



NOTICE OF AGENDA
TWIN FALLS CITY PLANNING & ZONING COMMISSION
JUNE 24, 2014 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

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

AREA OF IMPACT:

Ryan Higley Steve Woods

City Council Liaison

Rebecca Mills Sojka

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **June 10, 2014**
2. Approval of Findings of Fact and Conclusions of Law:
 - Lengfeld Sub (Pre-Plat 06-10-14) •Mr. Gas (SUP 06-10-14)

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to establish a religious facility on property located at 552 Shoup Avenue West c/o Gary Garrison (app.2644)
2. Request for a Special Use Permit to construct a 2,876 sq. ft. detached accessory building on property located at 2508 Canyon Gate Place c/o Steve Wybenga (app. 2645)
3. Request for a Special Use Permit to establish a Recreational Vehicle and Camping Park on .83 acres located on the south side of the 200 Block of Shoup Avenue West c/o E. Dan Carter on behalf of Cowboy Investments, Inc. (app. 2646)
4. Request for a Special Use Permit to operate a multi-stage retirement community to be developed on 10.5 (+/-) acres located on Lots 2, 3 and 4 block WS&V 1st Amended Sub-A PUD, which borders Field stream Way to the east, Cheney Drive West-extended, to the north and Creekside Way-extended, to the west c/o Peter Candy on behalf of Canyon Retirement Community (app. 2647)

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

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

1. Work Session- **July 2, 2014**
2. Public Hearing- **July 10, 2014**

VII. ADJOURN MEETING:

Si Desean seta information en Española, llama Leila Sanchez al (208) 735-7287

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

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
Public Hearing Procedures for Zoning Requests

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

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

4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed-**No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.



Public Hearing: **TUESDAY, June 24, 2014**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development

AGENDA ITEM IV-1

Request: Request for a Special Use Permit to establish a religious facility on property located at 552 Shoup Avenue West. c/o Gary Garrison (App 2644)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size: Lot – 26,670 sq ft/ Bldg – 2400 sq ft
Gary Garrison 5685 Highway 8 Deary, ID 83823 208-877-1260 GWDMGarrison@gmail.com	Current Zoning: R-6 PRO	Requested Zoning: Special Use Permit
	Comprehensive Plan: Office/Professional	Lot Count: 1 Lot
	Existing Land Use: vacant/Professional Medical Office	Proposed Land Use: Religious Assembly
Representative:	Zoning Designations & Surrounding Land Use(s)	
Ibragim Sharafov 1128 Wirsching Ave W Twin Falls, ID 83301 208-329-1579	North: R-4; Residential	East: R-6 PRO; Medical Offices
	South: R-6 PRO; Residential	West: R-6 PRO; Medical Offices
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-6.2(B)6b, 10-4-18.2, 10-10, 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.

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 negligible impact on the City budget with the change of the property to a public assembly for a religious facility.

Regulatory Impact:

Approval of this request will allow the applicant to establish and operate a religious facility on property as presented located at 552 Shoup Avenue West.

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 property has been used as various medical offices for a very long time. The last confirmed occupancy was in 2009 by the City Utility Billing Department. The Building Department files revealed no history. No zoning history was found.

Analysis:

The applicant has supplied a narrative outlining the operation of the facility, including number of employees, hours of operation and how the assembly facility will affect neighboring property owners. It is anticipated the hours of operation will be from 12:30pm-2:30pm on Fridays, as well as 2:00pm-4:00 pm on Sundays; other occasional meetings periodically during the week may also occur. Traffic anticipated will be 15-20 cars on Fridays and less on Sundays. The anticipated number of people expected to attend the Friday meetings is between 40 -75. The anticipated number of people for the Sunday meetings and other occasional meetings are between 5 -10. There will be minimal to no noise during the congregation. No other effects on adjoining properties are anticipated by the applicant.

City Code 10-4-6.2(B)-6b states that religious facilities need a special use permit in order to be established in the Residential Multi-Household zoning district. The R-6 zone is designated as an area intended to promote and preserve residential development and to provide a high density residential environment free from encroachment by major commercial and industrial activities with a proportional increase in amenities as density rises.

The religious facility is classified as a public assembly and as such would offer a location for people to assemble for various activities and meetings outside normal business hours.

City Code 10-10 addresses parking requirements for land uses. Religious facilities are currently assessed one (1) parking space per four (4) chairs present in the main assembly area. The parking will be reviewed for compliance with current city code at the time of building permit application.

City Code 10-11-1 thru 8: The required improvements, i.e. landscaping, screening, parking area (including surface condition and material), and sanitation facilities, as applied to this building, will be reviewed for compliance with current city code at the time of building permit application.

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 applicant applying for a Certificate of Occupancy permit through the Building Department before occupying the building.

Attachments:

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

April 28, 2014

RE: 552 Shoup Avenue, Twin Falls, ID

RECEIVED

MAY 13 2014

CITY OF TWIN FALLS
BUILDING DEPT.

To whom it may concern:

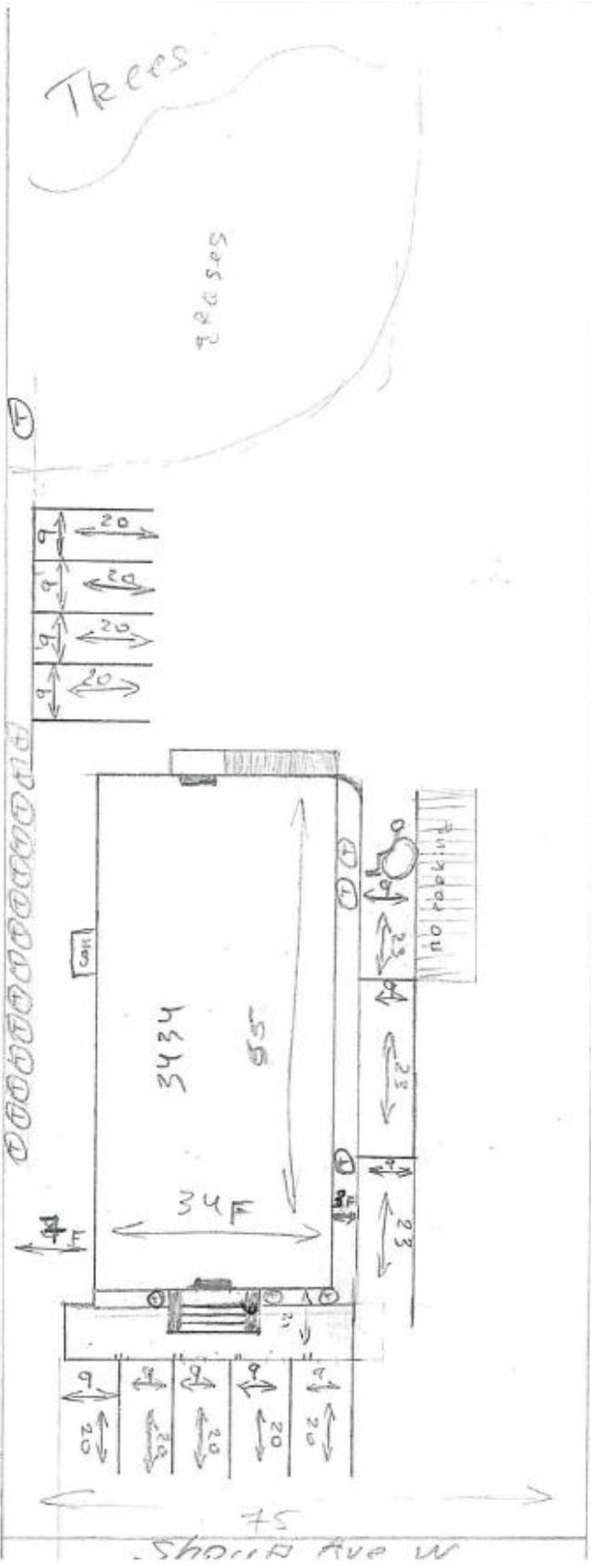
This statement is written in respect to the special permit application for the above mentioned property. The reason for the request is to qualify the property for religious congregation. Religious congregation will meet about one time(s) per week inside the building usually on Fridays from 12:30 pm to 2:30 pm. Total number of people expected during this congregation are approximately 40 to 75 and will require about 15-20 car spaces (most of these parking spaces are already provided on the property). There are no employees but there are volunteers that may use the building for meeting purposes periodically during the week but will likely be only 5-10 persons present at any one time usually between the hours of 2 pm to 3 pm on Sundays.

There will be minimal to no noise during the congregation. No odor, glare, or fumes are expected as building is to be used for religious gathering purposes. As the surrounding properties/structures are professional buildings, compatibility with the intended purpose of the building is very high.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to be a stylized name, possibly "J. Smith", with a long, sweeping underline.



RECEIVED

MAY 13 2014

CITY OF TWIN FALLS
BUILDING DEPT.



Front of Bldg along Shoup Ave

06/17/2014 12:04 PM



Back of building and parking lot

06/17/2014 12:05 PM



Back of Building from neighboring parking lot on west side.

06/17/2014 12:05 PM



Frontage along Shoup – Other businesses and parking on the right.

06/17/2014 12:03 PM



Public Hearing: **TUESDAY, June 24, 2014**
 To: Planning & Zoning Commission
 From: Rene'e V. Carraway, Community Development

AGENDA ITEM IV-2

Request: Request for a Special Use Permit to construct a 2876 sq. ft. detached accessory building on property located at 2508 Canyon Gate Place within the Area of Impact. c/o Steve Wybenga (App 2645)

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: Land – 1.298 Acres, Bldg 2876 sq ft
Steve Wybenga 2508 Canyon Gate Pl Twin Falls, ID 83301 208-539-5558	Current Zoning: SUI - AOI	Requested Zoning: SUP for a Detached Accessory Bldg greater than 1500 sf
	Comprehensive Plan: Rural Residential	Lot Count: One (1) Lot
	Existing Land Use: Residential lot	Proposed Land Use: Single Family Dwelling and Detached Accessory Bldg
Representative:	Zoning Designations & Surrounding Land Use(s)	
James Ray 3520 Addison Ave E Kimberly, ID 83341 208-280-0518 jvray5@gmail.com	North: OS, Snake River Canyon	East: SUI - AOI, Residential
	South: R-2, 4200 N Road, Residential	West: SUI - AOI, Undeveloped Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-2.2(B)6a, 10-4-2.3, 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 no impact on the City budget as this property is not located within Twin Falls City Limits.

Regulatory Impact:

Approval of this request will allow the applicant to construct a 2876 sq ft detached accessory building on property located at 2508 Canyon Gate Place.

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

History:

The Canyon Gate Subdivision was recorded in January 1997. A single family residence was constructed in 2011 on this property. The Certificate of Occupancy was issued in September of 2011.

Analysis:

The applicant has submitted a narrative detailing the proposed project. The applicant wishes to construct a detached accessory building located within the Canyon Gate Subdivision. The applicant plans on using the building for personal storage and personal use. The applicant does not believe there will be any adverse effects on adjoining properties including noise, glare, odor, fumes or vibrations.

