



**NOTICE OF AGENDA**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**October 25, 2016 6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Danielle Dawson Tom Frank Kevin Grey Gerardo "Tato" Muñoz Ed Musser Christopher Reid Jolinda Tatum  
**Chairman Vice-Chairman**

**AREA OF IMPACT:**

Ryan Higley Steve Woods

**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): **10-11-16 PH**
2. Approval of Findings of Fact and Conclusions of Law:
  - Canyon Village Subd No. 3 (Pre-Plat 10-11-16)
  - First Presbyterian/Acorn Learning Center (SUP 10-11-16)
  - Party Center-Mason (SUP 10-11-16)

**III. ITEMS OF CONSIDERATION:**

1. Request for consideration of the **preliminary plat** for Meadow West Subdivision, a PUD, 71.52 acres (+/-) consisting of 290 lots, 278 single family residences and 12 neighborhood commercial and 5 tracts located on the south side of Falls Avenue West and west side of Grandview Drive North. c/o Tim Vawser/EHM Engineering, Inc.

**IV. PUBLIC HEARINGS:**

1. Requests a **Special Use Permit** to operate a drive-through coffee stand with extended hours of operation on property located at 1328 Filer Avenue East aka Lynwood Shopping Center. c/o Koby Funderburg on behalf of Full Steam, LLC (app. 2819)
2. Requests for a **Special Use Permit** to construct at 3150 sq. ft. detached accessory building concurrently with construction of a new single family residence on property located at 898 Canyon Rim Road within the area of impact. c/o Bill Riebesell (app. 2820)

**V. GENERAL PUBLIC INPUT:**

**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. Work Session- **November 2, 2016**
2. Public Hearing- **December 13, 2016**  
**There will be no Public Hearing Nov 22<sup>nd</sup> and no work session Dec 7th**

**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.**



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**October 11, 2016 6:00 PM**  
**City Council Chambers**  
**305 3rd Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Danielle Dawson Tom Frank Kevin Grey Gerardo "Tato" Muñoz Ed Musser Christopher Reid Jolinda Tatum  
**Chairman Vice-Chairman**

**AREA OF IMPACT:**

Ryan Higley Steve Woods

**ATTENDANCE**

<u>CITY LIMIT MEMBERS</u>		<u>AREA OF IMPACT MEMBERS</u>	
<u>PRESENT</u>	<u>ABSENT</u>	<u>PRESENT</u>	<u>ABSENT</u>
Dawson	Frank	Higley	
Grey	Reid	Woods	
Muñoz	Tatum		
Musser			

**CITY STAFF:** Carraway-Johnson, O'Connor, Nope, Strickland, Vitek, Wonderlich

**I. CALL MEETING TO ORDER:**

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

**II. CONSENT CALENDAR:**

1. Approval of Minutes from the following meeting(s): **09-27-16 PH**
2. Approval of Findings of Fact and Conclusions of Law: None
  - Brinker (SUP 09-27-16)
  - Harnar (SUP 09-27-16)

**Motion:**

Commissioner Munoz made a motion to approve the consent calendar, as amended. Commissioner Woods seconded the motion.

**Unanimously Approved**

**III. ITEMS OF CONSIDERATION:**

1. Request for consideration of the **Preliminary Plat** for Canyon Village Subdivision No. 3 PUD, consisting of 7 commercial lots on 9.12 acres (+/-) located on the south side of Pole Line Road East and west side of Eastland Drive North c/o EHM Engineers, Inc. on behalf of Northeast Investments, LLC/Kent Taylor

**Applicant Presentation:**

Dave Thibault, EHM Engineers, Inc. representing the applicant, stated this is a request for the Canyon Village Subdivision No. 3 a PUD. This property is located south of Pole Line Road East, east of Eastland Drive North with Mountain View Drive to the west. There has been discussion about how access across Pole Line Road East and signage to allow people cross safely. They have spoken to the property owners across Pole Line Road to assist in the design and development of this connectivity plan. There has not been a firm commitment but it does seem positive. They do understand the conditions for approval of this preliminary plat.

**Staff Presentation:**

Zoning & Development Manager Carraway-Johnson reviewed the request on the overhead and stated the request is for approval of the Canyon Village Subdivision #3. The site is zoned Urban Village/Urban Infill C-1 PUD, includes 9.12 acres and consists of 7 Commercial Lots. The Preliminary Plat we have received satisfies requirements outlined in City Code 10-12: General Subdivision Provisions however there is an undecided issue required of the Canyon Village PUD #270.

As part of the zoning public hearings the City Council required a pedestrian path be installed by the developer connecting this development with the canyon rim trail on the north side of Pole Line Rd E at the intersection of Meadow View Lane. This phase is the last opportunity to ensure this condition is met.

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

Zoning & Development Manager Carraway-Johnson stated upon conclusion staff recommends the Commission approve the preliminary plat of the Canyon Village Subdivision No. 3, a PUD, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to development of the pedestrian pathway from Mountain View Drive to the north side of Pole Line Rd E, as approved by the City Engineer.

**PZ Questions/Comments:**

- Commissioner Woods asked about traffic safety at the north end of the development along Pole Line Road East and Mountain View Drive.
- Assistant City Engineer Vitek explained the thought process behind the design of the intersection and explained that with this development and the planned development to the north staff in predicting that there may be a traffic signal at this location in the future so the plan was to make this a safe intersection prior to a light being installed.
- Commissioner Munoz asked if this is a City or Highway road
- Assistant City Engineer Vitek stated this is City road but there may be a small section of Pole Line Road East that is still state highway.
- Commissioner Grey asked about the sidewalk shown.
- Assistant City Engineer Vitek explained that with the plans for a future light at this intersection staff felt this would be the best location for the sidewalk and there will be extra lighting for the people crossing the intersection to make it more visible for vehicles.
- Commissioner Grey asked about the volume of traffic along this road and where it is ranked.
- Assistant City Engineer Vitek explained that the streets are rank A-F A being that it is easily traveled with minimal issues and F being the worst. This road would rank between a B and C.
- Commissioner Musser asked if Lot 6 could be subdivided again.
- Mr. Thibault stated in the future it could be divided into smaller lots however they are not anticipating that to happen at this time.

Public Hearing: **Opened & Closed Without Comments**

Deliberations Followed: **Without Concerns**

**Motion:**

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

**Approved, As Presented, with the Following Conditions**

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to development of the pedestrian pathway from Mountain View Drive to the north side of Pole Line Road East, as approved by the City Engineer.

**IV. PUBLIC HEARINGS:**

1. Request for a **Special Use Permit** to add a private school, offering Pre-School through 5th Grade, to an existing religious facility on property located at 209 5th Avenue North. c/o NBW Architects, P.A. and the First Presbyterian Church on behalf of Acorn Learning Center (app. 2811)

**Applicant Presentation:**

James Wyatt, NBW Architects, representing the applicant, stated he is representing the First Presbyterian Church, who is requesting a Special Use Permit to allow Acorn Learning Center to operate a private school for pre-school through 5<sup>th</sup> Grade. They have worked out parking arrangements with the county offices. The church is an old church in the downtown area where there is not a lot of parking available so they will share parking across the street. They have spoken to staff about building requirements for the school to operate at the church. The request is asking for a maximum of 100 students but currently there are approximately 50 students with staggered schedules.

**Staff Presentation:**

Zoning & Development Manager Carraway-Johnson reviewed the request on the overhead and stated the Church has owned portions of this property since 1916 and 1923 as shown on the deeds provided with this application. County records indicate the current buildings were constructed in 1940. City records do not indicate any further building permits or expansions. The Church has operated in this location with Sunday Services, some weekday and evening services and other various outreach programs. The request is to add the operation of a private school in conjunction with a religious facility. The property is zoned R-6 PRO. The applicant has supplied a narrative outlining the proposed operation of the Private School which will be run by the Acorn Learning Center. They have anticipated +/- 65 Students, 6-8 Employees and operate within similar times of all other schools (7:00 AM – 4:00 PM). If the special use permit is granted this evening as presented a substantial increase in students could create impacts to the neighborhood. This has been a common concern with other special use permits granted for schools. The commission could consider a maximum attendance before a new special use permit would be required.

Per City Code 10-4-6, 10-4-18: The R-6 PRO is a multi-family Residential Zoning District with a professional office overlay. The R-6 section lists Private Schools under the Special Use Permit section requiring a Public Hearing prior to being legally established.

Per City Code 10-10: The change of use to a school triggers the required parking spaces to be provided. Per City Code 12 parking spaces for teachers/staff and an off street loading/unloading zone.

These requirements have been met through a signed/recorded Parking Agreement with the County. We have received a copy of this agreement and can attest to its validity. As part of that agreement, part of the parking area across 5th Ave will be restriped.

Per City Code 10-11-1 thru 8: Required improvements include access, drainage, storm water, and other items. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal if applicable.

The most typical impacts of new a school will be increased traffic and noise to the immediate area. Drop-off and Pick-up times create a narrow window for students to attend school and these times do create a micro-traffic jam twice a day. However, the Church has operated at this location for a number of years. It is also located in close proximity to numerous County Offices and Judicial Buildings which generates its own volume of traffic. Additionally, the small number of students will also limit the traffic impact to the neighboring property owners/tenants. A condition could be appropriate requiring an additional Special Use Permit if the enrollment number increases beyond an acceptable number.

The increase in noise will occur due to a change in the operation of the property from mostly weekend and night usage to a daily usage by younger children. The site plan did not indicate any exterior play area. It is unknown at this point whether the students will be released for play-time outside or if they will have primarily indoor play time, this should be addressed by the school representatives this evening.

The site plan shows a midblock pedestrian crossing on 5th Ave N from the church property to the County parking lot. The Engineering Department has reviewed this request and has made one comment regarding the proposed midblock pedestrian crossing. They request the pedestrian crossing to take place at the nearest intersection in order to follow the currently adopted policies and best practices. The crossing should be striped and identified. The Commission should review all impacts this business may incur and address them with appropriate conditions.

Zoning & Development Manager Carraway-Johnson stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the maximum student enrollment being 100 students. Additional students would require a new Special Use Permit.
3. Subject to the Pedestrian Crosswalk being striped and relocated to the intersection of 5th Ave N and Gooding St N per City Engineer approval.

**PZ Questions/Comments:**

- Commissioner Woods asked about the current location of the Acorn facility and if there have been any complaints about that operation.
- Heidi Campbell, Chairman of the Board, Acorn Learning Center stated that their current location is at 1306 Filer Avenue East and they have been at this location for approximately 28 years without any complaints.

- Commissioner Woods asked about the different levels of education and the staggered schedule includes just Tuesday or Tuesday and Thursday.
  - Ms. Campbell stated Tuesday and Thursday.
  - Commissioner Munoz asked if an occupancy number was determined when the fire sprinkler system was discussed.
  - Mr. Wyatt stated no that was not part of the discussion, the sprinkler system requirement was based on the size of the space being used for the school.
  - Commissioner Munoz asked about the staggered schedule and what the traffic impacts may be.
  - Mr. Wyatt reviewed the schedule.
  - Commissioner Grey asked about the approximate number of students enrolled currently.
  - Ms. Campbell explained that their busiest days will be Monday, Wednesday and Friday in the morning hours with approximately 50 students being their highest occupancy during the week. This is a high number for recent years usually there would be around 25-30. The reason for the move is because the current facility has been sold and they are looking for a new location. This will make use of a space and provide revenue for the church. The motivation is not growth.
  - Commissioner Munoz asked if the condition for maximum of 100 students sounds restrictive.
  - Ms. Campbell explained that 100 sounds high the intent behind the Acorn Learning Center is to provide smaller class sizes with more individual attention for the students.
  - Commissioner Grey asked about play areas for the children.
- 
- Ms. Campbell explained there is an outside strip that they thought they may able to use for play structures, there is a multi-use indoor area and indoor gym in the church and the City Park is not very far away.

**Public Hearing:** [Opened & Closed Without Comments](#)

**Deliberations Followed:** [Without Concerns](#)

**Motion:**

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

**[Approves, As Presented, With 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 the maximum student enrollment being 100 students. Additional students would require a new Special Use Permit.
  3. Subject to the Pedestrian Crosswalk being striped and relocated to the intersection of 5th Ave N and Gooding St N per City Engineer approval.
- 
2. Request for a [Special Use Permit](#) to operate an equipment rental business including warehouse for storage on property located at 231 Eastland Drive. c/o Kim Mason & Darci Miller-Mason dba Party Center, LLC (app. 2816)

**Applicant Presentation:**

Darci Miller-Mason, the applicant stated they have operated the Party Center for six years on Kimberly Road, and have just moved to a larger location at 231 Eastland Drive. The Special Use Permit from Kimberly Road is non-transferable so they are applying for a new permit. They needed a little more warehouse space and more retail space, which is why they have chosen this location.

