



**NOTICE OF AGENDA**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**OCTOBER 14, 2014 6:00 PM**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Nikki Boyd   Jason Derricott   Tom Frank   Kevin Grey   Gerardo "Tato" Munoz   Christopher Reid   Jolinda Tatum  
**Chairman   Vice-Chairman**

**AREA OF IMPACT:**

Ryan Higley   Steve Woods

**City Council Liaison**

Rebecca Mills Sojka

**I. CALL MEETING TO ORDER:**

1. Confirmation of quorum
2. Introduction of staff

**II. CONSENT CALENDAR:**

1. Approval of Minutes from the following meeting(s): **September 23, 2014**
2. Approval of Findings of Fact and Conclusions of Law:
  - *Geronimo, LLC app 2674 (SUP 09-23-14)*
  - *Geronimo, LLC app 2675 (SUP 09-23-14)*

**III. GENERAL PUBLIC INPUT:**

**IV. ITEMS OF CONSIDERATION:      NONE    --**

**V. PUBLIC HEARINGS:**

1. Request for a **Special Use Permit** to operate a drive-through coffee business with extended hours of operation on property located at 572 Pole Line Road. *c/o Adam and Mandy Hanby on behalf of Dutch Brothers* (app. 2677)
2. Request for the Commission's recommendation on a request for a **Zoning District Change and Zoning Map Amendment** for a 40 (+/-) acre undeveloped parcel from R-1 VAR within the Area of Impact to C-1 PUD/Urban Village-Urban Infill to allow a mixed-use development compatible with the Urban Village/Urban Infill designation on property located at the southwest corner of Pole Line Road East and Eastland Drive North. *c/o Gerald Marten, EHM Engineers on behalf of Northeast Investments, LLC* (app. 2644)
3. Request for the Commission's recommendation on a **Comprehensive Plan Amendment** from AG to Medium Density and to extend the Water Service Boundary Area for property located on the east side of the 500, 600, and 700 blocks of Hankins Road North. *c/o Brad Wills on behalf of Twin Falls School District #411 and the City of Twin Falls* (app. 2670)
4. Requests the Commission's recommendation on the **Zoning Designation** for property consisting of 4.75 (+/-) acres of undeveloped land. The property is currently zoned C-1 in the Area of Impact and is proposed for development of a municipal water storage facility on property located at 2951 Marie Street. *c/o City of Twin Falls* (app. 2669)

**VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:**

**VII. UPCOMING PUBLIC MEETINGS:** (held at the City Council Chamber unless otherwise posted)

1. *Public Hearing-October 28, 2014*
2. *Work Session- November 5, 2014*

**VIII. ADJOURN MEETING:**

**Si desea esta información en español, llame Leila Sanchez al (208) 735-7287**  
**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, October 14, 2014**

To: Planning & Zoning Commission

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

## AGENDA ITEM V-1

**Request:** Request for a **Special Use Permit** to construct a drive-through coffee shop business with extended hours of operation on property located at 572 Pole Line Road. c/o Dutch Brothers/Adam and Mandy Hanby. (app. 2677)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b> Dutch Bros. c/o Adam & Mandy Hanby Hanby Enterprises, LLC 1344 N Cormorant Pl #203 Boise, ID 83713 208-407-0881 <a href="mailto:hanby@dutchbros.com">hanby@dutchbros.com</a>	<b>Status:</b> Build to Suit Lease	<b>Size:</b> 28,086 sf (+/-)/435 (+/-) sf Building
	<b>Current Zoning:</b> C-1 PUD	<b>Requested Zoning:</b> Special Use Permit to allow drive-through window and extended retail hours
	<b>Comprehensive Plan:</b> Commercial/Retail	<b>Lot Count:</b> 1 Lot
	<b>Existing Land Use:</b> Undeveloped	<b>Proposed Land Use:</b> Drive-through Coffee Shop with extended hours
<b>Representative:</b> EHM Engineers, Inc. Hailey Barnes 621 North College Rd, #100 Twin Falls, ID 83301 208-734-4888 <a href="mailto:hbarnes@ehminc.com">hbarnes@ehminc.com</a>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
	<b>North:</b> C-1 PUD; Pole Line Road, Commercial	<b>East:</b> C-1 PUD; Randy Hansen Automotive
	<b>South:</b> C-1 PUD; DaVita Dialysis	<b>West:</b> C-1 PUD; undeveloped
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8.2(B)6a, 10-4-8.2(B)10j, 10-4-8.3, 10-7-13, 10-11-1 thru 8, 10-13-2-2, Pole Line Commercial Subdivision 1 & 2 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.

**Budget Impact:**

Approval of this request will have no impact on the City budget.

**Regulatory Impact:**

Approval of this request will allow the applicant to construct a drive-through coffee shop with extended hours of operation which are outside permitted retail hours of operation of 7:00 am to 10:00 pm as outlined in City Code.

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:

On October 18, 1995, the subject property was annexed into the City of Twin Falls.

In January 2000 the City Council approved rezone from R-4 to C-1 PUD and a PUD Agreement to allow for a "complete car center with sales, service, repair to include a car wash and detail facility" on a 9.6 (+/-) acre area for Hertz, LLC-a car dealership. Building permits were submitted for construction on Phase 1- a two story dealership building and a wash bay and shop. Certificates of Occupancy were issued in October of 2000.

On June 27, 2000 the Planning and Zoning Commission approved Special Use Permit #0664 to allow a message center sign on this site for the Hertz Car Dealership.

The City Council approved an amendment to PUD Agreement #220 with conditions on January 10, 2011, to add an additional two (2) acres to the PUD and for the zoning to be C-1 PUD.

On April 23, 2012 the City Council approved the final plat of Pole Line Commercial Subdivision-A PUD with conditions.

On April 23, 2012 the City Council approved the Amended C-1 PUD Agreement #220 – Pole Line Commercial PUD.

## Analysis:

The property is zoned C-1 PUD. The request is to construct a new drive-through coffee shop at 572 Pole Line Road. The C-1 zone requires a Special Use Permit for any facility to have a drive-through window. The applicant is also requesting to operate from 5:00 am to 11:00 pm, Monday through Sunday. The C-1 zone requires a Special Use Permit to operate outside the hours of 7:00 am to 10:00 pm. The Pole Line Commercial Subdivision 1 & 2 C-1 PUD Agreement does not waive the Special Use Permit process for extended retail hours of operation or the drive-through window.

The applicant submitted a request for an SUP to allow a drive-through window and extended business hours of 5:00 am to 11:00 pm. The applicant anticipates one (1) to six (6) vehicles in the drive-through lanes during the majority of the hours of operation. There will be between two (2) to four (4) employees on the premises during the hours of operation and for cleanup and preparation of opening times. The site is in a commercial area that will serve highway traffic, nearby hotels and other commercial businesses. The applicant does not anticipate any significant impacts to neighboring businesses.

Per City Code 10-4-8.2: Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) AM to ten o'clock (10:00) PM require a Special Use Permit in the Commercial Highway District (C-1). The C-1 Zone is intended to provide commercial activities of various sizes from large retail stores to small specialty shops with residential opportunities for persons wishing to work and live in a unified environment. The C-1 PUD Agreement does not waive the Special Use Permit process for extended retail hours of operation.

Per City Code 10-7-13: Any facility with drive-through windows are required to comply with minimum requirements for vehicle stacking. Fast food restaurants and drive-in banks require nine (9) spaces or such other number as approved by Planning & Zoning Commission, but no less than six (6). All others are required to have six (6) spaces. The proposed site plan is indicating drive through windows on both sides of the building. The drive-through windows will be located on the north and south sides of the building. The stacking lane proposed along the south side of the building indicates three (3) vehicles. The stacking lane proposed along the north side of the building indicates three (3) vehicles, but has room for at least one (1) more. This makes a total of six (6) to seven (7) spaces.

**Possible Impacts:** The property is located along Pole Line Road which is a high traffic major arterial street. There are currently hotels, commercial retail, and professional offices located in the immediate area. These various businesses may not be greatly impacted by these proposed use and extended hours.

The proposed site plan indicates a parking area to the west of the proposed building site that is shown as “not being constructed at this time”. The applicant is proposing outdoor seating to the south of the building. The addition of walk-up customers could impact the parking on the north side of the DaVita Dialysis building. The subdivision has a cross-use parking and access agreement. Upon review with Troy Vitek, Assistant City Engineer, he felt this parking area should be constructed at this time. The Commission may wish to put a condition on this Special Use Permit that the parking area to the west of the proposed building be constructed prior to issuance of the certificate of occupancy.

The required improvements per City Code 10-11-1 thru 8, such as landscaping, parking, etc., will be reviewed for compliance at the time of building permit process.

**Conclusion:**

Should the Commission grant this request, as presented; city 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 hours of operation being no earlier than 5:00 a.m. and no later than 11:00 p.m.
3. Subject to the parking area with six (6) parking spaces on the west side of the proposed building being constructed prior to issuance of the Certificate of Occupancy.

**Attachments:**

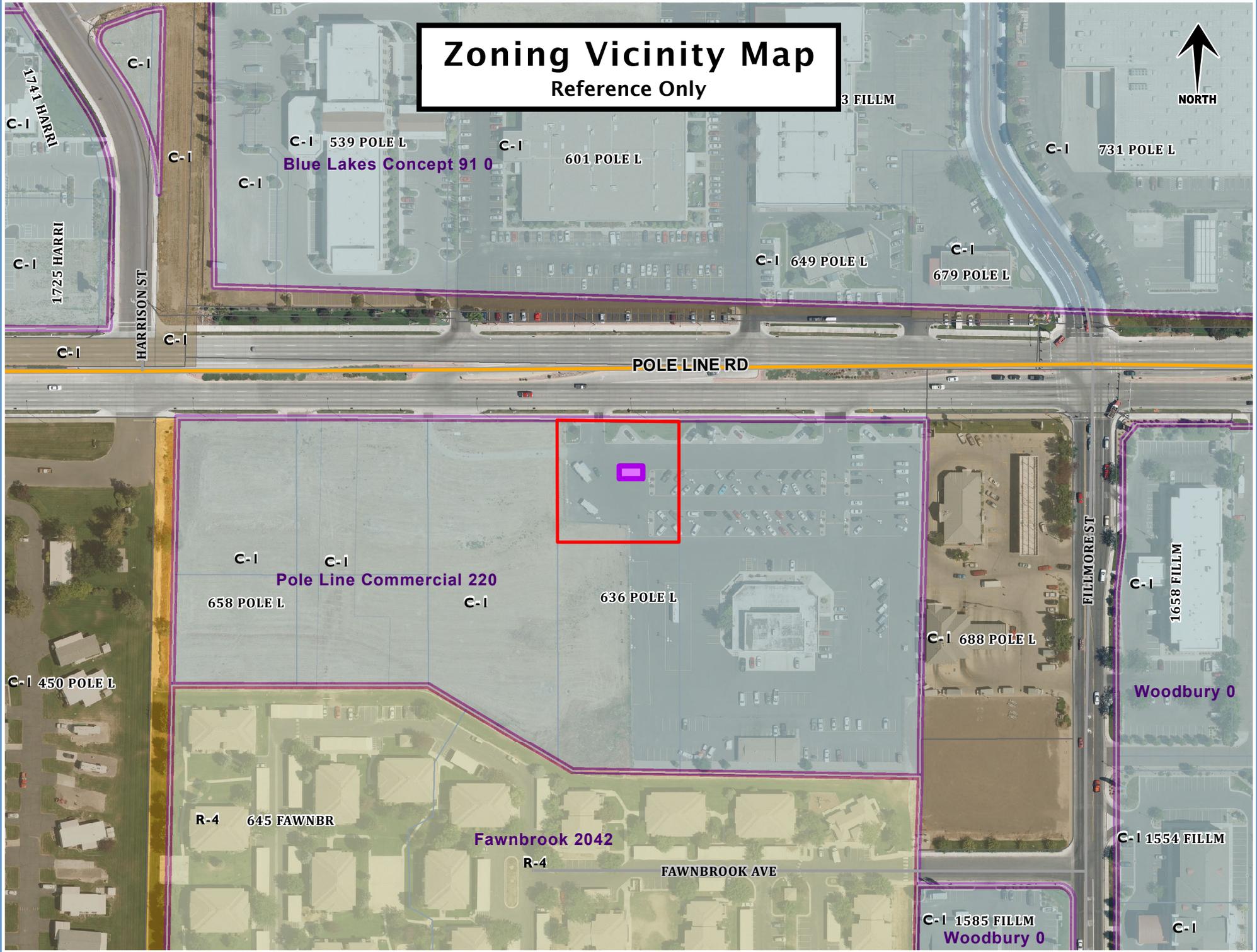
1. Narrative
2. Zoning Vicinity
3. Site Plan
4. Building Elevations
5. Pole Line Commercial Subdivision Plat
6. Site Photos (2)

