



**NOTICE OF AGENDA**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**JUNE 23, 2015 6:00 PM**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Muñoz 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 9, 2015 PH**
2. Approval of Findings of Fact and Conclusions of Law:
  - Annest (SUP 06-09-15)
  - Ford (SUP 06-09-15)
  - Roehl (SUP 06-09-15)

**III. ITEMS OF CONSIDERATION:**

1. Consideration of a request from Peter Candy to reactivate Special Use Permit #1322.
2. Request for approval of a Preliminary Plat for Golden Eagles Subdivision #5, 37.26 (+/-) acres consisting of 2 commercial lots on property located on the west side of Harrison Street South and north of 3600 North Road c/o EHM Engineers, Inc. on behalf of the Twin Falls School District #411

**IV. PUBLIC HEARINGS:**

1. Request for the Commission to consider a PUD Agreement Amendment to the Fieldstone Professional PUD Agreement #271 to allow "Nursing Homes and Rest Homes" on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD, by Special Use Permit located at the south east corner of Fieldstream Way, extended and Cheney Drive West, extended. c/o Wills, Inc. (app. 2735)

**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- **July 8, 2015**
2. Public Hearing- **July 14, 2015**

**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.**



Date: [Tuesday June 23, 2015](#)

To: Planning and Zoning Commission

From: Jonathan Spendlove, Community Development Department

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**Request:**

Consideration of a request from Peter Candy to reactivate Special Use Permit #1322.

**Time Estimate:**

Applicant or representative presentation will take approximately five (5) minutes. Staff presentation will take five (5) minutes.

**Background:**

Attached is a request from Peter Candy who is asking to reactivate Special Use Permit #1322. This permit was originally granted on June 24, 2014.

*Per City Code 10-13-2-2-1: "...Special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the commission to determine if the facts and circumstances have changed; the commission may call for a new special use permit application..."*

The commission is tasked with reviewing the facts and circumstances of this case, along with the surrounding area, and determine if there have been substantial changes to the area to find that a new Special Use Permit shall be required at the time of development.

**Conclusion:**

Staff recommends that the Commission review and act on the attached request to reactivate Special Use Permit #1322.

**Attachments:**

1. Narrative
2. Area/GIS Map Exhibit
3. Surrounding Developments
4. Original SUP #1322

**Peter W. Candy**  
**PO Box 2071**  
**Ketchum, Idaho 83340**  
**Cell: (208) 720-5477**  
**Email: [pwcl@cox.net](mailto:pwcl@cox.net)**

May 25, 2015

Jonathon Spendlove  
C/O City of Twin Falls  
Community Development Department  
324 Hansen Street E  
Twin Falls, Idaho 83303-1907

Re: Possible Need to Extend or Renew SUP for Canyons Retirement Community.

Dear Jonathon;

My project, Canyons Retirement Community, was granted a Special Use Permit on June 24, 2014. I would like to begin the process of a one-year extension of the SUP applicable to the Phase One development (Parcels 2A, 3A and 4A) and the two contiguous parcels (3B and 4B). I believe this process needs to be completed before June 25, 2015.

The proposed Phase One project remains precisely as approved per its SUP application dated May 29, 2014; namely, a Continuing Care Retirement Community (CCRC) composed of 13 Independent Living units, 30 Assisted Living units and 20 Memory Care units, with a central amenities facility servicing all community elements of the project.

Since the issuance of the SUP in June 2014, I have been engaged in reviewing alternative forms of construction financing, and I continue my efforts at raising the required equity for the project. My efforts indicate that off-site infrastructure improvements can begin in September 2015, Phase One on-site infrastructure improvements can begin in October 2015, and Phase One vertical improvements can begin in November 2015. This schedule will result in Phase One construction completion in October 2016 with the project becoming operational in November 2016.

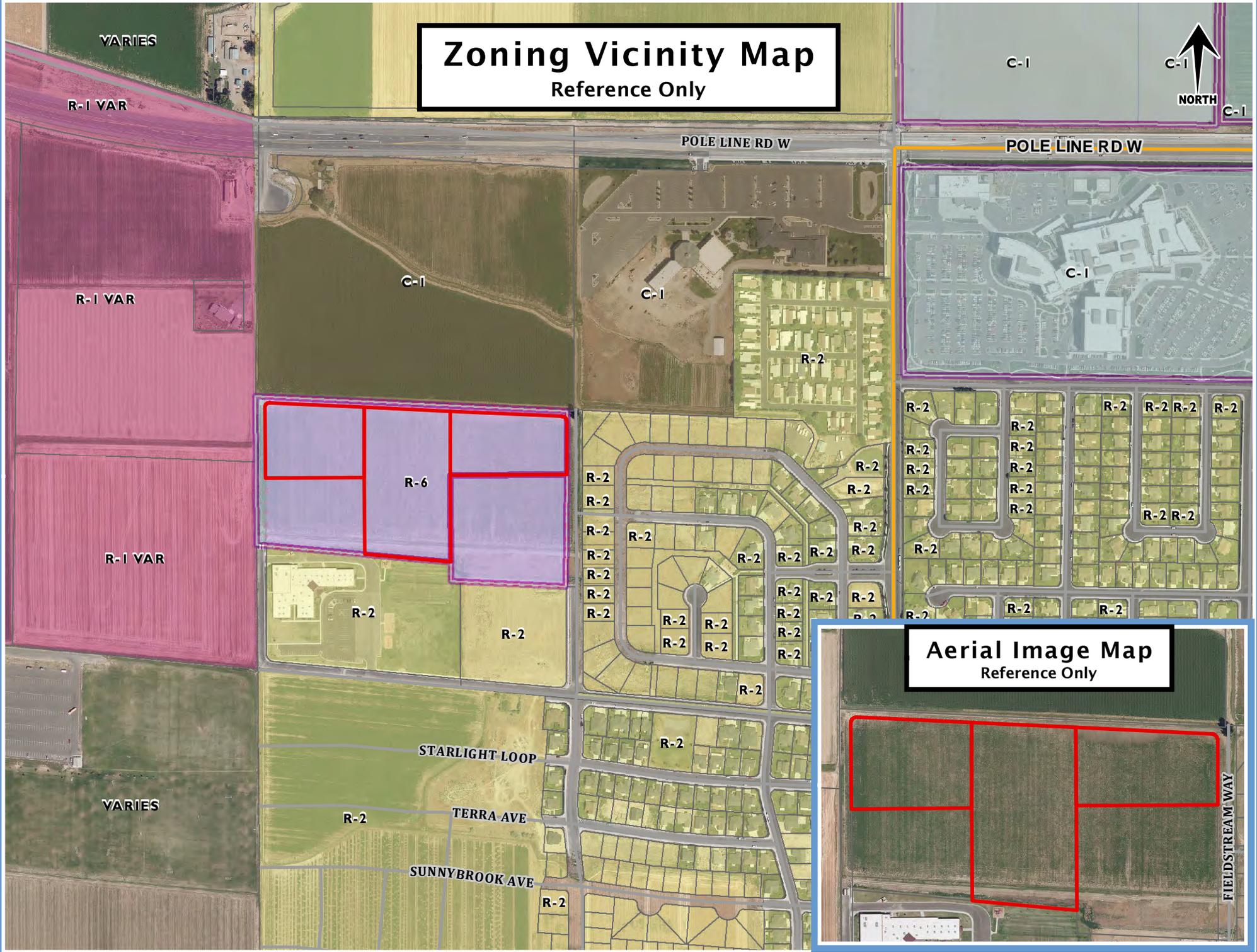
I will appreciate your review of the existing SUP situation so that you can inform me of any need for action on my part. I look forward to speaking with you.

Thank you,

Peter Candy  
Managing Partner, Canyons Retirement Community, LLC

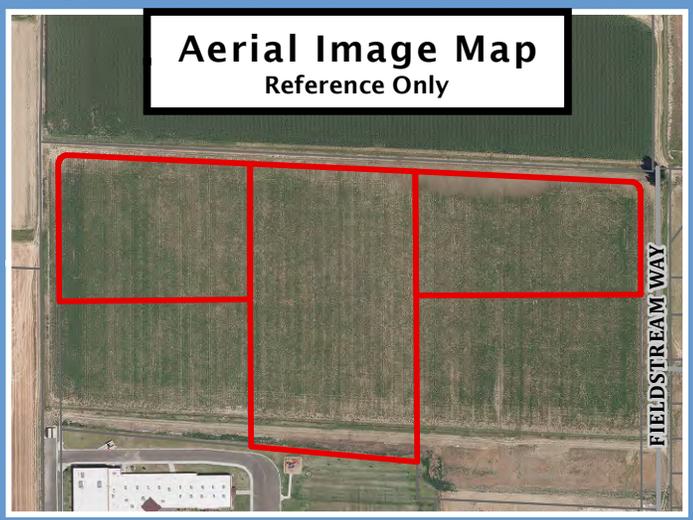
# Zoning Vicinity Map

Reference Only



## Aerial Image Map

Reference Only





FUTURE PHASE LOT 4

LOT 5

FUTURE PHASE LOT 3

INDEPENDENT LIVING AREA

N College Rd W

WENT DRIVE WEST

©



**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.1322**

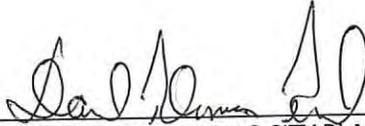
Granted by the Twin Falls City Planning and Zoning Commission, as presented, on June 24, 2014 to Canyon Retirement Community c/o Peter Candy whose address is P.O. Box 2071 Ketchum, ID 83340 for the purpose of operating a multi-stage retirement community to be developed on 10.5 (+/-) acres located on 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 and legally described as WS&V Subd First Amd-a PUD Lots 2, 3 & 4 Block 1 RPT59780010020A, RPT59780010030A, RPT5978001004A

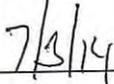
The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

**This permit corresponds to Zoning Application No.2647**

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.



  
\_\_\_\_\_  
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

RECEIVED

MAR 02 2015

CITY OF TWIN FALLS  
BUILDING DEPT.

*Peter W. Candy  
PO Box 2071  
Ketchum, Idaho 83340  
Cell: (208) 720-5477  
Email: pwcl@cox.net*

March 3, 2015

Jonathon Spendlove  
C/O City of Twin Falls  
Community Development Department  
324 Hansen Street E  
Twin Falls, Idaho 83303-1907

Re: Possible Need to Extend or Renew SUP for Canyons Retirement Community.