**Staff Presentation:**

Planner I O'Connor reviewed the request on the overhead and stated county parcel records show a 1.2 +/- acre parcel with a building at 231 Eastland Dr. which was established in 1961 in the Twin Falls Acres Subdivision. The previous tenant, Standard Plumbing, had been occupying the property as early as 1962. It has been zoned C-1 since at least 1980 when the C-1 zone was established. There is a 2nd building on this parcel to the south; 215 Eastland Drive currently operating a furniture store.

The request is to operate an equipment rental and storage business; aka Party Center at 231 Eastland Drive on a 1.2 +/- acre parcel. There is a 2nd building on this parcel; 215 Eastland Drive this is currently leased and operating a furniture store. The site is currently zoned C-1 and thus a special use permit is required for any "Equipment Rental" per City Code 10-4-8-2. B. The Party Center currently operates in a C-1 zone off Kimberly Rd. The City has not received complaints at their current location. The applicant indicated there will be no change to the operation of the business and the change of locations is because they need more space for their equipment. The applicant submitted a signed Lease Agreement that contains a cross-use between the 2 buildings/businesses.

Per City Code 10-4-8 (C-1 Zone): A Special Use Permit shall be obtained before operating an equipment rental and storage business in a C-1 zoned property.

Per City Code 10-10: During the pre-application review process it was determined that the angle parking adjacent to the south east side of the building was encroaching into the ingress/egress area. This area will need to be blocked off and all parking will need to be on the west side of the building. A parking analysis will be completed prior to operation of the business.

Per City Code 10-11-1 thru 8: Required improvements include access, landscaping, drainage, storm water, etc. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal if applicable or is no building permit is required the plan will be reviewed prior to occupancy/operation of the business.

The surrounding area is conducive to this type of operation and will likely not have any negative impacts to adjoining neighbors. During the application process it was determined that the parking to the south of the building was in the ingress area, and therefore would need to be blocked off and all parking will need to be in the rear of the building. Also the landscaping is required to meet the Gateway Arterial Landscaping requirements as this is a change of use from a wholesale category to a service/retail. A minimum 10' landscape strip fronting Eastland Dr. is required. The area shown on the site plan is approximately 2,200+ sq. ft. An evaluation will be completed to determine if this meets the minimum landscape requirements to meet the gateway arterial and the minimum of 3% of site or 10% parking and maneuvering areas.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

2. Subject to removing the parking area south and east of the Building and close to Eastland Drive.

**PZ Questions/Comments:**

- Commissioner Munoz asked for clarification on the required improvements.
- Planner I O'Conner explained the site already meets all of the required improvement standards.
- Commissioner Grey asked for clarification on the location of the parking that staff has requested be removed.
- Planner I O'Conner explained on the overhead the location of the parking spot and stated the maneuvering area for these spaces overlaps into the ingress/egress for the property.
- Commissioner Grey confirmed with the applicant that they understand these spaces need to be blocked off or removed.
- Ms. Miller-Mason explained she understands the condition and will take care of the issue.

**Public Hearing: [Opened & Closed Without Comment](#)**

**Deliberations Followed: [Without Concerns](#)**

**Motion:**

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

**[Approves, As Presented, With 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 removing the parking area south and east of the Building and close to Eastland Drive.
3. Request for [Vacation](#) a 15 x 185.13' (2,777 sf) utility, irrigation and drainage easement on Lot 10 of the Wild Rose Estates Subdivision No. 1 on property located at 4042 North 3320 East in the Area of Impact. [c/o Jennifer & Ken Ashley \(app. 2815\)](#)

**Applicant Presentation:**

Jennifer Ashley, the applicant, stated prior to purchasing her property the property line along Lot 10 and Lot 11 was moved, and there is an easement on her property she is trying to vacate so that she can build a shop. She understands that the recommendation is move the drainage easement to the newly adjusted boundary line.

**Staff Presentation:**

Zoning & Development Manager Carraway-Johnson reviewed the request on the overhead and stated this easement was dedicated as part of the Wild Rose Estates Subdivision #1 Plat in 2003. The house was constructed on the property in 2006. In 2015, the current owners purchased the property. As part of the purchase, a 30' x 185' x 49' triangle piece adjacent to the adjoining property. This created a large open area to the East of the Residence which could be used for some other purpose.

This vacation request is being brought forward by the owner due to the desire to build an accessory building on the East side of the property. In order to facilitate the construction of the building, the easement would need to be vacated as the easement would run down the middle of the structure.

During the public notice phase of this item there were a few comments and questions from nearby residents. No concerns were raised or logged after some basic information was conveyed to them regarding this item.

We also received an inquiry from the Twin Falls Highway District. Their concern stems from the vacation of the "Drainage" portion of the platted easement. They are concerned with the prospect of no viable way for water to drain from the south properties to the barrow ditch on the north side of the property and then to the natural drainage of the canal. If this request is granted staff would suggest a condition for the protection of a portion of the platted easement and the recordation of a new Drainage, Irrigation, Utility Easement on the recorded eastern property line to facilitate a continuous drainage easement for adjoining properties prior to the issuance of a building permit. This is a public utility/drainage easement the property is located within the area of impact and so there is another interested party in this besides the utility companies. There was a letter submitted today who has jurisdiction for the roadways in the Area of Impact. The letter states that they would approve the request for vacation with the condition that a new utility easement will be made available to the east at the adjusted property line for future development. Although all the utility companies had no issue with vacating the current easement, the Twin Falls Canal Company would like to maintain a drainage easement and the Twin Falls Highway District would like to maintain a utility easement. Therefore, the easement would need to be moved and retained.

Staff does not foresee unreasonable impacts with the vacation of the platted easement. Due to timing of events it is common practice to place a condition on the vacation which requires the recording of the new easement.

TF City Code: 10-16-1 & 2; Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning Commission will make a recommendation to the City Council whether the vacation should be granted, denied or there be a modification to the vacation request.

As this property is within the Area of Impact therefore the City Council will conduct a public hearing and forward a recommendation of approval, modification or denial of the vacation to the County Commissioners for final decision.

Zoning & Development Manager Carraway-Johnson stated upon conclusion should the Commission recommend approval of the request to the City Council, staff recommends the following condition(s):

1. Subject to a new fifteen foot (15') Drainage, Irrigation, Utility Easement being recorded on the Eastern Property Line prior to issuance of a building permit.
2. Subject to the new easement language receiving City Engineer approval prior to the City Council Public Hearing.
3. Subject to the new Drainage, Irrigation, Utility Easement being recorded prior to adoption of the Vacation Ordinance by the County Commissioners.

**PZ Questions/Comments:**

- Commissioner Higley asked for clarification on storm water retention with regards to the drainage easement.
- Zoning & Development Manager Carraway-Johnson explained storm water retention is different.
- Assistant City Engineer Vitek explained that water is allowed to be drained where it has historically flowed. In this case this has been called out as a drainage easement, and moving it meets the

needs for the Canal Company and will still allow the applicant to construct their accessory building.

- Ms. Ashley asked for clarification on the drainage easement because the canal company sent a letter relinquishing their right to the easement.
- Zoning & Development Manager Carraway-Johnson explained the Twin Falls Canal Company regulates the drainage system and the Twin Falls Highway District regulates the roadway and they submitted a letter saying they want to maintain the utility easement and that moving the easement to the adjusted boundary line would meet that requirement.
- Ms. Ashley asked what will be the purpose of the easement.
- Zoning & Development Manager Carraway-Johnson explained this will remain an easement it will just need to be relocated as requested.
- Commissioner Munoz explained this can't be developed and it doesn't matter what the easement is retained for.
- Ms. Ashley stated she understood that she could build all the way up to the easement.
- Zoning & Development Manager Carraway-Johnson confirmed that is correct, the easement will be the same size that it is now, it will just be moved.
- Ms. Ashley so can anyone build in this easement.
- Commissioner Grey explained the new location of the easement area shown on the overhead will not ever be built on because you can't build on an easement.
- Ms. Ashley asked if nothing can be constructed in this easement does that mean that she will need to move her fence because it crosses over the easement, because she was told nothing could be built in the easement and that a full vacation would be the best course of action.
- City Attorney Wonderlich explained that no one is asking that the fence be moved it can remain where it is located nothing can be constructed on the easement.

**Public Hearing: [Opened & Closed Without Concerns](#)**

**Deliberations Followed:**

Commissioner Grey clarified that if for some reason some future utilities need to be in this easement some modification to the fence may need to be done for that to happen.

**Motion:**

Commissioner Dawson recommended approval of the request, as presented, to City Council with staff recommendations. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

**[Recommended for Approval, As Presented, With The Following Conditions to The City Council](#)**

1. Subject to a new fifteen foot (15') Drainage, Irrigation, Utility Easement being recorded on the Eastern Property Line prior to issuance of a building permit.
2. Subject to the new easement language receiving City Engineer approval prior to the City Council Public Hearing.
3. Subject to the new Drainage, Irrigation, Utility Easement being recorded prior to adoption of the Vacation Ordinance by the County Commissioners.

**City Council Public Hearing Scheduled November 7, 2016**

V. GENERAL PUBLIC INPUT: **None**

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

Zoning & Development Manager Carraway-Johnson reminded the Commission that public hearing for Comprehensive Plan Amendment is scheduled for the City Council meeting October 24, 2016 and encouraged all of the Commission to attend.

Commissioner Grey asked about standards for private roads and sidewalks.

Assistant City Engineer Vitek stated that a requirement for an alternate access to a property be provided other than just a drive-up access. A sidewalk will now need to be contiguous to the site. This requirement is new and just recently been enforced because of ADA access requirements. Connectivity is a big deal for the City Council and the citizens. The goal is to keep people out of the traffic area.

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

1. Public Hearing: **October 25, 2016**
2. Work Session: **November 2, 2016**

VIII. ADJOURN MEETING:

Vice Chairman Grey adjourned the meeting at 7:21 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department

DRAFT



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

In Re:	)	
	)	
<u>Preliminary Plat Application,</u>	)	FINDINGS OF FACT,
	)	
<b><u>Canyon Village Subd No. 3 a PUD</u></b>	)	CONCLUSIONS OF LAW,
<b><u>c/o EHM Engineers, Inc</u></b>	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the **October 11, 2016** hearing for consideration of the preliminary plat of **Canyon Village Subdivision No. 3 a PUD**, approximately **9.12 (+/-)** acres, to develop **7 commercial** lots located **on the south side of Pole Line Road East and west side of Eastland Drive North**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

### FINDINGS OF FACT

1. Applicant has requested approval of the preliminary plat of **Canyon Village Subdivision No. 3 a PUD**, approximately **9.12 (+/-)** acres, to develop **7 commercial** lots located **on the south side of Pole Line Road East and west side of Eastland Drive North**
2. The property in question is zoned **C-1 Urban Village/Urban Infill PUD #270** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Urban Village/Urban Infill** in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, **Pole Line Road East/Undeveloped/Pillar Falls PUD #253**; to the south, **Cheney Drive East/Residential**; to the east, **Eastland Drive North/Undeveloped/The Preserve PUD #261**; to the west, **Undeveloped/Eastpark PUD#213**

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

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

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

CONCLUSIONS OF LAW

1. The preliminary plat of the **Canyon Village Subdivision No. 3 a PUD**, approximately **9.12 (+/-)** acres, to develop **7 commercial** lots located **on the south side of Pole Line Road East and west side of Eastland Drive North** is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

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

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

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

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

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

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

DECISION

The request for approval of the preliminary plat of **Canyon Village Subdivision No. 3 a PUD**, approximately **9.12 (+/-)** acres, to develop **7 commercial** lots located **on the south side of Pole Line Road East and west side of Eastland Drive North** is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

---

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

---

DATE

"EXHIBIT NO. A"

1. **Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.**
2. **Subject to development of the pedestrian pathway from Meadowview Lane to the north side of Pole Line Rd E, as approved by the City Engineer.**





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

In Re: )  
 )  
Special Use Permit, Application, ) FINDINGS OF FACT,  
 )  
 ) CONCLUSIONS OF LAW,  
Acorn Learning Center )  
c/o First Presbyterian Church ) AND DECISION  
 Applicant(s) )

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **October 11, 2016** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **adding a private school, offering pre-school through 5<sup>th</sup> Grade to an existing religious facility on property located at 209 5<sup>th</sup> Avenue North**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

### FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of **adding a private school, offering pre-school through 5<sup>th</sup> Grade to an existing religious facility on property located at 209 5<sup>th</sup> Avenue North**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **September 22, 2016**
3. The property in question is zoned **R-6 PRO** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Townsite** in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, **5<sup>th</sup> Avenue North/County Owned Parking Lot/Residential**; to the south, **Alley/Commercial/Business**; to the east; **County Office/Court House/Parking Lot/Gooding Street North**; and to the west, **Residential**.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of **adding a private school, offering pre-school through 5<sup>th</sup> Grade to an existing religious facility on property located at 209 5<sup>th</sup> Avenue North** is consistent with the purpose of the **R-6 PRO** Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

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

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

4. The proposed use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as required by Twin Falls City Code 10-13-2.2(D)3.

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

6. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community as required by Twin Falls City Code 10-13-2.2(D)6.

7. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of

excessive production of traffic, noise, smoke, fumes, glare or odors as required by Twin Falls City Code 10-13-2.2(D)7.