The location of the proposed building is within a platted subdivision that was approved by the Board of County Commissioners. The lot is zoned SUI within the Area of Impact, allowing for Single Family Dwellings and detached accessory buildings. Detached accessory buildings over fifteen hundred (1500) square feet require a Special Use Permit prior to construction in order to mitigate possible adverse effects on adjoining property owners.

City Staff will conduct a full review of the detached accessory building at the time of building permit for compliance with all applicable City Codes, including but not limited to Building, Fire, Zoning, and Engineering Requirements.

Possible Impacts: The accessory building as shown on the site plan and elevations has been designed to complement the main dwelling in architectural design, materials and size. It is reasonable to assume that the possible impacts to neighboring property owners will be minimal due to the surrounding development pattern. The SUI Zone was designed as a transition between agricultural uses and more dense residential neighborhoods. Large outbuildings or accessory structures are common in this zone and in this area.

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. Detached Accessory building shall be for personal residential use and storage of personal property only, no commercial use shall be allowed.

Attachments:

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

My 12, 2014

City of Twin Falls Planning and Zoning

Ref: Steve Wybenga Detached Garage Special Use Application

The reason we are requesting a Special Use Permit is to construct a detached garage on my property that is larger than allowed without the Special Use Permit.

The reason for the detached garage is for storage of personal property such as a motorhome and antique automobiles. No sort of a business will be operated from this building whatsoever.

The building will be finished in similar style and colors as my home that is already on the property. The exterior of the new garage will be complete stucco with cultured stone accents. The roof will be architectural asphalt shingles to match the existing home.

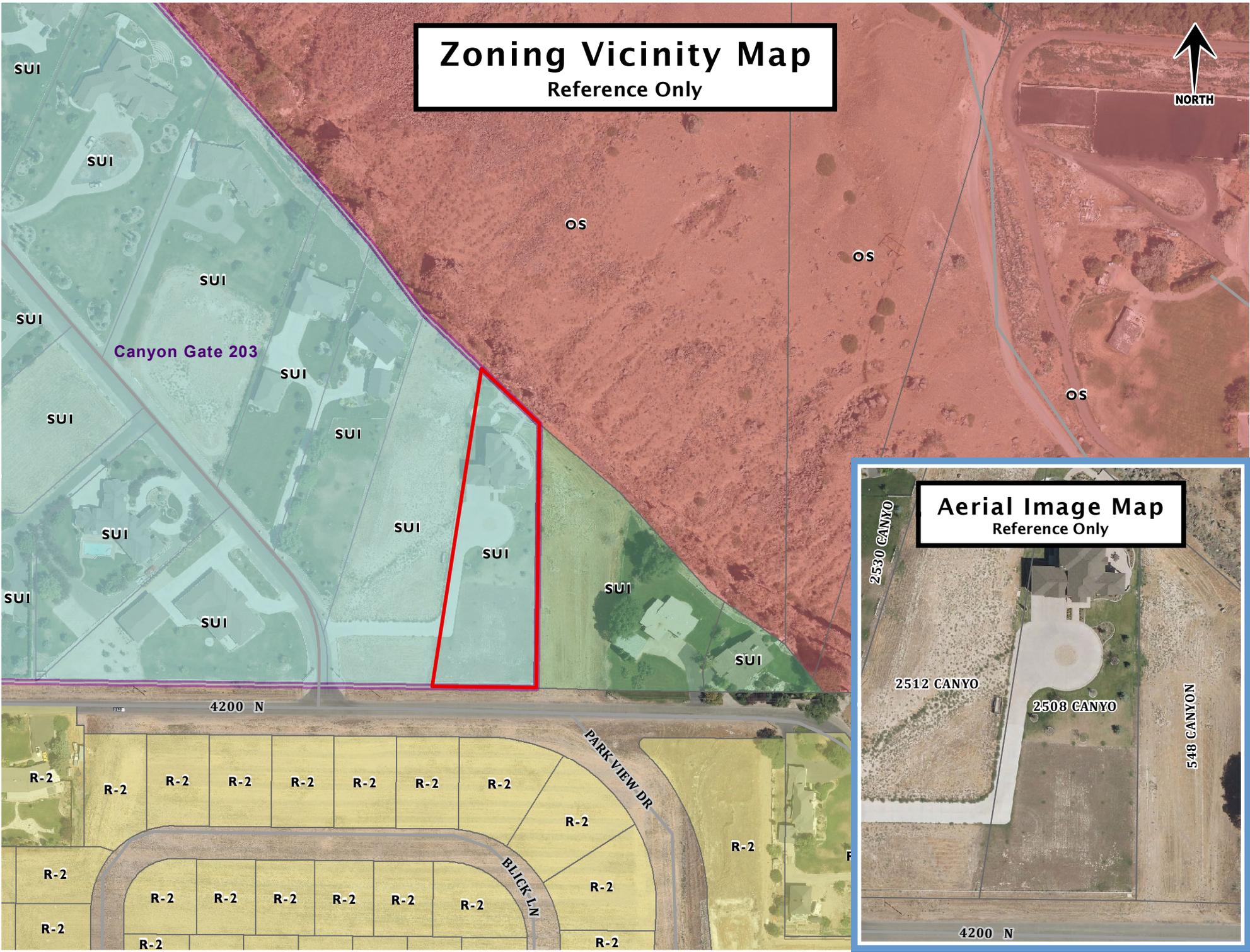
The overall appearance of detached garage will be pleasing to the eye and will compliment the existing home and surrounding neighborhood. There will be no adverse noise, glare, odor or fumes coming from the detached garage.

Thank You For Your Consideration,

Steve Wybenga

Zoning Vicinity Map

Reference Only



Aerial Image Map

Reference Only



CONTRACTOR TO VERIFY ALL
 DIMENSIONS AND LOCATIONS
 PROJECT MARKET SECT. MAKE EDITION
 IS NOT LIABLE FOR ANY DISCREPANCIES
 ANY CHANGES TO PLAN NEED TO BE NOTED
 ANY CHANGES TO PLAN NEED TO BE NOTED
 MAKE EDITION IS NOT AN ENDORSEMENT AND TAKES NO
 MAKE RESPONSIBILITY FOR REVISIONS AND LOADS

RECEIVED

JUN 16 2014

CITY OF TWIN FALLS
 BUILDING DEPT.



WYBENGA SHOP

NEW CONSTRUCTION
 GARAGE
 MAIN FLOOR AREA 2876 SQ. FT.

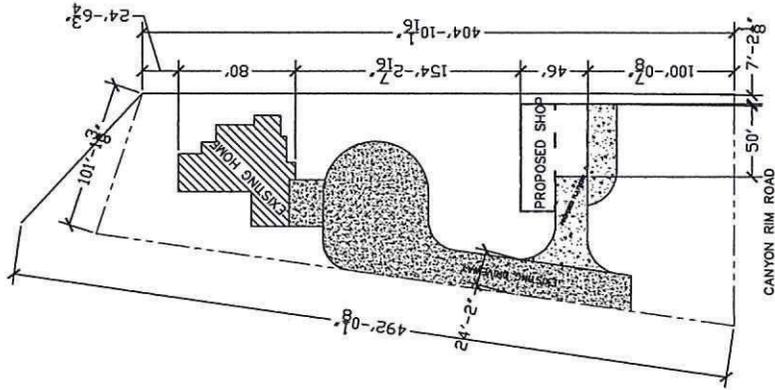
LEGAL DESCRIPTION:

EAST SIDE LOT 10 BLOCK 1
 CANYON GATE SUBD.
 TWIN FALLS CO. IDAHO

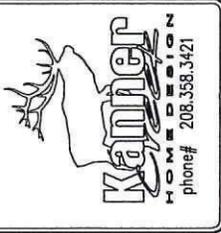
ENERGY COMPLIANCE
 DESCRIPTIVE APPROACH
 (R-38 ATTIC)
 (R-20 EXTERIOR WALLS)
 (.35 LO-E WINDOWS)

GENERAL NOTES:

1. ALL WORK TO MEET OR EXCEED 2009-IRC & ALL STATE & LOCAL CODES AND ORDINANCES.
2. CONTRACTOR TO LOCATE ALL UTILITIES IN FIELD PRIOR TO CONSTRUCTION



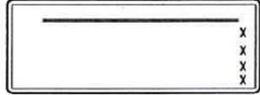
PLOT PLAN
 SCALE 1" = 40'-0"



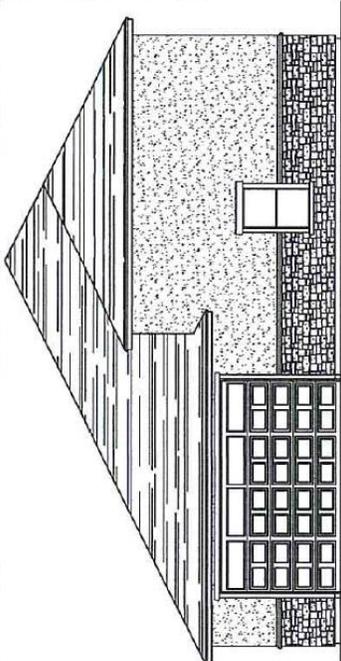
WYBENGA SHOP
 EAST SIDE LOT 10 BLOCK 1
 CANYON GATE SUBD.
 TWIN FALLS ID



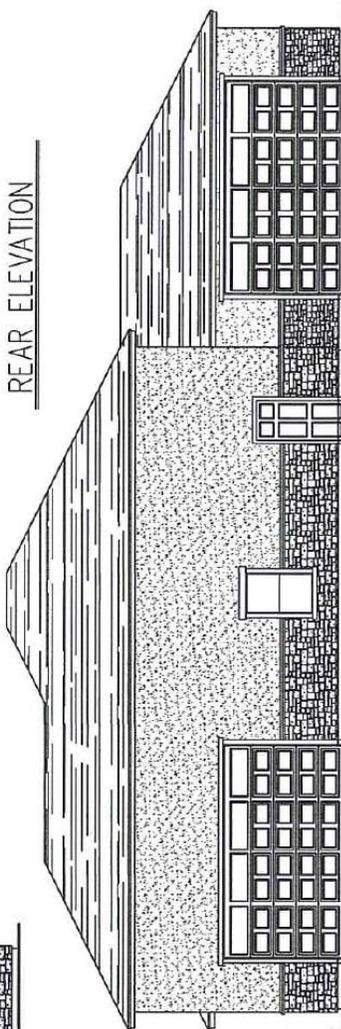
DATE	1	6
BY		
CHECKED		
SCALE	1" = 40'-0"	
TITLE	WYBENGA SHOP	
PROJECT		
OWNER		
DESIGNER		
DATE		



