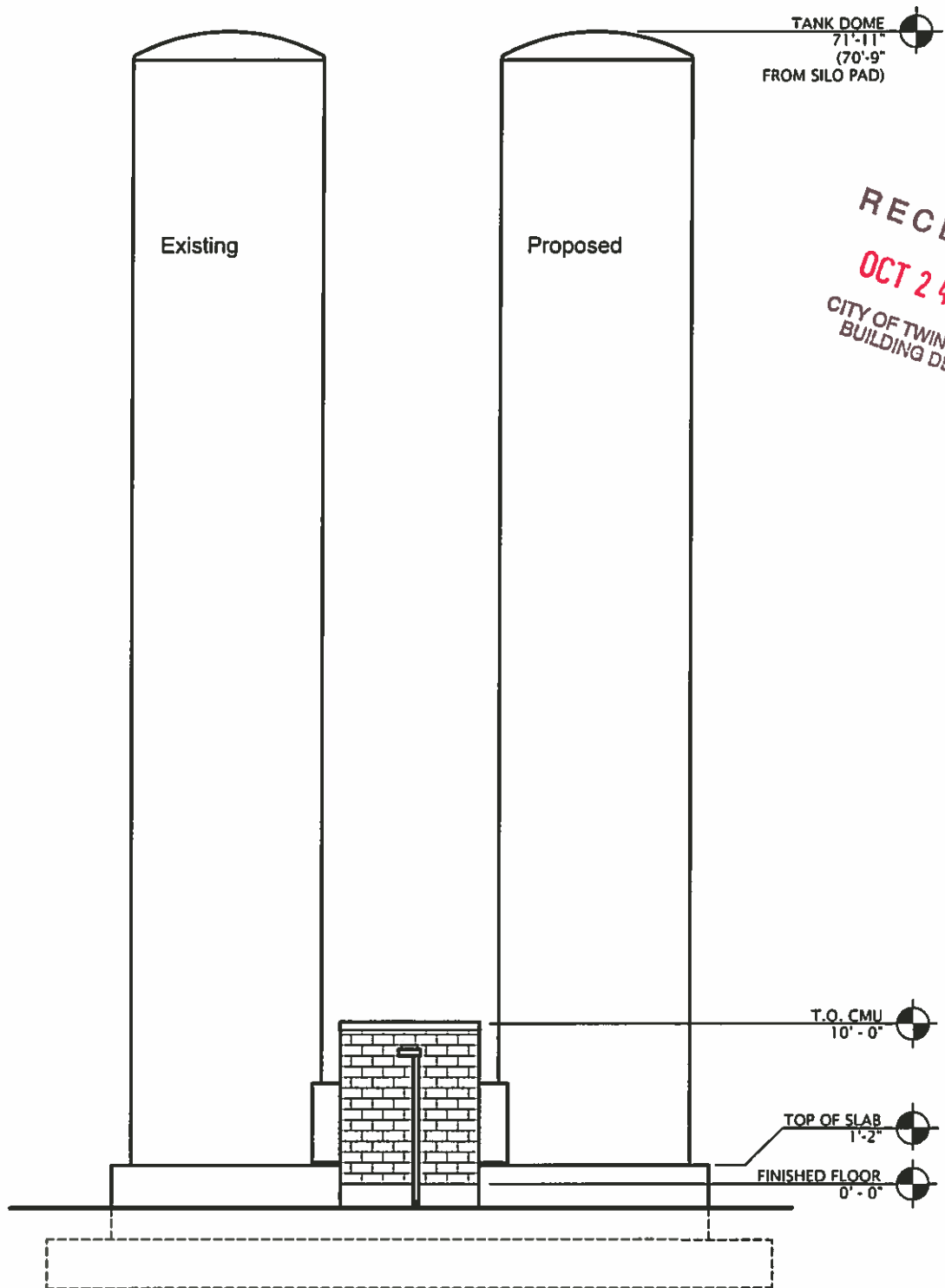
Aerial Photo Map and Site Plan

Reference Only



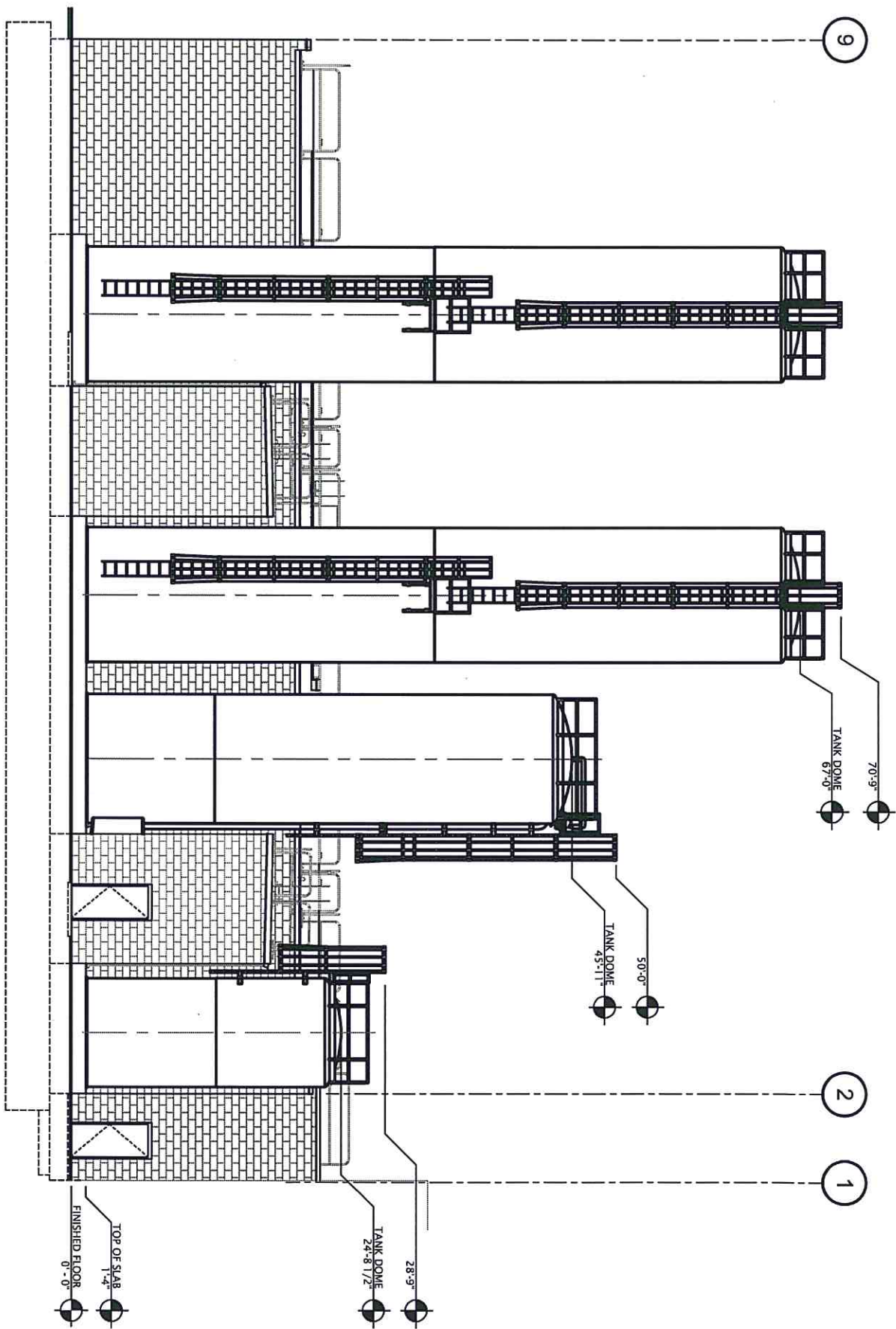
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NORTH ELEVATION
(Milk - Project "Iris")

SOUTH ELEVATION







South part of Glanbia Plant





Public Hearing: **TUESDAY, November 25, 2014**

To: Planning & Zoning Commission

From: Rene'e V. (Carraway) Johnson, Community Development Department

AGENDA ITEM V-2

Request: Request for a **Special Use Permit** to operate a financial institution with a drive-through window on property located at 575 Pole Line Road West c/o Lance Fish on behalf of Westmark Credit Union (app. 2690)

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: 0.78 Acre Lot 2,278 sf Building
Westmark Credit Union Jonathan Galusha 54 E Eagle River St. Eagle, ID 83616 208-345-8872 jgalusha800@westmark.org	Current Zoning: C-1 PUD (Canyon Properties #229)	Requested Zoning: Special Use Permit for Drive-Thru
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 Lot
	Existing Land Use: Undeveloped Agricultural	Proposed Land Use: Financial Institution with Drive-Thru
Representative:	Zoning Designations & Surrounding Land Use(s)	
Lance Fish ZGA Architects & Planners, Chtd. 408 E Parkcenter Blvd, Suite 205 Boise, ID 83706 208-345-8872 lance@zga.com	North: C-1 PUD, Undeveloped	East: Parkview Dr; C-1 PUD, Undeveloped
	South: Pole Line Road West; C-1 PUD, Undeveloped	West: C-1 PUD, Undeveloped
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8.2(B)6a, 10-7-6, 10-7-12, 10-10, 10-11-1 thru 8, 10-132.2 & Canyon Properties PUD Agreement.	

Approval Process:

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

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval.

If an applicant or interested party appeals the decision of the Commission, the City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Budget Impact:

Approval of this request will have marginal impact on the City budget with the change of the property to a commercial use, and increased sales tax.

Regulatory Impact:

Approval of this request will allow the applicant to operate a financial institution and associated drive-thru facility.

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

History:

The Canyon Properties PUD went through the public hearing process in 2002-2003. This would have included multiple public hearings with Planning and Zoning as well as the City Council. In 2006, a final plat was approved by the City Council and recorded on September 21, 2006.

Analysis:

The narrative supplied by the applicant details the proposed credit union use, with hours of operation and anticipated employees. The Credit Union will operate regular business hours for financial institutions. They anticipate 3-5 employees and approximately 20 members/customers per day. The applicant does not anticipate any impacts to neighboring land uses, particularly since this is the first business being developed in the area.