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

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

10 The proposed use is a proper use in the **R-6 PRO** Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of **adding a private school, offering pre-school through 5<sup>th</sup> Grade to an existing religious facility on property located at 209 5<sup>th</sup> Avenue North** should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

#### DECISION

1. The application for a Special Use Permit for the purpose of **adding a private school, offering pre-school through 5<sup>th</sup> Grade to an existing religious facility on property located at 209 5<sup>th</sup> Avenue North** is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

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

---

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

---

DATE

"EXHIBIT NO. A"

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the maximum student enrollment being 100 students. Additional students would require a new Special Use Permit.
3. Subject to the Pedestrian Crosswalk being striped and relocated to the intersection of 5<sup>th</sup> Ave N and Gooding St N per City Engineer approval.

APPLICATION #2811  
SUP# 1408

DRAFT



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

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

**SPECIAL USE PERMIT**

**Permit No.1408**

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **October 11, 2016** to **Acorn Learning Center c/o First Presbyterian Church** whose address is **209 5<sup>th</sup> Avenue North Twin Falls, ID 83301** for the purpose of **adding a private school, offering pre-school through 5<sup>th</sup> Grade to an existing religious facility on property located at 209 5<sup>th</sup> Avenue North and legally described as RPT0001043004AA Twin Falls Townsite Lots 4 thru 8 Blk 43**

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

**This permit corresponds to Zoning Application No.2811**

- 1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.**
- 2. Subject to the maximum student enrollment being 100 students. Additional students would require a new Special Use Permit.**
- 3. Subject to the Pedestrian Crosswalk being striped and relocated to the intersection of 5<sup>th</sup> Ave N and Gooding St N per City Engineer approval.**

\_\_\_\_\_  
CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

\_\_\_\_\_  
DATE

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

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

cc: Building Inspection





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

In Re:	)	
	)	
<u>Special Use Permit, Application,</u>	)	FINDINGS OF FACT,
	)	
	)	CONCLUSIONS OF LAW,
<u>Party Center, LLC</u>	)	
<u>c/o Kim Mason and Darci Miller-Mason</u>	)	AND DECISION
Applicant(s)	)	

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **October 11, 2016** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **operating an equipment rental business including warehouse for storage on property located at 231 Eastland Drive**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

### FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of **operating an equipment rental business including warehouse for storage on property located at 231 Eastland Drive**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **September 22, 2016**
3. The property in question is zoned **C-1** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Commercial Highway District** in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. The existing neighboring land uses in the immediate area of this property are: to the north, **Cable One**; to the south, **Commercial/Retail**; to the east; **Eastland Drive/Vacant Drive-Inn**; and to the west, **Freight Transportation**.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of **operating an equipment rental business including warehouse for storage on property located at 231 Eastland Drive** is consistent with the purpose of the **C-1** Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

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

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

4. The proposed use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as required by Twin Falls City Code 10-13-2.2(D)3.

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

6. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community as required by Twin Falls City Code 10-13-2.2(D)6.

7. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors as required by Twin Falls City Code 10-13-2.2(D)7.

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

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

10. The proposed use is a proper use in the **C-1 Zone**, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of **operating an equipment rental business including warehouse for storage on property located at 231 Eastland Drive** should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

#### DECISION

1. The application for a Special Use Permit for the purpose of **operating an equipment rental business including warehouse for storage on property located at 231 Eastland Drive** is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

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

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

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

---

DATE

EXHIBIT NO. A"

1. **Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.**
2. **Subject to removing the parking area south and east of the Building and close to Eastland Drive.**

APPLICATION #2816  
SUP# 1409

DRAFT



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

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

**SPECIAL USE PERMIT**

**Permit No.1409**

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **October 11, 2016** to **Party Center, LLC c/o Kim & Darsi Miller-Mason** whose address is **1550 Kimberly Road, Twin Falls, ID 83301** for the purpose of **operating an equipment rental business including warehouse for storage on property located at 231 Eastland Drive** and legally described as **RPT00107159130A Twin Falls Acres Inside N 175' x 300' of S 400' of NE 19.33A SESE (1.2A)**

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

**This permit corresponds to Zoning Application No.2815**

- 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 removing the parking area south and east of the Building and close to Eastland Drive.**

\_\_\_\_\_  
CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

\_\_\_\_\_  
DATE

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

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

cc: Building Inspection





Public Meeting: **TUESDAY, OCTOBER 25, 2016**

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Planner I

Editor: Renee Carraway-Johnson, Zoning Administrator

Authors: Steve O'Connor & Jonathan Spendlove

## AGENDA ITEM III-1

**Request:** Request for consideration of the **preliminary plat** for Meadow West Subdivision, a PUD, 71.52 acres (+/-) consisting of 290 lots, 278 single family residences and 12 neighborhood commercial and 5 tracts located on the south side of Falls Avenue West and west side of Grandview Drive North. c/o Tim Vawser/EHM Engineerings, Inc.

**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> 71.52 +/- Acres
Grandview Farms, LLC Gary Wolverton 1141 Falls Ave, Ste. 1002 Twin Falls, ID 83301	<b>Current Zoning:</b> R-2 & R-2 NCO; Single Household or Duplex District and mixed use	<b>Requested Zoning:</b> Approval of the preliminary plat for Meadow West Subdivision, a PUD
	<b>Comprehensive Plan:</b> Urban Village/Infill	<b>Lot Count:</b> 278 S/F Residential, 12 Neighborhood Commercial and 5 tracts
	<b>Existing Land Use:</b> Undeveloped	<b>Proposed Land Use:</b> 278 s/f residential and 12 nco lots to be developed in accordance with the PUD
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
EHM Engineers, Inc. Tim Vawser 621 N College Rd #100 Twin Falls 83301 208-734-4888 <a href="mailto:tvawser@ehminc.com">tvawser@ehminc.com</a>	<b>North:</b> R-2 & R-6 PUD; Falls Ave	<b>East:</b> R-2; Grandview Dr N; Grandview Mesa Sub #3 & Quilici Heights residential Subdivisions
	<b>West:</b> undeveloped Perrine Point Subdivision, a PUD	
	<b>South:</b> R-2; Castlewood & Rock Creek Trail Estates residential Subdivisions	<b>West:</b> SUI & R-2 n Aol; Rim View Estates residential sub
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-4, 10-4-21, 10-12-1 through 4; and the DRAFT Meadow West Subdivision, A PUD (Formerly Silverstone PUD)	

**Approval Process:**

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

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

**Budget Impact:**

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

**Regulatory Impact:**

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

**History:**

This property is zoned R-2 PUD & R-2 NCO PUD. This zoning designation took place in November 2008 as part of the Silverstone PUD zoning process. This process went through multiple public hearings with the Planning and Zoning Commission and the City Council. Multiple conditions were placed on the approval by the City Council. Please see Attachments for a copy of those conditions. As of today's date the PUD Agreement has not been approved by City Council.

**Analysis:**

The request is for approval of the Meadow West Subdivision, A PUD Preliminary Plat. The site is zoned R-2 PUD & R-2 NCO PUD, includes 72.5 +/- acres and consists of 278 residential and 12 neighborhood commercial lots. The preliminary plat we have received satisfies requirements as set forth in the original draft Silverstone PUD and the conditions placed by City Council from the November 24<sup>th</sup>, 2008 City Council Meeting.

Specific conditions placed by the City Council required a pedestrian path be installed by the developer connecting the proposed park with Grandview Drive North. The Preliminary Plat has such connection, however, it is City Staff's judgement the displayed location is not the safest location due to the curvature of the roadway. Staff recommends the path not cross Summer Mist Drive as depicted but stay on the south side of Summer Mist Dr. running east/west between Grandview Drive and the Park.

Also during the Staff review process, lot 27 of block 3 was identified as having a Driveway access issue. City Code 10-11-4 – (E)- 3-a: "There shall be...at least eighteen feet (18') of straight curb between the end of a driveway and the end of a corner radius...". Due to the configuration and dimension of this lot, it has the potential of being undevelopable due to inadequate access to the public roadway. If adequate access cannot be accomplished, Staff recommends the possible removal of that lot by increasing the surrounding lot sizes, or creating a greenbelt area for the trail to the park.

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

This request is in conformance with the comprehensive plan and the requirements found in twin falls city code.

**Conclusion:**

Staff recommends the commission approve the preliminary plat of the Meadow West Subdivision, a PUD, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to development of the ten foot (10') pedestrian pathway crossing from the park (Tract A) to Grandview Drive North being relocated to adequately address safety concerns, and approved per City Engineer.
3. Subject to adequate driveway access to Lot 27 Block 3 being provided, or an alternative solution being provided to address the access issue, and approved per City Staff.
4. Subject to the Meadow West PUD Agreement being approved and recorded prior to recordation of the final plat.

**Attachments:**

1. Meadow West Subdivision, Preliminary Plat
2. Zoning Vicinity Map
3. City Council Conditions
4. Draft PUD Agreement
5. Letter from Mr. Hickok

# Aerial Photo Map

Reference Only



FALLS AVE W

LAWRENCE AVE

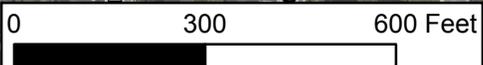
ROBBINS AVE

GRANDVIEW DR N

CASWELL AVE W

KNOLL RIDGE RD

ARROW WOOD CT



Aerial Photo - April 2016

PERRINE CT

CANAL ST

SIPHON ST

CREEKSIDE WAY

MAGIC RD

MAGIC RD

FIELDST

SILVERCREEK WAY

MAGIC RD

FALLS AVE W

BRIARCLIFF DR

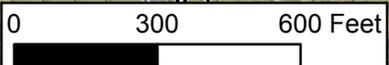
CREEKSIDE WAY

ELDSTREAM WAY

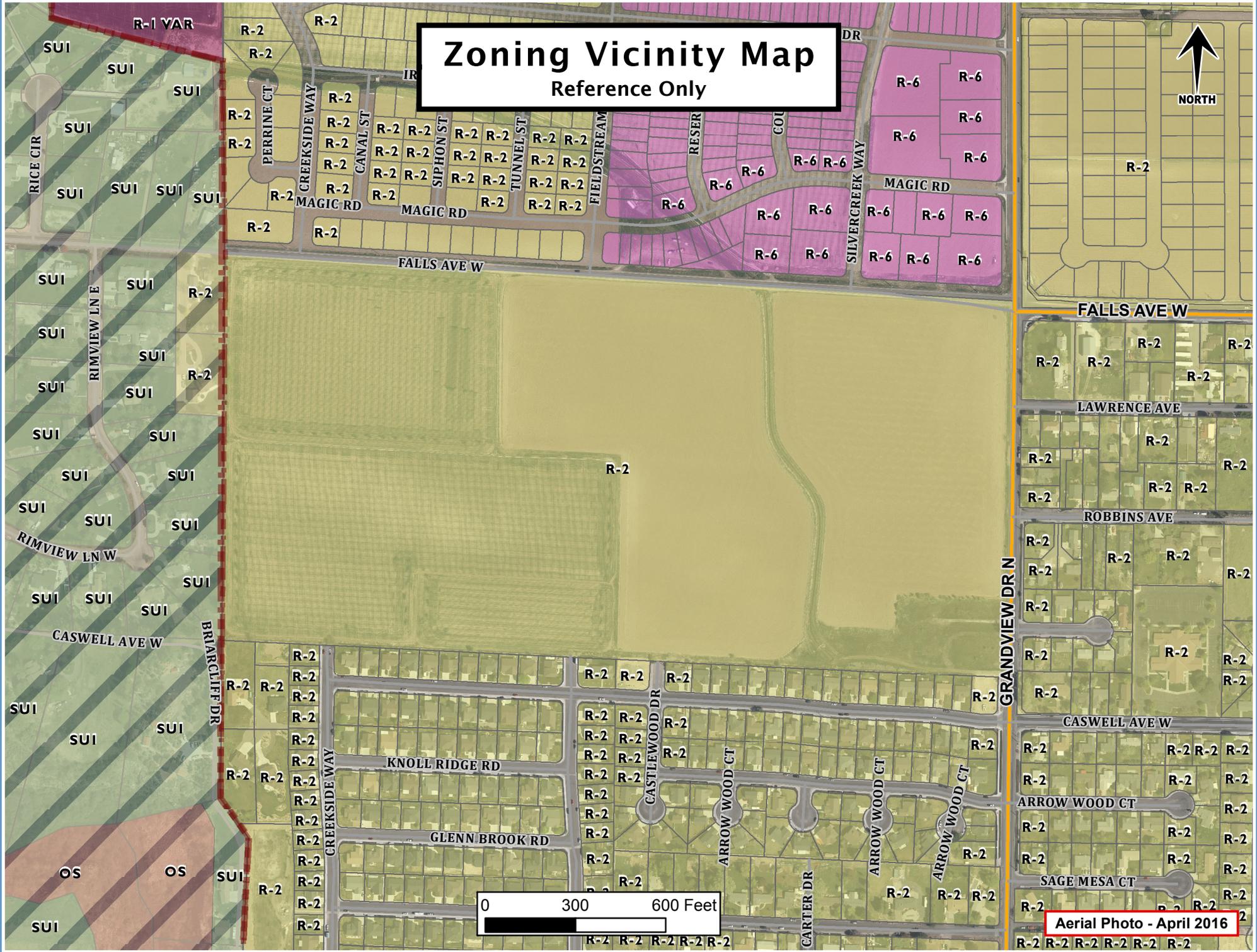
CASTLEWOOD DR

# Zoning Vicinity Map

Reference Only



Aerial Photo - April 2016



COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM	
A.	GREG					
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING

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*Mayor* *Vice Mayor*



DECISIONS

Meeting of the Twin Falls City Council  
November 24, 2008  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

**PLEDGE OF ALLEGIANCE TO THE FLAG  
CONFIRMATION OF QUORUM  
INTRODUCTION OF STAFF**

Presentation by the Executive Director of the Boys and Girls Club of Magic Valley, Sam Fowler, regarding the Smallwood Award that was presented to Dennis Bowyer on October 30, 2008 at the Club's Campaign Kickoff Breakfast.