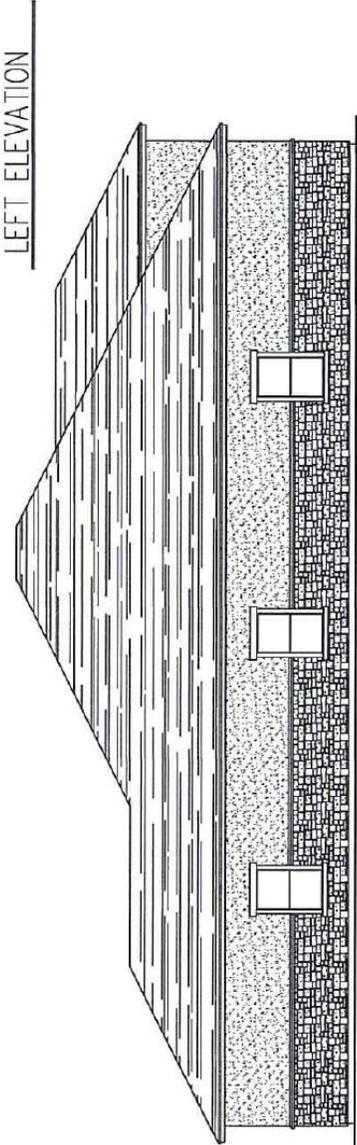
DRAFTSMAN:	LEWIS PROBERT
DATE:	10/11/07
SCALE:	1/4" = 1'-0"
SHEET:	3
OF:	6



FRONT ELEVATION



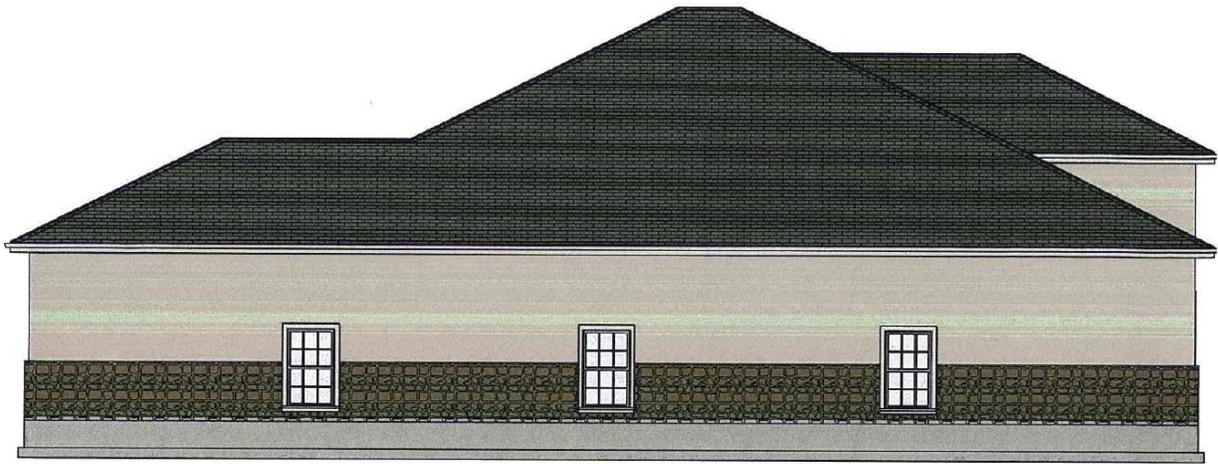
REAR ELEVATION

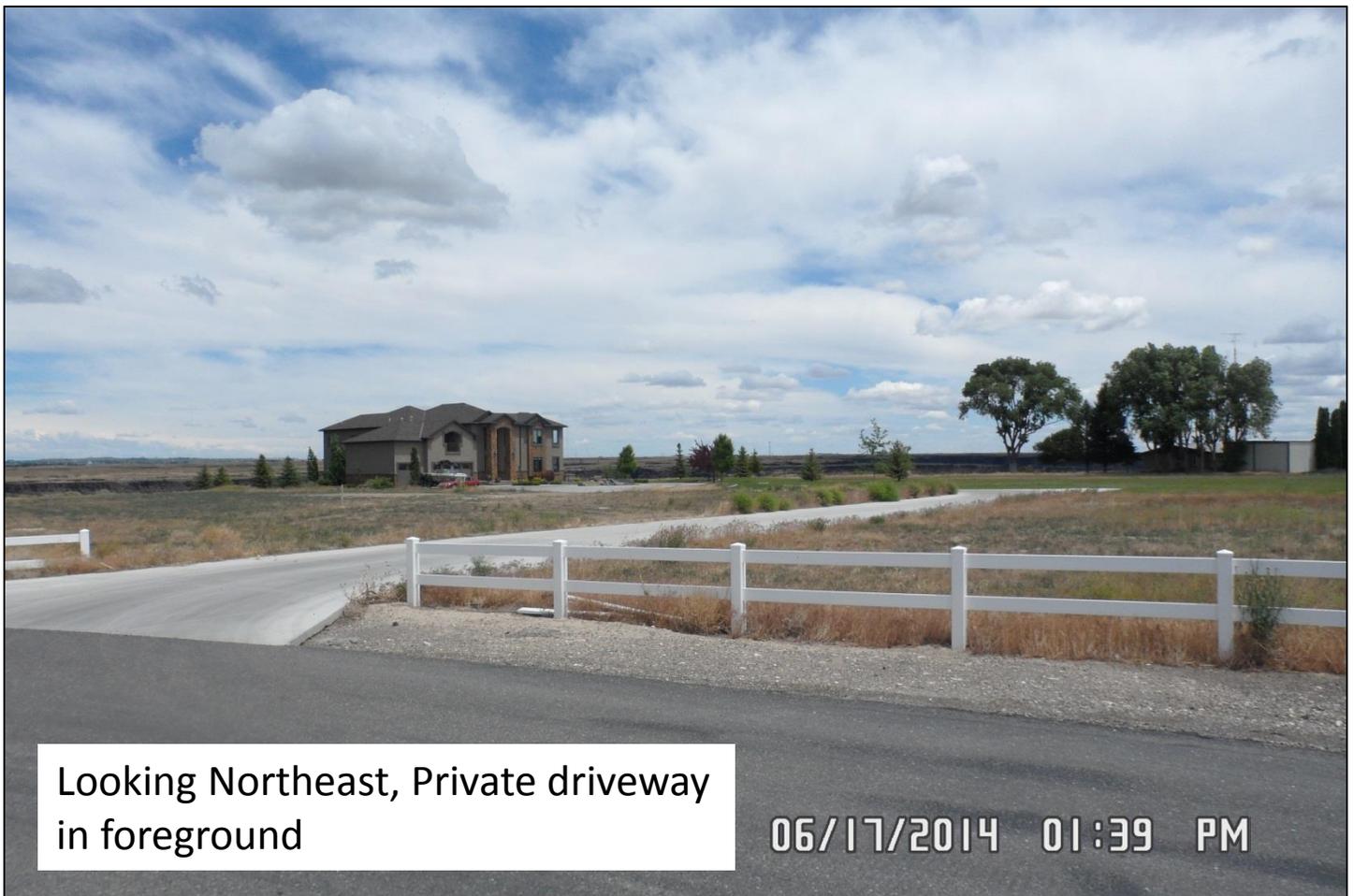


LEFT ELEVATION

RIGHT ELEVATION







Looking Northeast, Private driveway
in foreground

06/17/2014 01:39 PM



Looking to the West towards the
Private Driveway

06/17/2014 01:41 PM



Looking to the North from
Canyon Rim Road

06/17/2014 01:42 PM



Public Hearing: **TUESDAY, June 24, 2014**
 To: Planning & Zoning Commission
 From: Rene'e V. Carraway, Community Development

AGENDA ITEM IV-3

Request: Requests a Special Use Permit to establish a temporary Recreational Vehicle and Camping Park on 0.83 acres located on the south side of the 200 block of Shoup Avenue West c/o E. Dan Carter on behalf of Cowboy Investments, Inc. (app. 2646)

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: 0.83 (+/-) Acres
E. Dan Carter Cowboy Investments P.O. Box 1148 Twin Falls, ID 83301 208-731-1655 208-420-6952 Haybyr1@yahoo.com	Current Zoning: C-1	Requested Zoning: Special Use Permit
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 Lot
	Existing Land Use: Vacant, undeveloped	Proposed Land Use: RV Park
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: R-6 Pro; Shoup Ave W, St Luke's Magic Valley Walker Center	East: C-1; Professional Office
	South: C-1; Phillips 66 Gas Station/Car and Truck wash, A&W Restaurant	West: R-6 PRO; Professional Office
	Applicable Regulations: 10-1-4, 10-1-5, 10-2, 10-4-8.2(B)9c, 10-10, 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.

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

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to establish an RV Park for temporary stays at the location identified on the application.

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 lot is a portion of Lot 23 of the Delong Addition Subdivision. In May of this year the zoning was changed from R-6 PRO to C-1 (Commercial Highway District).

Analysis:

Per City Code 10-2: Definitions – *“RECREATIONAL VEHICLE AND CAMPING PARK: Any tract of land that is divided into rental spaces under common ownership or management for the purpose of locating recreational vehicles, travel trailers or tents for dwelling purposes for a period not to exceed six (6) months. (Ord. 2550, 6-2-1997)”*

Staff's concern with all RV and Camping parks is the operation transitioning into a mobile home park with permanent residents, which would be a different use as identified in City Code. It may be appropriate to place a condition on this permit any RV unit may remain in the park for a maximum of 6 months within a continuous 12 month period.

Per City Code 10-4-8: The C-1 (Commercial Highway) District, RV and Camping Parks require a Special Use Permit in order to be established legally.

“A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken.”

Per City Code 10-10: Required parking spaces will be assessed at one (1) space per unit. This requirement will need to be reviewed on a final site plan. In order to review this requirement **a condition should be this permit to require an Engineered Site Plan be approved by staff prior to any construction taking place on the lot.**

Per City Code 10-11-1 thru 8; Required Improvements: These requirements include sewer, water, access, streets, sidewalks, storm drainage, landscaping, and others. All required improvements are required to be provided when a change of use occurs on a parcel or lot. In order to review these improvements, **a condition should be placed on this permit to require an Engineered Site Plan be approved by City Staff prior to any construction taking place on the lot.**

Possible Impacts:

The possible impacts of this development should focus on the occupancy of the pad sites, means of ingress/egress, potential vagrancy of tenants, and possible future use as a longer term RV Park. It should be noted that Twin Falls City Code places a time limit of six (6) months for residency at RV Park locations.

In general, the greatest impacts these types of uses create are noise from traffic, and noise from tenants. This location is currently surrounded by a majority of professional offices and other commercial uses. The possible impact of noise from traffic and tenants would not overly burden the majority of current surrounding properties and owners. That does not mean we should forget that Special Use Permits stay with the land despite ownership, unless otherwise dictated by the commission.

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 an engineered final site plan being approved by staff for compliance with applicable city codes and requirements prior to any construction or use taking place on site.
3. Subject to a maximum occupancy time limit of six (6) months, for any individual trailer, in a twelve (12) month period.

Attachments:

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

City of Twin Falls

Community Development Service

I am asking for this SUP for the purpose of building and maintaining an RV park on the property located at my lot off Shoup Avenue.

I propose to install an RV park at this location that would cater primarily to somewhat high end RV travelers for overnight or short stay accommodations. I propose a site of approx. 12 to 18 spaces with grass, concrete curbing, full hookups, (I understand sewer could be a while in being possible), ingress and egress to Shoup, a four foot high chain link fence, graded gravel general area, walk thru gates for access to area businesses, and on site management.