Dear Jonathon;

My project, Canyons Retirement Community, was granted a Special Use Permit on June 24, 2014. Incorporated into the letter dated August 6, 2014 covering the approval of the SUP is language indicating that the Special Use Permit is void per City Code 10-13-2.2, "if the applicant fails to provide proof of compliance within six (6) months of approval", if certain conditions are not met.

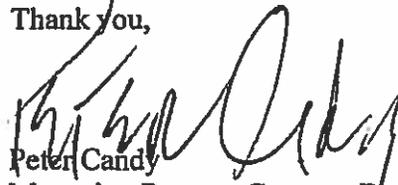
Condition #3 involves the extension of Cheney Drive West from Grandview Drive to Creek Side Way to the extent of each phase of the proposed development while being constructed to acceptable current City standards. This infrastructure item has not commenced because all project financing is not in place. I believe I am in compliance with Conditions #1 and #2.

I incorrectly assumed that the issuance of the SUP was for a one-year period dating from June 24, 2014. After reviewing the SUP this weekend, and upon the discovery of the above language affected by Condition #3, I telephoned your office this morning for information regarding the status of the SUP, and I asked for guidance in any protocol for extension or renewal, if necessary. You suggested that it would be helpful for a staff review and further determination regarding the SUP that I write a letter covering the present status of the proposed project.

The proposed project remains precisely as approved per its SUP application dated May 29, 2014; namely, a Continuing Care Retirement Community (CCRC) composed of 13 Independent Living units, 30 Assisted Living units and 20 Memory Care units, with a central amenities facility servicing all community elements of the project. Since the issuance of the SUP in June 2014, I have successfully arranged several alternative forms of construction financing, and continue a 24/7 effort to complete the required equity portion of the project. These efforts will continue for the purposes of beginning the off-site infrastructure improvements in June 2015, beginning the on-site infrastructure improvements in July 2015, and beginning the project vertical improvements in August 2015. My present intent is to complete the construction phase and become operational in July 2016.

I will appreciate your review of the existing SUP situation so that you can inform me of any need for action on my part.

Thank you,

A handwritten signature in black ink, appearing to read "Peter Candy". The signature is fluid and cursive, with a large initial "P" and "C".

Peter Candy

Managing Partner, Canyons Retirement Community, LLC

*Peter W. Candy  
PO Box 2071  
Ketchum, Idaho 83340  
Cell: (208) 720-5477  
Email: pwc1@cox.net*

RECEIVED  
MAY 22 2015  
CITY OF TWIN FALLS  
BUILDING DEPT.

May 25, 2015

Jonathon Spendlove  
C/O City of Twin Falls  
Community Development Department  
324 Hansen Street E  
Twin Falls, Idaho 83303-1907

RECEIVED  
MAY 22 2015  
CITY OF TWIN FALLS  
BUILDING DEPT.

Re: Possible Need to Extend or Renew SUP for Canyons Retirement Community.

Dear Jonathon;

My project, Canyons Retirement Community, was granted a Special Use Permit on June 24, 2014. I would like to begin the process of a one-year extension of the SUP applicable to the Phase One development (Parcels 2A, 3A and 4A) and the two contiguous parcels (3B and 4B). I believe this process needs to be completed before June 25, 2015.

The proposed Phase One project remains precisely as approved per its SUP application dated May 29, 2014; namely, a Continuing Care Retirement Community (CCRC) composed of 13 Independent Living units, 30 Assisted Living units and 20 Memory Care units, with a central amenities facility servicing all community elements of the project.

Since the issuance of the SUP in June 2014, I have been engaged in reviewing alternative forms of construction financing, and I continue my efforts at raising the required equity for the project. My efforts indicate that off-site infrastructure improvements can begin in September 2015, Phase One on-site infrastructure improvements can begin in October 2015, and Phase One vertical improvements can begin in November 2015. This schedule will result in Phase One construction completion in October 2016 with the project becoming operational in November 2016.

I will appreciate your review of the existing SUP situation so that you can inform me of any need for action on my part. I look forward to speaking with you.

Thank you,

Peter Candy  
Managing Partner, Canyons Retirement Community, LLC



Public Hearing: **TUESDAY, June 23, 2015**

To: Planning and Zoning Commission

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

## AGENDA ITEM III-2

**Request:** Request for approval of a Preliminary Plat for Golden Eagles Subdivision #5, 37.26 (+/-) acres consisting of 2 commercial lots on property located on the west side of Harrison Street South and north of 3600 North Road c/o EHM Engineers, Inc. on behalf of the Twin Falls School District #411

**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> 37.26 +/-Acres
Twin Falls School District c/o Brady Dickinson 201 Main Ave West Twin Falls, ID 83301 208-733-6900	<b>Current Zoning:</b> R-4	<b>Requested Zoning:</b> Approval of the preliminary plat of Golden Eagle Subdivision #5
	<b>Comprehensive Plan:</b> Medium Density Residential	<b>Lot Count:</b> PLAT <u>Lot 1, Golden Eagle #4, a Conveyance Plat INTO 2</u> developable lots --
	<b>Existing Land Use:</b> Undeveloped/ Golden Eagle #4, a Conveyance Plat	<b>Proposed Land Use:</b> 1 lot is for a new Public Middle School, 1 lot is for future development
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
Tim Vawser EHM Engineers, Inc. 621 N College Rd, #100 Twin Falls, ID 83301 734-4888 <a href="mailto:tvawser@ehminc.com">tvawser@ehminc.com</a>	<b>North:</b> R-4, platted , Residential Subdivision	<b>East:</b> R-4 , Residential and Agricultural
	<b>South:</b> <b>R-2;</b> 3600 North; R-4, Residential and Agricultural	<b>West:</b> R-4; Residential Subdivision
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-12-1 through 4	

**Approval Process:**

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

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

**Budget Impact:**

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

**Regulatory Impact:**

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

## History:

This property was annexed on May 8, 2006. The preliminary plat for Golden Eagle Subdivision No 3, which consisted of 70 acres with 295 (+/-) residential lots, was approved by the Planning & Zoning Commission on October 10, 2006. A final plat for Golden Eagle Subdivision, No. 3, **Phase 1**, which consisted of 22 (+/-) acres with 80 single family residential lots was approved by the City Council on July 21, 2008 and was later recorded on November 20, 2009. There have been no further phases developed of Golden Eagle Subdivision, No. 3.

The final plat of Golden Eagle Subdivision #4, a Conveyance Plat, is for the remainder of Golden Eagle #3, consisting of 48 acres / 2 lots, which was approved and recorded in August 2014.

This preliminary plat is Lot 1 of Golden Eagle Subdivision #4, a Conveyance Plat. Development of either lot of a conveyance plat requires full development of site improvements for both lots prior to any development.

## Analysis:

This Preliminary Plat is for Golden Eagle Subdivision #5, consisting of 38 (+/-) acres into two (2) lots. The site is zoned R-4 (Residential Medium Density). Lot 1 is planned for development of the new South Hills Middle School, consisting of 28 +/- acres. Lot 2, 10 +/- acres will be for future development. The site is located on the NW corner of Harrison St S and 3600 North (see Attachment #3 for detail)

There have been extensive discussions between City Engineering Staff and the applicants Engineering Firm. All but one (1) item has been resolved. The remaining unresolved item pertains to drainage and Right-of-Way storm water. Due to this unresolved item, City Staff proposes a condition be placed on approval requiring an Engineering Note being placed on the final plat.

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 which designates this area as appropriate for Medium Density Residential, which encourages Public Schools to be located near residential areas.

## Conclusion:

Staff recommends the Commission approve the preliminary plat of the Golden Eagle #5 Subdivision, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the following Engineering Note: Public Right-of-Way storm drain water to be held onsite within a public easement.

## Attachments:

1. Golden Eagle #5 Preliminary Plat
2. Future School Layout
3. Golden Eagle #4, Conveyance Plat
4. Zoning Vicinity Map
5. Future Land Use Map

Golden Eagle Subdivision No. 5  
 A Re-Subdivision and  
 Re-Numbering of  
 Lot 1, Block 1  
 Golden Eagle Subdivision No. 4  
 Located In  
 SW 1/4, Section 28  
 Township 10 South, Range 17 East  
 Boise Meridian  
 Twin Falls County, Idaho  
 2014