Per City Code 10-4-8: C-1 Zoning District: *A financial institution is an allowed use. The proposed drive-thru window and ATM are the functions that require a Special Use Permit.*

Per City Code 10-7-6: Front Yard Setbacks: *Pole Line Road West has a Centerline Setback of 93 feet. This distance will be verified and enforced at the time of building permit submittal and review. The site plan furnished by the applicant appears to meet this requirement.*

Per City Code 10-7-12: Special Landscaping: *Pole Line Road is a gateway arterial, which requires 30 feet of landscaping measured immediately behind the sidewalk, or future sidewalk. The Canyon Properties PUD Agreement requires additional landscaping both along public roadways and internal roadways. This requirement will be reviewed and enforced during the building permit approval process.*

Per City Code 10-10: Off Street Parking: *Financial institutions are required to provide 1 space per 350 square feet of gross floor area, as well as 3 stacking spaces per window or service lane. Additionally, the parking lot landscaping requirements may also be required, depending on the final site plan submitted for the building permit. These requirements will be reviewed and enforced during the building permit approval process.*

Per City Code 10-11-1 thru 8: Required improvements: Landscaping, screening, parking areas, streets, sanitation facilities, water, sewer, and drainage improvements will be reviewed for compliance with applicable city codes and requirements prior to building permit approval.

Per Canyon Properties PUD Agreement #229:

“Recital 5.E.(pg 8) Building Standards: Buildings and Improvements shall comply with the following standards:

1. Design Standards - Commercial, Limited Commercial, or Professional Office Buildings **shall have** pitched roofs, or mansard roofs to preclude visibility of the roof surfaces of “flat” roofs. Roofs shall have vertical variations, cornices or other accents to reduce the box like appearance. Building faces shall be broken up with windows, recesses, awnings or other architectural features that break up large flat surfaces.”

The elevations provided by the applicant need to be assessed by the Commission to determine whether the intent of the PUD Document has been achieved, particularly in respect to the pitched or mansard roof requirement outlined above.

Possible Impacts: The activities of the Credit Union itself are allowed within this particular zone and within the Canyon Properties PUD Agreement, as recorded. The special use being drive-thru use appears to be largely mitigated by the location at the corner of a major arterial and collector. It is reasonable to assume that any headlight nuisance or noise emitted from the speakers of such devices to be no more audible than the ambient noise levels attributed to passing traffic along Pole Line Road.

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 compliance with Canyon Properties PUD Agreement #229, or as amended.

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Applicant Submitted Elevations
6. Site Photos



26 September, 2014

City of Twin Falls
Department of Planning and Zoning
324 Hansen St. E.
Twin Falls, Idaho 83303

**Re: Westmark Credit Union
575 Pole Line Road West
Twin Falls, Idaho 83301
ZGA Job No. 1455.00**

Subject: Special Use Permit Application Statement

To Whom It May Concern,

The reason for this request is to allow usage of the drive-through ATM and pneumatic tube operation of this branch credit union facility.

The hours of the credit union operation is from 9:30 am to 6:00 pm Monday through Friday and 9:00 am to 1:00 pm Saturday.

Traffic anticipated approximately up to 20 credit union members will be arriving and departing daily. There will be up to 10 cars daily once the branch is in full use. There will be 3-5 employees at the branch during working hours.

The environmental impact that the branch will have will be as minimal as visiting at any small office. Business will be conducted indoors or quickly at the pneumatic tube, during working hours and at anytime at the drive-up ATM. The location of the drive-through facilities are facing towards the busy streets. There would be no issues with glare as the colors are earth-tone. The facility would provide no odors, having only a break room and two restrooms.

Regarding compatibility with neighboring properties, the land is currently being developed from irrigated croplands to commercial use along the Pole Line Road corridor. The closest neighbor at this time is St. Lukes Magic Valley Medical Center.

If you have any question or need additional information, please contact me.

Sincerely,
ZGA Architects & Planners, Chartered

Lance Fish AIA
Architect

cc: Job File/Div. A



Zoning Vicinity Map

Reference Only

ARROWHEAD PATH

NORTH

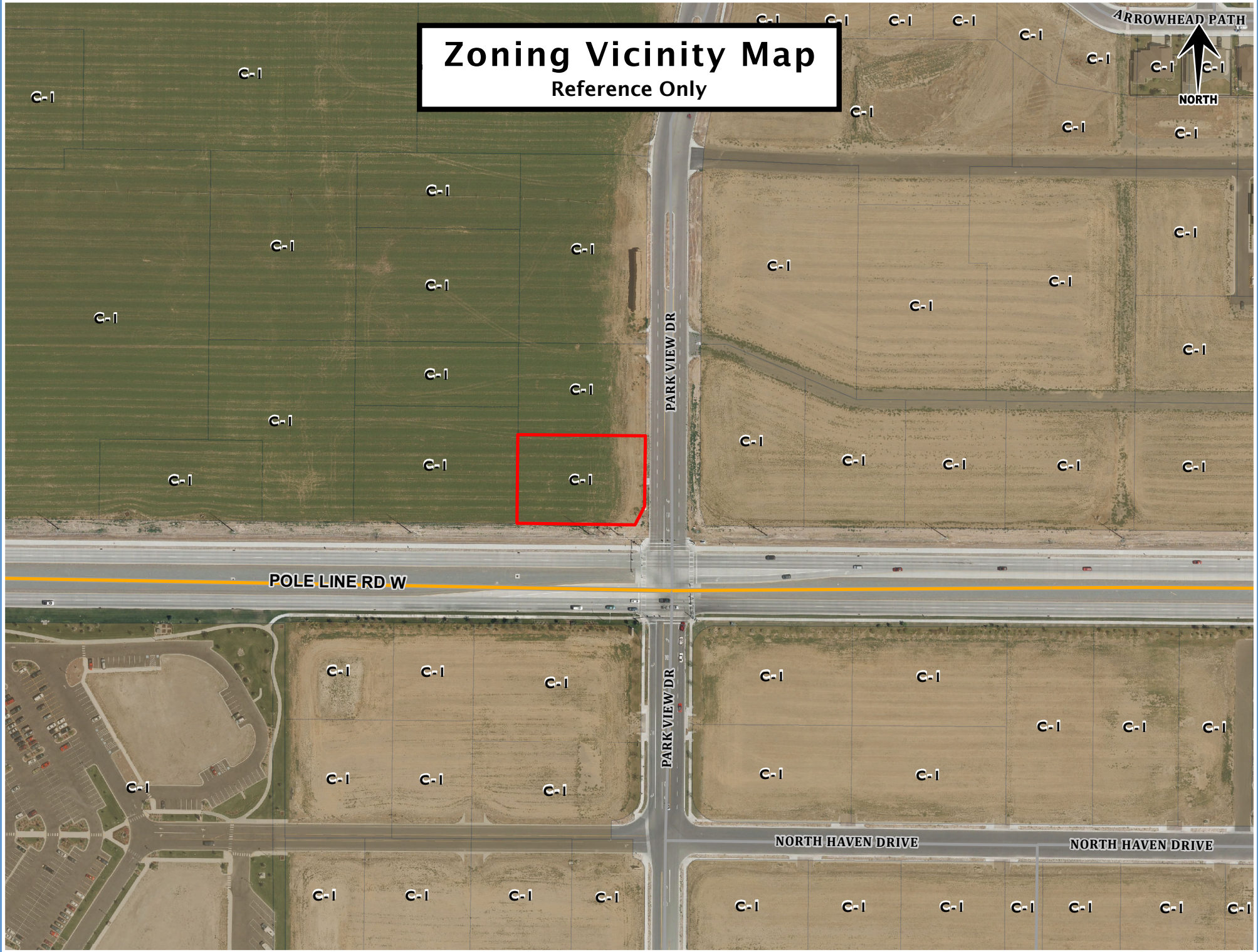
POLE LINE RD W

PARK VIEW DR

PARK VIEW DR

NORTH HAVEN DRIVE

NORTH HAVEN DRIVE



Aerial Photo Map and Site Plan

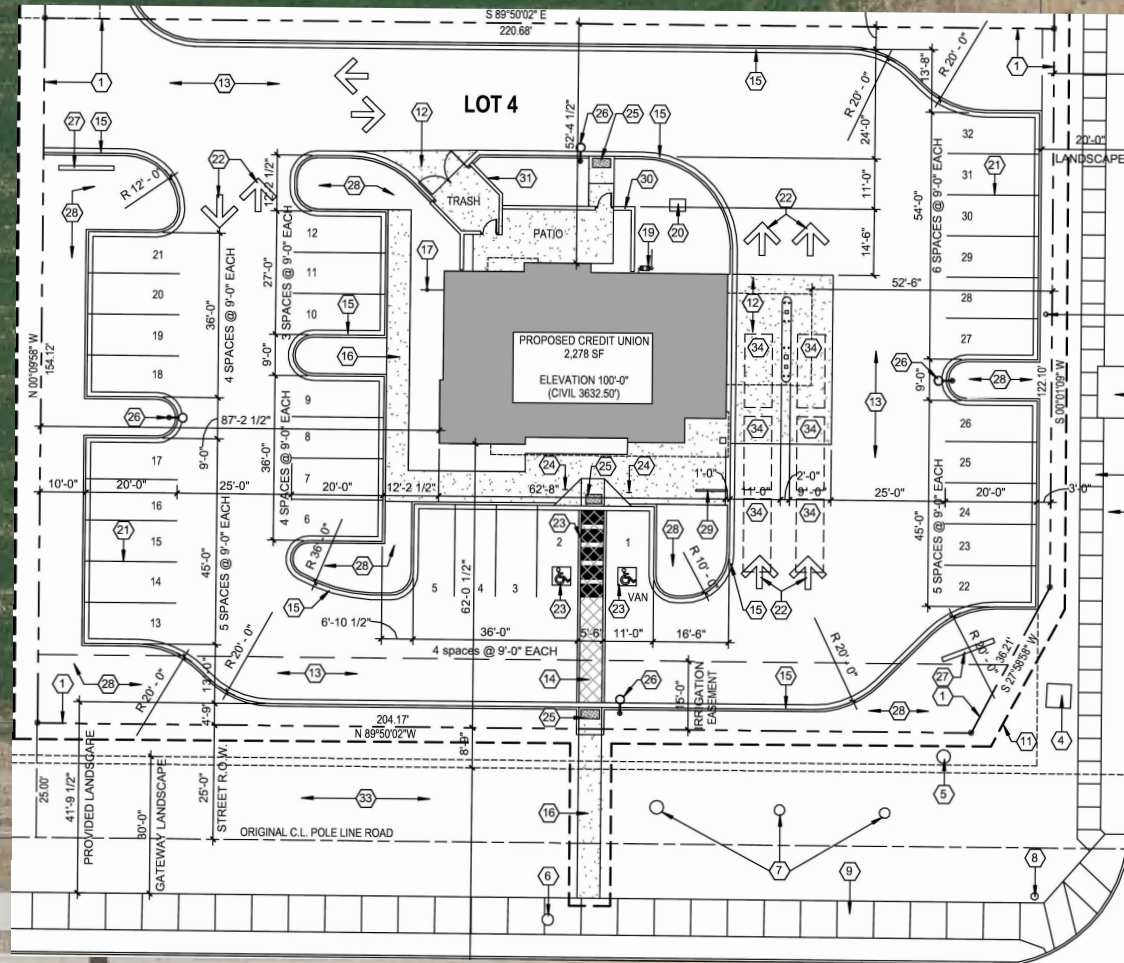
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1725 PARK