## Special Use Permit Application

- C.4. Additional Information
- a. The reason for the request is for the operation of a drive through coffee shop in the Pole Line Commercial Subdivision, is part of the Gateway Arterial, and C1 Zone.
  - b. Explanation of project:
    - i. The facility will operate between the hours of 5 am – 11 pm, Monday – Sunday.
    - ii. There is expected to be between 1-6 cars in the drive through lanes during the majority of the hours of operation.
    - iii. There will be between 2-4 employees on the premises during the hours of operation and an hour before opening and an hour after closing for cleanup and prep.
  - c. Evaluation of effects on adjoining properties:
    - i. The noise will be minimal, only car noises as they wait for service.
    - ii. The glare will be minimal due to the signage and interior lighting during the hours of operation.
    - iii. There will be no uncomfortable odors. Dumpsters will be emptied regularly.
    - iv. There will be typical vehicle fumes but no vibrations observed from adjoining properties.
    - v. The new coffee shop will be well accepted with the high commercial traffic along Pole Line Rd. The facilities surrounding the property are all commercial use including a dialysis center, car dealership, hotels, and all the inbound traffic from the west into Twin Falls.

# Zoning Vicinity Map

Reference Only



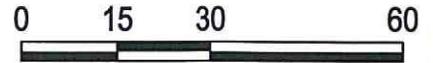
SD

CL Pole Line Road - U.S. Highway 93 T. 9 S.

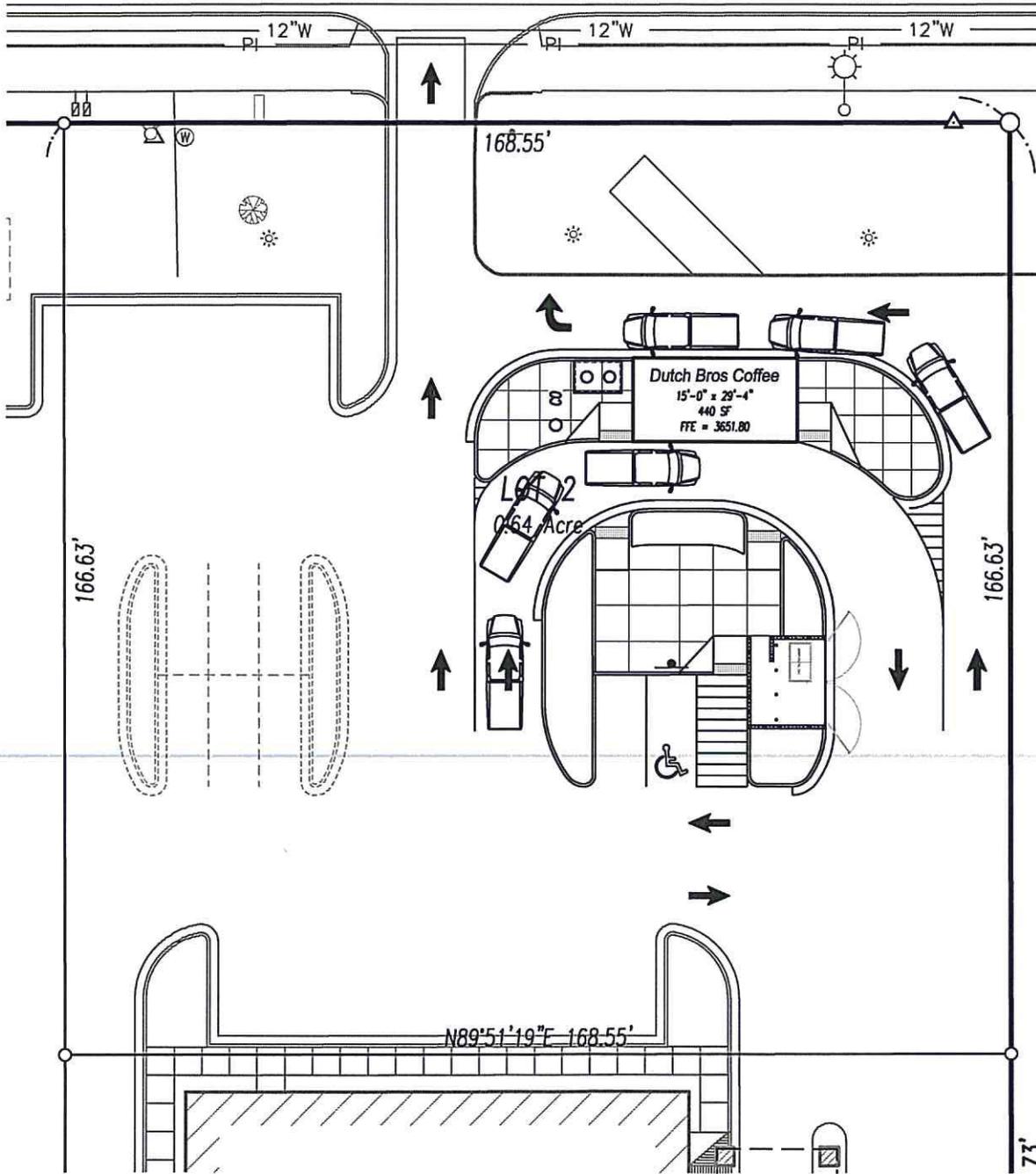
HIGHWAY PROJECT NO. DHP-NH-F-2390(104) T. 10 S.



NORTH



SCALE IN FEET



**VEHICLE STACKING EXHIBIT**  
**DUTCH BROTHERS COFFEE**  
 TWIN FALLS



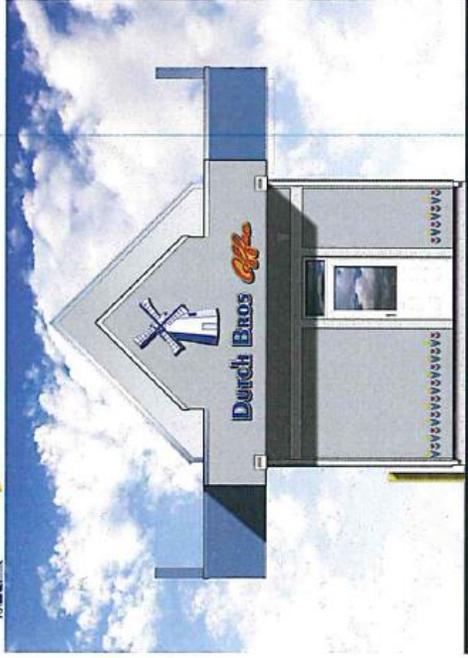
**EHM Engineers, Inc.**  
BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE

Engineers / Surveyors / Planners  
621 North College Road, Suite 100 Twin Falls, Idaho 83301  
p (208)-734-4888 fax (208)-734-6049 web: ehminc.com