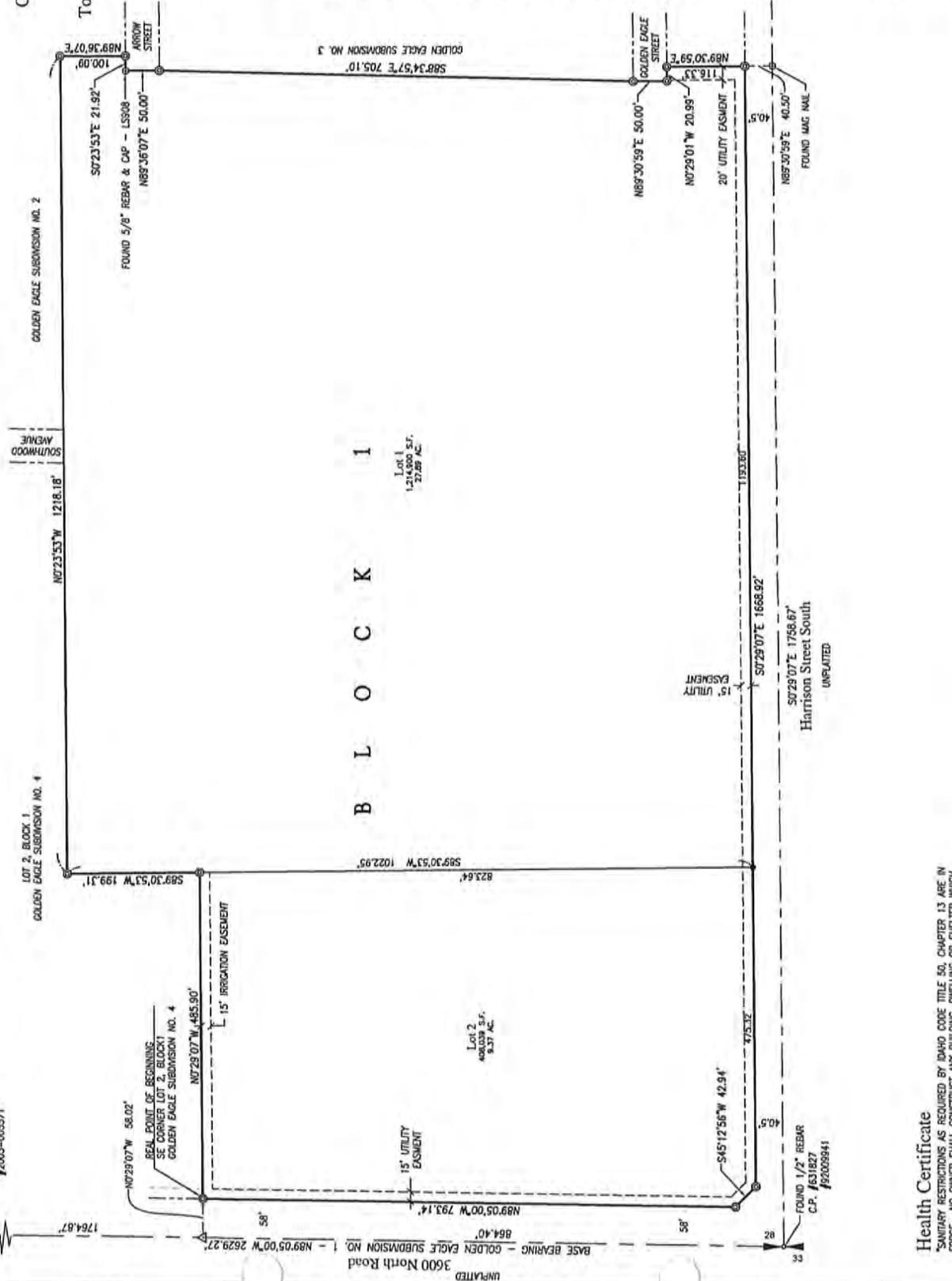


**Legend**

- SUBDIVISION BOUNDARY LINE
- SECTION LINE
- SECTION QUARTER LINE
- - - UTILITY EASEMENT
- - - ADJACENT PROPERTY LINE
- - - PLANNED LOT LINE
- ◁ CALCULATED POINT (NOT SET)
- ⊙ BRASS CAP
- ⊙ FOUND 5/8" REBAR (LS1000)
- ⊙ FOUND 1/2" REBAR
- ⊙ FOUND MONUMENT AS NOTED
- ⊙ SET 1/2" x 24" REBAR & CAP - LS 1000

**Notes**  
 LOTS WILL HAVE EASEMENTS RECORDED BY SEPARATE INSTRUMENTS AS NEED IS DEFINED.

**Vicinity Sketch**



B L O C K 1

**Health Certificate**

"SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13 ARE IN FORCE. NO OWNER SHALL CONSTRUCT ANY BUILDING, DWELLING OR SHELTER WHICH NECESSITATES THE SUPPLYING OF DRINKING WATER OR SEWAGE FACILITIES FOR PERSONS USING SUCH PREMISES UNTIL SANITARY RESTRICTION REQUIREMENTS ARE SATISFIED.

EHM Engineers, Inc.



REVIS, SOUTH CENTRAL PUBLIC HEALTH DISTRICT \_\_\_\_\_ DATE \_\_\_\_\_

Golden Eagle Subdivision No. 5  
 A Re-Subdivision and  
 Re-Numbering of  
 Lot 1, Block 1  
 Golden Eagle Subdivision No. 4  
 SW<sup>4</sup> Section 28  
 Township 10 South, Range 17 East  
 Boise Meridian  
 Twin Falls County, Idaho  
 2014



- Notes:**
1. LOCATIONS OF UTILITIES AND STRUCTURES SHALL BE DETERMINED BY THE ENGINEER BASED ON FINAL LOCATIONS AND BE SHOWN ON THE PLANS AND AS NOTED ON THE FIELD SURVEY.
  2. REQUIRED LOCATIONS SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER FOR INSTALLATION AND MAINTENANCE.
  3. TEMPORARY RETENTION BASINS/CHANNELS PROTECTING ADJACENT STREETS AND LOTS FROM RUNOFF SHALL BE REMOVED BY THE LOT OWNER TO THE EXTENT OF A BUILDING PERMIT.
  4. FINAL SITE IMPROVEMENT CALCULATIONS AND RETENTION FACILITIES TO BE WORKED AS SUBMITTED WITH THE SUBMITTAL.
  5. SINGLE SCHOOL SITE IMPROVEMENTS SHOWN ON LOT 1 ARE PRELIMINARY AND FOR REFERENCE ONLY.

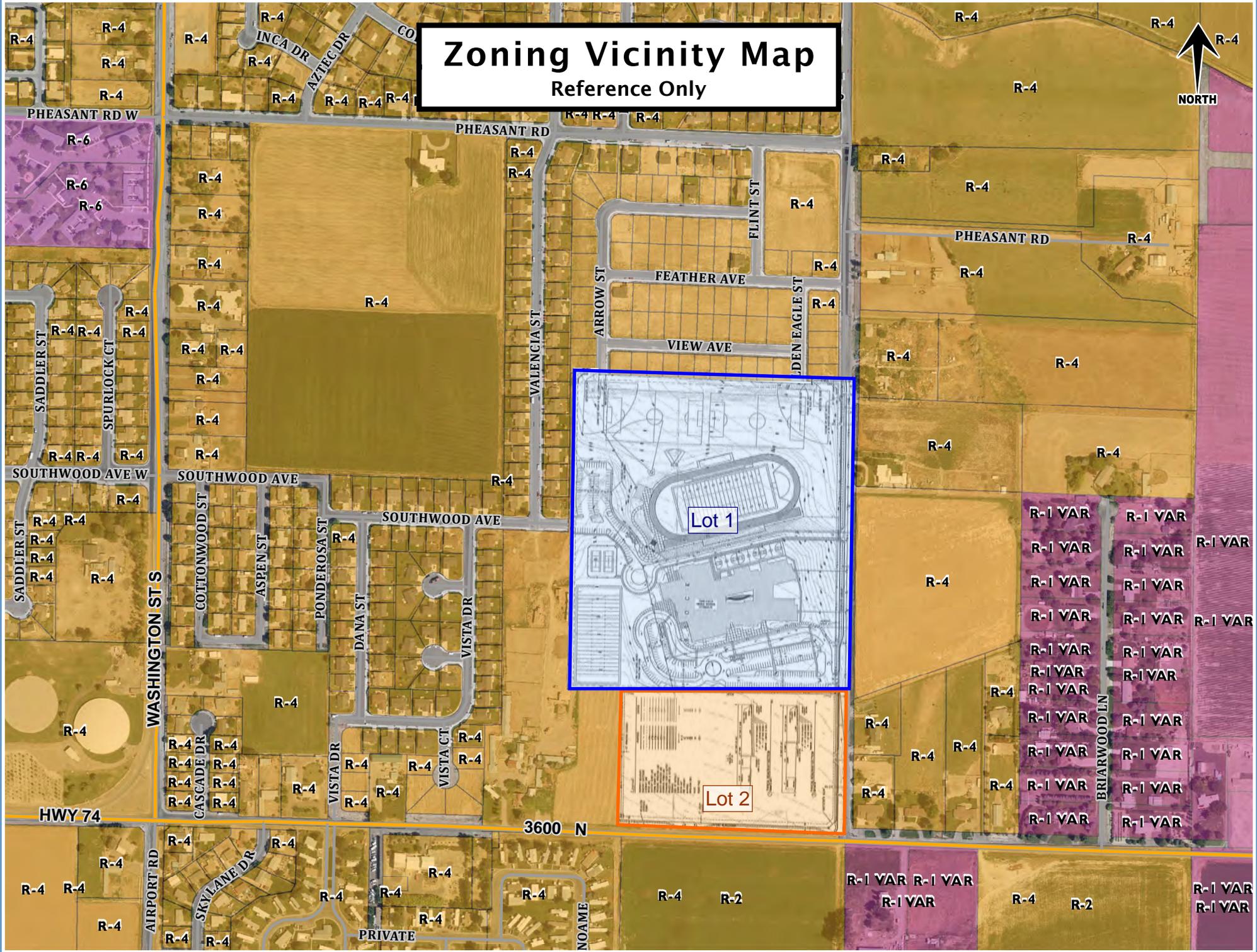
**Design Data:**

DESIGN SPEED: 35 MPH  
 DESIGN LANE WIDTH: 36 FT  
 DESIGN TRUCK: 20,000 LB  
 DESIGN WIND: 15 MPH  
 DESIGN SLOPE: 2%  
 DESIGN CLEARANCE: 14 FT  
 DESIGN GRADE: 1.0%  
 DESIGN CURVE: 100 FT  
 DESIGN RADIUS: 100 FT  
 DESIGN CHORD: 100 FT  
 DESIGN AREA: 100 SQ FT  
 DESIGN PERIMETER: 100 FT  
 DESIGN VOLUME: 100 CU FT  
 DESIGN WEIGHT: 100 LB  
 DESIGN PRESSURE: 100 PSI  
 DESIGN TEMPERATURE: 100 F  
 DESIGN HUMIDITY: 100%  
 DESIGN WIND DIRECTION: 100 DEGS  
 DESIGN WIND VELOCITY: 100 MPH  
 DESIGN WIND PRESSURE: 100 PSF  
 DESIGN WIND MOMENT: 100 FT-LB  
 DESIGN WIND TORQUE: 100 FT-LB  
 DESIGN WIND POWER: 100 FT-LB  
 DESIGN WIND ENERGY: 100 FT-LB  
 DESIGN WIND ENCAPSULATION: 100 FT-LB  
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 DESIGN WIND STOPPERS: 100 FT-LB  
 DESIGN WIND BREAKERS: 100 FT-LB  
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 DESIGN WIND DEFLECTORS: 100 FT-LB  
 DESIGN WIND DIVERTERS: 100 FT-LB  
 DESIGN WIND