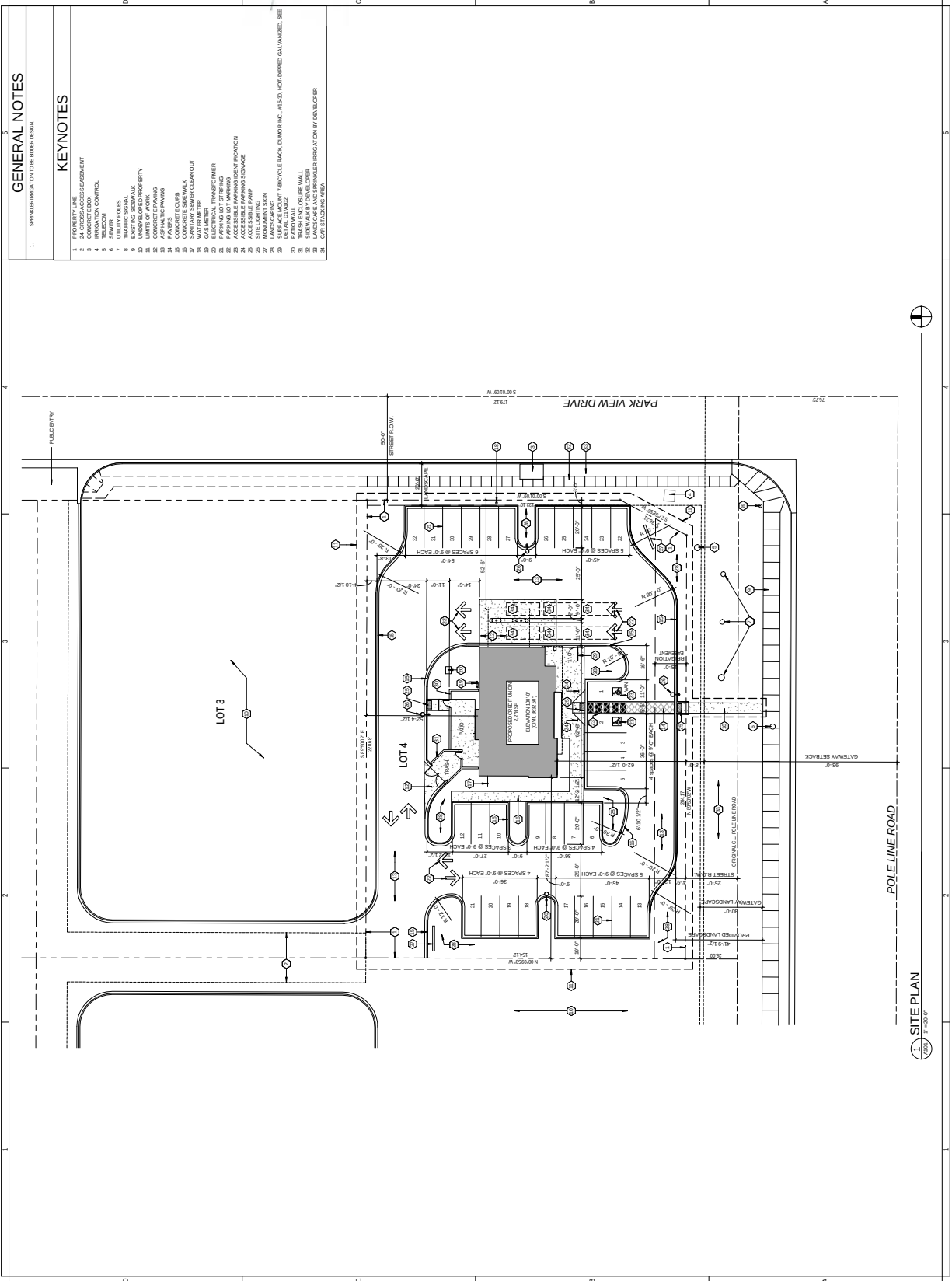
1719 PARK

1723 PARK

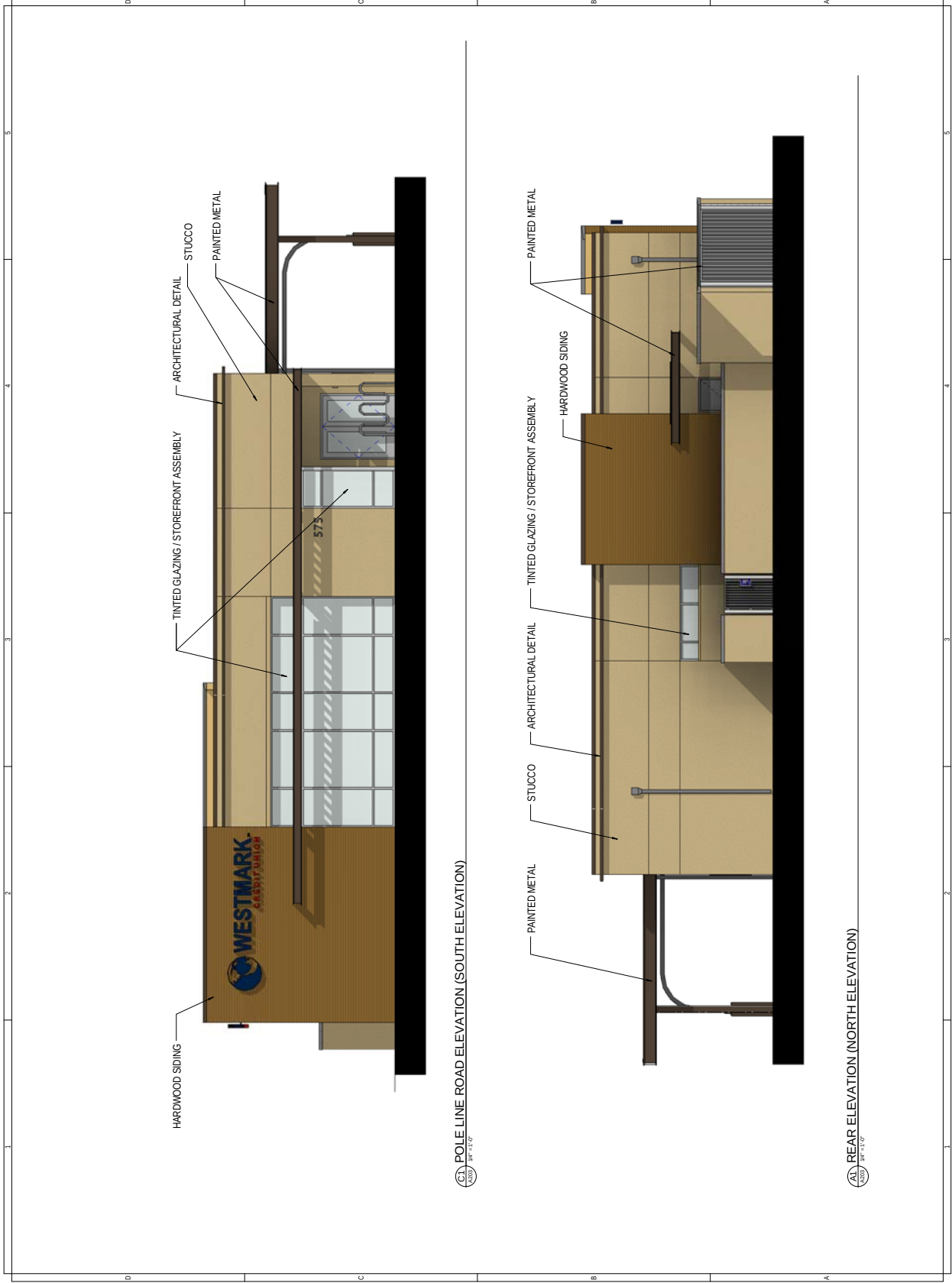


Pole Line Road West

PARK VIEW DR













Looking West along Pole Line Frontage



Looking South Toward Intersection of
Pole Line and Park View

11/18/2014 01:12 PM





Preliminary PUD Presentation: Tuesday, August 12, 2014

PUBLIC HEARING: TUESDAY, November 25, 2014

To: Planning & Zoning Commission

From: Rene'e V. (Carraway) Johnson, Community Development Dept.

AGENDA ITEM V-3

Request: Request for the Commission's recommendation for a **Zoning District Change and Zoning Map Amendment** for property being requested for annexation from R-1 VAR to C-1 PUD for a 40 (+/-) acre parcel to allow a planned mixed use development compatible with the Urban Village/Urban Infill designation, as described in the Twin Falls Vision 2030 - A Comprehensive Plan, and consisting of a combination of residential, professional office and light commercial uses, on property located at the southwest corner of Pole Line Road East and Eastland Drive North. c/o Gerald Martens, EHM Engineers, Inc. on behalf of Northeast Investments, LLC (app. 2644)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. There is no Staff presentation this evening.