**CALL MEETING TO ORDER: 5:00 P.M.**

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for November 18 – 24, 2008.
2. Consideration of the November 17, 2008, Minutes.

APPROVED AS PRESENTED.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration to pay fees in lieu of park land dedication for the Shoshone Heights Subdivision.

APPROVED AS PRESENTED.

2. Consideration of a request to pay fees in lieu of park land dedication for the Culbert Farms subdivision.

APPROVED AS PRESENTED.

3. Consideration of a resolution authorizing the filing of the petition for judicial confirmation for the financing of the City's arsenic standard compliance project.

ADOPTED RESOLUTION 1802 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AUTHORIZING THE FILING OF A PETITION FOR JUDICIAL CONFIRMATION.

4. Review of contingency plan for potential revenue shortfall as a result of economic slowdown.

Review by City Manager Tom Courtney.

5. Consideration of the final plat of South Estates (formerly South View Estates) consisting of 71 lots on 33 (+/-) acres to develop a residential subdivision located at the north east corner of Orchard Drive and Harrison Street South, extended.

Approved the final plat of South Estates, Phase 1 consisting of 71 lots on 33 (+/-) acres to develop a residential subdivision located at the north east corner of Orchard Drive and Harrison Street South, extended, as presented with the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Make notes on Final Plat about the following issues:

- a. All lots in Block 6 along the eastern portion of the property are constructed to front onto Gregory Way.
  - b. No lots will be permitted to have access onto Orchard Drive East. All ingress and egress from lots adjacent to Orchard Drive East will off the lots' other frontages.
  - c. Block 1 Lot 1 and Block 2 Lot 2 will be constructed to front Clinton Drive.
  - d. Block 2 Lot 1 and Block 4 Lot 1 will be constructed to front onto Houston Drive.
  - e. Block 4 Lot 16 and Block 5 Lot 1 will be constructed to front onto Bridget Lane.
  - f. Block 4 Lots 17 and 18 and Block 5 Lots 6 through 9 will be constructed with a turnaround adequate to allow vehicles to turn around on the property so that vehicles will not have to back out onto Harrison Street South.
4. Subject to a pedestrian pathway easement between Hailee Avenue and Clinton Drive.
- 
6. Consideration to approve the Improvement Agreement for Development for South Estates Phase 1.

APPROVED AS PRESENTED.

7. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:





Public Hearing: **TUESDAY OCTOBER 25, 2016**

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner 1

## AGENDA ITEM IV-1

**Request:** Requests a **Special Use Permit** to operate a drive-through coffee stand with extended hours of operation on property located at 1328 Filer Avenue East aka Lynwood Shopping Center. c/o Koby Funderburg on behalf of Full Steam, LLC (app. 2819)

**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> 350 Sq Ft Bldg
Koby Funderburg, Manager of Lynwood Shopping Center 920 E Park Blvd. Boise, ID 83712 208-293-7048 <a href="mailto:manager@fullsteam920.com">manager@fullsteam920.com</a>	<b>Current Zoning:</b> C-1	<b>Requested Zoning:</b> Special Use Permit – Drive Thru Window
	<b>Comprehensive Plan:</b> Commercial/Retail	<b>Lot Count:</b> 1 Lot
	<b>Existing Land Use:</b> Retail	<b>Proposed Land Use:</b> Coffee Shop w/ Drive Thru
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
	<b>North:</b> C-1; Commercial Business	<b>East:</b> C-1; Commercial Business
	<b>South:</b> Addison Ave; C-1; Commercial Business	<b>West:</b> C-1; Commercial Business
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8.2(B), 10-10, 10-11-1 thru 8, 10-13-2-2	

**Approval Process:**

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

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

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

**Budget Impact:**

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

**Regulatory Impact:**

Approval of this request will allow the applicant to convert a drive-up ATM to a drive thru Coffee Shop.

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:**

Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. This small building used to contain a Wells Fargo ATM, it is not known exactly when it was vacated.

**Analysis:**

The special Use permit is for the operation of a drive thru coffee shop. The applicant has supplied a narrative that describes the drive thru facility detailing the number of employees and hours of operation as 6 AM to 9PM Monday thru Sunday. The proposed plan is to install a one lane drive through using the old ATM building with the other side as a walk-up window.

Per City Code 10-4-8.2: Any facility with a drive-through service requires a special use permit prior to being legally established.

*The major impacts of this particular project are going to be traffic, noise, and light. These items should be explored further to determine their extent.*

Per City Code 10-10: Actual parking requirements are reviewed and determined at the time of building permit submittal. It is anticipated that the site plan shown will meet the applicable City Code requirements. It is not anticipated that additional parking spaces will be needed for the proposed special use.

*Staff did conduct a preliminary review of total parking spaces impacted by this development on the entire Lynwood Shopping Center. This project will be removing some parking spaces, and that will impact the developments available spaces. During our preliminary review, it was found with recent changes in tenants and an overall cross-use agreement for parking, this project would not overly impact the parking as a whole. However, it will reduce the number of spaces in the immediate area and there will be a learning curve for longtime patrons of the surrounding businesses.*

Per City Code 10-11-1 thru 8: All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others. It is not anticipated this project will require supplementary improvements to mitigate impacts of this project on the immediate area.

Possible Impacts: *The major impacts of this particular project are going to be noise, light and increased traffic. All of these impacts are typically attributed to vehicles using the drive-thru service. Due to the proximity of Filer Ave East and Blue Lakes Blvd. N, it would be safe to assume that the noise and light generated by this drive-thru would not significantly increase the prevailing conditions found in the area.*

**Conclusion:**

Should the Commission grant this request as presented; city staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the new parking scheme being installed and approved by City Staff prior to operation of the drive-thru.

**Attachments:**

1. Applicant Narrative
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Site Photos

## Koby Funderburg Full Steam Drive-Thru

920 E. Park Blvd. Boise ID 83712  
208-293-7048  
manager@fullsteam920.com

8/18/2016

Dear City of Twin Falls,

Greetings and thank you for taking your valuable time to review our Special Use Permit Application.

I am the property manager for the Lynwood Shopping Center and have the opportunity to put a drive-thru coffee stand at the existing old Wells Fargo ATM building in the south parking lot of the Lynwood Shopping Center. I have been working with Jonathan Spendlove whom has graciously worked with me in the rules and options to be able to use the ATM as a drive-thru.

With the plan we would be using only one side of the stand as a drive-thru and the other side as possible walk-up. We have had many folks ask us to put something like this in the Lynwood and we are excited to have the chance.

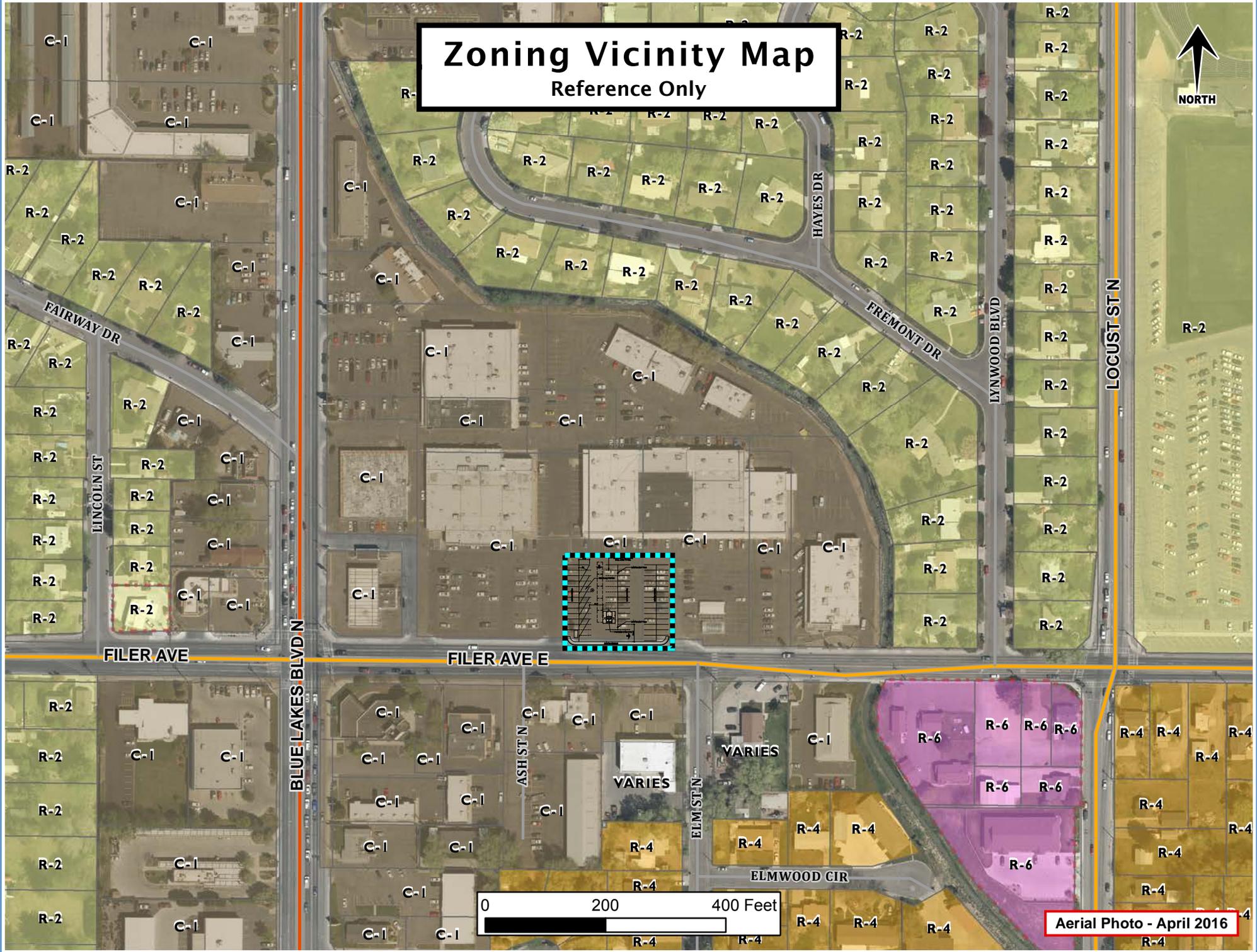
The hours of operation would be 6am to 9pm Sunday through Monday. We would have at least 2 employees at all times. We expect more foot traffic than drive-up traffic since the Lynwood currently has occupied spaces with tenants and their customers.

We do not anticipate any additional noise with the exception of the use of the espresso equipment. No additional glare, no additional odor with the exception of the smell of coffee within the building. No fumes, nor vibrations. This would work well with the adjacent properties as it is an existing structure for several years.