# Zoning Vicinity Map

Reference Only



# Future Land Use Map

Reference Only



Medium Density Designation

Medium Density Designation



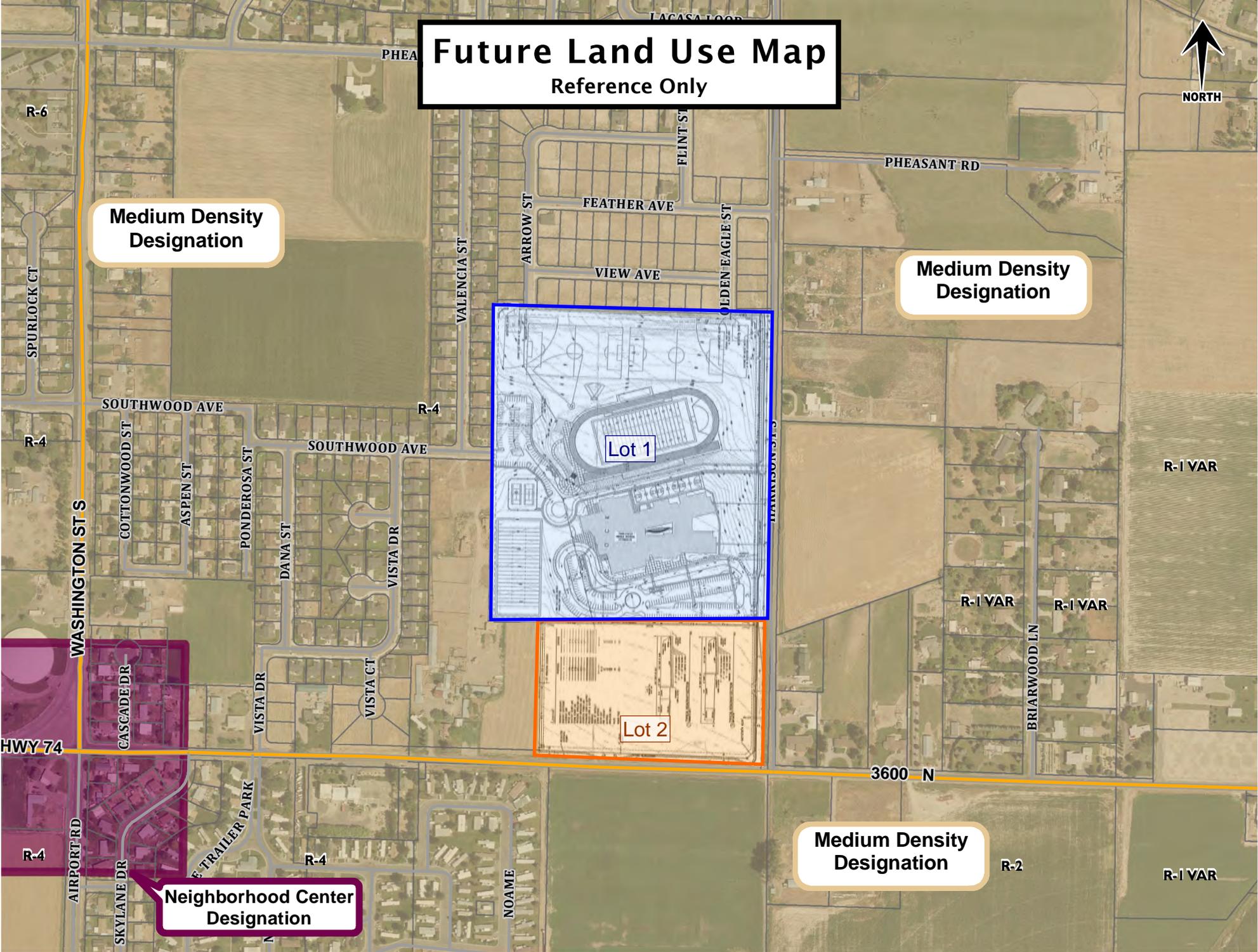
Lot 1



Lot 2

Medium Density Designation

Neighborhood Center Designation







**Public Hearing: WEDNESDAY, June 23, 2015**

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner I

## AGENDA ITEM IV-1

**Request:** Request for the Commission to consider a PUD Agreement Amendment to the Fieldstone Professional PUD Agreement #271 to allow *“Nursing Homes and Rest Homes”* on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD, by Special Use Permit located at the south east corner of Fieldstream Way, extended and Cheney Drive West, extended. c/o Wills, Inc. (app. 2735)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Property Owner	<b>Size:</b> 12 (+/-) acres
Wills Inc c/o Brad Wills 222 Shoshone St West PO Box 0346 Twin Falls, ID 83301 208-734-4411 <a href="mailto:Bradwills2008@gmail.com">Bradwills2008@gmail.com</a>	<b>Current Zoning:</b> R-4 PRO PUD	<b>Requested Zoning:</b> R-4 PRO PUD/ZDA
	<b>Comprehensive Plan:</b> Medium Density Residential	<b>Lot Count:</b> 32 lots
	<b>Existing Land Use:</b> undeveloped plat	<b>Proposed Land Use:</b> R-4 PRO ZDA – adding nursing homes and rest homes by Special Use Category.
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
	<b>North:</b> C-1 PUD; Cheney Dr W, extended, undeveloped commercial PUD	<b>East:</b> R-2; Fieldstone Subdivision/residential
	<b>South:</b> R-2/R-2 PUD, Fieldstone PRO PUD & Fieldstone Sub-Residential	<b>West:</b> R-6 PUD, Fieldstream Way extended; future Fieldstream Apartment Complex/developing
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8, 10-6-1, 10-7-6, 10-7-12, 10-10-1 through 3, 10-11-1 through 9, 10-14-1 through 9, Fieldstone PRO PUD Agreement #271	

**Approval Process:**

The first step in the approval process for a PUD amendment is a preliminary presentation before the Planning and Zoning Commission; this took place on June 9, 2015. The Second step is a recommendation from the Planning and Zoning Commission (this public hearing) that will be forwarded to the City Council. The City Council will then render their final decision on the zoning district and zoning map amendment.

**Budget Impact:**

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

**Regulatory Impact:**

The Commission makes a recommendation for the requested change which will allow the request to proceed to the City Council for an additional public hearing and decision.

## History:

On March 30, 2004 the Commission approved the Preliminary Plat of Westview Meadows, now known as Fieldstone Subdivision to develop 36 +/- acres with 82 single family residential lots. The City Council approved the Final Plat of Fieldstone Subdivision on April 26, 2004 with two conditions. 1) Bike path be changed to 15' wide and 2) Water shares to be deeded to the City when the plat was recorded.

In July 2004 this area was annexed into the City of Twin Falls with R-2 zoning, Ordinance #2794. Fieldstone Subdivision (formerly Westview Meadows), consisting of 36 acres and 82 residential lots, was recorded in Dec 2004. The property has been developed in phases.

On February 23, 2009 the City Council approved a request to vacate a portion of Cobble Creek Road, a public right-of-way, Ordinance #2965. As a result of the vacation of the public right-of-way, Fieldstone 1<sup>st</sup> Amended Subdivision was recorded in July 2010.

On Sept 13, 2011 a preliminary PUD presentation was presented to the Planning and Zoning Commission to rezone the remaining 12 + acres of the undeveloped portion of the Fieldstone Subdivision from R-2 to R-6 PRO PUD. The Planning and Zoning Commission recommended denial of the rezone as presented.

On November 22, 2011 a revised preliminary presentation to rezone this property from R-2 to **R-4** PRO PUD was given to the Planning and Zoning Commission. The public hearing was held on December 13, 2011 whereby the Planning and Zoning Commission recommended denial of the revised request, as presented, and the Commission also recommended denial of a request to vacate the portion of dedicated row and easements, 2.7 acres, within the undeveloped portion of Fieldstone Sub being requested for rezone/PUD.

On Jan 23, 2012 the City Council held a public hearing whereby they approved the rezone to R-4 & R-4 PRO PUD as presented with conditions.

On March 5, 2012 the Council approved the request to vacate the dedicated public rights-of-way and easements consisting of 2.7 (+/-) acres, as presented.

On January 26, 2015 Ord #3086 was adopted for the Vacation of a portion of the Fieldstone Subdivision being rezoned as Fieldstone PRO PUD, as approved.

On February 2, 2015 Ord #3087 was adopted rezoning the portion of the Fieldstone Subdivision, as approved to R-4 & R-4 PRO PUD. Also on February 2, 2015 the Fieldstone PRO PUD Agreement was approved, as presented.

On February 11, 2014 the Preliminary Plat for the Fieldstone Professional Subdivision, A PUD was approved, as presented and subject to conditions and on February 23, 2015 the Fieldstone Professional Subdivision, A PUD was approved and later recorded on May 12, 2015.

In May 2015, an application was received to amend the newly recorded PUD. A preliminary presentation was given to the Planning and Zoning Commission on June 9, 2015.

**Analysis:**

This is a request for PUD Amendment, on property described above. The amendment consists of one proposed change to Exhibit "C" in the PUD Agreement.

This change, if granted, will add "Nursing Homes and Rest Homes" to the list of ***Special Uses*** located in Exhibit "C" of the PUD Agreement. Furthermore, the applicant is limiting this proposed use to Lots 1-5 Block 1 of the Fieldstone Professional Subdivision, A PUD (see Attachment #6 for visual exhibit.)

**Possible Impacts of the Amendment:**

Amending the PUD to include Nursing and Rest Homes on the list of Special Uses will have negligible impact on the surrounding area when compared with the other uses already listed in the recorded PUD. The discussion about having professional offices and other services located in close proximity to the existing residential subdivision has been debated and approved through previous Public Hearings.

This addition to the list of Special Uses will require an additional public hearing, and approval by the Planning Commission Prior to any nursing or rest home business being legally established. At that time, the possible impacts of the specific business can be addressed and mitigated.

**Conclusion:**

Should the Commission recommend the City Council approve 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 and the Fieldstone Professional PUD Agreement #271.

**Attachments:**

1. Narrative
2. Zoning Vicinity/Aerial Map
3. Comprehensive Plan Map of Project Site
4. Proposed Change
5. Development Plan
6. Proposed Change Map Exhibit



# Exhibit A 1

Applicant:

May 18, 2015

Wills, Inc.

Bradford J. Wills

222 Shoshone St. West

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

PUD/ZDA Amendment

Fieldstone Professional PUD Subdivision

Application Narrative:

Early this year, the Fieldstone Professional PUD agreement was approved by the City of Twin Falls.