Background:

Applicant:	Status: Property Owner	Size: 40(+/-) acres
Northeast Investments, LLC P.O. Box 1901 Twin Falls, Idaho 83303 208-734-5681 Kent Taylor janaye@taylorlawoffices.net	Current Zoning: R-1 VAR Area of Impact (Aol)	Requested Zoning: C-1 PUD/Urban Village/Urban Infill upon annexation
	Comprehensive Plan: Urban Village/Urban Infill	Lot Count: 1 lot
	Existing Land Use: undeveloped	Proposed Land Use: mixed use planned development consisting of a combination of residential uses, professional uses and light commercial uses.
Representative:	Zoning Designations & Surrounding Land Use(s)	
Gerald Martens EHM Engineers, Inc. 621 North College Rd, Ste 100 Twin Falls, Idaho 83301 208-734-4888 208-420-2461 cell gmartens@ehminc.com	North: C-1 PUD; Pole Line Rd E, Pillar Falls PUD-undeveloped	East: R-2 PUD; Eastland Dr N, The Preserve PUD - Undeveloped - -a mixed-use; NCO & residential development
	South: R-1 VAR; Cheney Drive; developing Ensign Point residential subdivision	West: C-1, R-4, R-4 PRO & R-1 VAR PUD; Undeveloped -- Eastpark PUD-a mixed use residential/professional/commercial development,
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6-1, 10-7-6, 10-7-12, 10-10-1 through 3, 10-11-1 through 9, 10-14-1 through 9, 10-15-2	

Approval Process:

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

1. Preliminary Development Plan: The petitioner for a planned unit development sub-district may, after pre-application conferences with the planning staff, submit a preliminary development plan to the Commission for review, which development plan shall include the following: **a.** The proposed site plan, showing building locations and land use areas; **b.** Proposed traffic circulation, parking areas, pedestrian walks and landscaping; **c.** Proposed construction sequence for buildings, streets, spaces and landscaped areas; **d.** Existing zoning district boundaries; **e.** A survey of the property, including topography, buildings, watercourses, trees over six inches (6") in trunk diameter, streets, utility easements, drainage patterns, right of way and land use; **f.** Other requirements that the Planning Department, Planning Commission, or legislative body may request.
2. **After Commission preliminary review, a public hearing** shall be held before the Commission and Council for a zoning district and zoning map amendment. (Ord. 2124, 10-15-1984)

As per Twin Falls City Code **§10-15-2: Annexation**

The Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

(B) At least fifteen (15) days prior to the hearing, notice of time and place, and a description of the proposed zoning changes for the unincorporated area shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. Additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred feet (300') of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Zoning Administrator. Notice shall be posted on the premises not less than one week prior to the public hearing. If the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards the proposal with its recommendations to the Council.

Budget Impact:

Approval of this request may have a financial impact on the City budget as commercial development could bring in additional tax revenue.

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:

On August 12, 2014 the Planning & Zoning Commission heard the preliminary PUD presentation on this request. Due to public comments the public hearing was postponed until October 14, 2014. After the public hearing was closed at the October 14, 2014 P&Z meeting and at the applicant's request the request was tabled – to be rescheduled. On November 18, 2014 the applicant held a neighborhood meeting at EHM Engineer, Inc. offices.

Analysis:

This is a request for an Annexation and a Zoning District Change And Zoning Map Amendment from R-1 VAR in the Area of Impact to C-1 PUD for 40 (+/-) acres to allow a planned mixed use development compatible with Urban Village/Urban Infill designation consisting of a combination of residential uses, professional uses and light commercial uses, on property located at the southwest corner of Pole Line Road East and Eastland Drive North. Staff will address the issue of annexation first, followed by the analysis of the proposed C-1 PUD.

Annexation is allowed under certain circumstances. The property must be within the Area of Impact, adjacent to current city limits, and formally applied for by the owner of the property. This +/- 40 acre parcel is within the Area of Impact and abuts city limits on almost all sides. With this application submitted by the owner, all criteria for annexation have been met. The commission is not tasked with making a decision on whether the annexation is appropriate. The task of the Commission is to assign an appropriate Zoning District to the property if it were to be approved for annexation. Since this request also contained an application for a rezone to C-1 PUD it would be appropriate for the Commission to review the Zoning Request/PUD and make a recommendation on whether it is an appropriate zone, as presented, for the designated area if it were to be annexed.

The PUD Agreement submitted by the applicant is similar in layout, form and function to those previously submitted by other entities. The Covenants in the document address the nature of the development through limited "Uses", and phasing of the development. There is no time limit placed on the development between phases. The PUD has addressed Street, Sewer, Water, and Drainage Improvements through typical Covenants

that address Improvement Plans, Design, Phased Construction and Construction Supervision as well. One item that will require further examination is the status of the “**Private Drives**” as shown on the Master Development Plan. The City has recently encountered problems with private drives as it pertains to response by emergency personnel. Staff recommends placing a condition that the Status of the Private Drives to be determined by Staff and may be established during the platting process.

In general, the PUD “Uses” and “Development Criteria” meet the Urban Village/Urban Infill designation found in the Twin Falls Vision 2030 - A Comprehensive Plan. Since we do not have an Urban Village/Urban Infill zoning district in place and for familiarity, staff will identify those sections that will differ from the Zoning Districts currently in practice within City Code.

This is the verbiage from the Twin Falls Vision 2030 - A Comprehensive Plan for Urban Village/Urban Infill (page 2-36):

“Urban Village/ Urban Infill

Urban Village/ Urban Infill uses are proposed within the existing City Limits on sites that are surrounded by built-up areas and which are generally smaller than land located on the outskirts of the community. Instead of being developed with single-family homes or similar homogenous uses, a mixed-use profile is envisioned, incorporating a range of residential uses and densities, in addition to commercial and community uses which support urban lifestyles. Mixed uses would be both vertical and horizontal, depending on the design qualities of each specific project. In addition to accommodating residential uses allowed through existing zoning, a wider range of housing types and patterns of development are encouraged, including Clustered Development, Mixed-Use and New Urbanist development patterns as appropriate for each given site and project (see Chapter 3 – Community Design for details). For example, areas currently classified for Medium Density Residential in the current zoning and land use plan should be allowed to develop with Urban Infill projects in the areas indicated on Map 2-4. In order to clarify the allowed uses and design qualities allowed within these areas, detailed design guidelines and infill standards should be developed.”

- **Covenant #2 Nature of the Development: A - USES**

*The uses of the property between the westerly boundary of the property and Mountain View Drive and within 350 feet of Pole Line Road (**Area A**) will be limited to a “Bishop’s Storehouse” facility as depicted in Exhibit D. In the event the “Bishop’s Storehouse” is not located on said property the property may be developed for uses specified in Exhibit “C”.*

*The use of property West of Mountain View Drive and more than 280 feet North of Cheney Drive and more than 350 feet South of Pole Line Road (**Area B**) will be limited to residential townhomes, professional offices, or individual residences conforming to R1-VAR Standards.*

*The uses within 280 feet of the Southerly boundary and West of Mountain View Drive (**Area C**) will be limited to individual residences conforming to R1-VAR Standards. All buildings within 280 feet of the southerly boundary shall be further restricted as outlined in Covenant 5, Section F.2.*

*Except as provided herein, the uses in **Area D**, as designated on the Master Development Plan, shall be limited to those allowed in Exhibit “C”.*

The use of property East of Mountain View Drive, West of Eastland Drive, more than 280 feet North of Cheney and South of the access drive depicted on Exhibit B (Area E) shall be limited to professional offices.

The uses within 280 feet of the Southerly boundary and East of Mountain View Drive (Area F) will be limited to individual residences conforming to R1-VAR Standards. All buildings within 280 feet of the southerly boundary shall be further restricted as outlined in Covenant 5, Section F.2.

- o **Possible Impacts:** the list of uses provided in Exhibit C is a modified list of the current C-1 Zoning District. The applicant has only removed items from the list as shown in current C-1 Zoning Code; no new uses were introduced to the list. This was an attempt to address the need to conform to the Urban Village/Urban Infill description on the Comprehensive Plan.

The subsequent paragraphs in the PUD Agreement describe areas of the Master Development Plan that will be limited to certain types of development. The effect of these restrictions is illustrated in the Development Key on the Master Development Plan (Attachment #5).

Area B is described in the PUD Agreement as able to develop into Single Family Homes, or Townhomes, or Professional Offices, or a combination of these. Whichever use is developed will be built to the R-1 VAR Development Standards for lot size, setbacks, height, ect. The Urban Village/Urban Infill Designation has a description that calls out the need for a variety of housing options. If this particular area were developed under R-1 VAR or PRO, the overall PUD would not have a variety of housing options located within the boundary.

Areas C and F are further limited by certain standards as identified in this PUD under **Covenant 5- F: Building Standards -2 Cheney Drive Restrictions.** These restrictions will be detailed later in this report.

- **Covenant #5 – C: Landscaping: Perimeter landscaping shall be required to be installed on each parcel of the Property and in the public right-of-way adjacent thereto at the time site and building improvements are completed thereon or by the next planting season for the proposed vegetation. Such landscaped perimeter shall be installed from the back of the curb in the public right-of-way, and shall be extended toward the interior of lots to the dimensions set forth below.**

Pole Line Road – 35 feet (inclusive of a five foot (5') detached sidewalk)

Eastland Drive – 35 feet (inclusive of a five foot (5') detached sidewalk)

Mountain View Drive – 20 feet except the area depicted as park/wetlands.

Cheney Drive – 20 feet

All parking areas shall include landscape islands spaced at intervals not exceeding eight standard parking spaces.

Landscaping adjacent to Eastland Drive and Pole Line Road shall be positioned to minimize shading of the roadway surface that would cause reduced snow melt conditions.

- **Possible Impacts:** The requirements identified for landscaping go beyond what is required in current City Code. Specifically, the perimeter landscaping will include a detached sidewalk to allow for safer pedestrian traffic on Pole Line Rd East and Eastland Drive North.