Normal business hours would be open to cater to the customers. With the new Baxter Dog park across the street and the easy walking access to many Twin Falls business, such as the Rock Creek Restaurant, A&W, Addison West Restaurant, McDonalds, three major convenience stores, three major fuel stops, and the Apollo Motor Inn, I believe this could be a profitable and well served enterprise that would attract many Recreational Vehicle travelers.

I anticipate no more than 1 employee and contract personnel to mow the lawns etc.

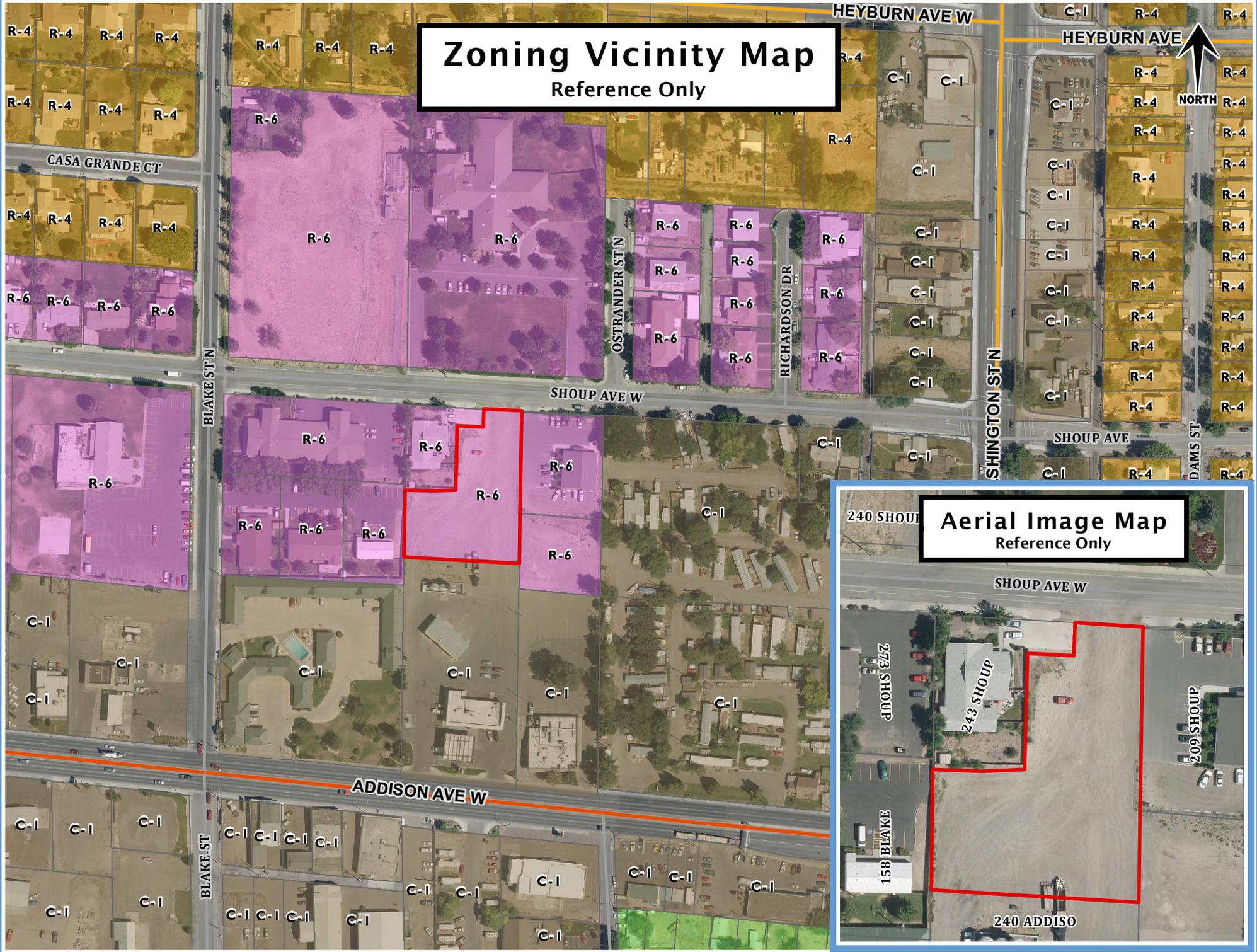
I can see no adverse effects from Noise, Glare, Odor, or Fumes of any kind. The general compatibility with all the businesses around me should be good and this project is supported by all the neighbors that I have talked with.

Thank you,

Dan Carter,

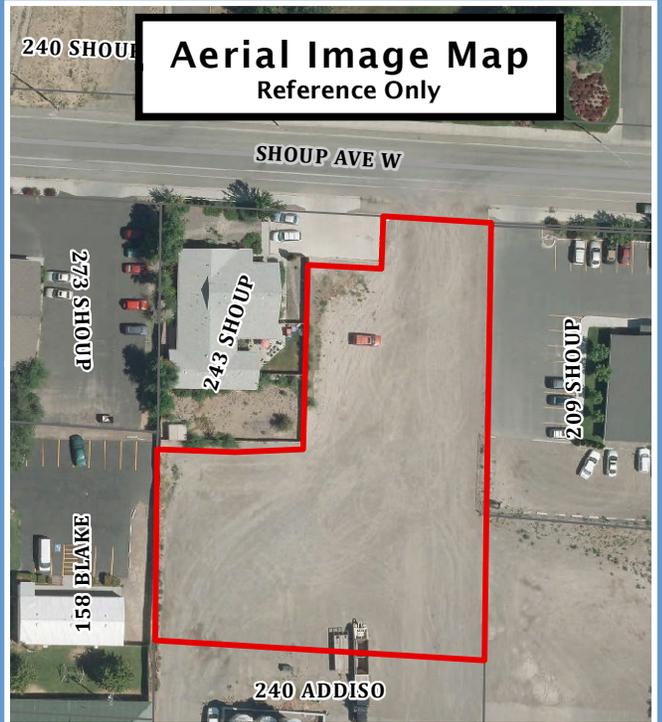
Zoning Vicinity Map

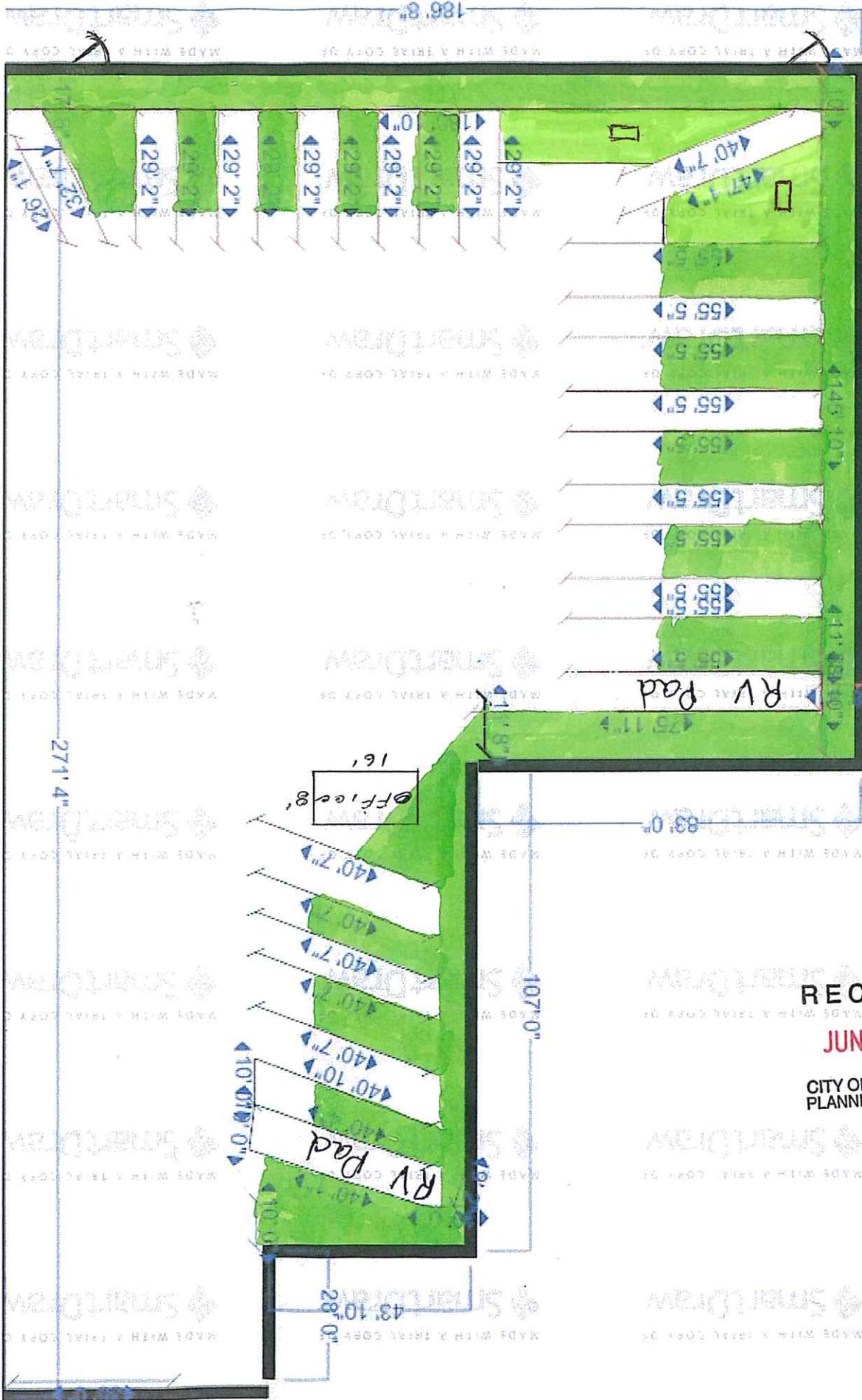
Reference Only



Aerial Image Map

Reference Only





RECEIVED
JUN - 3 2014
 CITY OF TWIN FALLS
 PLANNING & ZONING





Frontage along Shoup, North Property Line. Looking to the South.

04/02/2014 08:58 AM



South Property boundary. Looking to the North-West.

04/02/2014 09:00 AM



Public Hearing: **Tuesday June 24th, 2014**

To: Planning & Zoning Commission

From: Renee Carraway, Community Development

AGENDA ITEM IV-4

Request: Request for a Special Use Permit to operate a multi-stage retirement community to be developed on 10.5 (+/-) acres located on Lots 2, 3 and 4 block WS&V 1st Amended Sub-A PUD, which borders Field Stream Way to the east, Cheney Drive West-extended, to the north and Creekside Way-extended, to the west c/o Peter Candy on behalf of Canyon Retirement Community (app. 2647)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately ten (10) minutes.