JOB NO.:	308-13
APPROVED:	
DESIGN:	
DRAWN:	M. LEE
DATE:	8/27/2014
SCALE:	SHOWN
DRAWING C-308-13-D-98	
Sheet No.:	1

# DUTCH BROS COFFEE

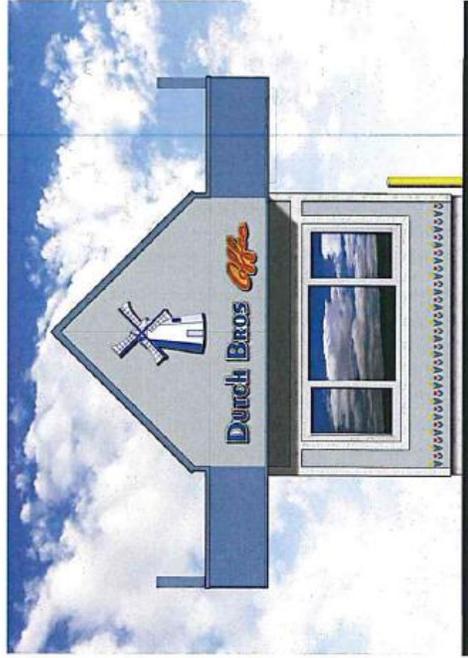
TWIN FALLS, IDAHO



REAR ELEVATION



SIDE ELEVATION



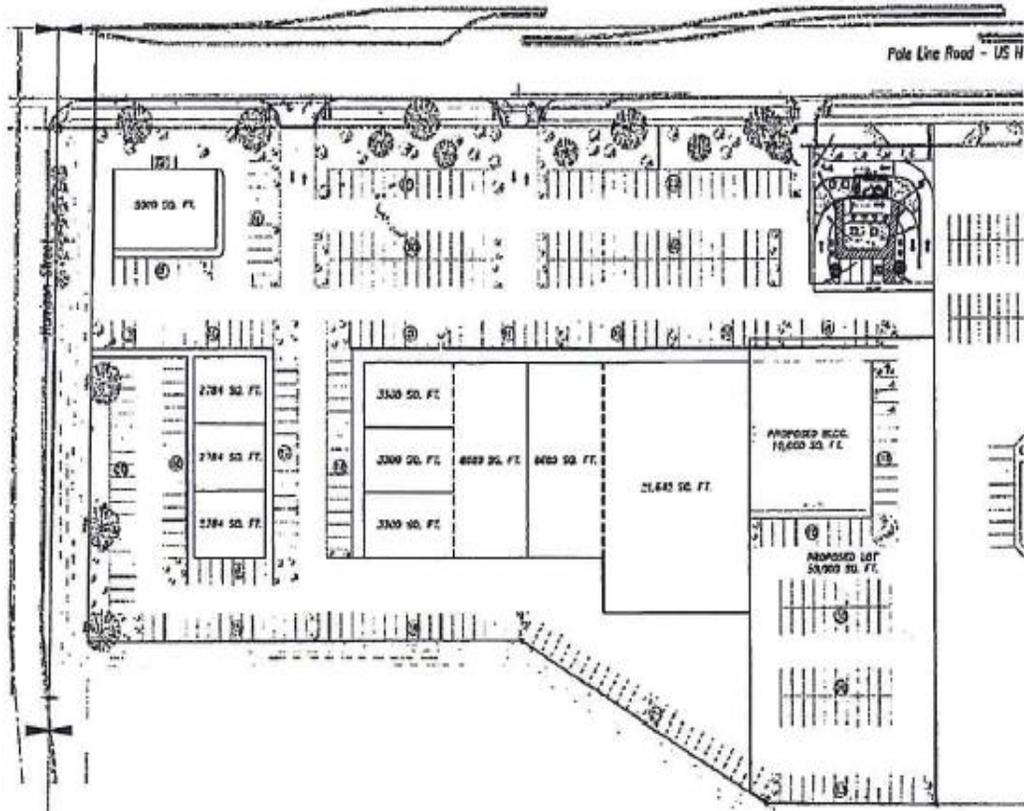
FRONT ELEVATION



SIDE ELEVATION

**EXHIBIT B-2**

**SITE PLAN OF THE DEVELOPMENT**





10/07/2014



  
**NOTICE OF COUNTY  
PUBLIC MEETING  
ON ZONING REQUEST**  
  
**FOR MORE INFO CALL  
734.9490**

10/07/2014

Frontage along Pole Line Rd





Preliminary PUD Presentation: Tuesday, August 12, 2014

**PUBLIC HEARING: TUESDAY, October 14, 2014**

To: Planning & Zoning Commission

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

## AGENDA ITEM V-2

**Request:** Request for the Commission's recommendation for a **Zoning District Change and Zoning Map Amendment** for a 40 (+/-) acre undeveloped parcel from R-1 VAR within the Area of Impact to C-1 PUD/Urban Village-Urban Infill zoning designation to allow a mixed-use development compatible with the Urban Village/Urban Infill designation on property located at the southwest corner of Pole Line Road East and Eastland Drive North. *c/o Gerald Marten, EHM Engineers 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:**

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

No known zoning history for this parcel.

**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 commercial, professional and residential 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” are similar in form and function to the C-1 Zoning District. However, it is essential that the PUD reflect the ideals and design for the Urban Village/Urban Infill designation found in the 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 C-1 Zoning District currently in practice within City Code.

- **Covenant #2 Nature of the Development:** *A-Uses: Except as provided herein, the uses shall be limited to those allowed in Exhibit C.*

*The uses within 150 feet of the Southerly boundary between Mountain View Drive and Eastland Drive North will be limited to professional offices and residences to include individual residences, town homes, and condominiums and zero lot line residences. All building within 150 feet of the southerly boundary shall be further restricted as outlined in Covenant 5-F.2.*

*The uses of the property at the northwestern corner of the property between the westerly boundary of the property and Mountain View Drive and within 350 feet of Pole Line Road will be limited to a “Bishop’s warehouse” facility as depicted in Exhibit D.*

*All other property between the westerly boundary and Mountain View Drive will be limited to professional office space uses as conforming to Exhibit “C” and residential uses conforming to R2, R4 or R6 District Standards.*

- **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 designation on the Comprehensive Plan. (see Development Plan for detail on 150 foot restriction)

The other items addressed in this section limit the development on certain identified properties to specific uses. One area limits the development to the LDS Bishops Storehouse, another area is limited to residential uses that will have certain standards as identified in this PUD under **Covenant 5- F:Building Standards -2 Cheney Drive Restrictions**

- **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 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 five foot (5’) detached pedestrian pathway}*  
*Eastland Drive – 35 Feet {Inclusive of five foot (5’) detached pedestrian pathway}*

Mountain View Drive – 20 Feet

Cheney Drive – 20 Feet

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

- **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 “C-1” Zone.

- **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 for the area.
- In order to avoid issues with pedestrian and vehicle safety concerns, evergreen trees should be placed a safe distance from the detached sidewalk and roadway along Pole Line and Eastland Drive. This is to avoid sight corridor obstruction and ice formation on sidewalks and roadways during winter months.

- **Covenant #5 – F: Building 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. It will also direct the design of the project to help achieve that Urban Village/Infill aesthetic and environment.

- **Covenant #5 – F: Building Standards-2.Cheney Drive Restrictions**

*All buildings within 150 feet of the Southerly boundary shall be of residential architectural character and shall not exceed a footprint of 20,000 square feet, unless a greater footprint size is approved by through the Special Use Permit process.*

*Residential units within 150 feet of the South boundary shall have the following additional requirements:*

- a. *Minimum living unit size of East of Mountain View Drive shall be 2,500 square feet exclusive of garages.*
- b. *Minimum living unit size West of Mountain View Drive shall be 1400 square feet exclusive of garages.*
- c. *Exterior material shall be brick, stucco or stone, or a combination thereof.*
- d. *No garage doors shall face Cheney Drive.*
- e. *Roof pitches shall be not less than 6 in 12.*
- f. *Building height shall not exceed 28 feet.*

- **Possible Impacts:** These regulations restrict the development standards for building within 150 feet of the north boundary of Cheney Drive. These criteria mainly focus on restrictions for residential units, overall only Professional Offices and Residential units may be developed in this restricted area. All future buildings will be impacted by these regulations in the form of maintaining a residential character and the building footprint size limitation of 20,000 square feet, among other things.

- **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 and/or monument type signs with a maximum height of 10 feet measured above the adjacent curb, with a maximum size of 100 square feet per building. No Pylon or roof mounted signs will be allowed. No building wall mounted signs shall be visible from Cheney Drive West.*

- **Possible Impacts:** This list of requirements is more restrictive than the current sign code which is designed by the developer.

- **Covenant #5 – F: Building Standards-7.Pedestrian Improvements:**

*The Developer will provide detached 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.*

**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 approval of this request, 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. Status of the Private Drives to be determined by Staff and may be established during the platting process.
3. Subject to addressing evergreen tree placement along Pole Line and Eastland road in the PUD Agreement with Staff Approval.

**Attachments:**

1. Narrative
2. Zoning Vicinity Map
3. Comprehensive Plan Future Land Use Map
4. Comprehensive Plan Urban Village/Urban Infill Description
5. Canyon Village Master Development Plan
6. Building Reference Photos (10)
7. LDS Storehouse Information (2)
8. Canyon Village PUD Agreement – With staff comments (19)
9. Site Photos (3)



**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.

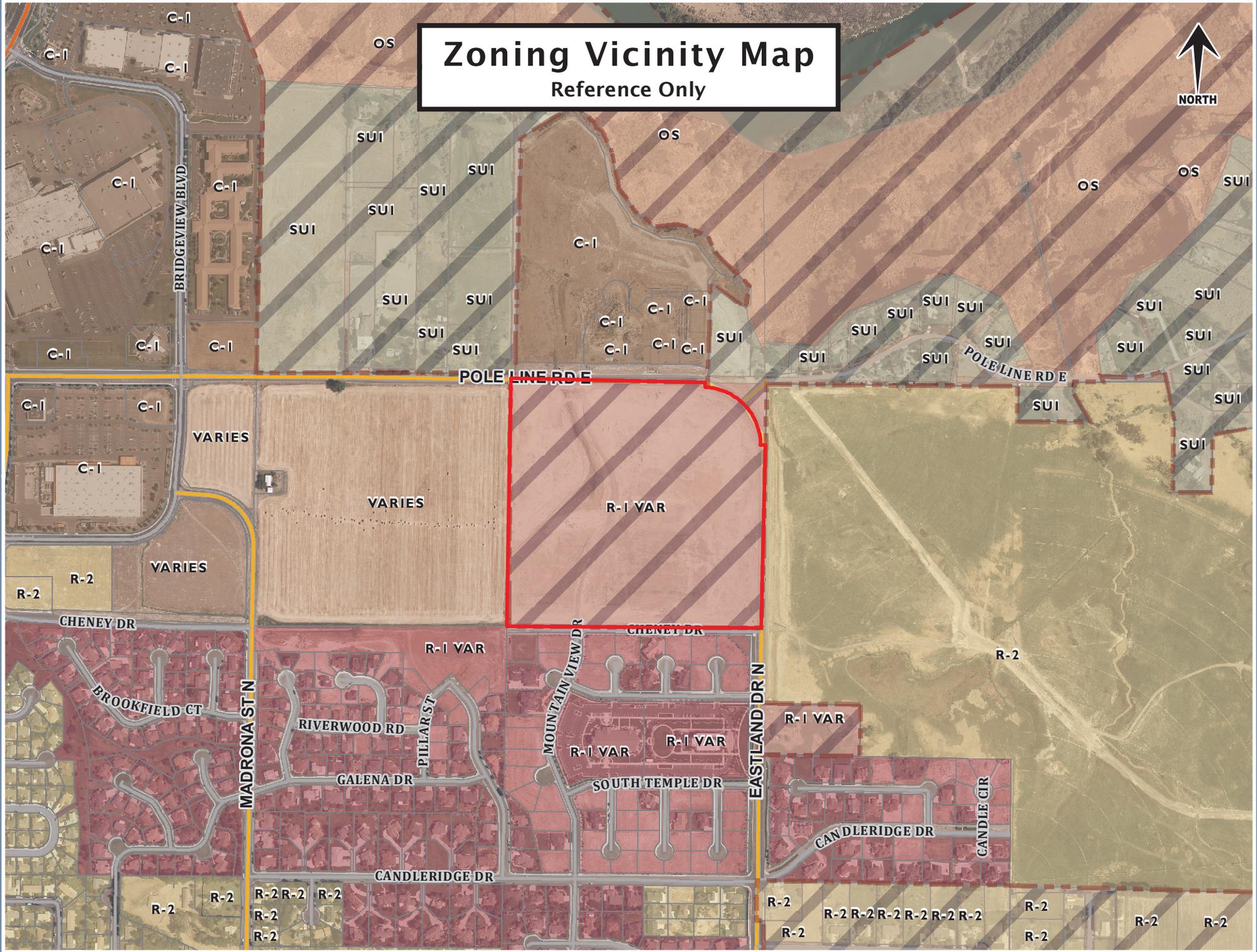
Annexation and Rezoning of said Lot 1 is in compliance with the Twin Falls Vision 2030: A Comprehensive Plan for a Sustainable Future. Uses of the property will comply with zoning regulations as published in Title 10 – Zoning and Subdivision Regulations.