The interior parking lot landscaping is also more than will be required in City Code. The City recently adopted a new parking code that requires landscaping islands at intervals of fifteen (15) spaces.

These proposed standards will result in a development that has increased landscaping and vegetation buffers for internal users as well as those areas surrounding the development. Overall, staff believes these changes to be positive and will greatly beautify the roadway corridors that connect to the surrounding areas above what current city code requires.

- **Covenant #5 – D: Landscaping Plan:** *At the time of development, each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of street frontage of landscaping shall have berms with a ridge elevations of at least eighteen inches (18”) in height with at least fifty percent (50%) of the berming having a minimum ridge elevations of (30”) in height. The landscaped perimeter shall have a minimum of one tree per five hundred (500) square feet of landscaped area and a minimum of one shrub per one hundred (100) square feet of landscaped area. At least seventy five percent (75%) of the shrubs and trees shall be evergreen. Trees and shrubs may be grouped but not over seventy-five feet (75’) between such groupings. All trees shall have a height of at least four feet (4’) when planted. Plants and trees will be selected for their hardiness and variety in color and texture. In addition to the foregoing, each individual parcel must also satisfy the landscaping requirements of the underlying Zone as identified on the Master Development Plan.*
- - **Possible Impacts:** As described, the development will require more landscaping in areas that are not currently required in City Code. This additional landscaping would help towards making the development more in-line with the Urban Village/Urban Infill designation as described in the Comprehensive Plan for this area. Also, the grouping, height and type of trees and shrubs required could lend toward a more water wise landscape plan for the area.
- **Covenant #5 – F: Development Standards-1. Architectural Style**
 - ...g. Building Size:** *All buildings shall conform to the IBC. Building footprints exceeding 40,000 square feet shall be required to obtain Special Use Permit approval as outlined in Twin Falls City Code, as amended.*
 - **Possible Impacts:** This item is a departure from any base zoning code the city currently has enacted. The purpose behind this requirement is to bring the development more in line with the Urban Village/Infill description found in the Comprehensive Plan. This item makes this development distinctly different from the C-1 Zone by limiting building footprint size unless a Special Use Permit is obtained through a public hearing process.
- **Covenant #5 – F: Development Standards-2. Professional Office Restrictions:**
 - a. *Professional Office uses and development in Area B and Area E shall include a Master Landscaping Plan designating common landscape areas. All landscaping materials and landscape maintenance shall be uniform and maintained in a uniform manner.*

- o **Possible Impacts:** This item will cause landscaping in Area E to be designed and maintained in a uniform manner. If Area B is developed with Professional Office, it also causes it to be designed and maintained in a uniform manner.

- **Covenant #5 – F: Development Standards-3.Cheney Drive Restrictions**

All buildings within 280 feet of the Southerly boundary (Area C and Area F) shall be of residential architectural character.

Residential units within 280 feet of the South boundary shall have the following additional requirements:

- a. Minimum living unit size of residences shall be 1600 square feet exclusive of garage.*
- b. Each residence shall have a 2 car or larger garage.*
- c. Lot area shall average not less than 10,000 square feet*
- d. Exterior material shall be brick, stucco or stone, or a combination thereof.*
- e. No garage doors shall face Cheney Drive.*
- f. Roof pitches shall be not less than 6 in 12.*
- g. Building height shall not exceed 28 feet.*
- h. Any fencing parallel to and adjacent to Cheney shall be uniform and approved by the architectural control committee.*

- o **Possible Impacts:** These regulations restrict the development standards for buildings within 280 feet of the South boundary (**Area C** and **Area F**). These criteria place minimum standards for any residential development that occurs in these areas. These criteria will be reviewed and enforced by City Staff at the time of Building Permit submittal. These restrictions are not found in Twin Falls City Code. These restrictions are typically found within Codes, Covenants, and Restrictions (CC&R's). The greatest impacts these restrictions will have are on future land owners for this property, as well as an increased review time for future Building Permits.

- **Covenant #5 – F: Development Standards-4.Cheney Drive Restrictions**

Residential townhomes constructed as defined by the City of Twin Falls as of the date of this agreement and in the designated area West of Mountain View Drive (Area B) shall be of residential architectural style and shall not exceed a footprint greater than 10,000 square feet (exclusive of garages) and shall have the following additional requirements.

- a. Minimum living unit size of 1600 square feet exclusive of garages.
- b. Each residence shall have a two car or larger garage.
- c. Exterior material shall be brick, stucco or stone or a combination of thereof.
- d. Roof pitches shall not be less than 6 in 12.
- e. Building height shall not exceed 35 feet.
- f. The maximum density shall not exceed on average a density of 8 residential units per acre.
- g. All landscaping shall be uniformly designed and maintained.
- h. Common amenity facilities including owners meeting rooms, pools, outdoor recreation equipment are allowed uses.

- o **Possible Impacts:** These regulations restrict the development standards for buildings within **Area B**. These criteria place minimum standards for the Townhouse development, if it occurs in this area. These criteria will be reviewed and enforced by City Staff at the time of Building Permit submittal.

These restrictions are not found in Twin Falls City Code. These restrictions are typically found within Codes, Covenants, and Restrictions (CC&R's). The greatest impact these restrictions will have are on future land owners for this property, as well as an increased review time for future Building Permits.

- **Covenant #5 – F: Building Standards-3.Sign Plan**

- a. *Project Identification Signs: Project identification signs will be monument type signs with a maximum height of 10 feet measured above the adjacent curb.*
- b. *Building Signs: Building signage shall be limited to wall mounted signs in conformance with City of Twin Falls sign code and/or monuments signs with a maximum size of 100 square feet per building.*
- c. *No Pylon or roof mounted signs.*
- d. *All signs shall be approved by the project architectural review committee and subject to City of Twin Falls sign code.*

- o **Possible Impacts:** This list of requirements is more restrictive than the current sign code. The greatest impact will be to the future owners/developers of any commercial or professional development which may take place.

- **Covenant #5 – F: Building Standards-9.Pedestrian Improvements:**

The Developer will provide pedestrian and bicycle access from and to the perimeter public sidewalk. The walkways may be constructed of asphalt, concrete or concrete pavers and designed to provide access from all developed parcels.

- o **Possible Impacts:** Staff does not feel this change will have a significant impact to the development or its connectivity to surrounding areas. Pathways required for ADA Compliance will still need to be met according to applicable codes and laws.

Conclusion:

Should the Commission choose to recommend the zoning designation, as presented, Staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments per Building, Engineering, Fire and Zoning Officials for compliance with City Code requirements and standards.
2. Subject to development in compliance with the Master Development Plan and the PUD Agreement as approved.

Attachments:

- | | |
|--|-----------------------------------|
| 1. Narrative | 6. Building Reference Photos (10) |
| 2. Zoning Vicinity Map | 7. LDS Storehouse Information (2) |
| 3. Comprehensive Plan Future Land Use Map | 8. Canyon Village PUD Agreement |
| 4. Comprehensive Plan Urban Village/Urban Infill Description | 9. Site Photos (3) |
| 5. Canyon Village Master Development Plan | |

**A Portion of
Government Lot 1, Section 3, Township 10 South, Range 17 East, Boise Meridian,
Twin Falls County, Idaho**

Reason for Annexation, Zoning District Change and Zoning Map Amendment:

This request for annexation and zoning change is required for Annexation, Zoning District Change and Zoning Map Amendment for the City of Twin Falls. This request is to annex and rezone a portion of Government Lot 1, Section 3, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho. Subdivision from R1 Variable to C-1 PUD.

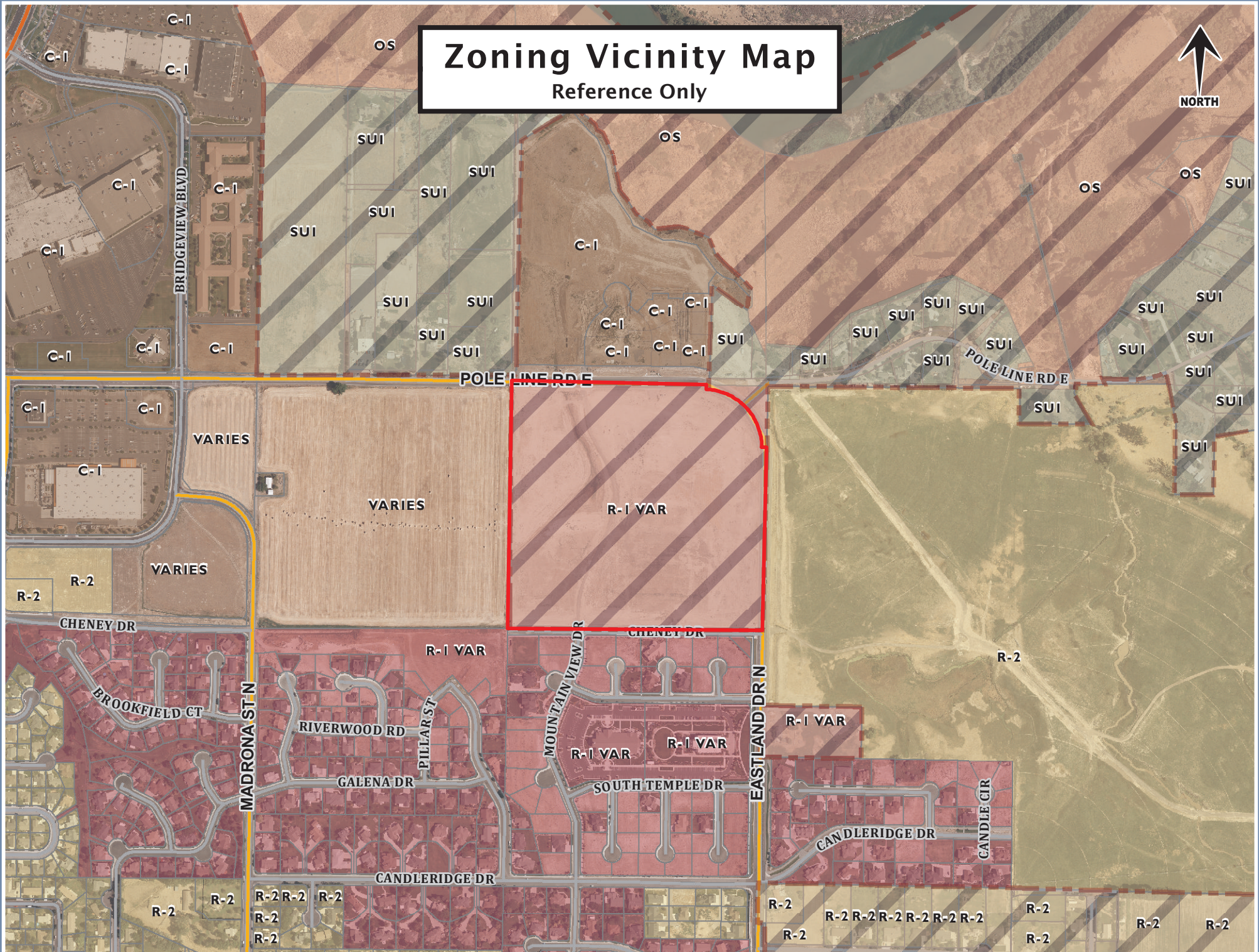
Annexation and Rezoning of said Lot 1 is in compliance with the Twin Falls Vision 2030: A Comprehensive Plan for a Sustainable Future. Uses of the property will comply with zoning regulations as published in Title 10 – Zoning and Subdivision Regulations.