Background:

Applicant:	Status: Owner/Developer	Size: 10.5 (+/-) Acres
Peter Candy P.O. Box 2071 Ketchum, ID 83340 pwca@cox.net	Current Zoning: R-6 PRO PUD	Requested Zoning: Special Use Permit per PUD Requirements
	Comprehensive Plan: Urban Village/ Urban Infill	Lot Count: 3 Lots
	Existing Land Use: Undeveloped	Proposed Land Use: Senior Care Facility per PUD Requirements
Representative:	Zoning Designations & Surrounding Land Use(s)	
Brad Wills 222 Shoshone St W Twin Falls, ID 83303 208-734-4411 bradwills@cox.net	North: C-1 PUD, agricultural	East: R-2; Fieldstream Way; Fieldstone Subdivision- residential
	South: R-2; Xavier Charter school and LDS Church Building	West: R-1 VAR Aol; Creekside Way (Extended) agricultural
	Applicable Regulations: 10-1-4, 10-1-5, 10-11-1 thru 8, 10-13-2, and the <i>Amended WS&V PUD Agreement #263</i> and the associated Master Development Plan	

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 impact the City budget as developed uses on the property will be assessed at a higher value than undeveloped residential property.

Regulatory Impact:

Approval of this request will allow the applicant to operate a multi-stage retirement community as approved.

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

History:

On November 6, 2006 the City Council approved annexation of 36.5 (+/-) acres, which includes this property that is being proposed for a zoning amendment this evening. The site was annexed with the existing R-2 zoning designation. Ordinance #2884 was adopted on November 13, 2006, and later recorded.

The WS&V Conveyance Plat, consisting of 30 (+/-) acres and 2 lots, was approved & later recorded on March 12, 2009. The Xavier Charter School was granted a Special Use Permit on December 16, 2008 to develop a public charter school on the southwest corner of this property. The Xavier Subdivision, consisting of 1 - 8.5(+/-) acre lot, was approved by the City Council and recorded on August 19, 2009. The school has been in operation since 2010.

The Cottages, a residential R-4 PUD, was approved by the City Council on Feb 9, 2009. Ordinance #2964 was adopted on March 23, 2009 and later recorded. The project consisted of 6 (+/-) acres located north of the LDS church site and on the west side of Field Stream Way. The project was not developed and was included with a zoning request to rezone 20 acres, including the cottages, in 2010 under an R-6 PRO PUD designation.

A Preliminary PUD presentation for a Zoning District and Zoning Map Amendment from R-2 & R-4 PUD to R-6 PRO PUD was given to the Planning and Zoning Commission on Tuesday, August 10, 2010 followed by a public hearing on August 24, 2010. The City Council approved the request on Sept 20, 2010. Ord #2992 was later recorded. The PUD Agreement was adopted by the City Council on March 12, 2012/recorded on April 18, 2012.

On February 6, 2012 The Council approved the final plat of the WS&V Subdivision – A PUD, subject to seven conditions.

A Preliminary Presentation for a request to allow a PUD Agreement Amendment, for a 60-unit residential apartment complex on Lot 1, +/- 5 acres within the subdivision, was held on September 11, 2012. This was followed by a public hearing on September 25, 2012 for PUD Agreement Amendment. The City Council approved the request for the PUD Amendment on October 22, 2013.

On November 2, 2012 the WS&V Subdivision – A PUD plat was recorded; approval had been given in February of 2012.

From January 2014 through March 2014 an application went through the process to amend the WS&V PUD. This included a preliminary presentation and public hearing with the Planning and Zoning Commission, as well as a public hearing with the City Council. The Amended PUD Agreement was approved with conditions, signed and eventually recorded on April 8th 2014.

ANALYSIS:

The Amended WS&V PUD #268 requires certain land uses and development standards to acquire a Special Use Permit prior to establishing the use or developments. The applicant has requested multiple items under this specific Special Use Permit, they are outlined in the following analysis. When reviewing these items, both the PUD and the applicable Current City Code requirements need to be met.

Per City Code 10-11-1 thru 8 Required Improvements: All required improvements will need to be installed concurrently with building construction and are to be completed prior to issuance of the Certificate of Occupancy of a building.

Some of the required improvements correlate with the conditions placed on the PUD Agreement; both requirements will be met in the order established by common practice and the City Engineering Department. Some of the improvements include constructing a portion of Cheney Drive Extended, a portion of Fieldstream Way, water and sewer facilities as needed and other improvements as required prior to a Certificate of Occupancy for each phase of development.

Per Amended PUD #268: Covenant II – D Building Size: The maximum building size is 14,000 SF (a larger building may be allowed with an application for a special use permit). The applicant is proposing a main facility that is larger than the outright permitted size and therefore is applying for this special use permit.

The PUD is the document which governs this requirement. The base zoning does not contain a maximum building size requirement.

Per Amended PUD #268: Exhibit C – Land Use Regulations (B) Special Uses: “Hours of operation shall be 7:00 Am to 9:00 PM unless extended hours of operation are permitted with an approved special use permit.” The applicant is proposing a retirement center that will be operating 24/7. It is generally understood that these types of businesses will operate as such. Therefore the applicant is applying for this Special Use Permit to satisfy the PUD and City Code requirements.

The PUD is the document which governs this requirement. The base zoning does not contain a limit on hours of operation for a residential use.

Per Amended PUD #268: Exhibit C – Land Use Regulations (B) Special Uses – 5 Multiple Buildings: “Multiple buildings, including accessory buildings, on a lot” requires a special use permit prior to being established. The applicant has proposed to build multiple buildings on a lot. These multiple buildings include, the main care facility and multiple “independent living” homes.

The project will be accomplished in two (2) phases as shown on the provided documents. These multiple buildings will be constructed on a total of three (3) lots. Therefore the applicant is applying for this special use permit to have multiple buildings on a lot.

Per Amended PUD #268: Exhibit C – Land Use Regulations (B) Special Uses – 8 Residential: “Nursing homes and rest homes with 17 or more residents/beds – including staff” are required to obtain a special use permit prior to being established.

The applicant is proposing a facility that will exceed the 17 or more residents/beds within this proposed development and therefore is applying for this Special Use Permit.

Possible Impacts:

The majority of the impacts associated with this type of development center around traffic, late night operation/shift changes, and light intrusion. These facilities do generate a fair amount of traffic that can have a negative effect on surrounding property owners. With the construction of Cheney Drive Extended, it is expected that the negative impacts derived from traffic of employees, patrons, deliveries and visitors will be mitigated by the majority of traffic using Cheney Drive as opposed to traversing through the surrounding neighborhoods. The late night operations and shift changes are anticipated to be mitigated by the construction of Cheney Drive as well.

The light intrusion should be minimal in this particular development due to the distance of the main facility to the surrounding single family residences. The proposed layout shows a type of single family or duplex type residential homes or condos being constructed on the east side of the development. These units are anticipated to have a residential feel, including residential style lighting. Future phases also show additional residential style independent living units being placed between the main facility and the existing neighborhoods, further shielding these neighborhoods from the potential light intrusion of the main 24 hour operating facility. In either case, the city does have a regulation that states lighting is to be downward facing so as to preclude light intrusion happening on neighboring properties.

CONCLUSION:

Should the Commission be moved to recommend approval of this request as presented, staff recommends the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with the WS&V PUD #263 Amended; an R-6 PRO Planned Unit Development.
3. Subject to Cheney Drive West Extended, from Grandview Drive to Creek Side Way, being built for the extent of each phase of the proposed development. To be constructed to acceptable current City Standards prior to issuance of any Final Certificate of Occupancy for this project.

Attachments:

1. Letter of Request
2. Zoning Vicinity & Aerial Map
3. Applicant Submitted Development Plan
4. Applicant Submitted Bldg Elevations
5. Current WS&V PUD Agreement
6. Site Photos
7. Surrounding Developments

Exhibit A

Canyons Retirement Community

Applicant:

May 28, 2014

Peter Candy

Box 2071

Ketchum Idaho 83340

208-720-5477

Applicants Representative

Bradford J. Wills

222 Shoshone St. West

Twin Falls, Idaho 83303-0346

208-420-0314

Special Use Permit Request for the Canyons Retirement Community

This request is for a Special Use Permit within the R-6 PUD Zoning Designation at the WS&V Subdivision located at the southwest corner of Field Stream Way Extended and Cheney Drive West Extended for the Canyons Retirement Community. This is a continuing care retirement community. Phase # 1 is a main facility with 37,800 sf and 13 residential units averaging 1050 sf for a total of 51,450 sf. Phase # 2 includes a facility expansion of the main building adding 26,500 sf and an additional of 16 residential units averaging 1450 sf for a total of 23,200 sf on the remaining portion of Lot 3 and Lot 4, Block 1. There will be multiple buildings on each of the three lots including accessory buildings.

- Exhibit B Information requested in Application
- Exhibit C Land Description
- Exhibit D-1 Phase # 1 Description
- Exhibit D-2 Phase # 2 Description
- Exhibit E Future Access Roadways to facility
- Exhibit F Plat showing Lots 2, 3 and 4, Block 1 WS&V Subdivision
- Exhibit G Conceptual Plan for full build out of Project
- Exhibit H Phasing Plan
- Exhibit I Aerial Perspective of Site
- Exhibit J Surrounding Area
- Exhibit K Purchase and Sale Agreement between WS& V, LLC and Peter Candy
- Exhibit L Exterior of Main Facility
- Exhibit M Exterior of Typical Duplex

An expanded (above the typical 300 ft. Radius) notification list of surrounding property owners is attached per boundary guidelines provided by Jonathan Spendlove, Twin Falls Staff.

Exhibit B

Canyons Retirement Community

C. 4. a. The current zoning allows for nursing homes and rest homes with a maximum of 16 residents/beds including staff. The applicant's project requires a special use permit allowing nursing homes or rest homes with 17 or more residents/beds including resident staff. There will be multiple buildings on each of the three lots including accessory buildings.

C. 4. b.

I. Hours of operation 24/7.

II. Expected traffic will be minimal. Traffic will be comprised of staff arriving and departing according to work shift and job category, periodic deliveries of supplies by purveyors, the free movement of the occupants residing in the 13 independent living residences, and visitors to the facility. The assisted living and memory care residents will not add to the traffic count, since they are non-drivers. See Exhibit E for a build out of the future access into this area.

III. 50 employees in total. These employees will be working separate daytime and nighttime shifts.

C. 4. c. The effect of the proposed use on surrounding property owners will be minimal.

I. The proposed use will not create a noticeable level of noise. The facility must be operated as a quiet and serene environment for its residents.