This request is to amend the PUD agreement by amending Exhibit C to allow an additional residential use to be permitted by a Special Use Permit on Lots 1 through 5, Block 1 Fieldstone Professional Subdivision. This use is a "Nursing Homes and Rest Homes" and would only be allowed on the five multi-use lots on the north portion of the subdivision that have access from Cheney Drive West and the north end of Field Stream Way. This is the only change proposed. All other conditions remain.

No change will be made to the Master Development Plan.

This property is an area of growth bordering residential subdivision to the east and south and commercial and multifamily uses to the north and west. Being located near the St. Luke's Medical Center, this would be an appropriate use for this property. No change would occur to the traffic in the area.

This property is designated R-4 Pro and according to City Code Title 10 Chapter 4 Zoning Districts, nursing homes and rest homes are not an allowed use.

This use is allowed by a Special Use Permit in the R-6 Zoning designation however an R-6 Zone allows other uses and higher densities which aren't appropriate for this area so amending the PUD agreement retaining the R-4 Pro Zoning is the best solution to add this one use.

Notification boundary is increased to 750' due to the nature of the request and the past interest in this area.

Please consider this application and approve our request.

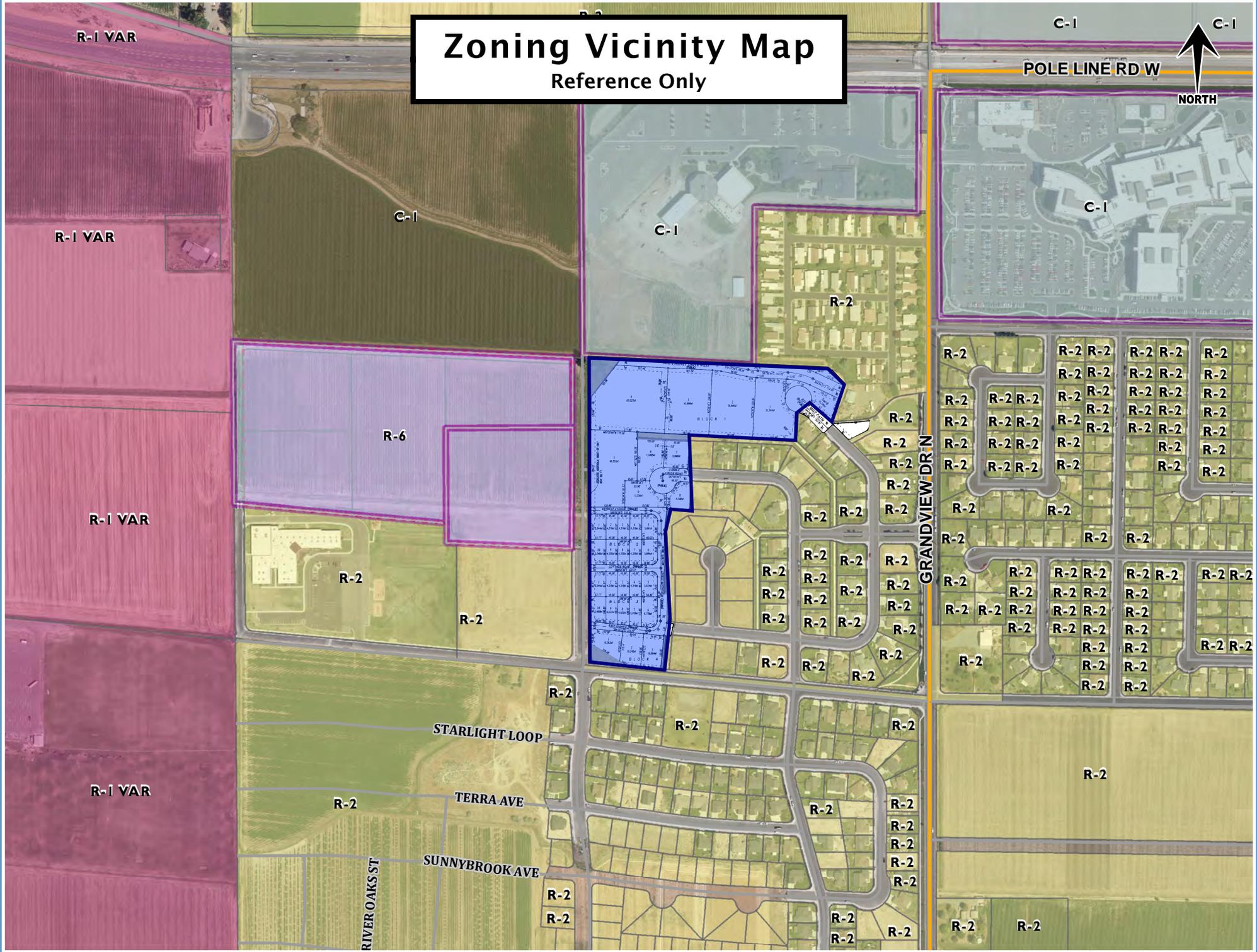
Sincerely

Brad Wills

President, Wills, Inc.

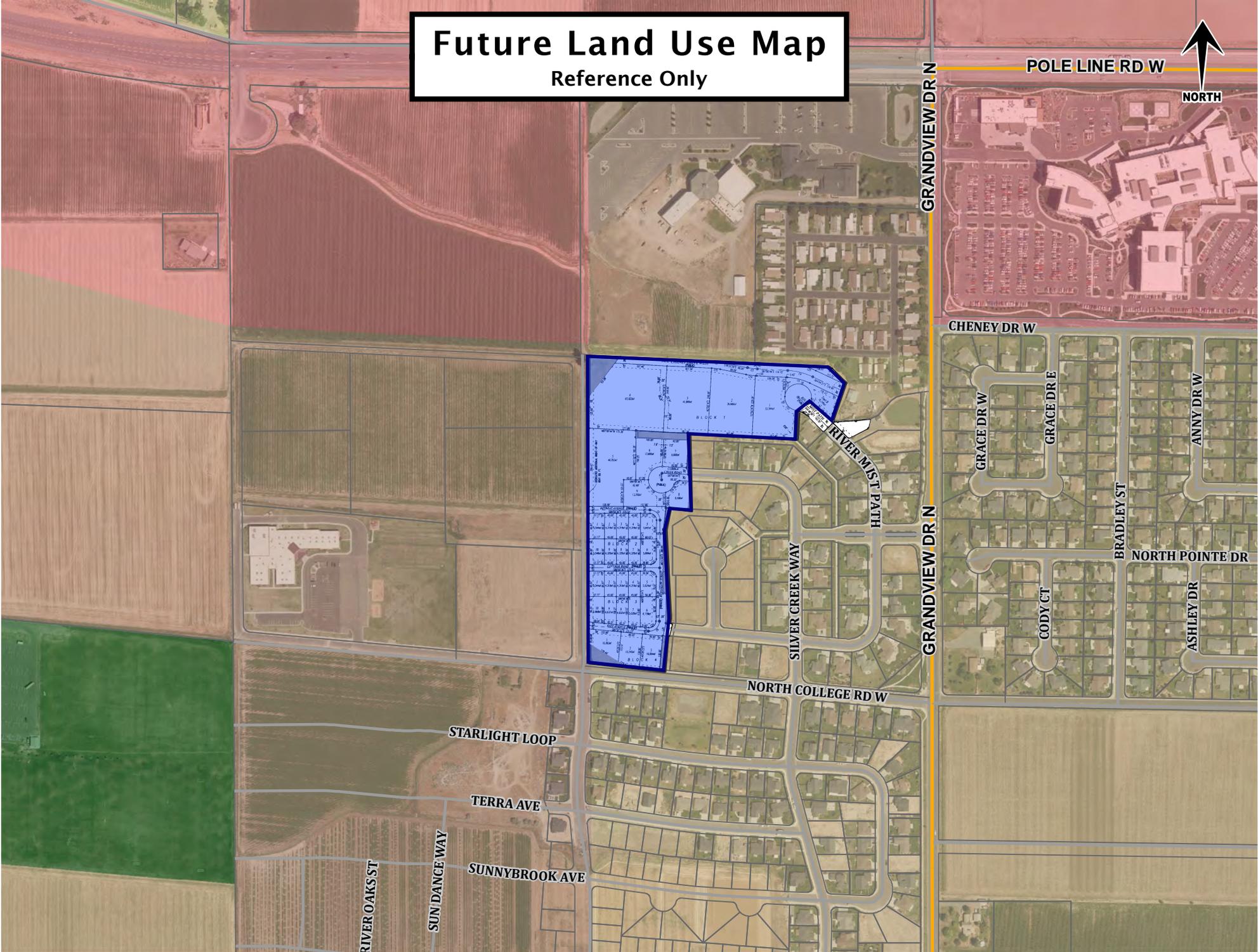
# Zoning Vicinity Map

Reference Only



# Future Land Use Map

Reference Only



# EXHIBIT D-1

## First Amended Exhibit C

### Fieldstone Professional Subdivision

#### R-4 & R-4 Professional Office Overlay – Planned Unit Development

- A. Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter 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 document)
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') above ground.
  2. Parks:
    - a. Open space.
    - b. Private parks and playgrounds without crowd attracting facilities.
    - c. Public parks and playgrounds without crowd attracting facilities.
  3. Residential – (unrestricted hours of operation):
    - a. 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.
- 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 structures more than twenty-five (25) square feet in area and 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. Government Facilities:
    - a. Fire stations and police stations.
  4. Medical Facilities:

## EXHIBIT C

- a. Doctors' offices.
  5. Parks:
    - a. Park concessions.
    - b. Public parks and playgrounds with crowd attracting facilities.
  6. Public Assembly:
    - a. Auditoriums.
    - b. Religious facilities.
    - c. Private academic schools.
    - d. Public schools.
  7. Residential:
    - a. Detached accessory buildings (more than 1,000 square feet) i.e. garages and other accessory buildings.
    - b. Bed and breakfast facilities.
    - c. Home occupations.
    - d. Dwellings – triplex and four-plex
    - e. Household units in the same building as an allowed use and occupied by owner or an employee of the allowed use.
    - f. Nursing homes and rest homes
      - i. This use is only allowed on lots 1 through 5, block 1.
  8. Services:
    - a. Beauty salons and barbershops.
    - b. Commercial daycare facilities and preschools.
    - c. Consumer credit collection.
    - d. Employment agencies.
    - e. In-home daycare services.
    - f. Finance and investment offices.
    - g. Insurance and related businesses.
    - h. Professional services.
    - i. Photography studios.
    - j. Real estate and related businesses.
  9. 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 structures, 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.
    - a. Minimum of 15% and maximum of 85% of the project is to be residential development.
  2. Lot Area:
    - a. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet.
    - b. The minimum lot area per duplex unit shall be seven thousand hundred (7,000) square feet.
    - c. The minimum lot area per multiplex dwelling unit shall be two thousand (2,000) square feet larger than duplex units per unit or one

## EXHIBIT C

thousand (1,000) square feet larger than duplex units per unit above or below ground level unit.