Warm regards,  
Koby Funderburg Full Steam Drive-Thru

# Zoning Vicinity Map

Reference Only



Aerial Photo - April 2016

# Aerial Photo Map

Reference Only



1147 FILER

1214 FILER

1239 FILER

1329 FILER



FILER AVE E

ASH ST N

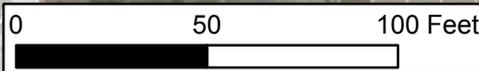
ELM ST N

1146 FILER

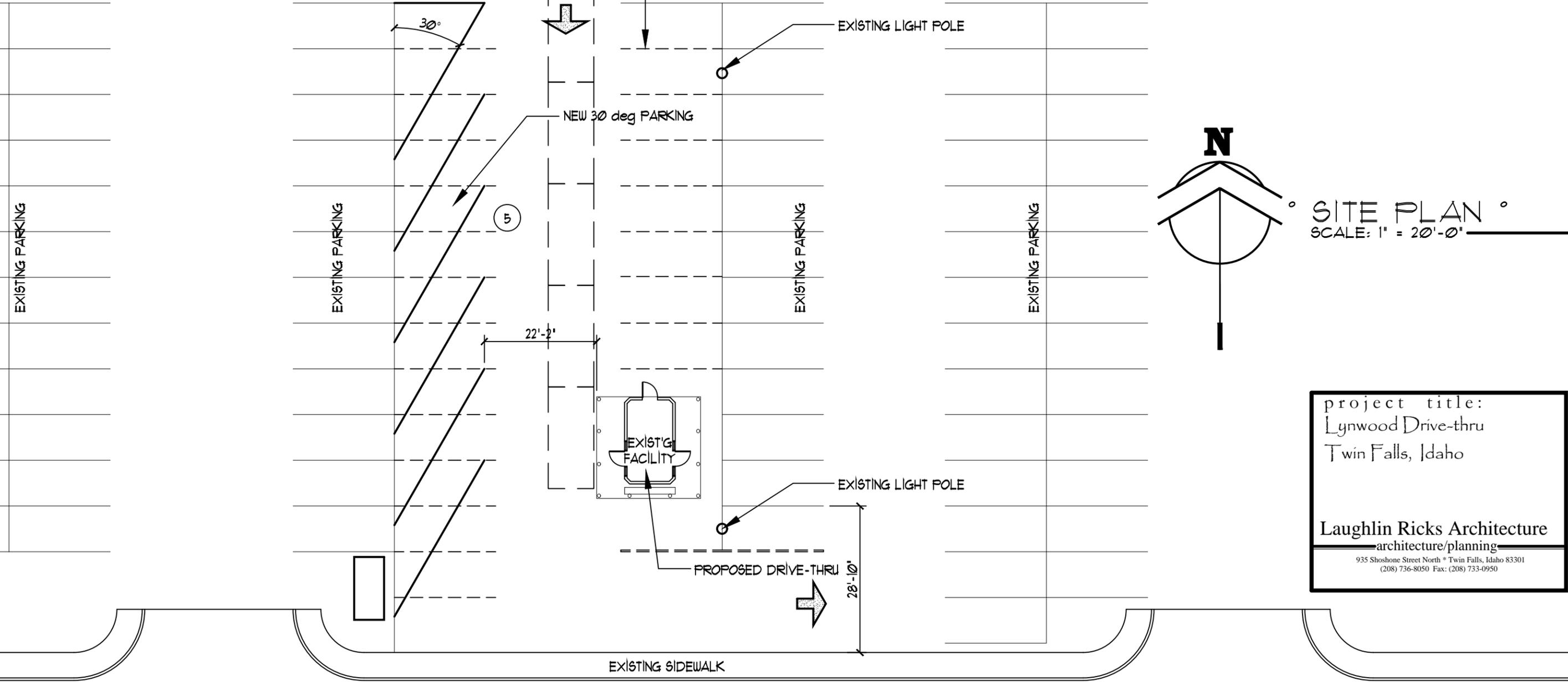
1216 FILER

121

468 ELM ST



Aerial Photo - April 2016



EXISTING PARKING

EXISTING PARKING

EXISTING PARKING

EXISTING PARKING

EXISTING PARKING

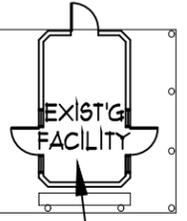
REMOVE EXISTING PARKING  
STALL LINES, TYPICAL

EXISTING LIGHT POLE

NEW 30 deg PARKING

5

22'-2"



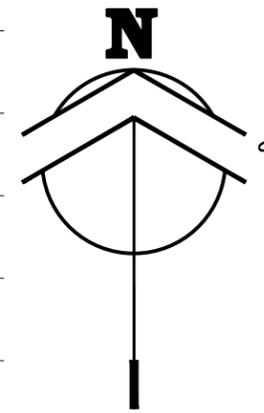
EXIST'G FACILITY

EXISTING LIGHT POLE

PROPOSED DRIVE-THRU

28'-10"

EXISTING SIDEWALK



SITE PLAN  
SCALE: 1" = 20'-0"

<p>project title: Lynwood Drive-thru Twin Falls, Idaho</p> <p><b>Laughlin Ricks Architecture</b> architecture/planning</p> <p><small>935 Shoshone Street North • Twin Falls, Idaho 83301 (208) 736-8050 Fax: (208) 733-0950</small></p>
---

CEN. LINE OF FILER AVENUE





Public Hearing: **TUESDAY, October 25, 2016**

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner 1

## AGENDA ITEM IV-2

**Request:** Request for a **Special Use Permit** to construct a 3150 sq. ft. detached accessory building on property located at 898 Canyon Rim Road within the Area of Impact. c/o Mike Shetler Homes on behalf of Bill Riebesell (app. 2820)

**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> 10 Acre Parcel
Bill Riebesell 898 Canyon Rim Rd Twin Falls, ID 83301 208-731-3565 <a href="mailto:Bill.riebesell@daviscofoods.com">Bill.riebesell@daviscofoods.com</a>	<b>Current Zoning:</b> SUI CRO, Area of Impact	<b>Requested Zoning:</b> Special Use Permit
	<b>Comprehensive Plan:</b> Rural Residential	<b>Lot Count:</b> 1 parcel
	<b>Existing Land Use:</b> Residential	<b>Proposed Land Use:</b> development of a Detached Accessory Bldg >1500 sq. ft.
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
Mike Shetler 2183 Canyon Trail Way Twin Falls, ID 83301 (208) 731-5092 <a href="mailto:mikeshetlerhomes@gmail.com">mikeshetlerhomes@gmail.com</a>	<b>North:</b> OS CRO Aol; Snake River Canyon	<b>East:</b> SUI CRO Aol, Residential/Pasture
	<b>South:</b> SUI CRO Aol, Residential/Pasture	<b>West:</b> SUI CRO Aol, Residential and Farm
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-2, 10-11-1 thru 8, 10-13	

**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. Conditions shall be implemented within 6 months or the permit if void.

If an applicant or interested party appeals the decision of the Commission with fifteen (15) days from the date of action (when the Findings of Fact are signed), the City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

**Budget Impact:**

Approval of this request will not have a negligible impact on the City budget.

**Regulatory Impact:**

Approval of this request will allow the applicant to proceed with the building permit for a detached residential garage larger than 1,500 square feet.

**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:**

This parcel of ground is a remnant of the Government Sections. The zoning on the Property would have been reaffirmed as part of the Area of Impact Agreement with the County that took place in 2004. No further zoning history is known at this time. A building permit was issued for the main residence in May 2016 which is still under construction.

**Analysis:**

The site is zoned SUI CRO within the Area of Impact. The applicant has supplied a site plan showing a single family residence and a proposed 3150 sq. sf. detached accessory building. The residence is under construction. The applicant describes the building for storage and private use, no residential or commercial activity. If the special use permit is granted the applicant will proceed with development of the detached accessory building as approved.

**Per City Code 10-4-2:** Detached accessory buildings within the SUI Zone greater than 1500 sq. ft. are required to obtain a Special Use Permit prior to being legally constructed. The proposed plan is showing the detached residential garage to the South West of the main residence

**Per City Code 10-11-1 thru 8:** Required improvements include access, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

***Although this property has a Canyon Rim Road address there is no legal access from Canyon Rim Road. It should be noted; City Staff has not received a valid Access Agreement for the use of the private drive from all of the property owners along the private drive. This private drive is immediately west of Canyon Gate Place. It would be appropriate to require written verification from all the property owners on that portion of the private drive in order to confirm legal access through that area. The applicant does have another legal access on the west side of the property via the Section Line Easement aka Grandview Drive North.***

**Possible Impacts:** Detached accessory buildings are common for this subdivision, and on property this size it will remain rural in nature. The nearest property line is +/- 70 feet from this proposed accessory structure, the minimum per the SUI zone is 7 feet.

Other than the legal access issue previously disclosed, no further impacts are anticipated to be of the sort that would require additional conditions.

**Conclusion:**

Should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to personal use by the occupant of the home - no business or residential use within this structure.
4. Subject to written verification of legal access, from Canyon Gate Place to the applicants' property, being provided to City Staff prior to issuance of the Building Permit for the Detached Accessory Building.

**Attachments:**

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

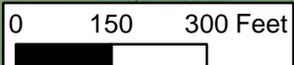
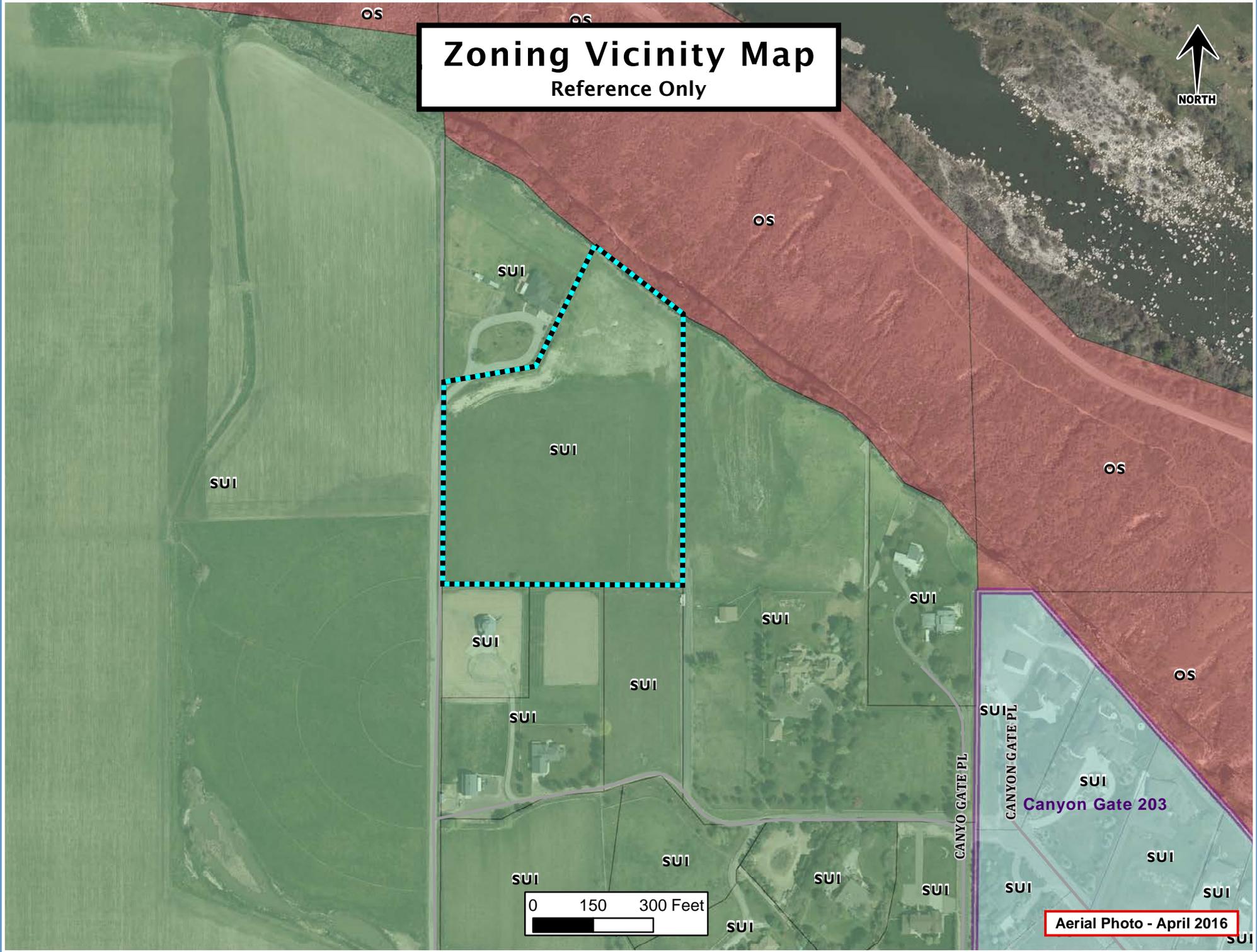
27 SEP 2016