II. Design and proposed use will produce little glare.

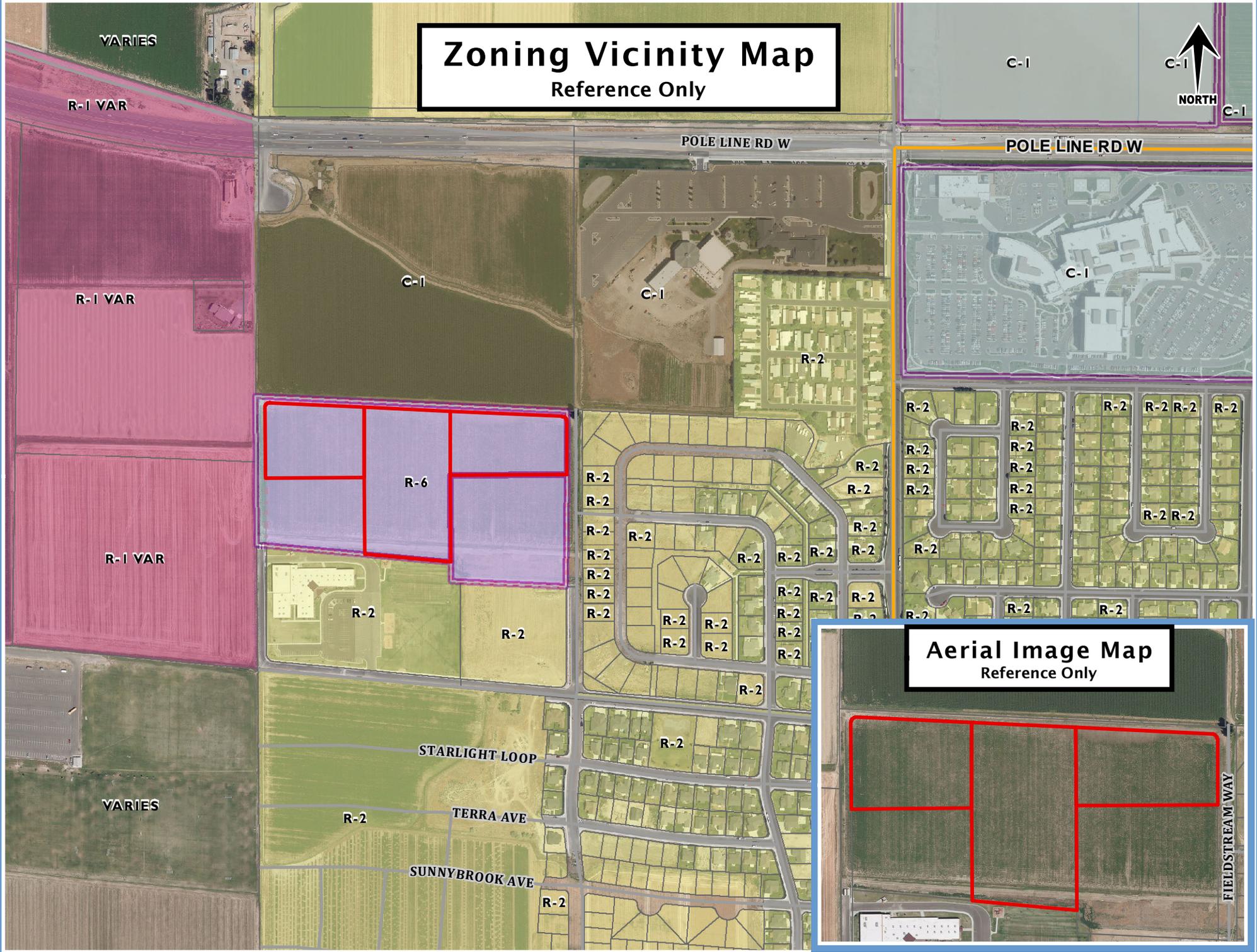
III. Odor will be non-existent.

IV. Fumes and vibration will be non-existent.

V. The proposed project is socially and economically essential for the future of the aging population of Twin Falls and the surrounding Magic Valley areas. Our demographic/demand study clearly indicates an area need for a Continuing Care Retirement Community (CCRC) of this campus type which incorporates independent living, assisted living and memory care levels of health care treatment. The location of the project, which is in close proximity to the hospital, is ideal for its intended use. The proposed project will be a single story, low density, carefully designed, and landscaped facility specifically meeting the health needs the community. The project when completed will be managed by an experienced, professional health care management company aware of the needs of its residents and the community in general. As set forth above in C. 4. c. I-IV the project will create no adverse effects on the adjacent and other property owners.

Zoning Vicinity Map

Reference Only



Aerial Image Map

Reference Only

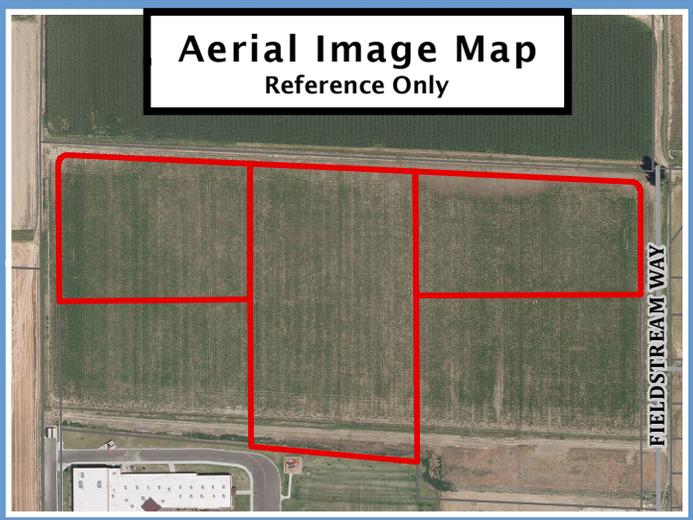
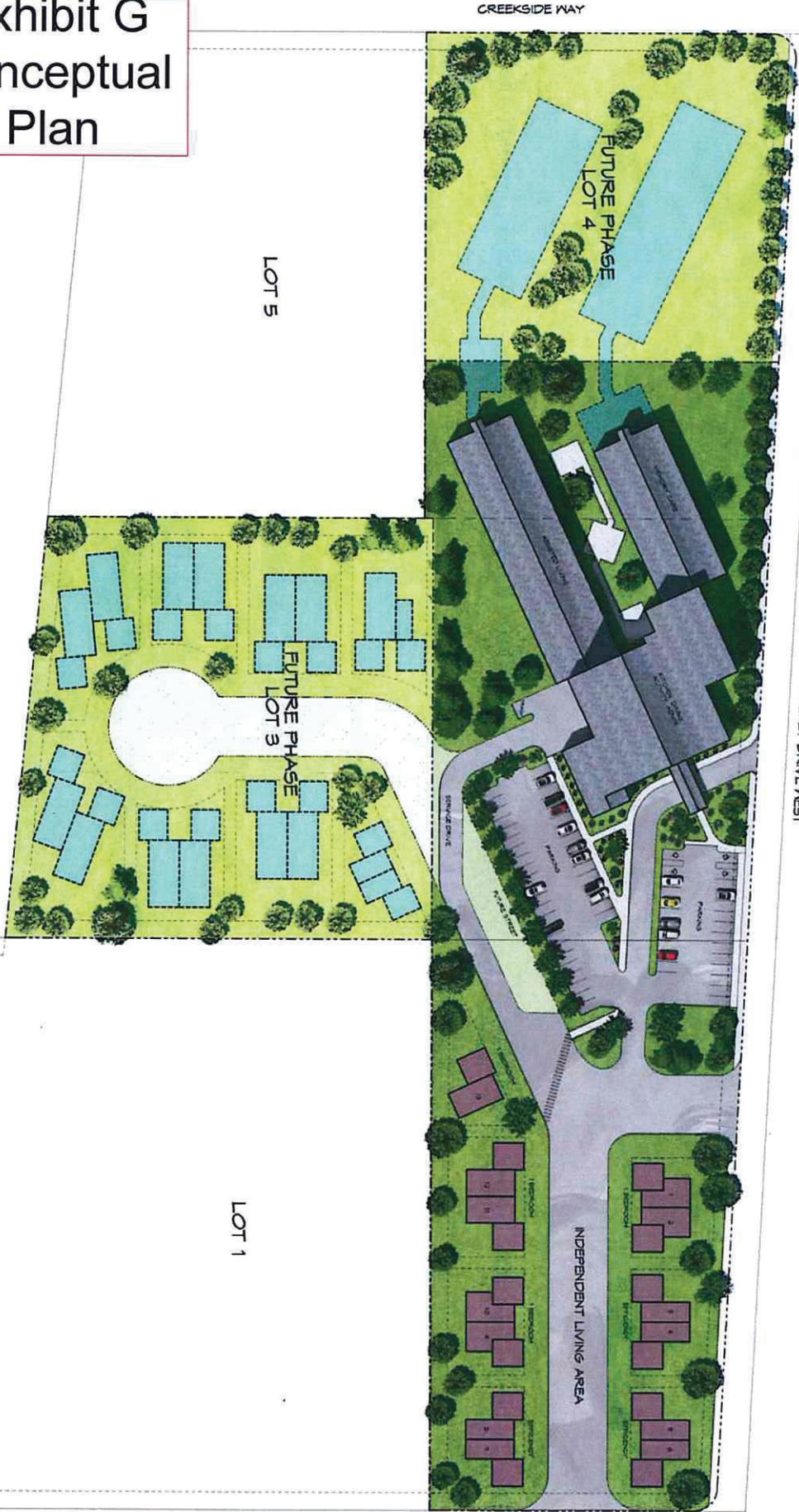