Property to the north is currently primarily zoned C-1 PUD. Property to the East and South are R1-variable. Property to the West is R4

The proposed uses are those specified in C-1 zone as amended by the PUD Agreement.

Zoning Vicinity Map

Reference Only



Future Land Use Map

Reference Only



Open Space
Designation

Commercial/Retail
Designation

Urban Village/Urban Infill
Designation

Urban Village/Urban Infill
Designation

Medium Density
Designation

EDGEVIEW BLVD

POLE LINE RD E

POLE LINE RD E

CHENEY DR

CHENEY DR

BROOKFIELD CT

RIVERWOOD RD

GALENA DR

PILLAR ST

MOUNTAIN VIEW DR

SOUTH TEMPLE DR

EASTLAND DR N

MADRONA ST N

CANDLERIDGE DR

CANDLE CIR

CANDLERIDGE DR

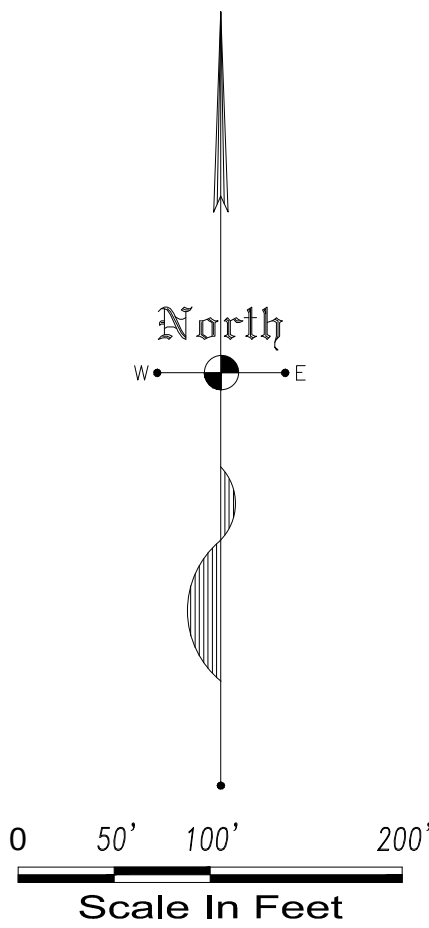
Urban Village/ Urban Infill

Urban Village/ Urban Infill uses are proposed within the existing City Limits on sites that are surrounded by built-up areas and which are generally smaller than land located on the outskirts of the community. Instead of being developed with single-family homes or similar homogenous uses, a mixed-use profile is envisioned, incorporating a range of residential uses and densities, in addition to commercial and community uses which support urban lifestyles. Mixed uses would be both vertical and horizontal, depending on the design qualities of each specific project.

In addition to accommodating residential uses allowed through existing zoning, a wider range of housing types and patterns of development are encouraged, including Clustered Development, Mixed-Use and New Urbanist development patterns as appropriate for each given site and project (see Chapter 3 – Community Design for details). For example, areas currently classified for Medium Density Residential in the current zoning and land use plan should be allowed to develop with Urban Infill projects in the areas indicated on Map 2-4. In order to clarify the allowed uses and design qualities allowed within these areas, detailed design guidelines and infill standards should be developed.

EXHIBIT B
PUD Plan
For:
Canyon Village, PUD

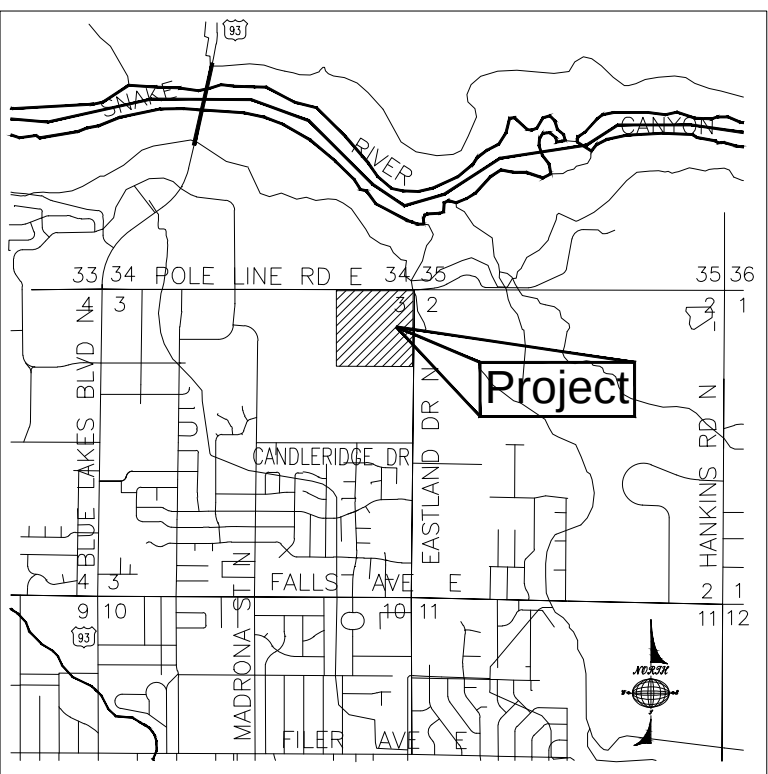
Located In
A Portion of
Gov't Lot 1, Section 3
Township 10 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2014



Design Data:

DEVELOPER/ NORTHWEST INVESTMENTS, L.L.C.
OWNER: KENT TAYLOR
TWIN FALLS, ID 83301
P.O. BOX 1901

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



VICINITY MAP
NOT TO SCALE

Notes:
INTERIOR LOT LINES AND PRIVATE DRIVES TO BE ADJUSTED OR DELETED AS NECESSARY.
EASEMENTS FOR PUBLIC UTILITIES WILL BE PROVIDED ON FINAL PLAT.
STORM WATER SHALL BE RETAINED ON SITE PER CTF STANDARDS.
PRESSURIZED SURFACE IRRIGATION WATER SHALL BE PROVIDED TO ALL LOTS. PIPE SIZING WILL BE DETERMINED AS PART OF SITE DEVELOPMENT PLANS.
STREET LIGHTING TO BE INSTALLED AND MAINTAINED BY THE LOT OWNER'S ASSOCIATION. DESIGN TO BE PROVIDED WITH DEVELOPMENT PLAN SUBMITTAL.
DEVELOPMENT SUBJECT TO PROPOSED PUD AGREEMENT.
APPROVAL OF THIS PUD PLAN DOES NOT GUARANTEE THE CITY TO PROVIDE ANY SERVICE.
BUILDINGS, LOT LINES AND PRIVATE DRIVES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO RELOCATION, DELETION OR OTHER MODIFICATION PROVIDED SUCH CHANGES ARE IN ACCORDANCE WITH THE PUD AGREEMENT AND APPROVED BY THE CITY OF TWIN FALLS.
SPECIAL LANDSCAPE REQUIREMENTS (AVERAGE WIDTH PER PUD):
EASTLAND DRIVE NORTH 35' FROM BACK OF CURB
POLE LINE ROAD 35' FROM BACK OF CURB
CHENEY DRIVE 20' FROM BACK OF CURB
MOUNTAIN VIEW DRIVE 20' FROM BACK OF CURB
TRACT A SHALL BE OWNED AND MAINTAINED BY THE BUSINESS OWNER'S ASSOCIATION.
ALL LANDSCAPING SHALL BE IRRIGATED UTILIZING TFC SURFACE WATER. PRESSURIZED IRRIGATION TO BE PROVIDED BY EXISTING ENSIGN POINTS PRESSURE IRRIGATION PUMP STATION. UPGRADES AS REQUIRED BY DEVELOPER.

Development Key

- | | |
|--|---|
| Area A
2.53 Ac.
Bishop's Storehouse or
Restricted per Exhibit C
(C-1 Underline Zone) | Area D
11.71 Ac.
Restricted per Exhibit C
(C-1 Underline Zone) |
| Area B
5.16 Ac.
R1 Var or Townhomes or Pro
(R1 Var Underline Zone) | Area E
2.51 Ac.
Pro
(C-1 Underline Zone) |
| Area C
1.81 Ac.
R1 Var
(R1 Var Underline Zone) | Area F
4.47 Ac.
R1 Var
(R1 Var Underline Zone) |

Landscaping Summary

Roadway Buffer Area = 3.18 Ac.
Park Area = 1.59 Ac.
Total Development Area = 28.19 Ac.
*Does not include on Site Landscaping



Planned Unit Development Plan
For:
Canyon Village, PUD
Twin Falls, Idaho

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

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

REVISIONS:
9/12/14 per P&Z
10/16/14 per P&Z
11/14/14 per P&Z

STAMP

APPROVED

DESIGN T. MCBRIDE

DRAWN T. MCBRIDE

DATE JUNE, 2014

SCALE AS SHOWN

OW: NO. 214-13PUD Exhibit Color-Rev1







07.03.2014





07.03.2014



07.03.2014





07.03.2014





RECEIVED

SEP 16 2014

CITY OF TWIN FALLS
BUILDING DEPT.