I, Bill Riebesell, WISH TO BUILD  
A SHOP TO STORE PERSONAL EQUIPMENT  
I.N. I.E. : CAMPER, FOUR WHEELERS AND SUCH

- Bill Riebesell  
Will Riebesell

# Zoning Vicinity Map

Reference Only



Aerial Photo - April 2016

# Aerial Photo Map

Reference Only



2760 GRAND

2700 4200



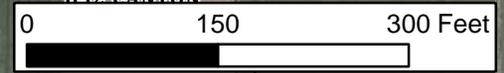
ACCESS ROAD

738 CANYON

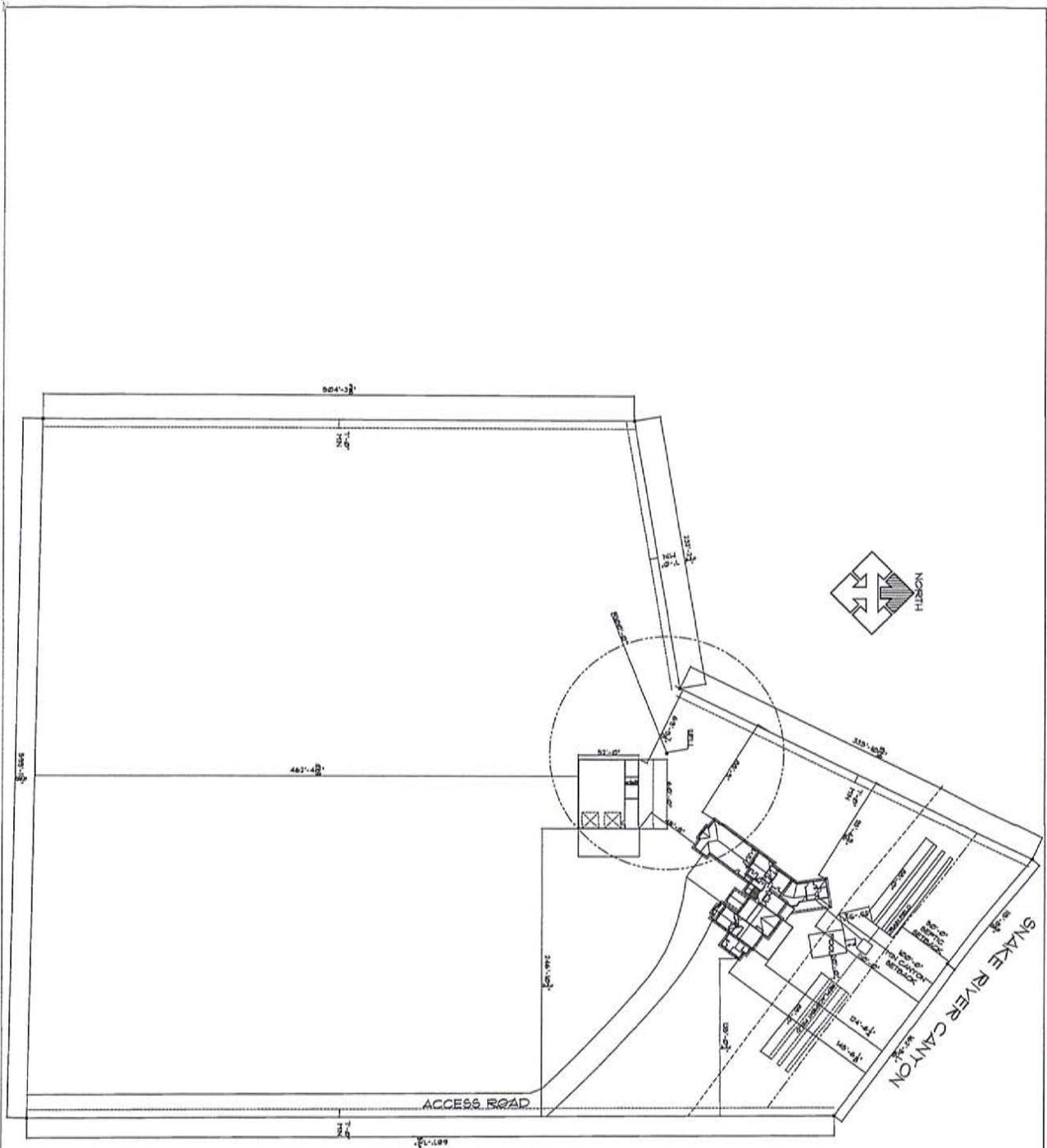
714 CANYON

930 CANYON

852 CANYON



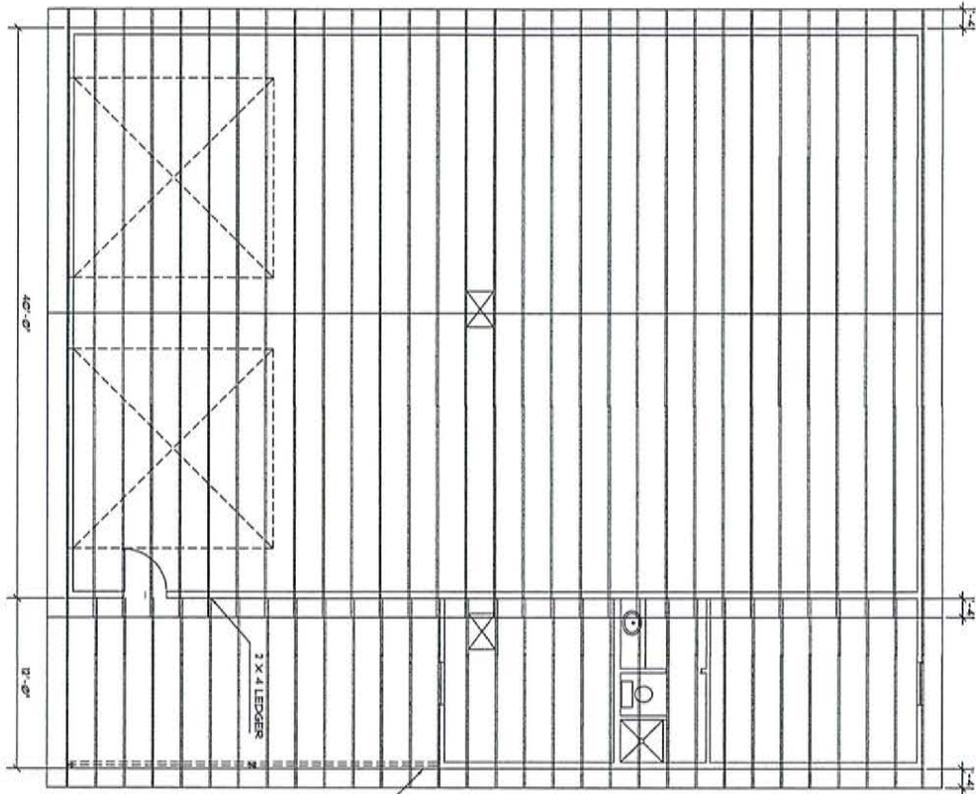
Aerial Photo - April 2016



SHEET # 1  
 OF 1  
 UT  
 PAGE # 1

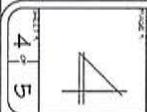
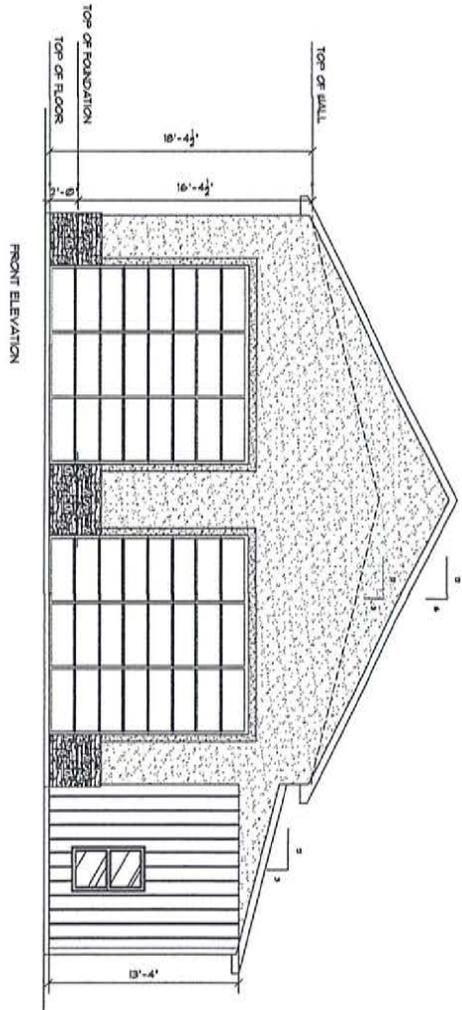


CONTRACTOR: SHETLER HOMES  
 HOME OWNER: Bill Rebsell  
 SUBDIVISION: SCALE: 1" = 40'-0"  
 ADDRESS: DATE: 08/1/16  
 TWIN FALLS COUNTY  
 SHEET TITLE: SITE PLAN



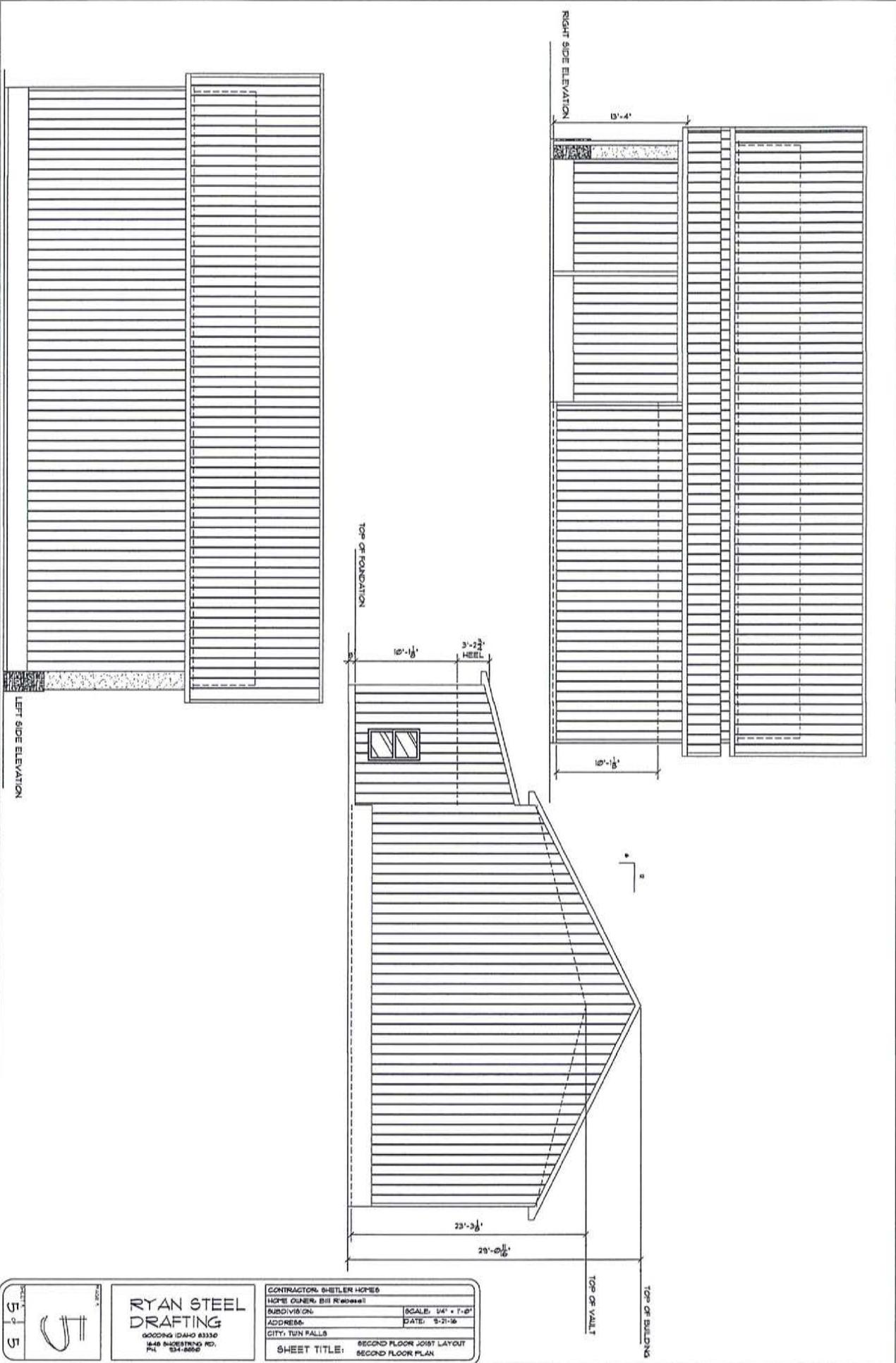
- ROOF FRAMING NOTES:**
1. TRUSS BRACING DESIGN SHALL BE SUPPLIED BY VENDOR.
  2. COORDINATE EXACT LOCATION OF ATTIC ACCESS WITH AVAILABLE HEADROOM IN ATTIC ABOVE LOCAL PROVIDE FOR 3" HEADROOM ABOVE EACH FOR 2x4 RIG.
  3. TRUSS PLAN FROM REFERENCE ONLY. TRUSS DESIGN BY OTHERS.
  4. ALL OVERHEAD TRUSSES.
  5. TRUSSES TO BE DESIGNED TO SUPPORT LIVE LOAD OF 150 LB/SQ. FT. OR DEAD LOAD AS PER LOCAL CODE AND 2015 IBC.