- d. 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 thirty-five feet (35') above grade, as measured per 10-2-1 of City Code, as amended.
  5. Building Size: The maximum building size is 14,000 square feet. (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)
      - i. The front building line shall not be closer than twenty feet (20') to the front property line.
      - ii. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
      - iii. On a corner lot the required front yard of twenty feet (20') shall be required on both streets.
      - iv. 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:
      - i. The side building line shall not be closer than five feet (5') to the side property line.
      - ii. 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.
      - iii. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2½') to the side property line.
    - c. Rear Yard:
      - i. The rear building line shall not be closer than twenty feet (20') to the rear property line for residential uses and as per R-4 or R-4 PRO development requirements for other uses.
      - ii. 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

## EXHIBIT C

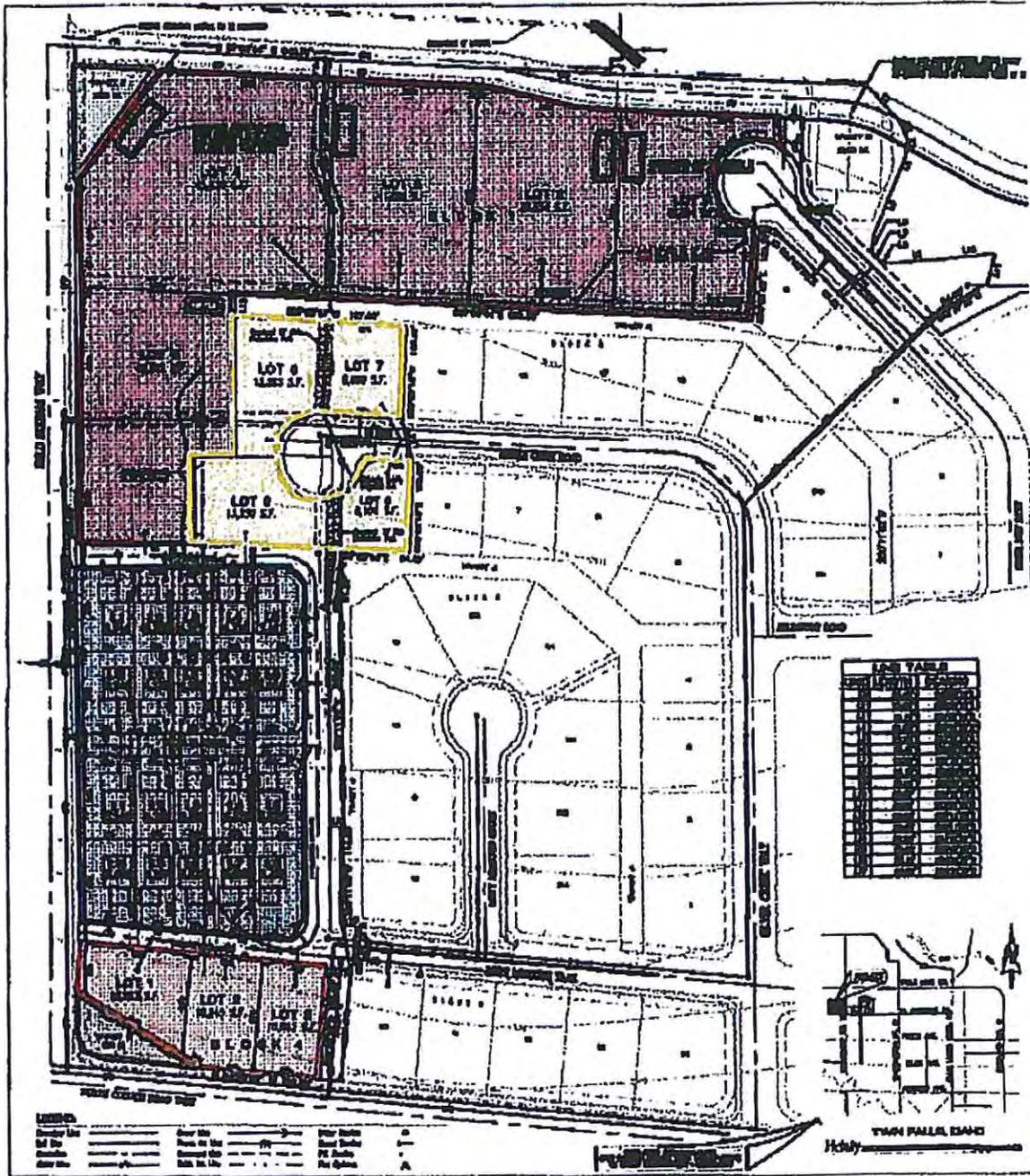
not be closer than two feet (2') to the rear property line except as provided in section 10-7-5 of this title.

- iii. On a corner lot, the rear yard setback may be reduced to the side yard setback.
  - iv. For professional offices, the rear yard setback may be reduced to the side yard setback of the basic zoning 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 landscaping 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 time 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 twenty foot (20') wide landscaped buffer, including sidewalk and/or storm water retention facilities planted in grass, measured from back of the curb will be constructed along Field Stream Way. Trees and shrubs will be provided in ratios meeting 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 fifteen foot (15') wide landscaped 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 panel fencing with shrubs, berms, solid wall, and or planter boxes to create a 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:

## EXHIBIT C

- 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, tree, shrub, or landscaping structure shall be placed within the public rights-of-way without first obtaining written 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 this 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, and/or hardboard, steel or vinyl siding. 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, and/or hardboard, steel or vinyl siding.
  - e. All building public access will be oriented away from the adjacent residential areas where possible.
  - 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 vinyl fencing.

# Exhibit "B"



- 5 Professional Office overlay use area lots
- 4 Single-family residential lots
- 3 Duplex residential lots
- 20 Single-family cottage-style residential lots
- 2 Tracts

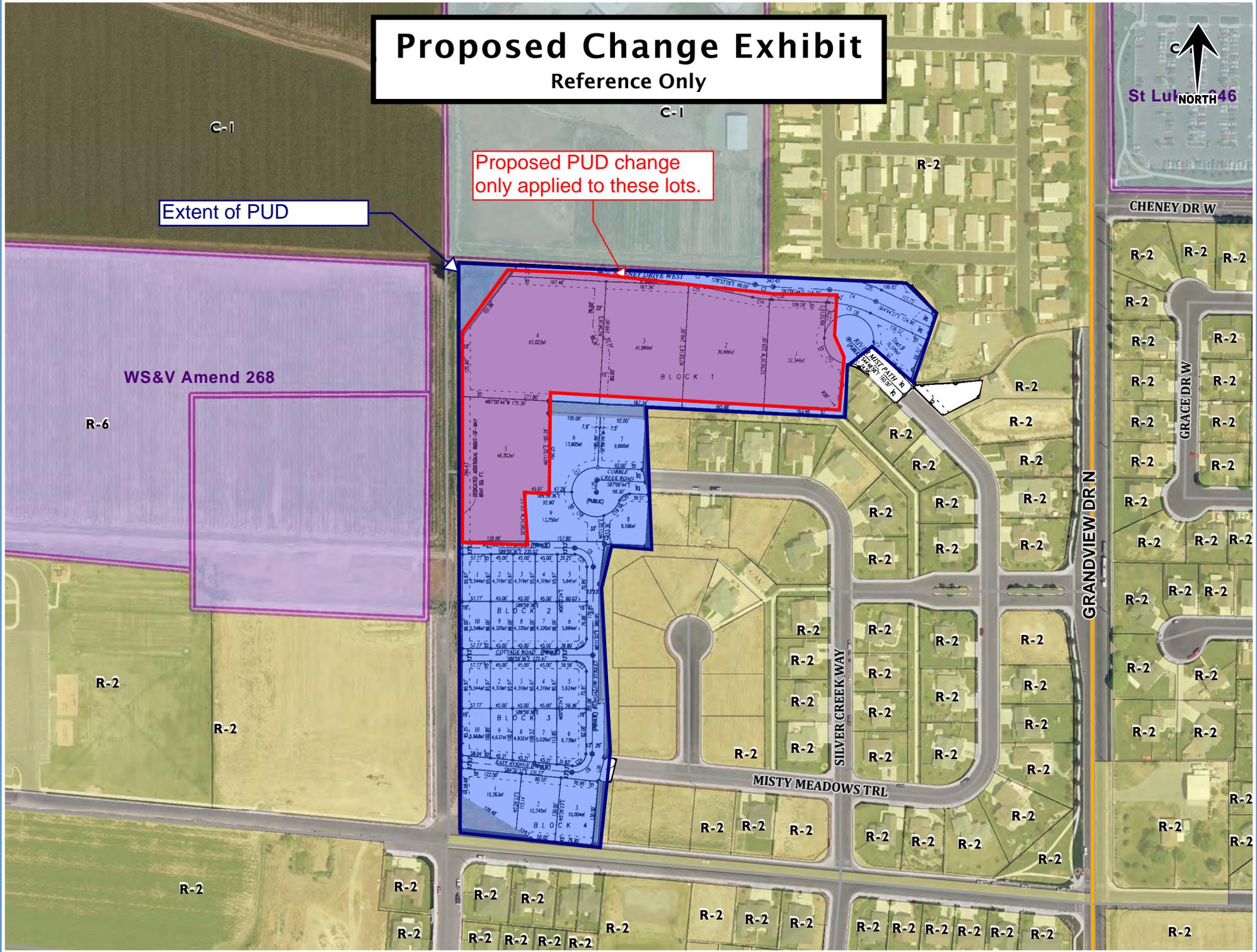
# Proposed Change Exhibit

Reference Only

Proposed PUD change only applied to these lots.