**Bishops' Storehouse
Home Storage Center**

Description of Services and Operations

The proposed Bishops' Storehouse is a 14,397 square foot facility where local LDS congregational leaders can refer recipients to receive temporary assistance. The facility is basically a small grocery store without a cash register.

Products are delivered by truck to the warehouse, typically twice a month, and volunteers unload and stock the shelves and coolers. The number of truck deliveries is dependent upon the local need for grocery items. The facility is the final destination for all receivables. The intent is that the warehouse will have a 2-3 month inventory. Perishable items must be delivered on a regular basis.

The facility is open Monday – Saturday 8am-6pm with approximately 10-12 missionaries or volunteers.

The proposed parcel would allow for approximately 4,000 square feet of expansion in the future.



RIM - 44.47
N INV - 39.71
S INV - 39.81

0' - 1"	DRAWING NO. SPJ.1	REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 5%;">NO.</th> <th style="width: 45%;">DESCRIPTION</th> <th style="width: 10%;">DATE</th> <th style="width: 40%;">BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	DATE	BY													PROJECT: TWIN FALLS BISHOPS' STOREHOUSE THEN FALLS IDAHO	JRW & ASSOCIATES 1122 BOND AVENUE • SUITE 4 • TWIN FALLS, IDAHO 83404 WWW.JRW-IDAHO.COM 208.338.1238 FAX (208) 338-1271
			NO.	DESCRIPTION	DATE	BY														

| DRAWING TITLE: SITE PLAN - LAYOUT |

CANYON VILLAGE PUD

MIXED USE PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2014, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and Northeast Investments, LLC, an Idaho limited liability company (hereinafter called "Developer") whose address is P.O. Box 1901, Twin Falls, Idaho 83303-1901.

RECITALS

WHEREAS, Northeast Investments, LLC, (hereinafter referred to as "Owner" or "Developer"), is owner of certain tracts of land in the City of Twin Falls, State of Idaho, all parcels are more particularly described in "Exhibit A", and attached hereto. The subject land is located at the southwest corner of Poleline Road and Eastland Drive (hereinafter "Property"); and

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

WHEREAS, Developer has requested the City of Twin Falls to annex and rezone the Property as a C-1 Planned Unit Development ("Project") and has submitted to the City a Master Development Plan therefore (attached hereto as Exhibit "B"); 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 understanding, which terms, conditions and understandings are the subject of this agreement.

COVENANTS

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

1. **NATURE OF THE AGREEMENT:** This agreement shall become part of the C-1 PUD zone with respect to the Property upon its full execution and recording. Owner and its assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

Development shall be designed and developed consistent with Urban Village/Urban Infill land uses and development concepts and goals as defined in the City of Twin Falls Vision 2030; A Comprehensive Plan for Sustainable Future.

2. **NATURE OF THE DEVELOPMENT:** It is agreed by the parties hereto that certain language and requirements pertaining to the “C-1 PUD” zone shall be interpreted as follows:

A. **USES:**

The uses of the property between the westerly boundary of the property and Mountain View Drive and within 350 feet of Pole Line Road (Area A) will be limited to a “Bishop’s Storehouse” facility as depicted in Exhibit D. In the event the “Bishop’s Storehouse” is not located on said property the property may be developed for uses specified in Exhibit “C”.

The use of property West of Mountain View Drive and more than 280 feet North of Cheney Drive and more than 350 feet South of Pole Line Road (Area B) will be limited to residential townhomes, professional offices, or individual residences, conforming to R1-VAR Standards.

The uses within 280 feet of the Southerly boundary and West of Mountain View Drive (Area C) will be limited to individual residences conforming to R1-VAR Standards. All buildings within 280 feet of the southerly boundary shall be further restricted as outlined in Covenant 5, Section F.2.

Except as provided herein, the uses in Area D, as designated on the Master Development Plan, shall be limited to those allowed in Exhibit “C”.

The use of property East of Mountain View Drive, West of Eastland Drive, more than 280 feet North of Cheney and South of the access drive depicted on Exhibit B (Area E) shall be limited to professional offices.

The uses within 280 feet of the Southerly boundary and East of Mountain View Drive (Area F) will be limited to individual residences conforming to R1-VAR Standards. All buildings within 280 feet of the southerly boundary shall be further restricted as outlined in Covenant 5, Section F.2.

- B. **PHASING OF DEVELOPMENT:** Developer shall be permitted to develop the property in phases, provided those phases are in compliance with the Planned Unit Development Plan, the PUD Agreement and an approved preliminary/final plat, if platted. The city staff will affirm phasing limits as part of construction plan approval. The designation and location of specific uses and buildings on the Planned Unit Development Plan are conceptual, and minor changes therefrom shall not provide a basis for disapproval. Lot lines as shown on the Planned Unit Development Plan are conceptual but may be relocated or eliminated at time of final plat. There shall be no minimum or maximum time limit between completion of any phase and commencement of the next phase.

3. **STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS:** Developer shall be responsible for the design and construction of street, sewer, water, drainage and irrigation systems on the Property (hereinafter "Improvements") as described herein in accordance with City standards.
- A. **IMPROVEMENT PLANS:** Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for that development phase, showing all Improvements contemplated within that phase of the development (hereinafter "Improvement Plans"). The Improvement Plans and all Improvements shown thereon shall meet the approval of the City, which approval shall be given if such plans conform to established City requirements at the time of development, the Planned Unit Master Development Plan and this PUD Agreement.
- B. **IMPROVEMENT DESIGN AND CONSTRUCTION:** Developer shall, at its expense, design, construct and install the Improvements in accordance with the approved Improvement Plans. Notwithstanding the foregoing, nothing in this agreement shall prohibit City participation in the cost of financing of Improvements on the Property if mutually agreed to by the parties hereto.
- C. **PHASED CONSTRUCTION:** Developer may install the Improvements all at once or in phases. Developer 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 that 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:** Developer 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. The Developer shall notify the City of development work a minimum of 48 hours prior to beginning work.
- E. **NON-COMPLIANCE:** 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 Developer of said non-compliance. Within thirty (30) days of its receipt of notice (or, in the case of non-compliance that will take in excess of thirty (30) days to cure, Developer shall commence to cure within thirty (30) days of receipt of notice and diligently pursue the same to completion). In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within that phase of such "PUD" until such time as all requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such

building permits and certificates of occupancy should be issued. The City Council shall then in good faith and in an objective manner decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.

- F. **FEES:** Developer 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 final acceptance of the work.
- 4. **PLATS:** Developer agrees to file with the City a preliminary plat of the entire property, prepared by a registered professional engineer, of the real property or any phase thereof which is the subject of this agreement. Final plats for phases to be developed shall be submitted specifically identifying and dedicating 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 the City.
 - 5. **INDIVIDUAL PARCEL DEVELOPMENT CRITERIA:** The property or any portion thereof shall be developed in accordance with criteria set forth in this Section 5.
 - A. **APPROVAL AND CONSTRUCTION:** All improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, 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 zone as identified on the Master Development Plan and the centerline setbacks as described in Title 10 Zoning Regulations, or the Master Transportation Plan as amended.
 - C. **LANDSCAPING:** Perimeter landscaping shall be required to be installed on each parcel of the Property and in the public right-of-way adjacent thereto at the time site and building improvements are completed thereon or by the next planting season for the proposed vegetation. Such landscaped perimeter shall be installed from the back of the curb in the public right-of-way, and shall be extended toward the interior of lots to the dimensions set forth below.

Pole Line Road – 35 feet (inclusive of a five foot (5') detached sidewalk)
Eastland Drive – 35 feet (inclusive of a five foot (5') detached sidewalk)
Mountain View Drive – 20 feet except the area depicted as park/wetlands.

Cheney Drive – 20 feet

All parking areas shall include landscape islands spaced at intervals not exceeding eight standard parking spaces.

Landscaping adjacent to Eastland Drive and Pole Line Road shall be positioned to minimize shading of the roadway surface that would cause reduced snow melt conditions.

- D. **LANDSCAPING PLAN:** At the time of development, each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of street frontage of landscaping shall have berms with a ridge elevations of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevations of (30") in height. The landscaped perimeter shall have a minimum of one tree per five hundred (500) square feet of landscaped area and minimum of one shrub per one hundred (100) square feet of landscaped area. At least seventy-five percent (75%) of the shrubs and trees shall be evergreen. Trees and shrubs may be grouped but not over seventy-five feet (75') between such groupings. All trees shall have a height of at least four feet (4') when planted. Plants and trees will be selected for their hardiness and variety in color and texture. In addition to the foregoing, each individual parcel must also satisfy the landscaping requirements of the underlying zone as identified on the Master Development Plan.
- E. **DRAINAGE:** Storm water from the development shall be retained as required in current City Ordinances and regulations. Facilities to retain storm water shall be designed, constructed and maintained by the property owner.
- F. **DEVELOPMENT STANDARDS:** Buildings and improvements shall comply with the following standards:
1. **Architectural Style:** Architectural Style of Construction shall be generally consistent with plans submitted through hearing process.
 - a. **Building Colors:** Building exterior colors shall be muted earth tones, provided, however, that accent colors other than muted earth tones may be used if they do not create continuous vertical or horizontal stripes and will not cover more than 10% of the exterior wall surface. The accent colors may be used around doorways, windows and architectural projections as a contrast to the muted earth tones and shall not dominate the color scheme of the building.
 - b. **Exterior Materials:** Building exterior materials should be stone, architectural masonry, EIFS, architectural metals, brick, wood, architectural concrete and other materials as may be approved by the Developer's architectural control

committee. These materials shall be used on all exposed sides of all buildings.