3-1 3/4" X 11 7/8" LVL



**RYAN STEEL DRAFTING**  
 6000 W. IDAHO 63310  
 1848 S. COLEBROOK RD.  
 P.O. BOX 534-8000

CONTRACTOR: SHELTER HOMES  
 HOME OWNER: Bill Roberts  
 SUBDIVISION: \_\_\_\_\_ SCALE: 1/4" = 1'-0"  
 ADDRESS: \_\_\_\_\_ DATE: 5-21-16  
 CITY: TWIN FALLS  
 SHEET TITLE: ROOF PLAN



LEFT SIDE ELEVATION

RIGHT SIDE ELEVATION

TOP OF FOUNDATION

10'-1 1/2"  
3'-2 3/4"  
HEEL

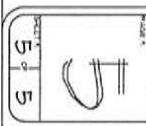
10'-1 1/2"

10'

23'-3 1/8"  
20'-0 1/8"

TOP OF WALL

TOP OF BUILDING



**RYAN STEEL  
DRAFTING**  
6000 S IDAHO 43330  
1446 INDEPENDENCE RD.  
P.O. BOX 534-8000

CONTRACTOR: SHELTER HOMES  
HOME OWNER: Bill Roesel  
SUBDIVISION: \_\_\_\_\_ (SCALE: 1/4" = 1'-0")  
ADDRESS: \_\_\_\_\_ DATE: 5-21-16  
CITY: TWIN FALLS  
SHEET TITLE: SECOND FLOOR JOIST LAYOUT  
SECOND FLOOR PLAN



Looking North from the possible access road. Shop to be placed left (South-West) of new house.

11:03 AM



Looking West, Shop to be in background on left side of photo (behind all the cars).

7/11/2016 11:00 AM



Shop to be built in the foreground on the Right side of photo.

10/11/2016 10:57 AM



View of property from Grandview Drive North. (West property line)

10/11/2016 11:08 AM



**IV. PUBLIC HEARINGS: 6:00 P.M. –**

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD for 117.4 (+/-) acres to develop a residential subdivision located south of Harrison Street South and 3600 North Road and north of the Low Line Canal, c/o EHM Engineers, Inc./Gerald Martens on behalf of Sundance Holdings, LLC. (App. #2271)

Approved a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD for 117.4 (+/-) acres to develop a residential subdivision located south of Harrison Street South and 3600 North Road and north of the Low Line Canal, c/o EHM Engineers, Inc./Gerald Martens on behalf of Sundance Holdings, LLC. (App. #2271) as presented with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to the property being platted through the City of Twin Falls prior to development.
3. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
4. Subject to final approval of the PUD Agreement.
5. Building setbacks to comply with R-2 development standards, or greater
6. The PUD Agreement include a restriction that the first five lots on the southeast corner both north and west be a minimum of 10,000 square feet.

**2. Request for approval of a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD and R-2 NCO PUD for 72.5 (+/-) acres, to allow for the development of a mixed use project for property located at the southwest corner of Grandview Drive North and Falls Avenue West, c/o EHM Engineers, Inc./Gerald Martens on behalf of Grandview Farms, LLC- Gary Wolverton. (app. 2268)**

Approved a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD and R-2 NCO PUD for 72.5 (+/-) acres, to allow for the development of a mixed use project for property located at the southwest corner of Grandview Drive North and Falls Avenue West, c/o EHM Engineers, Inc./Gerald Martens on behalf of Grandview Farms, LLC- Gary Wolverton. (app. 2268) as presented with the following conditions:

1. All lots west of Creekside Way will be a minimum of 16,000 square feet and shall be single-family residences.
2. The R-2 PUD area will be developed in accordance with R-2 development standards except that lot sizes may be less than 6,000 square feet provided that the average lot size within the R-2 PUD area shall be greater than 6,000 square feet. The area calculation for average lot size shall exclude the 16,000 square foot lots west of Creekside Way. The minimum lot size shall be 4,000 square feet. All lots adjacent to existing platted subdivisions should not be smaller than 6,000 square feet.
3. R-2 NCO Neighborhood Commercial District. The City Council determined that the NCO designation may apply to more than one corner. Therefore, development shall meet the requirements of the City's Neighborhood Commercial Overlay District (NCO) zone and may include residential uses as provided in Twin Falls City Code 10-4-21.2 for all uses and property standards.
4. The following uses shall NOT be permitted anywhere within the NCO PUD:
  - i. Amusement Parks
  - ii. Animal Hospital – Large Animal
  - iii. Bulk Fuel Sales
  - iv. In-home Day Care Centers
  - v. Cemeteries
  - vi. Fairgrounds
  - vii. Go Cart Tracks
  - viii. Jails, Detention Centers, or Work Release Centers
  - ix. Judicial Facilities
  - x. Outdoor Theaters
  - xi. Residence Halls, Residence Hotels, Rooming Houses
  - xii. RV and Camping Parks
  - xiii. Shelter Homes and/or Facilities
  - xiv. Stand Alone Drug and /Alcohol Treatment and/or Rehabilitation Centers
  - xv. Tattoo Parlors
  - xvi. Zoos
5. Each property owner shall maintain the landscaping and vegetation on their property and in the public rights-of-way adjacent thereto. Maintenance of the areas of landscaping along Falls Avenue West and Grandview Drive North located between the back of curb and property line shall be maintained by the City of Twin Falls as noted in City Code Section 10-12-4(0). Notwithstanding the foregoing, alternately, in the event of the Developer chooses to designate certain landscaped areas and other areas as "common area" or "parkland", the maintenance of said areas. The Developer may

also choose to dedicate at least three acres of these acres to the City as a Neighborhood Park, by City approval. The developer will develop a mini park to be incorporated with facilities for the requirements of storm water retention and utility purposes.

The property landscaping will be designed to utilize a pressure irrigation system. Each property owner shall be required to utilize the Development's pressurized irrigation system or future systems as required by the City for their landscape area.

6. TRAILS/WALKWAYS: Developer agrees to construct a detached six (10) foot wide meandering asphalt bike/walking Trail located within the landscape buffer area along the south side of Falls Avenue West and along the west side of Grandview Avenue North along the project frontages. Signage and barrier posts shall restrict usage to pedestrians and non-motorized vehicles only. Developer also agrees to construct a ten (10) foot wide asphalt meandering bike/walking trail in the area of the proposed park and green belt area.
7. There will be a minimum 10-foot wide pedestrian/bicycle pathway connecting the park to Grandview Drive North. The pathway will be located within public right-of-ways or dedicated access easements.
8. No building in the R-2 (NCO) will exceed 20,000 square feet.
9. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
10. Subject to the property being platted through the City of Twin Falls prior to development.
11. Subject to arterial and collector streets adjacent and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built according to the results of a 20 year traffic study, to be completed by the developer, upon development or change of use of the property.
12. Subject to final approval of the PUD Agreement.

V. ADJOURNMENT: The meeting adjourned at 9:45 p.m.

Leila Sanchez--Deputy City Clerk

DRAFT

DRAFT

**MIXED USE RESIDENTIAL /NEIGHBORHOOD COMMERCIAL  
ZONING DEVELOPMENT AGREEMENT**

**MEADOW WEST SUBDIVISION**

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by and between the **CITY OF TWIN FALLS**, a municipal corporation, State of Idaho (hereinafter called “City”), and **Grandview Farms, LLC**, an Idaho limited liability company (hereinafter called “Developer”), whose address is P.O. Box 5179, Twin Falls, Idaho 83303-5179

**RECITALS:**

WHEREAS, the Developer is the owner of the certain tract of land in the City of Twin Falls, County of Twin Falls, State of Idaho, more particularly described in Exhibit A attached hereto (the “Property”), which Property is south of Falls Avenue West and west of Grandview Avenue North, extended to the South, known as MEADOW WEST SUBDIVISION and

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

WHEREAS, the Developer has made request of the City to develop a mixed use subdivision (the “Project”) on the Property and has submitted to the City the Master Development Plan (Exhibit B) thereof which has been approved for development as a “mixed use residential/neighborhood commercial by the Planning and Zoning Commission and City Council of the City; and

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

**COVENANTS**

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

1. **NATURE OF THE AGREEMENT:** This Agreement shall become part of the “R-2 ZDA, R-2/NCO ZDA” zones with respect to the Project upon its full execution and recording. The Developer and its assigns or successors in interest, as well as the City and its assigns or successors (if any), shall be bound by the terms and conditions contained therein.
2. **NATURE OF THE DEVELOPMENT:** It is agreed by the parties hereto that certain language and requirements pertaining to the “Project” zone shall be interpreted as follows:
  - A. **USES.** (See attached Master Development Plan Exhibit B and detailed Master Plan Exhibit C of the Project).
    1. R-2 NCO ZDA Neighborhood Commercial District. Development shall meet the requirements of the City’s Neighborhood Commercial Overlay District (NCO) zone and may include residential uses as provided in Twin Falls City Code 10-4-21.2 for all uses and property development standards, except as provided herein:

(a) The following uses shall NOT be permitted anywhere within the NCO ZDA:

- i. Amusement Parks
- ii. Animal Hospital – Large Animal
- iii. Bulk Fuel Sales
- iv. In Home Day Care Centers
- v. Cemeteries
- vi. Fairgrounds
- vii. Go Cart Tracks
- viii. Jails, Detention Centers, Or Work Release Centers
- ix. Judicial Facilities
- x. Outdoor Theaters
- xi. Residence Halls, Residence Hotels, Rooming Houses
- xii. RV And Camping Parks
- xiii. Shelter Homes And/Or Facilities
- xiv. Stand Alone Drug And Alcohol Treatment and/or Rehabilitation Centers
- xv. Tattoo Parlors
- xvi. Zoos

(b) No single building shall exceed 20,000 square feet

2. R-2 ZDA, Residential Single Household or Duplex District, Development shall meet the requirements of the R-2 Zone, City Code 10-4-4 for all uses and development standards except as noted below

- (a) All lots west of Creekside Way will be a minimum of 16,000 square feet and shall be single-family residences. No duplexes will be allowed west of Creekside Way.
- (b) Lot sizes may be less than 6,000 square feet provided that the average lot size within the R-2 ZDA area shall be greater than 6,000 square feet.
- (c) All lots adjacent to existing subdivisions shall be greater than 6,000 square feet.
- (d) The minimum lot size shall be 4,000 square feet.
- (e) All area calculations shall not include the Neighborhood Park or Neighborhood Commercial (NCO) areas.

B. The hours of operation for all other activity within the R-2/NCO ZDA area shall be between the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. unless otherwise authorized by the City of Twin Falls through the Special Use Permit Process.

C. PHASING OF DEVELOPMENT: Developer shall be permitted to develop the Property in phases, so long as those phases are in compliance with the Master Development Plans

and this ZDA Agreement, and an approved preliminary plat. Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Plan are conceptual and minor changes therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum and a five (5) year maximum time limit between phases unless an extension is granted by Twin Falls City Council.

D. STREET, SEWER, WATER, AND DRAINAGE IMPROVEMENTS:

Developer shall be responsible for the design and construction of street, sewer, water, pressurized irrigation, gravity irrigation improvements, drainage systems, public park, and public walking trails system 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 construction plans checked and stamped by a licensed professional engineer for that development phase, showing all Improvements contemplated within that phase of the development (hereinafter "Improvement Plans"). The Improvement Plans and all Improvements thereon shall meet the approval of the City, which approval shall be given if such plans conform to established City requirements, the Master Plan Development Plan and this Agreement.
- b. IMPROVEMENT, DESIGN AND CONSTRUCTION: The Developer, at their expense, shall cause all Improvements shown on the Improvement Plans to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided therein. Notwithstanding the foregoing, nothing in this Agreement shall prohibit City, State or Federal participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.
- c. PHASED CONSTRUCTION: The Developer may install the Improvements at one time, or in phases, as the Developer shall determine at their sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements the Developer intends to complete at that time. Developer agrees to make such modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.
- d. CONSTRUCTION SUPERVISION: The Developer shall use a registered professional engineer to supervise the construction; inspection and testing of the work as necessary, to ensure that all such Improvements are constructed in accordance with the approved Improvement Plans.
- e. NON-COMPLIANCE: In the event any of the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty (30) days of their 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 (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 only that phase of such "ZDA" 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 scheduled 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 their decision shall be final, except that the rights of the parties are preserved at law and equity.

- f. FEES: The Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.
- g. MAINTENANCE OF IMPROVEMENTS: The City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy. Developer hereby agrees to accept maintenance responsibility for the private improvements upon their completion in accordance with current City policy and in accordance with any other development agreements associated with the Project.

E. PLATS: Grandview Farms, LLC agrees to file with City a preliminary plat, or plats in phases, prepared by a registered professional engineer and/or licensed land surveyor, of the Property, which is the subject of this Agreement. Preliminary and final plats for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-way the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said the City thereto must first approve plats and any amendments if the final plat is in conformity with the approved preliminary plat.

F. INDIVIDUAL PARCEL DEVELOPMENT CRITERIA. The Property or any portion thereof shall be developed in accordance with criteria set forth in this Section 6 and all applicable provisions of City Code.

- a. APPROVAL AND CONSTRUCTION: All Improvements shall be constructed in accordance with approved engineered drawings and specifications, describing in reasonable detail the work to be performed, with the drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.
- b. LANDSCAPING: Perimeter landscaping along interior streets in the commercial areas shall be installed on each parcel of the Property and in the public rights-of-way adjacent thereto at the time site and building improvements are completed thereon, or by the next planting season. Such landscaped perimeter in commercial areas shall be installed and extend to a depth of 30' from the back of the curb in the public rights-of-way along Falls Avenue West and Grandview Drive North, such landscape buffer shall include a detached six (6) foot bicycle/pedestrian pathway.