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



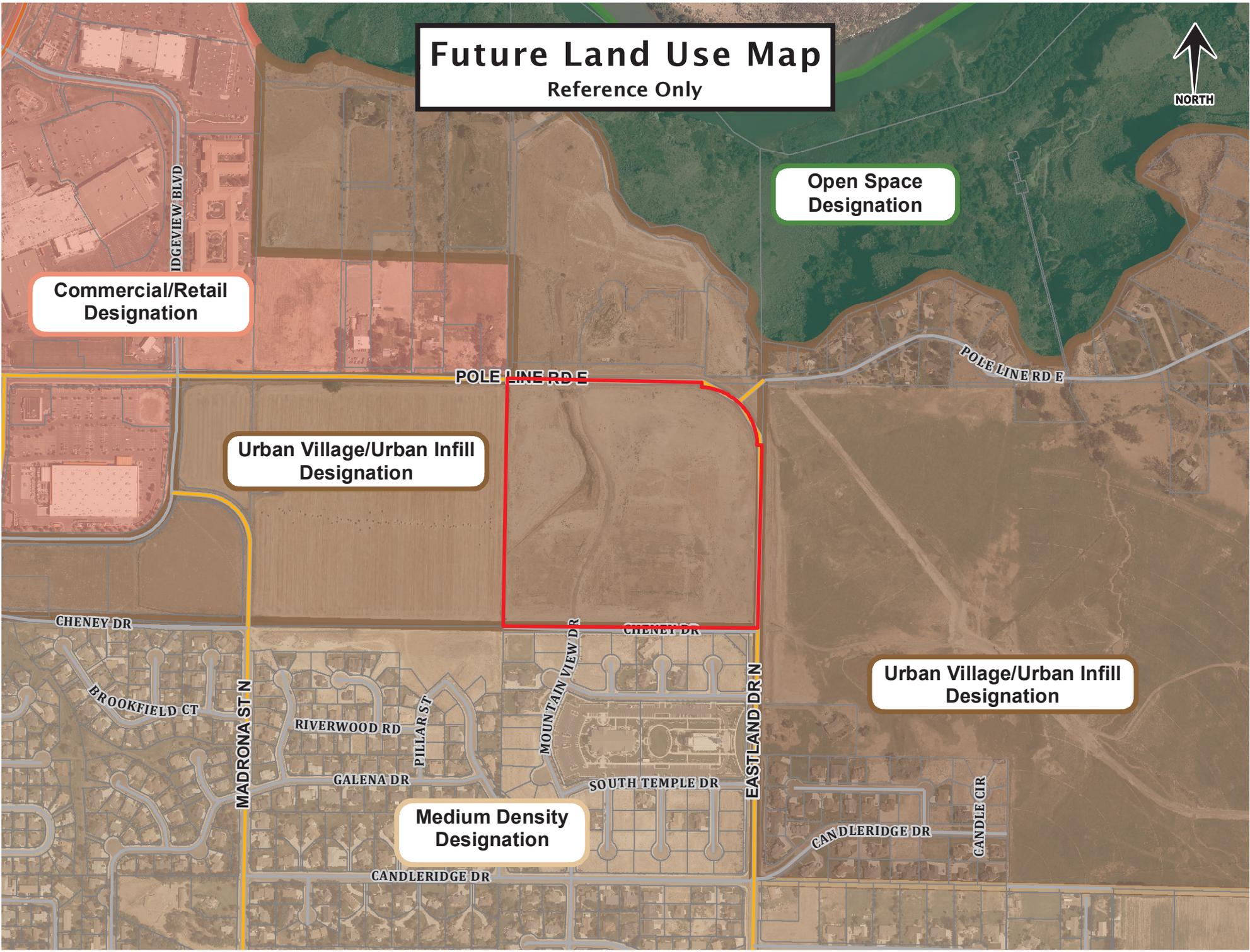
**Commercial/Retail Designation**

**Open Space Designation**

**Urban Village/Urban Infill Designation**

**Urban Village/Urban Infill Designation**

**Medium Density Designation**



**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.





07.03.2014



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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.



**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 included in reference to "Owner" or "Developer"), is the equitable title holder to certain tracts of land in the City of Twin Falls, State of Idaho, all parcels are more particularly described in "Exhibit A", and attached hereto. The subject land is located at the 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. Developer, 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:** Except as provided herein, the uses shall be limited to those allowed in ~~the C-1 Zone as amended and attached hereto as~~ Exhibit “C”.
- The uses within 150 feet of the Southerly boundary between Mountain View Drive and Eastland Drive North will be limited to professional offices and residences to include individual residences, town homes, and condominiums and zero lot line residences. All building within 150 feet of the southerly boundary shall be further restricted as outlined in Section F.2.
- The uses of the property between the westerly boundary of the property and Mountain View Drive and within 350 feet of Pole Line Road will be limited to a “Bishop’s warehouse” facility as depicted in Exhibit D.
- All other property between the westerly boundary and Mountain View Drive will be limited to professional office space uses as conforming to Exhibit C and residential uses conforming to R2, R4 or R6 District Standards.
- B. **PHASING OF DEVELOPMENT:** Developer shall be permitted to develop the property in phases, provided those phases are in compliance with the Master Development Plan, the PUD Agreement and an approved preliminary/final plat, if platted. The designation and location of specific uses and buildings on the Master Development Plan are conceptual, and minor changes therefrom shall not provide basis for disapproval. Lot lines as shown on the Master 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 ~~with~~ to established City requirements, the 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.
  - 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 their completion to City standards.
4. **PLATS:** Developer agrees to file with the City a preliminary plat, 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 "C-1" zone and the centerline setbacks as described in Title ~~42-10~~ 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  
Cheney Drive – 20 feet

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

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 "C-1" zone.

- 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. **BUILDING 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:** Building height shall conform to the ~~restrictions underlying C-1 Zoning District.~~
  - g. ~~Building Size: All buildings shall conform to the IBC. No building shall exceed a 40,000 square foot footprint. 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. **Cheney Drive Restrictions:**

All buildings within 150 feet of the Southerly boundary shall be of residential architectural character and shall not exceed a ~~footprint of~~ 20,000 square ~~foot-feet ,footprint~~ unless a greater

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footprint size is approved ~~by~~through the Special Use Permit process.

Residential units within 150 feet of the South boundary shall have the following additional requirements:

- a. Minimum living unit size of East of Mountain View Drive shall be 2,500 square feet exclusive of garages.
- b. Minimum living unit size West of Mountain View Drive shall be 1400 square feet exclusive of garages.
- c. Exterior material shall be brick, stucco or stone, or a combination thereof.
- d. No garage doors shall face Cheney Drive.
- e. Roof pitches shall be not less than 6 in 12.
- f. Building height shall not exceed 28 feet.

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 and/or monument type signs with a maximum height of 10 feet measured above the adjacent curb, with a maximum size of 100 square feet per building. No Pylon or roof mounted signs will be allowed. No building wall mounted signs shall be visible from Cheney Drive West.

4. **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.

5. **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 ~~and~~ are fully screened as required by City Code.

6. **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.

7. **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 Master 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.

[The remainder of this page has been intentionally left blank.]

IN 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 )  
County of Twin Falls ) ss.  
)

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"  
MASTER DEVELOPMENT PLAN

## EXHIBIT "C"

### USES

#### ~~10-4-8.2~~ 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.
  - 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.

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- b. Funeral chapels.
- c. Religious facilities.

~~d. Schools — private, single purpose.~~

~~e. Schools — private, vocational and/or academic.~~

~~f. Schools — public.~~

~~g.d.~~ Theaters – indoor.

~~h.e.~~ Wedding chapels and/or reception halls.

7. Residential:

- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
- b. Bed and breakfast facilities.
- c. Dwellings – multiple household (5 units or more).
- d. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
- e. Household units in upper floor of commercial or professional buildings.
- f. Nursing homes and rest homes.

~~g. Residence halls, residence hotels, rooming houses.~~

8. Retail Trade:

- a. Apparel and accessories.
- b. Automobile parts store.
- c. Bakery.
- d. Bookstore.
- e. Craft shop, in conjunction with retail business.
- f. 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.

~~g. Farm and garden supplies.~~

**Comment [JS1]:** Troy commented to move these to SUP section

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h.g. Florist shop.

i.h. Food, drug, etc.

j.i. General merchandise.

k.j. Hardware store.

l.k. Hobby and toy store.

m.l. Home furnishings and equipment.

n.m. Ice cream store.

o.n. Import store.

p.o. ~~Laundering and~~ dry cleaning.

q.p. Laundromats.

r.q. Lumber, plumbing and/or electrical supply stores.

s.r. Music store.

t.s. Pet shop.

u.t. Sporting goods store.

v.u. ~~Taxidermy studio.~~

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.

**Comment [JS2]:** Staff felt Laundering would point toward a business like Ameripride, which we do not feel is appropriate in this area.

i. Copy center – self-service.

j. Daycare services.

k. Dog grooming.

~~l. Duplicating and stenographic offices.~~

~~m. Employment agency.~~

~~n. Finance and investment offices.~~

~~o. Horticultural services.~~

~~p. Insurance and related business.~~

~~q. Labor unions and organizations.~~

~~r. Photography studios.~~

~~s. Professional organizations.~~

~~t. Professional services.~~

~~u. Real estate and related business.~~

~~v. Tourist information center.~~

~~w. 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 (~~Ord. 2786, 6-1-2004; and Ord. 2798, 8-2-2004~~)

(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 a footprint greater than forty-thousand (40,000) square feet.

1-2. Communications And Utilities:

- a. Radio and televisions stations with wireless communications facilities.

~~2. Manufacturing:~~

- ~~a. Handcrafted furniture.~~

3. Medical Facilities:

- a. Animal hospital – small animals.
- b. Prosthetics – sales, service ~~and/or construction.~~

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.
- f. Sporting vehicles and motorcycles – sales and/or rentals.

- ~~g. Storage unit rentals.~~

8. Services:

- a. Appliance repair.

- b. Furniture repair/upholstery.
- c. Publishing and printing business.

~~d. Sporting vehicles and motorcycles — service and repair.~~

~~e.d. \_\_\_\_\_~~ Testing laboratories.

9. Sports Facilities:

- a. Indoor recreation facility.

~~10. Transportation:~~

- ~~a. Parking and crating.~~

~~11. Wholesale:~~

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

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

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at: 1"



SW Corner of property looking East  
along Cheney frontage

08/05/2014 11:06 AM



SW Corner of Property Looking North

08/05/2014 11:06 AM



South East Corner of property  
looking West along Cheney frontage

08/05/2014 11:07 AM



South East corner of  
property looking North

08/05/2014 11:08 AM





Public Hearing: **TUESDAY, October 14, 2014**

To: Planning and Zoning Commission

From: Renee V (Carraway) Johnson, Community Development Dept

### AGENDA ITEM V-3

**Request:** Request for the Commission’s recommendation on a Comprehensive Plan Amendment from AG to Medium Density and to extend the Water Service Boundary Area for property located on the east side of the 500, 600, and 700 blocks of Hankins Road North. *c/o Brad Wills on behalf of Twin Falls School District #411 and the City of Twin Falls* (app. 2670)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> (+/-) 53 Acres
Twin Falls School District, No 411 201 Main St W Twin Falls, ID 83301 208-733-6900  and  The City of Twin Falls PO Box 1907 Twin Falls, Idaho 83303-1907 208-735-7267	<b>Current Zoning:</b> R-1 VAR	<b>Requested Zoning:</b> Comprehensive Plan Map Amendment
	<b>Comprehensive Plan:</b> Currently designated as Agriculture.	<b>Requested:</b> <u>Comprehensive Plan Amendment - Future Land Use Map</u> from Agriculture to Medium Density AND the expansion of the designated water service boundary.
	<b>Existing Land Use:</b> The School Owned property is currently being farmed and 1 acre of City property developed as a PI Pump station.	<b>Proposed Land Use:</b> The School District has designated 10 acres for a new Elementary School. The remainder is planned for residential.
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
Bradford J Wills 222 Shoshone St W Twin Falls, ID 83303 208-734-4411 <a href="mailto:Bradw@willsinc.com">Bradw@willsinc.com</a>	<b>North:</b> R-1 VAR; Residential	<b>East:</b> R-1 VAR ; Farm/Agricultural
	<b>South:</b> R-1 VAR; Filer Ave E extended/Residential; developed TF Highlawn Acres Residential	<b>West:</b> R-1 VAR; Hankins Road -- developing Morning Sun Residential Subdivision and an LDS Stakehouse at NW corner of Stadium Blvd/Hankins
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-14-7, Twin Falls Comprehensive Plan – Future Land Use Map - 2.4, State Statute: Title 67-6509	

**Approval Process:**

An amendment to the Comprehensive Plan is required to follow *State Statute: Title 67-6509*. This process requires the Planning and Zoning Commission to hold a public hearing in which interested persons have the opportunity to be heard with regards to the application. The Commission will then forward their recommendation to the City Council.