Extent of PUD

WS&V Amend 268



PUD-271

FIELDSTONE PROFESSIONAL P.U.D.  
R-4 & R-4 PRO Planned Unit Development Agreement

THIS AGREEMENT, made and entered into this 9 day of FEB., 2015 by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City") and Wills Inc. (hereinafter called "Developer"), whose address is 222 W Shoshone Street West, Twin Falls, Idaho 83301.

RECITALS

WHEREAS, Developer is the owner of the 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 located at the northeast corner of the intersection of North College Road and Field Stream Way.

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

WHEREAS, Developer has made request of the City to develop a mixed use professional office and residential development (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 "R-4 PRO PUD" by the City Council of the City ; and subject to the following conditions:

WHEREAS, City, by and through its City Council on January 23, 2012 has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions, and understandings, which terms, conditions, and understandings are the subject of this Agreement and area as follows:

1. Subject to the designation of the property as an R-4 and R-4 PRO PUD with the single-family and duplex areas being R-4 and the professional use area being R-4 PRO PUD. Assure Uses comply with the R-4 and Professional Overlay zones.
2. Subject to the property being replatted and recorded prior to any building permits being issued.
3. Subject to compliance in the cottage-style residential area with the following recommendations of the Fire Marshall:
  - a. addresses need to be posted in the alleys.
  - b. access roads (alleys) with hydrants shall be a minimum of 26 feet total width. (IFC, D103.1)
  - c. no on-street parking in alleys and alley marked with approved "no parking" signs.
  - d. rear, unobstructed access into the dwellings is maintained (not through the garage or through fences or gates), or as approved by the Fire Marshall.
  - e. no overhead utilities in the alley (power lines, phone lines, etc.).
  - f. hydrants are installed on the ends of each alley.
4. Subject to final approval and recordation of the PUD Agreement.
5. 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.

COVENANTS

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

TWIN FALLS COUNTY  
Recorded for:  
TWIN FALLS, CITY OF  
2:16:16 PM 02-10-2015  
**2015-001910**  
No. Pages:24 Fee: \$  
KRISTINA GLASCOCK  
County Clerk  
DRAFTED

RECEIVED  
FEB 09 2015  
CITY OF TWIN FALLS  
BUILDING DEPT.

- I. **NATURE OF THE AGREEMENT.** This Agreement shall become part of the "R-4 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.
- II. **NATURE OF THE DEVELOPMENT.** It is agreed by the parties hereto that certain language and requirements pertaining to the "Project" shall be interpreted as follows:
- a. **Uses: As Per "Exhibit C"**
    - i. The uses shall be limited to those allowed in the R-4 & R-4 PRO (PUD) zones (Code Sections 10-4-5.2 & 10-4-18.2), attached hereto as "Exhibit C".
  - b. **Lot Area: As Per "Exhibit C"**
  - c. **Lot Occupancy: As Per "Exhibit C"**
  - d. **Building Size: As Per "Exhibit C"**
  - e. **Building Height: As Per "Exhibit C"**
  - f. **Hours of Operation: As Per "Exhibit C"**
  - g. **Phasing of Development:**

The Developer may install the Improvements at one time, or in phases, as the Developer shall determine at 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 construction any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.

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 called "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 to established City requirements, the Master Development Plan, and this PUD 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 the approved Improvement Plans except as otherwise provided herein. 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 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 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 construction any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City. There shall be no maximum or minimum limit of time between the occurrences of phases.
- d. **Non-Compliance.** In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to the 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 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 all 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 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.
  - i. Architectural Standards. As Per "Exhibit C"
  - ii. Outside Storage/Loading Docks. As Per "Exhibit C"
  - 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.
  - iv. Sign Plan. All signage must conform to the City of Twin Falls Sign Regulations Ordinance subject to the following:
    - 1. 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.

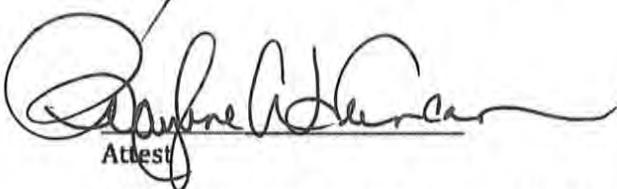
VII. GENERAL PROVISIONS.

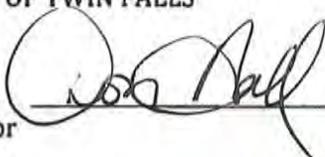
- A. Cooperation. The parties hereto agree to cooperate with each other. Developer shall submit to the City all plans, specifications, and working drawings required by the City.
- B. Entire Agreement. This agreement constitutes the entire agreement between the parties concerning the Property and Improvements described herein, and no amendment or modification to this Agreement shall be valid or effective unless reduced to writing and signed by the parties.
- C. Applicable Law. This Agreement shall be 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".

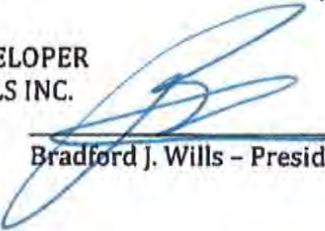
- E. **Successors and Assigns.** This Agreement shall be binding upon the successors, assigns, and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this Agreement with respect to said transferred 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 thereof shall not be affected.
- G. **Signatories.** Each of the persons executing this 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 Agreement is binding on, and enforceable against, such entity.
- H. **Effective Date.** This 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 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 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 Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this Agreement.

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

  
Attest

  
Attest

CITY OF TWIN FALLS  
By:   
Mayor

DEVELOPER  
WILLS INC.  
By:   
Bradford J. Wills - President



ACKNOWLEDGMENTS

State of Idaho )  
                          )ss.

County of Twin Falls )

On this 9th day of FEB, 2015, before me, the undersigned, a notary public in and for said State and County, personally appeared BRADFORD J WILLS known to me to be the PRESIDENT of corporation that executed the foregoing instrument, or the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Raylene A. Duncan  
Notary Public For Idaho

Residing At: Twin Falls, Idaho

My Commission Expires: 10/10/19

**EXHIBIT "A"**

**Fieldstone Rezone Description**

A portion of "Fieldstone Subdivision", located in the SE<sup>4</sup>NE<sup>4</sup>, Section 6, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the Northwest corner of "Fieldstone Subdivision" and being the REAL POINT OF BEGINNING.

Thence South 87°00'44" East 948.79 feet along the Northerly boundary of said subdivision.

Thence South 43°23'17" East 52.80 feet along the boundary of said subdivision.

Thence South 25°20'12" East 23.89 feet along said boundary.

Thence South 04°01'14" West 19.14 feet along said boundary.

Thence South 20°15'57" West 21.03 feet along said boundary.

Thence South 23°32'34" West 81.56 feet along said boundary.

Thence South 02°57'54" West 18.41 feet along said boundary.

Thence South 41°32'16" East 13.02 feet along said boundary.

Thence South 79°33'00" East 10.17 feet along said boundary.

Thence North 86°50'49" East 68.01 feet along said boundary.

Thence North 84°19'44" East 56.97 feet along said boundary.

Thence South 13°23'16" West 35.98 feet along said boundary.

Thence South 62°27'52" West 84.00 feet along said boundary.

Thence North 44°48'58" West 166.52 feet along the Northeasterly Right of Way boundary of River Mist Path.

Thence South 45°11'02" West 50.00 feet.

Thence along a curve left on the Southerly Right of Way boundary of River Mist Path  
Δ - 33°34'05"  
R - 75.00'  
A - 43.94'  
C - 43.31'  
LCB - North 61°36'01" West

Thence South 04°53'49" West 104.21 feet along the Easterly boundary of Lot 6, Block 2, of said subdivision.

Thence North 87°00'44" West 599.20 feet along the Northerly boundary of Track K of said subdivision.

Thence South 00°11'02" West 25.03 feet along the Easterly Right of Way boundary of River Mist Path.

Thence South 87°00'44" East 105.00 feet along the boundary of Track K.

Thence South 02°59'16" West 105.00 feet along the Easterly boundary of Lot 13, Block 2 to the Southeast corner thereof.

Thence South 21°19'37" East 54.87 feet to the Northeast corner of Lot 10, Block 5.

Thence South 02°59'16" West 105.00 feet to the Southeast corner of said Lot 10.

Thence South 07°01'39" West 81.57 feet along the Easterly boundary of Lot 11, Block 5 to the Southeast corner thereof.

Thence South 00°11'02" West 240.00 feet along the Westerly boundary of Tract J.

Thence South 89°48'58" East 12.00 feet along the boundary of Tract J.

Thence South 00°11'02" West 113.00 feet along the boundary of Tract J.

Thence South 13°18'03" West 50.47 feet to the Northeast corner of Lot 9, Block 6.

Thence South 05°29'23" West 142.00 feet along the East boundary of said Lot 9 extended to a point on the Southerly boundary of "Fieldstone Subdivision".