Each property owner shall maintain the landscaping and vegetation on their property and in the public rights-of-way adjacent thereto. Maintenance of the areas of landscaping along Falls Avenue West and Grandview Drive North located between the back of curb and property line shall be maintained by the City of Twin Falls as noted in City Code Section 10-12-2 (O). Notwithstanding the foregoing, alternately, in the event the Developer chooses to designate certain landscaped areas and other areas as “common area” or “parkland”, the Developer may choose to form an association of those property owners for the maintenance of said areas. The Developer may also choose to dedicate at least three acres of these areas to the City as a Neighborhood Park, by City approval. The developer will develop a mini park to be incorporated with facilities for the requirements of storm water retention and utility purposes.

The property landscaping will be designed to utilize a pressure irrigation system. Each property owner shall be required to utilize the Development’s pressurized irrigation system or future systems as required by the City for their landscaped area.

- c. MASTER LANDSCAPING PLAN: Each buffer area, as defined in paragraph F(6) shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18”) in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty (30) inches in height. The landscape perimeter shall contain a minimum of one (1) tree per five hundred (500) square feet of landscaped area and a minimum of one (1) shrub per one hundred (100) square feet of landscaped area. At least fifty percent (50%) of the shrubs and trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from the groups of plantings last approved by the Tree Commission. Trees and shrubs may be grouped, but there shall be no space greater than seventy five (75)-feet between tree and shrub groupings. All trees shall have a height of at least four (4) feet when planted.

To help mitigate the negative impact of parking areas in addition to the perimeter landscaping seven percent (7%) of the parking area shall be required to be landscaped within the commercial areas of the development. The use of planters and landscaped islands within parking lots is required to reduce visual impact of large paved areas and these areas shall be planted with shade trees and shrubs. The design shall include consideration of drought resistant plants and materials. Landscaping shall be required where commercial uses are adjacent to residential uses. A ten (10) foot buffer is required to provide sound and visual buffering. The buffer area is to be landscaped with coniferous and deciduous trees and/or solid fencing with shrubs, berms, wall and/or planter boxes to create a dense buffer in a relatively short period of time.

In all cases landscaping will meet or exceed the minimum landscaping requirements of the City of Twin Falls Zoning and Subdivision Requirements.

- d. TRAILS/WALKWAYS: Developer agrees to construct a detached six (6) foot wide meandering Asphalt Bike/Walking Trail located within the landscape buffer area along the South side of Falls Avenue West and the along West side of Grandview Avenue North along the Project frontages. Signage and barrier posts shall restrict usage to pedestrians and non-motorized vehicles only. Developer also agrees to construct a ten (10) foot wide asphalt meandering bike/walking trail in the area of the proposed park and green belt area.

There will be a pedestrian/bicycle pathway connecting the park to Grandview Drive North. The pathway will be located within public right-of-ways or dedicated access easements.

- e. BUILDING STANDARDS. Buildings and Improvements shall comply with the following standards:

- i. DESIGN STANDARDS: All buildings in all districts shall have pitched roofs to preclude visibility of the roof surfaces of “flat” roofs. Roofs shall have vertical variations, cornices or other accents to reduce the box like appearance. Buildings shall be of a residential architectural style with gable or hip roof with a minimum 3/12 pitch. Building faces shall be broken up with windows, recesses, awnings or other architectural features that break up large flat surfaces. All buildings shall be low reflective, neutral, or earth tones. Colors, building material and architectural themes shall be coordinated between various structures to create a uniform theme of construction throughout the project to a reasonable extent.

No structure located in the NCO ZDA area shall exceed twenty-five (25) feet in height with the exception of architectural projections or features, roof top equipment (if properly enclosed or screened) and chimney chases unless otherwise authorized by the City of Twin Falls through the Special Use Permit process.

Structures located in the R-2 ZDA area shall not exceed thirty-five feet (35’) in height with the exception of architectural projections or features, roof top equipment (if properly enclosed or screened) and chimney chases unless otherwise authorized by the City of Twin Falls through the Special Use Permit process.

- ii. OUTSIDE STORAGE: Trash containers, outdoor storage and such facilities shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or vision barrier fencing.
- iii. UTILITIES: All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material. Relocation and burying of electrical lines does not apply to transmission lines currently located on the north and east boundary of the property.
- f. CODES: All construction on the Property shall be to the standards established by applicable codes.

G. ILLUMINATION/SOUND SUPPRESSION.

- i. ILLUMINATION: Illumination shall be installed to minimize the effect, harshness and glare of exterior lighting on adjacent properties. Parking areas within the R-2 NCO ZDA and R-2 ZDA areas will have lighting that will provide at least one-foot candle of light at the ground surface on the entire parking lot. Lighting shall be designed such that the light source cannot be seen from adjacent properties.
- ii. SOUND SUPPRESSION: The use of an outdoor sound, paging, music, or public address system, whether permanent or temporary, shall not be permitted. Organizations of public safety such as fire or police stations and public schools shall be excluded from this restriction.

NCO DISTRICT SIGNS:

- a. Signs shall comply with requirements of the R-2 NCO ZDA District and the General Sign provisions contained in Section 10-9-1 & 2 of City Code, except as provided herein. Freestanding signs along Falls Avenue West and Grandview Drive North shall consist of monument signs only. Monument signs identifying commercial services for the R-2 NCO ZDA District as shown on the approved Master Development plan, shall not exceed fifty (50) square feet, and shall have a maximum height of eight (8) feet measured above the adjacent top of curb. One monument sign shall be allowed for the Falls Avenue West frontage and one monument sign allowed for the Grandview North frontage. Signs utilizing indirect lighting may be lighted from six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M. Monument signs will not project beyond the property lines.
- b. One flush wall-mounted sign per business, not to exceed one and half (1.5) square foot of signing for each foot of width of the wall upon which the sign is to be placed, but not to exceed one hundred (100) square feet. Signs utilizing internal illumination may be lighted from six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M.
- c. The R-2 ZDA parcels shall be allowed one monument sign on Grandview Drive North and one monument sign on Grandview Loop North. The monument sign shall not exceed 50 square feet and shall have a maximum height of 6-feet measured from the top of the adjacent curb.

DEVELOPMENT SIGNS:

- a. Each vehicular entrance to the development may have one development sign, not to exceed thirty-two (32) square feet. Development signs shall not be internally illuminated. The maximum height of the development sign shall not exceed six (6) feet as measured from the adjacent top of curb. Development signs will not project beyond the property lines.

- H. BUILDING SETBACKS: Building setbacks shall be in accordance with all applicable provisions of city code unless modified by a preliminary and final plat approved by the City of Twin Falls.
  
- I. TIME LIMITATION. The “R-2 and R-2/NCO” zone designation on the Property is expressly conditioned upon submission to the City Council of a final development plan of the first phase of development within two (2) years from the date hereof. The Developer may apply for one or more two-year extensions provided application is made in advance of the expiration date. Approval shall not unreasonably be withheld.
  
- J. STANDARD DEVELOPER’S AGREEMENT. It is understood and agreed by the parties hereto that Developer shall execute the City’s Standard Developer’s Agreement.

City and Developer recognize that in exchange for giving up substantial acreage for the neighborhood park and the bike and walking trails, and the large impact it has on the residential area of the project, city is allowing the ZDA as proposed.

K. GENERAL PROVISIONS.

- a. Cooperation. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all construction plans, specifications, and working drawings required by the City.
  
- b. Entire Agreement. This Agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this Agreement shall be valid or effective unless reduced to writing and signed by the parties.
  
- c. Applicable Law. This Agreement shall be construed in accordance with the laws of the State of Idaho.
  
- d. Notices. If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with “return receipt requested.” On the date of this Agreement, the addresses of the parties are as follows:

Developer: Grandview Farms, LLC  
P.O. Box 5162  
Twin Falls, Idaho 83303-5162.

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

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

all or a portion of the Property shall create a notation releasing the transferor from obligations under this Agreement with respect to said transferred property.

- f. SEVERABILITY. In the event any portion of this Agreement is declared by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining portions shall not be affected thereby.
- g. SIGNATORIES. Each of the persons executing this Agreement hereby represents and warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this Agreement is binding on, and enforceable against, such entity.
- h. EFFECTIVE DATE. This Agreement shall become valid and binding only upon its approval by City, through its City Council, and upon its execution by the Mayor and the Developer.
- i. ATTORNEY FEES. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party that prevails in such litigation shall be entitled to a reasonable attorney's fee.
- j. CONSTRUCTION. Should any provision of this Agreement require judicial interpretation, the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.
- k. ATTACHMENTS. All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.
- l. CAPTIONS. The captions, 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.

DRAFT

DRAFT

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

“CITY”  
CITY OF TWIN FALLS

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

“DEVELOPER”  
GRANDVIEW FARMS, LLC

By: \_\_\_\_\_  
\_\_\_\_\_  
Manager

STATE OF IDAHO            )  
  ss.  
County of Twin Falls        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015 before me, a Notary Public for said County and State, personally appeared \_\_\_\_\_, known or identified to me, to be the Manager of GRANDVIEW FARMS, LLC, that executed the said instrument.

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 \_\_\_\_\_  
My commission expires \_\_\_\_\_

DRAFT

DRAFT

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015 before me, a Notary Public for said County and State, personally appeared \_\_\_\_\_ and \_\_\_\_\_, Known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed the said instrument, and acknowledged to me that such City executed the same.

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

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

DRAFT

DRAFT

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**For**

**Proposed R-2 and R-2/NCO Overlay**

**Meadow West Subdivision**

A PORTION OF THE N1/2 NE1/4  
SECTION 7  
T. 10 S., R.17 E., B.M.  
TWIN FALLS COUNTY, IDAHO

A PARCEL OF LAND IN THE N1/2 NE1/4 OF SECTION 7, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST QUARTER CORNER OF SECTION 7, T.10 S., R. 17 E., B.M. AND BEING THE **REAL POINT OF BEGINNING**:

THENCE FROM THIS **REAL POINT OF BEGINNING** ON A BEARING OF SOUTH 00° 28' 07" WEST A DISTANCE OF 1,252.94 FEET ALONG THE EAST BOUNDARY OF THE N1/2 NE1/4, SECTION 7;

THENCE ON A BEARING OF NORTH 87° 32' 59" WEST A DISTANCE OF 2623.82 FEET ALONG THE SOUTH BOUNDARY OF THE N1/2 NE1/4, SECTION 7;

THENCE ON A BEARING OF NORTH 00° 08' 12" EAST A DISTANCE OF 1286.19 FEET ALONG THE WEST BOUNDARY OF THE N1/2 NE1/4, SECTION 7;

THENCE ON A BEARING OF SOUTH 86° 49' 58" EAST A DISTANCE OF 2632.63 FEET ALONG THE NORTH BOUNDARY OF THE N1/2 NE1/4, SECTION 7 TO THE **REAL POINT OF BEGINNING**.

THE AREA CONTAINED IN THE ABOVE DESCRIBED BOUNDARY IS 71.52 ACRES.

**(BASIS OF BEARINGS:** THE LINE FROM THE NORTHEAST CORNER TO THE EAST QUARTER CORNER OF SECTION 7, T.10 S., R. 17 E., B.M. IN TWIN FALLS COUNTY, IDAHO. SAID LINE BEING SOUTH 00° 28' 07" WEST.)

SUBJECT TO HIGHWAY DISTRICT RIGHT-OF-WAY

## Steve O'Connor

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**From:** Renee Carraway  
**Sent:** Wednesday, October 19, 2016 4:20 PM  
**To:** Steve O'Connor  
**Cc:** Jonathan Spendlove  
**Subject:** FW: Hearing Oct 25th

Steve, this email/letter needs to be included in the packet and added to the identified attachments. RvcJ

---

**From:** David Hickok [mailto:davidhickok@cableone.net]  
**Sent:** Wednesday, October 19, 2016 8:24 AM  
**To:** Jonathan Spendlove <JSpendlove@tfid.org>  
**Subject:** Hearing Oct 25th

Jonathan,

I will be unable to attend the Hearing on October 25<sup>th</sup> regarding the property south of Falls Ave and west of Grandview, but I do have a concern that I would like addressed before the project moves forward.

I live at 1678 W Wildflower Ln, which is west of the intersection at Falls and Grandview. I use that intersection on a daily basis and currently there are times during the day when it is difficult to cross Grandview Dr. With the home construction that has started on the northeast corner of that intersection and the proposed 290 homes proposed on the southwest corner of that intersection, that intersection will get worse instead of better.

In my opinion (and others that live out here) that intersection should already have a 4 Way stop sign but it does not. With the construction and increased traffic, is there a proposed 4 way stop sign at that intersection or are they planning to skip the stop sign and install a traffic signal at that intersection?

Please let me know the plan.

Sincerely,  
David Hickok  
1678 W Wildflower Ln

208-308-3540

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[Spam](#)  
[Phish/Fraud](#)  
[Not spam](#)  
[Forget previous vote](#)