The City Council will then hold a public hearing, in which interested persons have the opportunity to be heard with regards to the application. The City Council will then adopt, revise, or reject the amendment. If the Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided.

**Budget Impact:**

Approval of this request will have negligible immediate impact on the City budget.

**Regulatory Impact:**

Upon a recommendation from the Planning and Zoning Commission on the proposed Comprehensive Plan Amendment, the applicant shall proceed to the City Council with their request and then onto the Board of County Commissioners for a decision. An approved amendment may allow the applicant to apply for a rezone of the property to a zoning designation previously unsupported by the Future Land Use Map.

**History:**

The Twin Falls School District acquired the Sackett Farm in 1990. In April 2008 the City Council approved the Conveyance Plat of the Sackett Farms Subdivision. This conveyance plat consisted of 53.6 +/- acres with two (2) lots. Lot 1, consisting of 51.3 +/- acres, was retained by the Twin Falls School District and Lot 2, consisting of 2.3 +/- acres, was transferred to the City of Twin Falls in order to construct a Regional Pressurized Irrigation Pump Station. Lot 1 has remained as farm ground.

The current Comprehensive Plan Twin Falls Vision 2030 was approved by the City Council in February 2009. This plan was an entire re-drafting of the Comprehensive Plan and collectively replaced the previous plan from 1993-1994.

On July 8<sup>th</sup> 2014, the Planning and Zoning Commission made a recommendation to approve the Annexation and on August 4<sup>th</sup>, 2014, the City Council voted to annex these properties into City Limits. Ordinance #3075 was published on August 21, 2014 officially annexing this property into City Limits.

**Analysis:**

This request has two parts – **1)** the first part is to expand the Water Service Boundary, identified in Twin Falls City Comprehensive Plan Vision 2030. The boundary currently runs parallel to this property along Hankins road to the West. The request is to add the entirety of the School District and City owned property, (+/-) 53 Acres. **2)** The second part of the request is to amend the Future Land Use Map by changing the designation of this same area from Agriculture to Medium Density Residential. The specific area is defined by the supporting maps provided within this report as attachments #2 and #3.

This area described by the applicant is currently Zoned R-1 VAR, within City Limits. The school owned property is currently being farmed and the city owned property is a Pressurized Irrigation Pump Station.

The narrative provided by the applicant outlines the future plans for the property. It is anticipated that the area not part of the new Elementary grounds will be developed into residential homes at a future date. In order to maintain a safe and healthy environment, it is best to establish schools in residential areas. With any development, infrastructure will need to be installed. Some existing water, sewer and PI lines are established in the area. These will need to be assessed and potentially new or increased capacities planned for in conjunction with the school and future residential areas.

The requested change from Agriculture to Medium Density is a shift for this area. The Comprehensive Plan has different descriptive paragraphs for Agriculture and Medium Density designations. Copies of each

designation description are provided in this report for your reference as Attachment #4. The Comprehensive plan also describes the environment in which schools should be placed (see Attachment #4

The Agriculture Designation was designed to preserve farm ground and direct development inward towards the corporate City Limits. This area was recently annexed into the City of Twin Falls, and therefore it would be appropriate to amend the comprehensive plan to direct future residential growth within City Limits. In no way does changing the Water Service Boundary guarantee the City Services for these properties, but it will allow for the planning and modeling process to continue. All requirements for future services put forth by the Engineering Department will need to be met prior to services being granted.

**Conclusion:**

The Commission may recommend approval of this request, recommend changes to the request, or recommend denial of this request.

The decision made by the Commission will then be forwarded to the City Council for a decision.

**Attachments:**

1. Letter of Request
2. Zoning Vicinity Map
3. Future Land Use Map
4. Comprehensive Plan Land Use Descriptions
5. Applicant Submitted Maps
6. Site Photos

# Exhibit A

Applicant:

August 13, 2014

Twin Falls School District # 411 and City of Twin Falls  
201 Main St. West  
Twin Falls, Idaho 83301                      208-733-6900

Applicants Representative

Bradford J. Wills

222 Shoshone St. West

Twin Falls, Idaho 83303-0346                      208-420-0314

Comprehensive Plan Amendment request for Lot 1 and Lot 2 Sackett Farms Subdivision, County of Twin Falls.

The purpose of this request is to amend the Comprehensive Plan updating the land use designation for the Sackett Farms Subdivision Lot 1 and Lot 2 from Agriculture to Medium Density Residential.

This property is an area of slow planned growth of residential housing to the east. See Exhibit E. On Hankins Road, there is an existing 12"-18" water line on a portion of the frontage of the parcel. At the northeast corner of Hankins Road and Filer Ave. East extended is the City of Twin Falls parcel with an area pressurized irrigation pump station. A 6" pressurized irrigation line is located along the west side of Hankins Road North traveling north. There is an 8" sewer line on Stadium Way near the intersection with Hankins but future waste water collection will most likely be to the northwest approximately 2200 LF connecting to the newly installed Northeast Sewer Trunk Line. Most of Hankins Road North from center line to the west is fully developed with public utilities, roadway, curb & gutter and sidewalk with parkway landscaping on the Morning Sun Subdivision side. See Exhibit B

The property is approximately 53.6 (+/-) acres currently designated an agriculture area and is adjacent to the existing Morning Sun Subdivision west across Hankins Road. To the south is the Highland Acres rural subdivision on Highlawn Drive with 1 acre lots, to the west is the Morning Sun Subdivision Phase # 7 and the future Morning Sun Subdivision Phase # 8, to the north is a 10 acre parcel with multiple homes and the Pine Meadows rural subdivision and to the east is agricultural farm land.

The Twin Falls School District is the owner of Lot 1 and plans on the construction of a new elementary school on a portion of the lot with the remaining land to be used for residential development. The City of Twin Falls owns Lot 2 and has no plans at this time to further improve the lot. This is compatible with the development in the surrounding area.

The Twin Falls Comprehensive General Plan was adopted in 2009 showing this area as an Agriculture land use. The current Twin Falls Zoning Map shows this property as an R-1 VAR designation along with all the surrounding area except R-2 Residential located is to the southwest.

This amendment will help continue the slow planned growth of residential housing as the city expands to meet its growing needs providing new housing and the standard of living and open space local residents seek.

Looking ahead at the present and future residential growth in this desirable area, the Ad Hoc School District Committee recommended a new elementary school to be located on the east side of town. Elementary schools are best located in a residential area.

The water boundary was prepared using the best estimate of future growth five years ago so it is necessary to amend it as growth trends drives development. There is a 12-18" water line along the west boundary of the two lots. There is improved water storage proposed and new sewer collection system is located nearby. Convenient transportation is provided by Hankins Road, Stadium and Filer Drive to this area. It is good planning to allow the water boundary to expand to include this area of the city.