Exhibit G Conceptual Plan

CONTINUED CARE RETIREMENT COMMUNITY - CONCEPTUAL PLAN



CREEKSIDE WAY

CHENEY DRIVE WEST

FIELD STREAM WAY

LOT 5

LOT 1

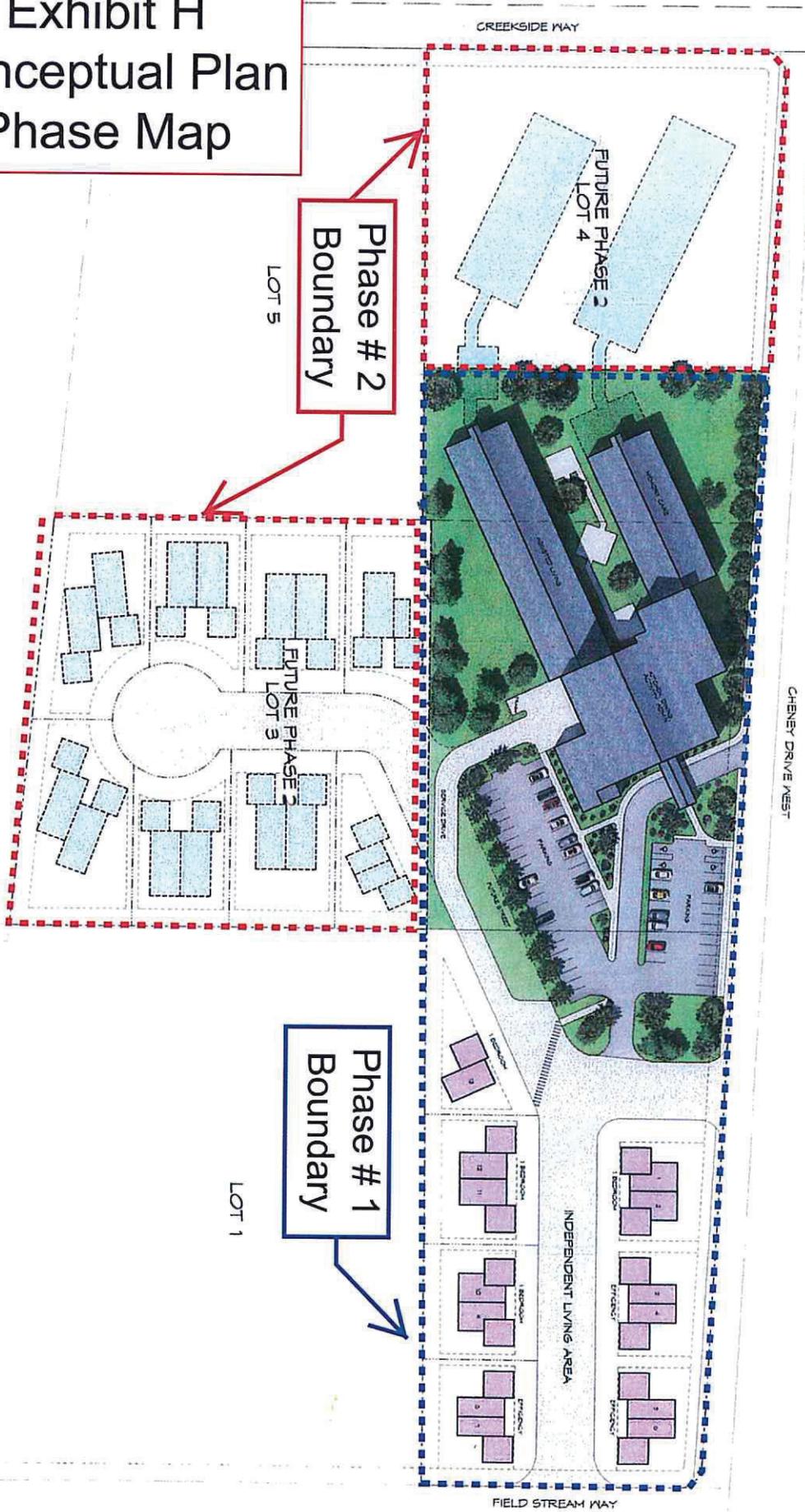
FUTURE PHASE
LOT 4

FUTURE PHASE
LOT 3

INDEPENDENT LIVING AREA

Exhibit H Conceptual Plan Phase Map

CONTINUED CARE RETIREMENT COMMUNITY - CONCEPTUAL PLAN



Phase # 2
Boundary

Phase # 1
Boundary

Exhibit L
Main Facility
Exterior

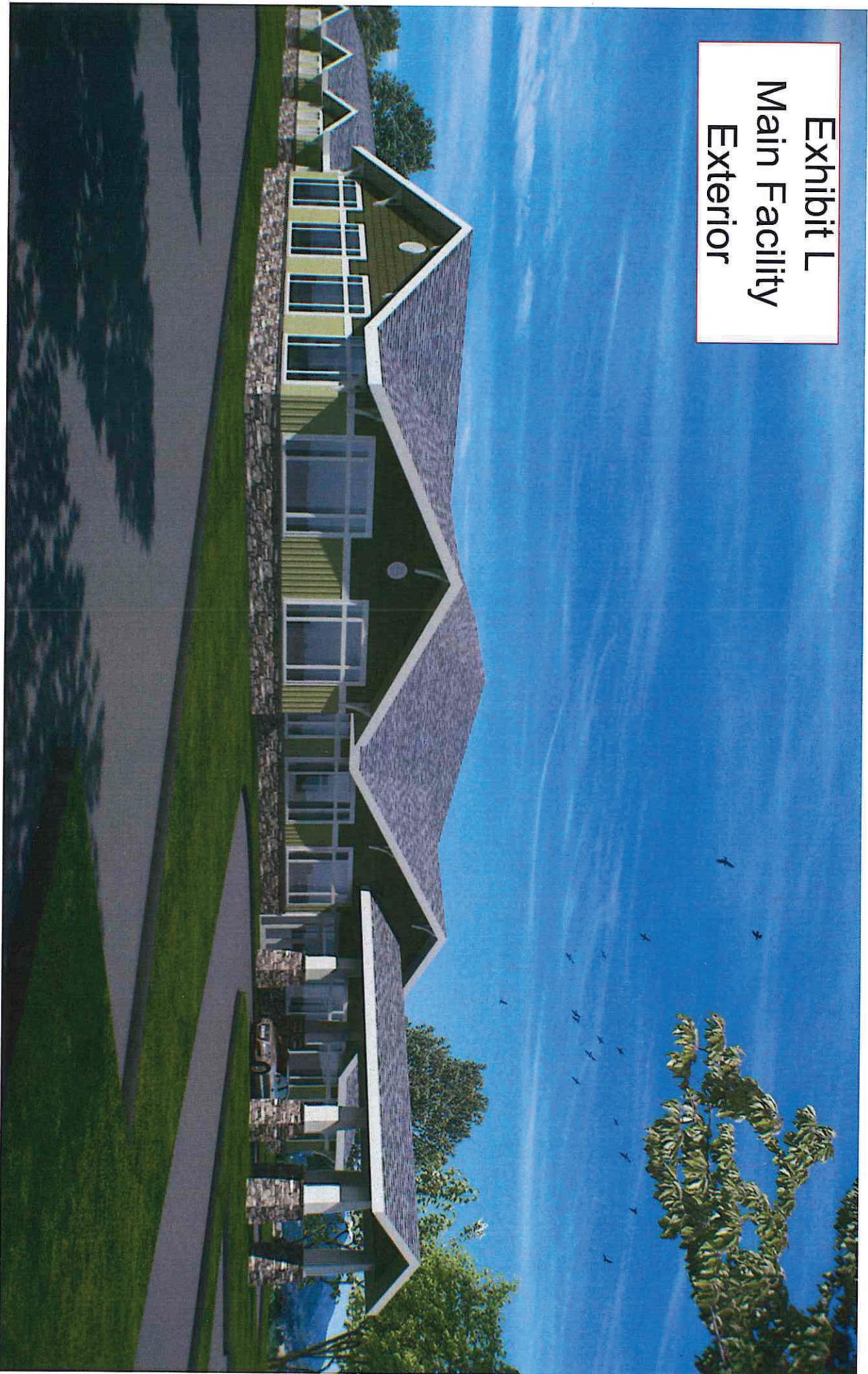


Exhibit M
Duplex Exterior



TWIN FALLS COUNTY

Recorded for:

TWIN FALLS, CITY OF
10:25:56 AM 04-08-2014**2014-005597**

No. Pages:16 Fee: \$

KRISTINA GLASCOCK

County Clerk

Deputy: BHUNTER

WS&V PUD**R-6 PRO PLANNED UNIT DEVELOPMENT AMENDED AGREEMENT**

THIS AMENDED AGREEMENT, made and entered into this 7th day of April, 2014, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and WS&V, LLC (hereinafter called "Developer"), whose address is P.O. Box 566, Twin Falls, Idaho 83303-0566.

RECITALS

WHEREAS, Developer is the owner of that certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A", attached hereto (the "Property"), which Property is north of the northwest corner of the intersection of North College Road and Field Stream Way.

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

WHEREAS, Developer has made request of the City to develop a mixed use medical/professional office and residential (the "Project") on the Property and has submitted to the City a Master Development Plan (Exhibit "B") thereof which has been approved for development as a "R-6 PRO PUD" by the City Council of the City; and

WHEREAS, City, by and through its City Council on March 10, 2014, has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this Amended Agreement and are as follows:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards and the WS&V PUD #263; a R-6 PRO Planned Unit Development.
2. 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.
3. Subject to development meeting or exceeding R-6 PRO Code Requirements and Required Improvements (10-11-1 through 9) and/or subject to compliance with attached - Exhibit "C" W,S&V - R-6 PRO PUD, as approved, or whichever is greater.

4. Subject to a new infrastructure model for sewer and water systems, and corresponding construction plans, being approved by the City prior to any development occurring on lots 2-5 of the WS&V Subdivision First Amended.

COVENANTS

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

- I. NATURE OF THE AMENDED AGREEMENT. This Amended Agreement shall become part of the "R-6 PRO PUD" zone with respect to the Project upon its full execution and recording. Developer and its assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein. Further, this Amended Agreement shall supersede, replace and control over all prior PUD agreements and amendments thereto, including, not by way of limitation, that certain WS&V PUD R-6 Pro Planned Unit Development Agreement recorded as Instrument No. 2012-007103, records of Twin Falls County, state of Idaho.
- II. 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, as per "Exhibit C".
 1. Except as provided herein, the uses shall be limited to those allowed in the R-6 PRO (PUD) zone (Code Section 10-4-18.2) as amended and attached hereto as "Exhibit C".
 - B. Lot Area, as per "Exhibit C".
 1. Except as provided herein, the minimum lot area per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit and attached hereto as "Exhibit C".
 2. For medical/professional offices, the lot size shall be of sufficient size to provide for the building, off street parking and landscaping and attached hereto as "Exhibit C".
 - C. Lot Occupancy, as per "Exhibit C".

No dwelling, including it accessory buildings, shall occupy more than sixty percent (60%) of a lot.

For professional offices, there is no occupancy requirement.

D. Building Size, as per "Exhibit C".

The maximum building size is 14,000 S.F. (a larger building may be allowed with an application for special use permit).

E. Building Height, as per "Exhibit C".

No building shall be greater than 35' above grade, as measured per 10-2-1 of City Code, as amended.

F. Hours of Operation, as per "Exhibit C".

Hours of operation for all professional office buildings shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit.

G. Phasing of Development.

Developer shall be permitted to develop the property in phases, so long as these phases are in compliance with the Master Development Plan and this Amended Agreement. Approval for each phase may be obtained by submission to the City Engineer of technically correct designs and improvement plans for necessary construction. The designation and location of specific uses on the Master Development Plan are conceptual and changes therefrom shall not provide basis for disapproval of any phase. There shall be no minimum or maximum limit between the occurrence of phases.

III. STREET, SEWER, WATER, AND DRAINAGE IMPROVEMENTS.

Developer, or their designee by appropriate agreement, shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property and adjacent right-of-ways (hereinafter "Improvements") as described herein in accordance with City Standards.

A. Improvement Plans. Developer shall file or cause to be filed with the City a complete set of plans showing all improvements contemplated. The Improvement Plans and all improvements shall thereon meet the approval of the City, which approval shall be given if such plans conform with established City requirements, the Master Development Plan and this Amended Agreement.

B. Improvement Design and Construction. Developer, at its expense, shall cause all improvements shown on the Improvement Plan to be designed, constructed and installed consistent with approved Improvement Plans except as otherwise provided herein. Notwithstanding the foregoing, nothing in this Amended Agreement shall prohibit City, State or Federal participation in the cost or financing of Improvements on the Property if mutually agreed by the parties hereto.

- C. Phased Construction. Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.
- D. Non-Compliance. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will require in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the right of the parties are preserved at law and equity.
- E. Fees. Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant 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.
- F. Maintenance of Improvements. City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.

IV. PLATS.

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

V. PARCEL DEVELOPMENT CRITERIA, as per “Exhibit C”. The Property or any portion thereof shall be developed in accordance with the criteria set forth in this Section V -- as per “Exhibit C”.

A. Approval and Construction. All improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.

B. Landscaping and Planting, as per “Exhibit C”.

C. Landscaping Plan, as per “Exhibit C”.

D. Building Standards, as per “Exhibit C”. Buildings and improvements shall comply with the following standards.

1. Architectural Standards, as per “Exhibit C”.

2. Outside Storage / Loading Docks, as per “Exhibit C”.

3. 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.