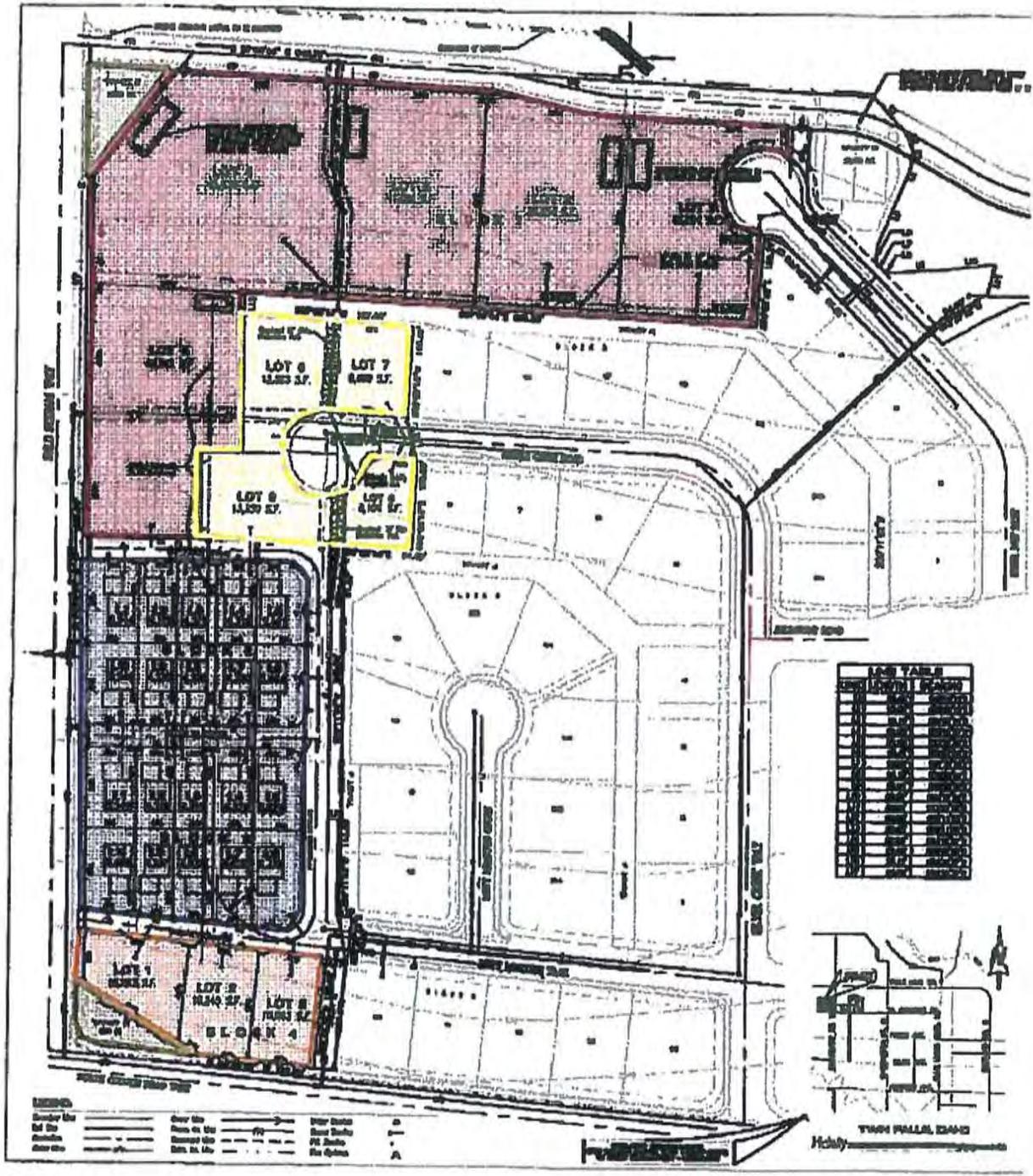
Thence North 84°30'37" West 305.05 feet along the Southerly boundary of "Fieldstone Subdivision: to the Southwest corner thereof.

Thence North 00°00'24" East 1173.15 feet to the REAL POINT OF BEGINNING.

Containing approximately 12.54 acres.



# Exhibit "B"



- 5 Professional Office overlay use area lots
- 4 Single-family residential lots
- 3 Duplex residential lots
- 20 Single-family cottage-style residential lots
- 2 Tracts

# ZONING MAP

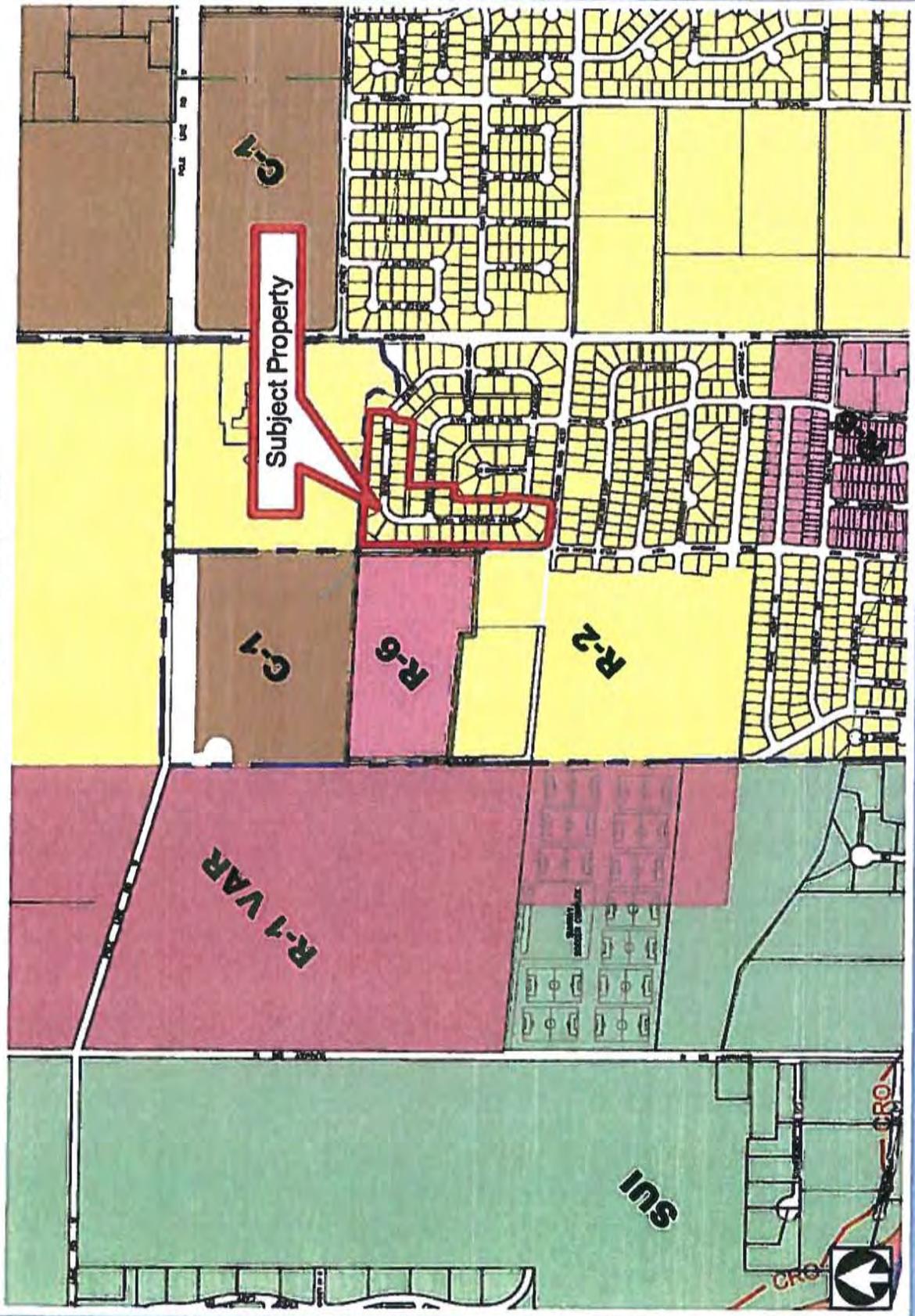


EXHIBIT "C"

Fieldstone Professional Subdivision

R-4 & R-4 Professional Office Overlay – Planned Unit Development

A. Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter 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 document)

- 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') above ground.
- 2. Parks:
  - a. Open space.
  - b. Private parks and playgrounds without crowd attracting facilities.
  - c. Public parks and playgrounds without crowd attracting facilities.
- 3. Residential – (unrestricted hours of operation):
  - a. 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.

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 structures more than twenty-five (25) square feet in area and 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. Government Facilities:
  - a. Fire stations and police stations.
- 4. Medical Facilities:
  - a. Doctors' offices.
- 5. Parks:
  - a. Park concessions.
  - b. Public parks and playgrounds with crowd attracting facilities.

EXHIBIT "C"

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6. Public Assembly:
    - a. Auditoriums.
    - b. Religious facilities.
    - c. Private academic schools.
    - d. Public schools.
  7. Residential:
    - a. Detached accessory buildings (more than 1,000 square feet) i.e. garages and other accessory buildings.
    - b. Bed and breakfast facilities.
    - c. Home occupations.
    - d. Dwellings – triplex and four-plex
    - e. Household units in the same building as an allowed use and occupied by owner or an employee of the allowed use.
  8. Services:
    - a. Beauty salons and barbershops.
    - b. Commercial daycare facilities and preschools.
    - c. Consumer credit collection.
    - d. Employment agencies.
    - e. In-home daycare services.
    - f. Finance and investment offices.
    - g. Insurance and related businesses.
    - h. Professional services.
    - i. Photography studios.
    - j. Real estate and related businesses.
  9. 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 structures, 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.
    - a. Minimum of 15% and maximum of 85% of the project is to be residential development.
  2. Lot Area:
    - a. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet.
    - b. The minimum lot area per duplex unit shall be seven thousand hundred (7,000) square feet.
    - c. The minimum lot area per multiplex dwelling unit shall be two thousand (2,000) square feet larger than duplex units per unit or one thousand (1,000) square feet larger than duplex units per unit above or below ground level unit.
    - d. For professional offices, the lot size shall be of sufficient size to provide for the building, off street parking, and landscaping.

## EXHIBIT "C"

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 thirty-five feet (35') above grade, as measured per 10-2-1 of City Code, as amended.
5. Building Size: The maximum building size is 14,000 square feet. (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)
    - i. The front building line shall not be closer than twenty feet (20') to the front property line.
    - ii. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
    - iii. On a corner lot the required front yard of twenty feet (20') shall be required on both streets.
    - iv. 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:
    - i. The side building line shall not be closer than five feet (5') to the side property line.
    - ii. 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.
    - iii. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2½') to the side property line.
  - c. Rear Yard:
    - i. The rear building line shall not be closer than twenty feet (20') to the rear property line for residential uses and as per R-4 or R-4 PRO development requirements for other uses.
    - ii. 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 rear property line except as provided in section 10-7-5 of this title.
    - iii. On a corner lot, the rear yard setback may be reduced to the side yard setback.
    - iv. For professional offices, the rear yard setback may be reduced to the side yard setback of the basic zoning district.

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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 landscaping 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 time 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 twenty foot (20') wide landscaped buffer, including sidewalk and/or storm water retention facilities planted in grass, measured from back of the curb will be constructed along Field Stream Way. Trees and shrubs will be provided in ratios meeting 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 fifteen foot (15') wide landscaped 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 panel fencing with shrubs, berms, solid wall, and or planter boxes to create a 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.

## EXHIBIT "C"

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, tree, shrub, or landscaping structure shall be placed within the public rights-of-way without first obtaining written 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 this 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, and/or hardboard, steel or vinyl siding. 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, and/or hardboard, steel or vinyl siding.
  - e. All building public access will be oriented away from the adjacent residential areas where possible.
  - 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 vinyl fencing.

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PUD 271



PUD 271



PUD-271



PUD 271