# Zoning Vicinity Map

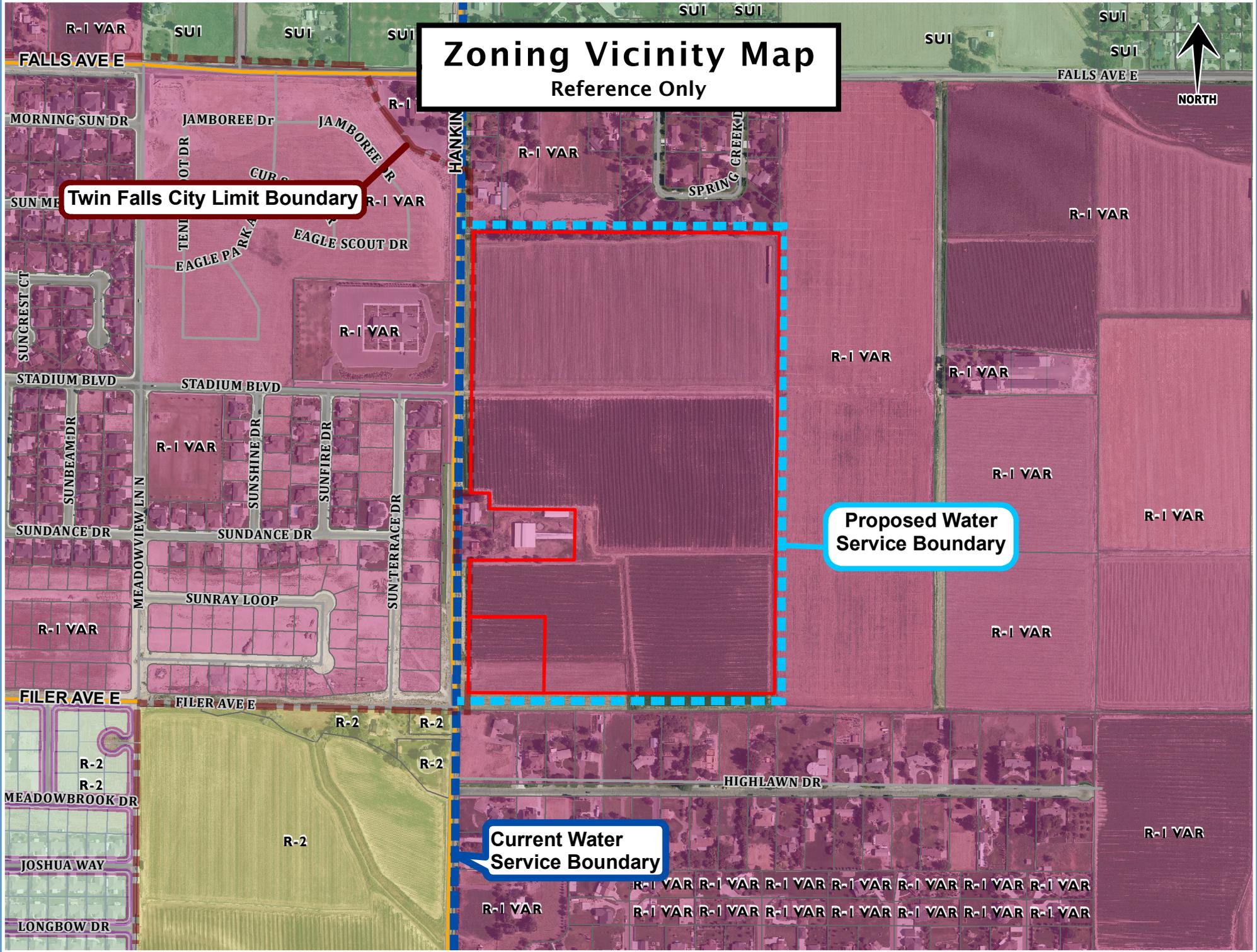
Reference Only



**Twin Falls City Limit Boundary**

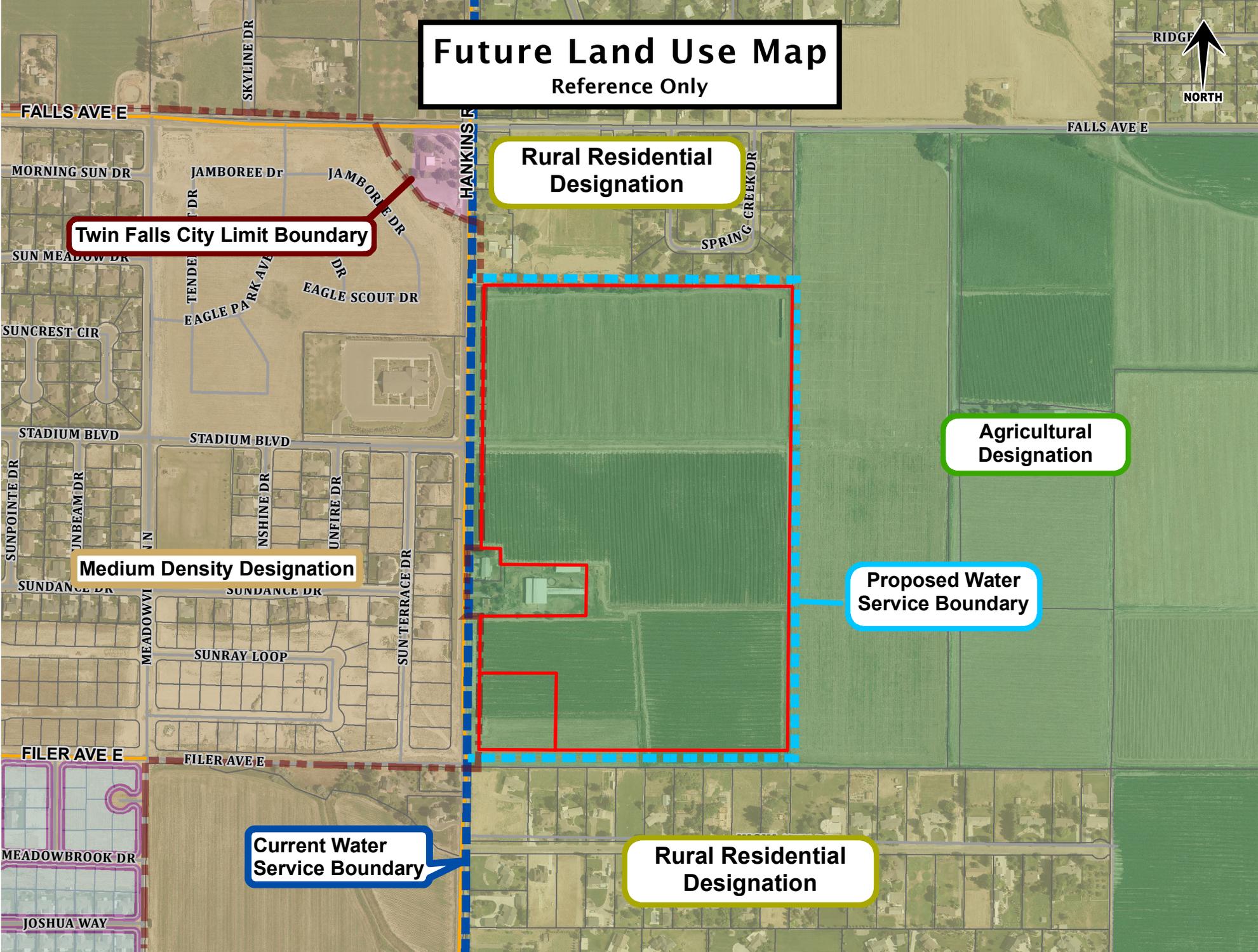
**Proposed Water Service Boundary**

**Current Water Service Boundary**



# Future Land Use Map

Reference Only



Rural Residential Designation

Twin Falls City Limit Boundary

Agricultural Designation

Medium Density Designation

Proposed Water Service Boundary

Current Water Service Boundary

Rural Residential Designation

# **Twin Falls City Comprehensive Plan – Vision 2030**

## **(Descriptions of Future Land Use Designations)**

### **Agriculture**

Existing agricultural land should be maintained to protect and preserve critical agricultural land and operations. Agricultural buffers should be expanded to sites north of the Airport Canal in order to avoid future land use and safety conflicts in the vicinity. Residential uses and other incompatible uses should not be allowed to “creep” into these areas, thereby reducing the likelihood for future conflicts.

Agricultural areas currently located within the Water Limit Boundary are essentially “holding areas” for future residential uses. Unfortunately, the extension of urban services (water and sewer) to many of these areas may take a very long time, while the practice of allowing rural residential development (water wells and septic systems) is inappropriate and unsustainable. Development in these areas should therefore be strongly discouraged until city services can be provided, thereby allowing development to take place in an orderly and cost-effective manner.

### **Medium Density Residential**

Medium Density Residential development is encouraged along the outer edges of the Water Limit Boundary. Also known as Clustered Development, this category of residential land use will be second only to existing Single-family Residential uses in extent and distribution.

Areas designated as Medium Density Residential currently contain much of the existing residential uses in the City, in addition to large tracts of land suitable for future residential development or already approved for residential development. A level of flexibility should be allowed to merge new development with existing uses.

Medium Density Residential encourages homes on a given tract of land to be erected on lots with reduced area and frontage; the balance of land would then be dedicated as permanent open space. Housing densities would generally be the same as allowed if developed under conventional subdivision conditions, although slight density bonuses may be considered as an incentive to implement a Clustered Development project.

Utilizing a Clustered Development provides many potential benefits to the community, land owners and developers alike, by (1) increasing residential amenities, recreational opportunities, municipal economy and environmental protection through the conservation of open space, scenic areas, views, streams and other community assets; (2) promoting efficiency and economy of street and utility layout; (3) lessening storm run-off, erosion and sedimentation normally associated with more conventional patterns of residential development; (4) retaining natural drainage courses and wetlands; and (5) promoting the health, safety, convenience and welfare of the community. Medium Density Residential developments are envisioned to include a wider variety of housing styles and types, which will result in more interesting neighborhoods and districts.

### **Schools**

Future school sites should be reserved in appropriate areas to meet the future needs and requirements of the community. The location of specific school sites should be determined in cooperation with the Twin Falls School District. In general, schools should be located within residential neighborhoods.