- c. Building Roofs: Exposed roofing materials shall be tile, architectural composite, architectural metal, wood shingles or slate. Flat roofs and roof top mechanical equipment shall not be visible from adjacent streets or adjacent properties.
- d. Glass: Glass shall be of a non-reflective finish.
- e. Lighting: All area lights shall be shielded to preclude exposure of the light source from adjacent streets and adjacent properties. Neon accent lighting shall be subtle and compatible with the building architecture.
- f. Building Height: Unless otherwise defined herein building height shall not exceed 35 feet in height exclusive of architectural projections, as measured from the top of the back of the curb at the main building approach from the nearest public roadway.
- g. Building Size: All buildings shall conform to the IBC. Building footprints exceeding 40,000 square feet shall be required to obtain Special Use Permit approval as outlined in Twin Falls City Code, as amended.

2. **Professional Office Restrictions:**

- a. Professional Office uses and development in Area B and Area E shall include a Master Landscaping Plan designating common landscape areas. All landscaping materials and landscape maintenance shall be uniform and maintained in a uniform manner.

3. **Cheney Drive Restrictions:**

All buildings within 280 feet of the Southerly boundary (Area C and F) shall be of residential architectural character.

Residential units within 280 feet of the South boundary shall have the following additional requirements:

- a. Minimum living unit size of residences shall be 1600 square feet exclusive of garage.
- b. Each residence shall have a 2 car or larger garage.
- c. Lot area shall average not less than 10,000 square feet
- d. Exterior material shall be brick, stucco or stone, or a combination thereof.
- e. No garage doors shall face Cheney Drive.
- f. Roof pitches shall be not less than 6 in 12.
- g. Building height shall not exceed 28 feet.

- h. Any fencing parallel to and adjacent to Cheney shall be uniform and approved by the architectural control committee.

4. **Residential Townhouse Restrictions:**

Residential townhomes constructed as defined by the City of Twin Falls as of the date of this agreement and in the designated area West of Mountain View Drive (Area B) shall be of residential architectural style and shall not exceed a footprint greater than 10,000 square feet (exclusive of garages) and shall have the following additional requirements.

- a. Minimum living unit size of 1600 square feet exclusive of garages.
- b. Each residence shall have a two car or larger garage.
- c. Exterior material shall be brick, stucco or stone or a combination of thereof.
- d. Roof pitches shall not be less than 6 in 12.
- e. Building height shall not exceed 35 feet.
- f. The maximum density shall not exceed, on average, a density of 8 residential units per acre.
- g. All landscaping shall be uniformly designed and maintained.
- h. Common amenity facilities including owners meeting rooms, pools, outdoor recreation equipment are allowed uses.

5. **Sign Plan:**

- a. Project Identification Signs: Project identification signs will be monument type signs with a maximum height of 10 feet measured above the adjacent curb.
- b. Building Signs: Building signage shall be limited to wall mounted signs in conformance with City of Twin Falls sign code and/or monuments signs with a maximum size of 100 square feet per building.
- c. No Pylon or roof mounted signs.
- d. All signs shall be approved by the project architectural review committee and subject to City of Twin Falls sign code.

6. **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.

7. **Outside Storage and Display:** 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 design of adjacent properties and public streets are fully screened as required by City Code.
 8. **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 visually screened from the view from streets, with appropriate screening material.
 9. **Pedestrian Improvements:** The Developer will provide pedestrian and bicycle access from and to the perimeter public sidewalk. The walkways may be constructed of asphalt, concrete or concrete pavers and designed to provide access from all developed parcels.
- G. **CODES:** All construction on the Property shall be to the standards established by applicable codes.
- H. **CONTROL DURING DEVELOPMENT OF INDIVIDUAL PARCELS:** Developer 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. **ACCESS TO POLELINE ROAD AND EASTLAND DRIVE:** Developer and subsequent property owners agree to limit the number of accesses as shown on the Planned Unit Development Plan.
 7. **STANDARD DEVELOPER'S AGREEMENT:** It is understood and agreed by the parties hereto that it shall be necessary for the Developer or individual owners to execute the City's Standard Developer's Agreement(s).
 8. **GENERAL PROVISIONS:**
 - A. **COOPERATION:** The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications, and working drawings required by the City.
 - B. **ENTIRE AGREEMENT:** This agreement constitutes the entire agreement between the parties concerning the Property and Improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduced to writing and signed by the parties.

- C. **APPLICABLE LAW:** This agreement shall be constructed in accordance with the laws of the State of Idaho.
- D. **NOTICES:** If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at its addresses 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:
- Developer: Northeast Investments, LLC
Kent Taylor and Gary Storrer
P.O. Box 1901
Twin Falls, ID 83303-1901
- City: City of Twin Falls
321 Second Avenue East
P.O. Box 1907
Twin Falls, ID 83303-1907
- E. **SUCCESSORS AND ASSIGNS:** This agreement shall be binding upon the successors, assigns and legal representative 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 represent and warrant 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 City, through its City Council, and upon its execution by the Mayor and Developer.
- I. **ATTORNEY 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.
- M. **COUNTERPARTS:** This agreement may be executed in as many counterparts as may be deemed necessary and convenient, and by the different parties hereto on separate counterparts, each of which, when so executed, shall be deemed an original, but all such counterparts shall constitute one and the same instrument.

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

CITY OF TWIN FALLS

By: _____
Don Hall, Mayor

By: _____
_____, City Clerk

“City”

NORTHEAST INVESTMENTS, LLC

By: Gordo Investments, L.P., Member

By: _____
G. Kent Taylor, General Partner

Gary Storrer, Member

“Developer”

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

On this _____ day of _____, 2014, before me, a notary public in and for said state and county, personally appeared, Don Hall and _____, known to me to be the Mayor and City Clerk of the City of Twin Falls, respectively, that executed the instrument or the persons who executed the instrument on behalf of said City of Twin Falls, and acknowledged to me that the City of Twin Falls executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing at: _____
Commission expires: _____

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

On this _____ day of _____, 2014, before me, the undersigned, a Notary Public in and for said County and State, personally appeared G. Kent Taylor, General Partner of Gordo Investments, L.P., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me he executed the same on behalf of NORTHEAST INVESTMENTS, LLC.

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

NOTARY PUBLIC FOR IDAHO
Residing at:
Commission expires:

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

On this _____ day of _____, 2014, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gary Storrer, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me he executed the same on behalf of NORTHEAST INVESTMENTS, LLC.

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

NOTARY PUBLIC FOR IDAHO

Residing at:_____

Commission expires: _____

EXHIBIT "A"

PARCEL DESCRIPTION

EXHIBIT "B"

PLANNED UNIT DEVELOPMENT PLAN

EXHIBIT “C”

USES

USE REGULATIONS:

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

1. Communications And Utilities:
 - a. Radio and televisions stations without transmission and receiving towers.
 - b. Underground transmission lines.
 - c. Utility owned buildings and structures.
2. Cultural Facilities:
 - a. Libraries, museums and art galleries.
3. Governmental Facilities:
 - a. Governmental office buildings.
 - b. Judicial facilities,
4. Medical Facilities:
 - a. Acupuncture facilities approved by the south central district health department or other state regulatory agency.
 - b. Doctors' offices
 - c. Drug and alcohol treatment centers. (by special use permit only)
 - d. Hospitals and clinics.
 - e. Rehabilitation services.
5. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
6. Public Assembly:
 - a. Auditoriums.

- b. Funeral chapels.
 - c. Religious facilities.
 - d. Theaters – indoor.
 - e. Wedding chapels and/or reception halls.
7. Residential:
- a. Bed and breakfast facilities.
 - b. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
 - c. Household units in upper floor of commercial or professional buildings.
 - d. Nursing homes and rest homes.
8. Retail Trade:
- a. Apparel and accessories.
 - b. Bakery.
 - c. Bookstore.
 - d. Craft shop, in conjunction with retail business.
 - e. Eating places and the sale of alcohol when consumed on the premises where sold if located three hundred feet (300') or more from residential property.
 - f. Florist shop.
 - g. Food, drug, etc.
 - h. General merchandise.
 - i. Hardware store.
 - j. Hobby and toy store.
 - k. Home furnishings and equipment.
 - l. Ice cream store.
 - m. Import store.

- n. Dry cleaning.
 - o. Laundromats.
 - p. Music store.
 - q. Pet shop.
 - r. Sporting goods store.
9. Services:
- a. Advertising.
 - b. Apparel repair and alteration.
 - c. Beauty and barber shops.
 - d. Building care contracting offices.
 - e. Business associations.
 - f. Civic, social and fraternal organizations.
 - g. Construction trade offices.
 - h. Consumer credit collection offices.
 - i. Copy center – self-service.
 - j. Daycare services.
 - k. Dog grooming.
 - l. Employment agency.
 - m. Finance and investment offices.
 - n. Horticultural services.
 - o. Insurance and related business.
 - p. Labor unions and organizations.
 - q. Photography studios.
 - r. Professional organizations.

- s. Professional services.
- t. Real estate and related business.
- u. Tourist information center.
- v. Welfare and charitable facilities.

10. Transportation:

- a. Bus facilities, including pick up shelters.
- b. Taxicab office.
- c. Ticket and arrangement facilities.

Notwithstanding and foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

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

- 1. Buildings with footprint greater than forty-thousand (40,000) square feet.
- 2. Communications And Utilities:
 - a. Radio and televisions stations with wireless communications facilities.
- 3. Medical Facilities:
 - a. Animal hospital – small animals.
 - b. Prosthetics – sales, service
- 4. Miscellaneous:
 - a. Any facility with drive-through service.
- 5. Public Assembly:
 - a. Exhibition halls.
- 6. Residential:

- a. Motels and transient hotels.

7. Retail Trade:

- a. Alcoholic beverages when consumed on the premises where sold if located less than three hundred feet (300') from residential property.
- b. Car wash facilities.
- c. Small equipment rental.
- d. Gasoline service stations.
- e. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

8. Services:

- a. Appliance repair.
- b. Furniture repair/upholstery.
- c. Small publishing and printing business.
- d. Testing laboratories.

9. Sports Facilities:

- a. Indoor recreation facility.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with Twin Falls City code 10-17-1(F) is made that the use is similar enough to a use listed above that distinction between them is of little consequence.