4. Sign Plan. All signage shall conform to City of Twin Falls Sign Regulations Ordinance, subject to the following:

a) Building Signs, as per “Exhibit C”.

VI. STANDARD DEVELOPER’S AGREEMENT. It is understood and agreed by the parties hereto that Developer shall execute the City’s Standard Developer’s Agreement.

VII. GENERAL PROVISIONS.

A. Cooperation. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications and working drawings required by the City.

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

C. Applicable Law. This Amended 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".
- E. Successors and Assigns. This Amended 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 Amended Agreement with respect to said transferred property.
- F. Severability. In the event any portion of this Amended Agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed from this Amended Agreement, and the remaining portions thereof shall not be affected.
- G. Signatories. Each of the persons executing this Amended Agreement hereby warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this Amended Agreement is binding on, and enforceable against, such entity.
- H. Effective Date. This Amended Agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.
- I. Attorney Fees. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails, shall be entitled to a reasonable attorney's fee.
- J. Construction. Should any provision of this Amended Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.
- K. Attachment. All attachments to this Amended Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.
- L. Captions. The captions, sections and paragraph numbers appearing in this Amended Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this Amended Agreement.

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

ATTEST: *Leila A. Sanchez*

CITY OF TWIN FALLS
By: *Don Hall*
Don Hall
Mayor

ATTEST: *John O. Fitzgerald, Jr.*

DEVELOPER
WS&V, LLC
By: *Douglas Vollmer*
Douglas Vollmer
Member

ACKNOWLEDGMENTS

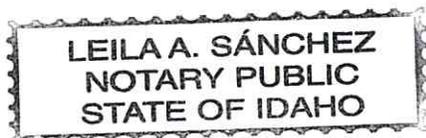
STATE OF IDAHO)
)ss.
COUNTY OF TWIN FALLS)

On this 7th day of April, 2014, before me, the undersigned, a Notary Public in and for said State and County, personally appeared Don Hall, known to me to be the Mayor of the City of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

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

Leila A. Sanchez

NOTARY PUBLIC FOR IDAHO
Residing At: Twin Falls Idaho
My Commission Expires: 5-18-2018



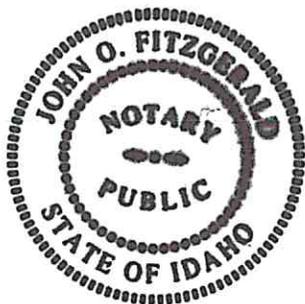
ACKNOWLEDGMENTS

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

On this 6th day of April, 2014, before me personally appeared Douglas Vollmer, known and identified to me to be a Member of WS&V, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledge to me that such company executed the same.

John O. Fitzgerald

NOTARY PUBLIC FOR IDAHO
Residing At: Twin Falls Idaho
My Commission Expires: 1/14/2015



PUD 268

**EXHIBIT A
LEGAL DESCRIPTION**

Lots 2, 3, 4, and 5, Block 1, WS&V Subdivision First Amended, according to the official plat thereof recorded in the office of the Twin Falls County Recorder in book 24 of plats on page 13.

EXHIBIT "C"
WS&V
R-6 PRO PUD
March 10, 2014 - CC DECISIONS

LAND USE REGULATIONS:

(A) PERMITTED USES: Buildings, structures or premises shall be used and buildings and structures shall hereunder be erected, altered or enlarged only for the following uses:

(Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit or unless stated elsewhere in this Exhibit)

1. Communications and Utilities:
 - a. Underground and aboveground transmission lines.
 - b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
2. Governmental Facilities:
 - a. Governmental office buildings
3. Medical Facilities
 - a. Doctor's office
4. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.
 - c. Public parks and playgrounds without crowd attracting facilities.
5. Public Assembly:
 - a. Religious facilities.
 - b. Schools - private academic.
 - c. Schools - public.
6. Residential (unrestricted hours of operation):
 - a. Detached accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street.
 - c. Dwellings - detached single household.
 - d. Dwellings - duplex.
 - e. Dwellings - multiple household: on Lot 2 of Block 1 (Max 6 units); on Lots 3, 4 and 5 of Block 1 (max 8 units)
 - f. Dwellings - triplex and four-plex. (Ord. 2526, 5-20-1996)
 - g. Household units in the same building as an allowed use and occupied by owner or an employee of the allowed use.
 - h. Nursing homes and rest homes with a maximum of 16 residents/beds - including staff
7. Services:
 - a. Finance and investment offices.

- b. Insurance and related business.
- c. Professional services.
- d. Photography studios.
- e. Real estate and related business.

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

(Hours of operation shall be 7:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit)

1. Communications and Utilities:
 - a. Utility owned buildings and structured more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Judicial facilities.
4. Medical Facilities:
 - a. Ambulance service.
5. Multiple buildings, including accessory buildings, on a lot.
6. Parks:
 - a. Park concessions.
 - b. Public parks and playgrounds with crowd attracting facilities.
7. Public Assembly:
 - a. Auditoriums.
8. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet) associated to a residential use i.e., carports, garages, clubhouse and other accessory buildings.
 - b. Bed and breakfast facilities.
 - c. Home occupations.
 - d. Nursing home and rest homes with 17 or more residents/beds - including resident staff
 - e. Residence halls-medical related, residence hotels-medical related, rooming houses-medical related
9. Services:
 - a. Beauty salons/barbershops.
 - b. Commercial daycare facilities and preschools.
 - c. Consumer credit collection.
 - d. Employment agency.

- e. In home daycare services.
- 10. Sports Facilities:
 - a. Outdoor, public and commercial ice and roller skating facilities.
 - b. Outdoor, public and commercial swimming pools.
 - c. Outdoor, public and commercial tennis courts.
- 11. Transportation:
 - a. Bus - pick up shelters.

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

(D) PROPERTY DEVELOPMENT STANDARDS:

- 1. Use of Lots: Each building, except accessory buildings, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein; provided, however, as provided under section (B) SPECIAL USES hereinabove, multiple buildings, including accessory buildings, may be located on a lot by special use permit, and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein.
 - a. Minimum of 15% and a Maximum of 85% of the project to be residential development.
- 2. Lot Area:
 - a. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit or below the ground level unit.
 - b. For professional offices, the lot size shall be of sufficient size to provide for the building, off street parking and landscaping.
- 3. Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.
 - a. For professional offices, there is no occupancy requirement.
- 4. Building Height: No building shall be greater than 35' above grade, as measured per 10-2-1 of City Code, as amended.
- 5. Building Size: The maximum building size is 14,000 sf (a larger building may be permitted with a Special Use Permit.)

6. Yards:
- a. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)
 - 1) The front building line shall not be closer than twenty feet (20') to the front property line.
 - 2) Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
 - 3) On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
 - 4) No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the property line on other street frontages.
 - b. Side Yard:
 - 1) The side building line shall not be closer than five feet (5') to the side property line.
 - 2) Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.
 - 3) Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2 ½') to the side property line.
 - c. Rear Yard:
 - 1) The rear building line shall not be closer than fifteen feet (15') to the rear property line for residential uses and fifteen feet (15') for other uses.
 - 2) Detached accessory building shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided in section 10-7-5 of this title.
 - 3) On a corner lot, the rear yard setback may be reduced to the side yard setback.
 - 4) For professional offices, the rear yard may be reduced to the side yard setback of the basic district.
7. Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

8. Landscaping Plan (PUD): All landscaped shall comply with the provisions of section 10-11-2 of this title.
 - a. Professional Uses: Professional offices shall provide landscaping equal to twenty-five percent (25%) of the total lot area.
 - b. Residential Uses: Residential development, excluding single family and/or duplex dwellings, shall provide landscaping equal to ten percent (10%) of the total lot area.
 - c. Landscaping shall be required to be installed on each parcel/lot of the Property at the same site and building improvements are completed thereon, or by the next planting season subject to a Temporary Certificate of Occupancy. Landscaped perimeters shall be installed from the back of the curb in the public right-of-way and shall be extended to the dimensions set forth below.
 - d. A minimum 20 foot wide landscape buffer, including sidewalk, measured from back of the curb will be constructed along Field Stream Way and Creekside Way.
 - (1) Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18") in height and with at least fifty percent (50%) of the berms to have a minimum ridge elevation of thirty percent (30%) in height. Trees and shrubs will be provided in ratios meeting the City Code 10-11-2. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings.
 - e. A minimum 20 foot wide landscape buffer, measured from the property line, will be constructed along the north and south boundaries of the PUD project boundary. The landscaping shall include berms with a minimum height of 18 inches to a maximum height of 30 inches.
 - f. The use of planters and landscaped islands within parking lots will be used to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. The area adjacent to residential areas shall be landscaped with coniferous and deciduous trees and/or solid fencing with shrubs, berms, solid wall and/or planter boxes to create a defense buffer in a relatively short period of time.
 - g. All landscaping shall be installed in conformance with the project Master Development Plan. All landscaping maintenance will be in a uniform manner.
 - h. The property landscaping will utilize a city pressure irrigation system constructed in compliance with applicable standards.
9. Off Street Parking:
 - a. Each use shall provide parking in compliance with city code.
10. Signs:
 - a. All uses shall comply with the provisions of chapter 9 of this title.

- b. Multiple-occupancy buildings shall have a sign plan approved by the administrator.
11. Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of the code. (Ord. 2550, 6-2-1997)
 - a. Professional offices shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the professional office use and any contiguous residential lot or use.
 12. Building Standards:
 - a. Buildings: New buildings are to be designed in such a way as to conform with the general residential nature of the neighborhood. All buildings shall be of residential character with exteriors of architectural masonry, stone, stucco, architectural steel siding, wood or cementitious materials (e.g. Hardie board). Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces.
 - b. Buildings shall have pitched roofs with a gable or hip roof with a minimum 5/12 pitch and twelve inch (12") eave. Roofing material shall consist of architectural asphalt shingles, architectural metal or tile.
 - c. Building faces shall be broken up with windows, recesses, awnings or other architectural features that break up large flat surfaces.
 - d. Buildings shall have exteriors of architectural masonry, stone, stucco, architectural steel siding, wood, or cementitious materials (e.g. Hardie board).
 - e. All building public access will be oriented toward the project interior.
 - f. Lighting: Building and parking area lighting shall be enclosed in fixtures or soffits that direct lighting to the ground surface in a manner that the light source cannot be seen from adjacent properties.
 - g. Outside Storage/Trash Containers/Loading Docks/Emergency Facilities: Outside storage and/or display is prohibited. Loading docks, trash containers and emergency facilities shall be visibly screened from roadways, residential areas and adjacent properties with screening materials. Screening may consist of landscaping - as per D8, masonry walls, buildings or fencing (vinyl, block, wood).



Looking North from undeveloped portion of Field Stream Way

06/17/2014 01:12 PM



06/17/2014 01:15 PM



Looking West from undeveloped portion of Field Stream Way

06/19/2014 08:11 AM



Looking Southwest from undeveloped intersection of Cheney and Field Stream Way

2014 08:13 AM



Existing Residential Homes in Fieldstone Subdivision.
Intersection of Fieldstream Way and Cheney Dr.

08:13 AM