# Exhibit

## B

Existing  
Infrastructure

North East  
Sewer  
Trunk Line

12" to 18"  
Water Main

Site  
53.61 Acres  
Lot 1 & 2  
Sackett  
Farms  
Sub

Stadium Blvd

Sunfire Dr

Sun Terrace St

6" P.I. Line

Filer Ave East Extended

Pressurized  
Irrigation  
Pump  
Station

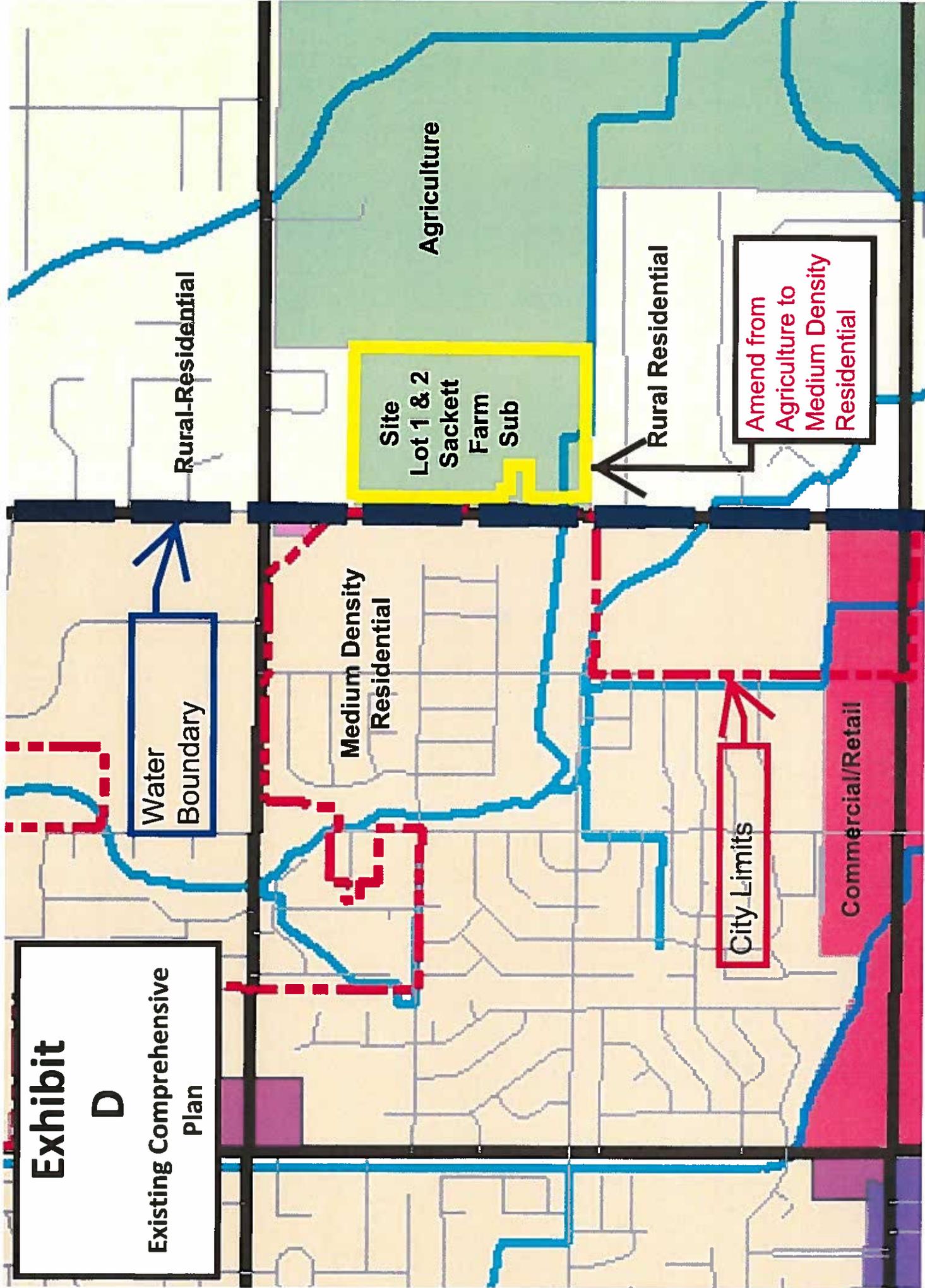
Hankins Rd N

Overhead  
Idaho Power  
Co

# Exhibit

## D

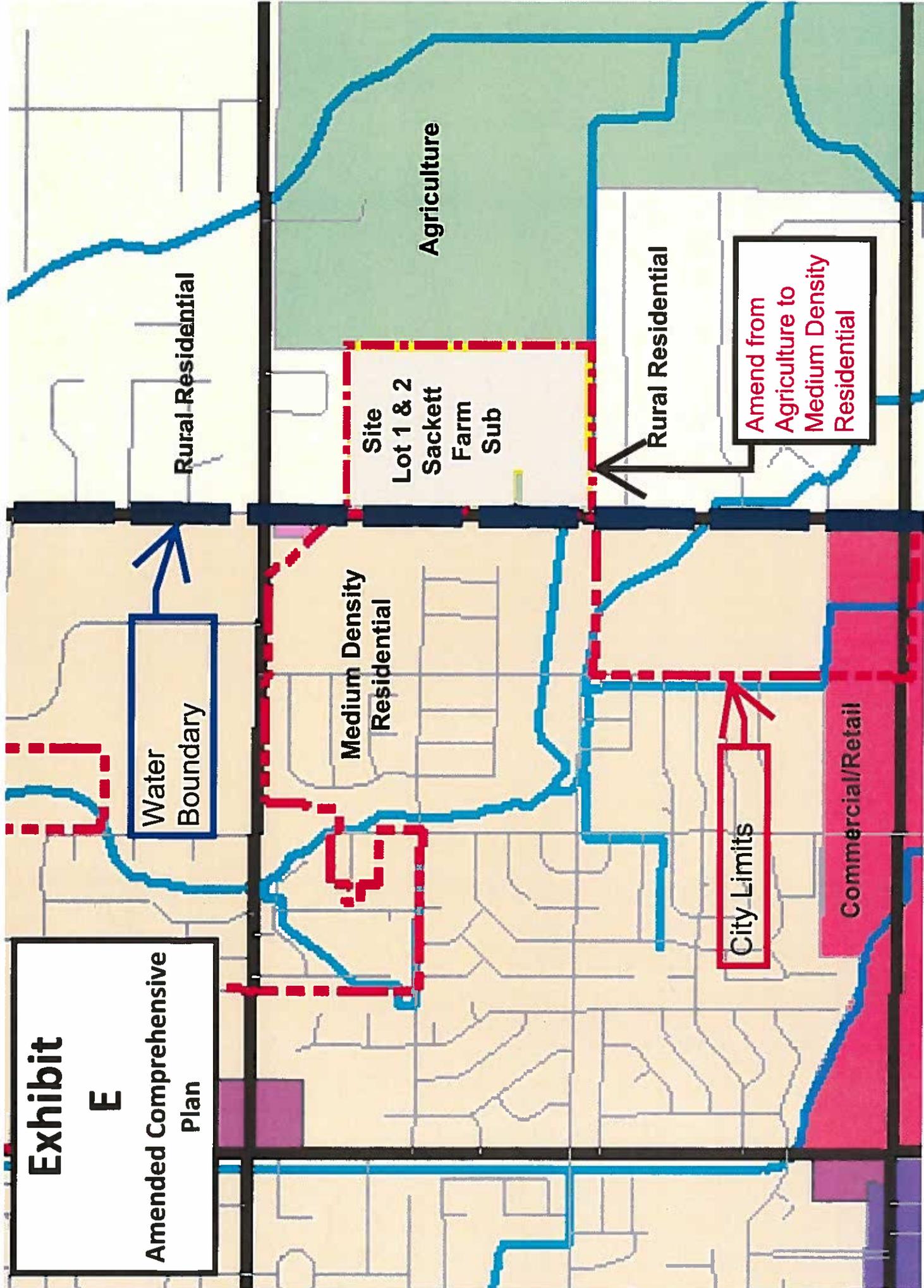
Existing Comprehensive Plan



# Exhibit

## E

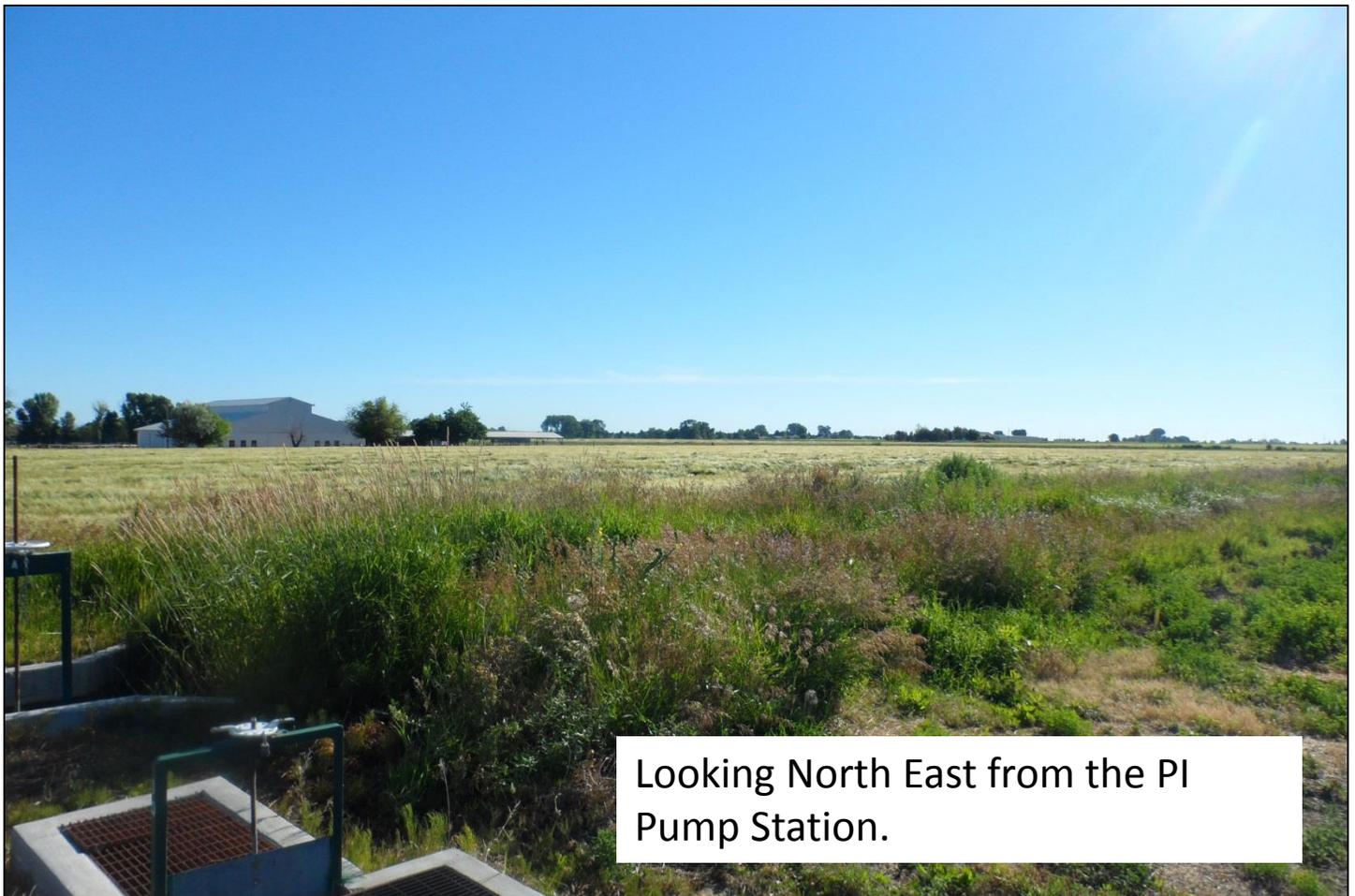
### Amended Comprehensive Plan







City PI Pump Station near Hankins Road on south end of Property.



Looking North East from the PI Pump Station.





Church directly across Hankins from the North-Western area of property.

07/01/2014 09:01 AM







Public Hearing: **TUESDAY, October 14, 2014**

To: Planning & Zoning Commission

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

## AGENDA ITEM V-4

**Request:** Request for the Commission's recommendation on the **Zoning Designation** for property consisting of 4.75 (+/-) acres of undeveloped land. The property is currently zoned C-1 in the Area of Impact and is proposed for development of a municipal water storage facility on property located at 2951 Marie Street. *c/o City of Twin Falls* (app. 2669)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 4.75 Acres +/-
City of Twin Falls P.O. Box 1907 Twin Falls, ID 83303 208-735-7267	<b>Current Zoning:</b> C-1 in Area of Impact	<b>Requested Zoning:</b> C-1 upon Annexation
	<b>Comprehensive Plan:</b> Commercial Retail	<b>Lot Count:</b> 1 Lot
	<b>Existing Land Use:</b> Agricultural	<b>Proposed Land Use:</b> Municipal Potable Water Storage Facility
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
	<b>North:</b> R-2 & C-1 PUD; undeveloped platted lot, the City Water Facility and an undeveloped commercial lot	<b>East:</b> C-1 in Area of Impact; Hankins Rd, Trucking Facility
	<b>South:</b> C-1 Area of Impact; Agricultural	<b>West:</b> C-1; Residential, Timberlake Apts
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-15	

**Approval Process:**

**§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 will have negligible immediate impact on the City budget.

### **Regulatory Impact:**

A recommendation on the zoning of this site will allow the application to be scheduled for the City Council. Approval of this request will allow the applicant to annex the subject property into the City Limits and proceed with the development of a municipal water storage facility.

### **History:**

A Record of Survey and Lot Line Adjustment was completed in December of 2013 so the City could purchase the property for development of a water storage facility. The City Council held a public hearing and approved establishment of the use of a Municipal Potable Water Storage Facility at this location on July 7, 2014. This request is the second process in the development of a Municipal Water Storage Facility at this location.

### **Analysis:**

This request is to annex 4.75 +/- acres with a zoning designation of C-1, Commercial Highway District. During staff analysis it was determined that an extended mailing list was warranted. Currently, the entirety of the property is zoned C-1 Area of Impact (AOI), the majority of which is being utilized as agricultural farm land. The property proposed for annexation is contiguous to City Limits on the west and north boundaries, and thus is able to request annexation. There was a record of survey and lot line adjustment completed so the City could purchase the property for development. The property to the north is owned by the City and is a municipal potable water storage facility.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed. Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and **shall be limited to the proposed development plan and zoning changes.**" The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the published ordinance is sent to the State and the official zoning map is officially amended.

Since the City acquired the property, the property's intended use was for potential expansion of the City's potable water facility. It is appropriate for the City to annex property owned and maintained by the City in order to gain governmental jurisdiction over our own property. Staff recommends the entire +/- 4.75 acres maintain the current zoning designation of C-1.

### **Conclusion:**

Should the Commission find the C-1 zoning designation appropriate, they should forward a positive recommendation to the City Council.

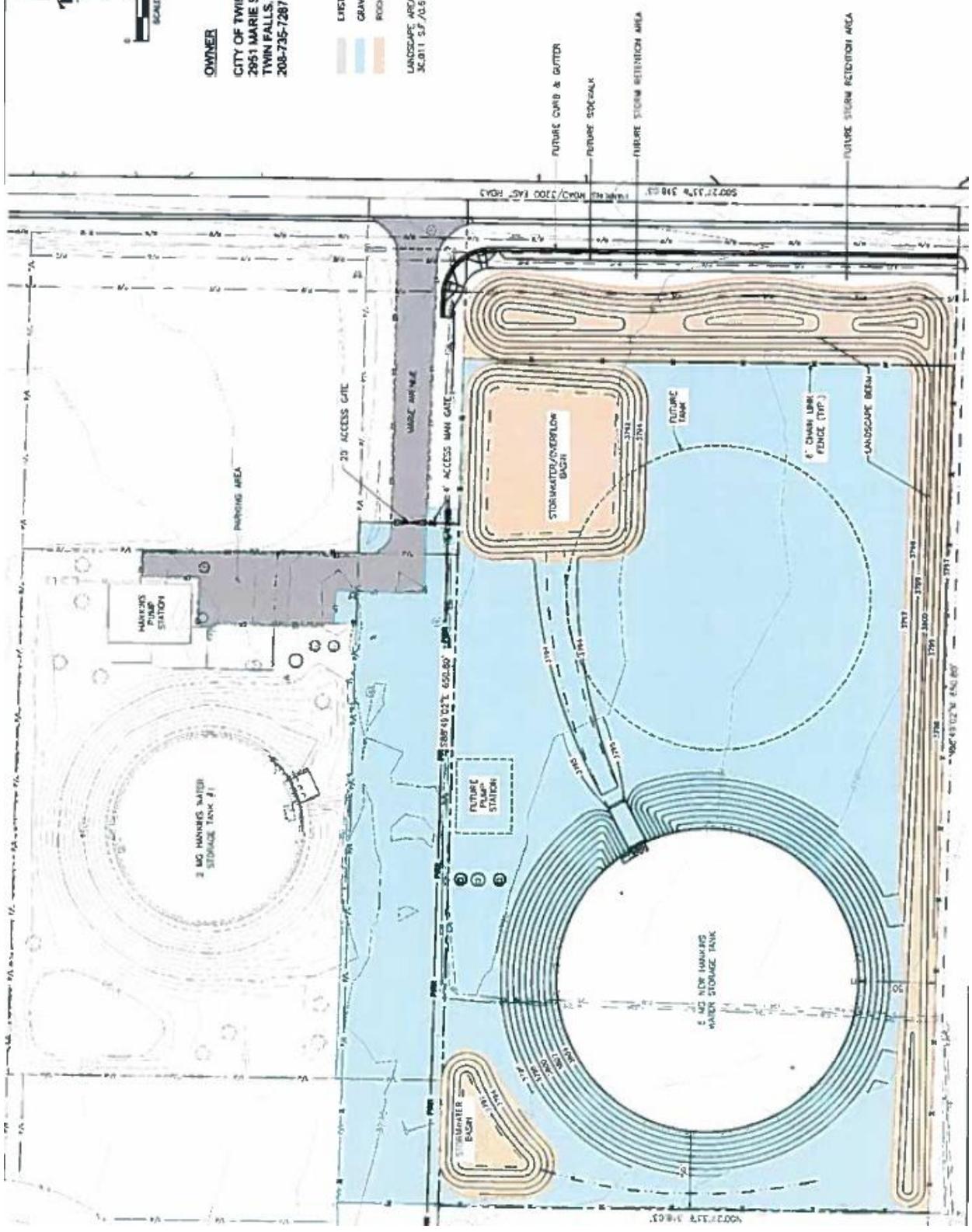
### **Attachments:**

1. Proposed Site Plan
2. Zoning Vicinity Map
3. Future Land Use Map
4. Extended mailing list map
5. Site Photos



**OWNER**  
 CITY OF TWIN FALLS  
 2651 MARIE STREET  
 TWIN FALLS, IDAHO 83301  
 208-735-7287

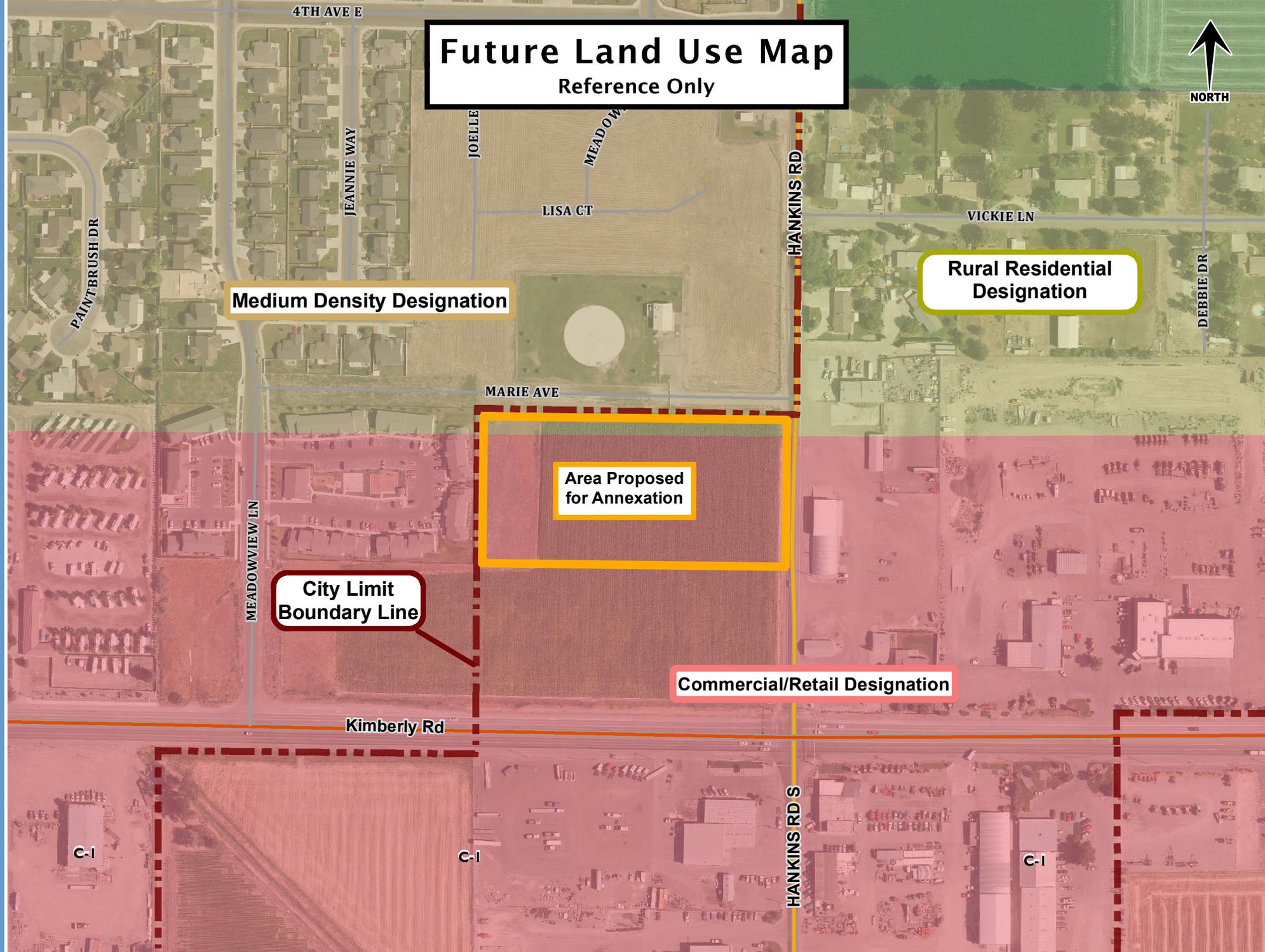
- EXISTING ASPHALT
- GRAVEL SURFACE (2" MIN)
- ROUGH MULCH (3"-4")
- LANDSCAPE AREA
- 36,811 S.F. (0.83 AC)





# Future Land Use Map

Reference Only



Medium Density Designation

Rural Residential Designation

Area Proposed for Annexation

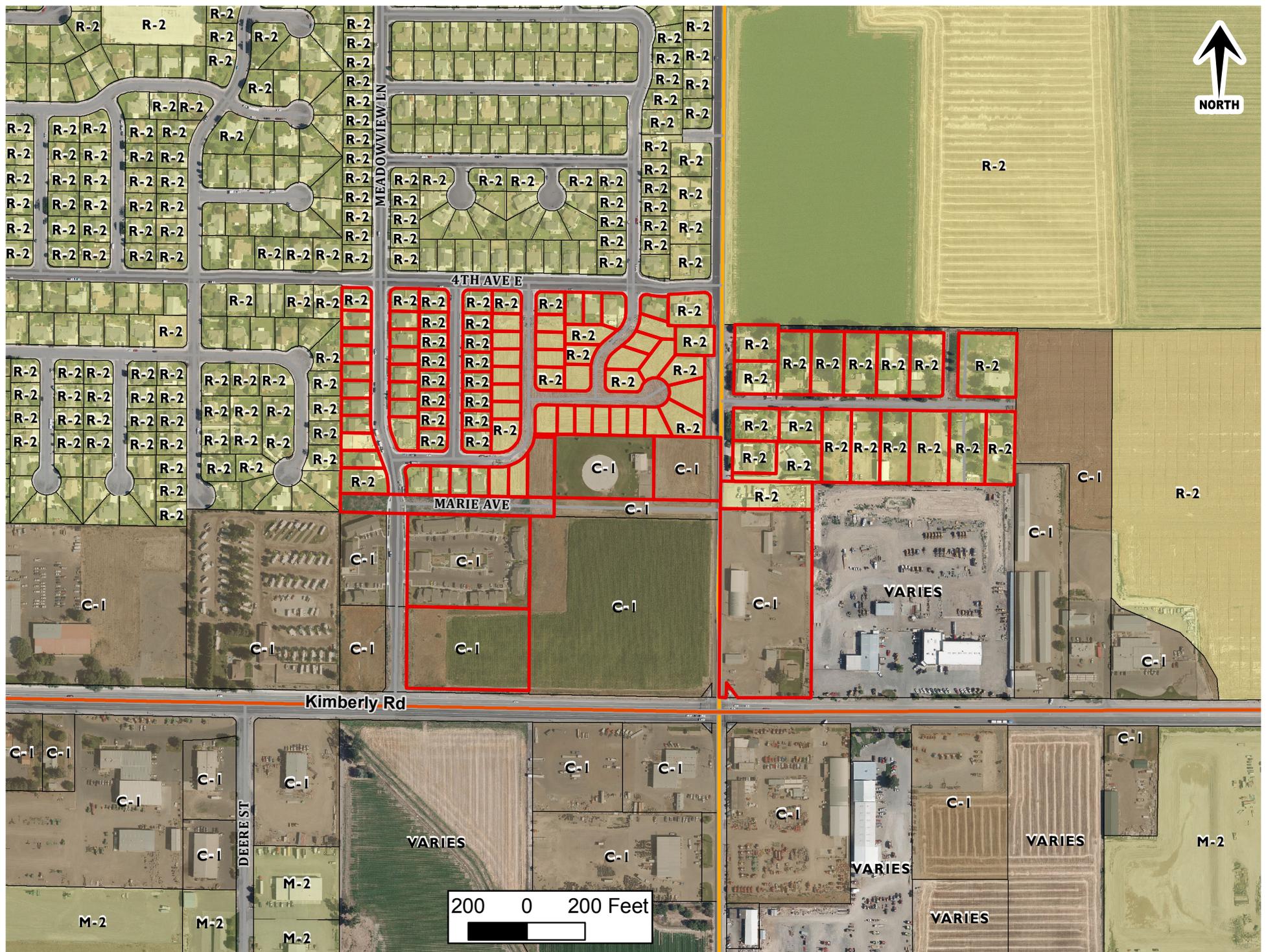
City Limit Boundary Line

Commercial/Retail Designation

C-1

C-1

C-1





SE Corner of Property Looking West

