



**CITY OF SUN VALLEY  
PLANNING AND ZONING COMMISSION  
AGENDA REPORT**

**To:** Planning and Zoning Commission  
**From:**  Mark Hofman, Community Development Director  
**Meeting Date:** November 14, 2013  
**Agenda Item:** Briscoe Lot Line Shift  
Plat Amendment Application No. SUBPA 2013-06

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**SUBJECT:** Public hearing for a plat amendment application proposing to relocate an existing rear yard property line of an existing single-family residential lot to add a small strip of land forming new 17,162 square foot Lot 11A within the Single-Family Residential (RS-1) Zoning District. No new lots will be formed as part of this plat amendment request. Applicant: Benchmark Associates for DeWayne Briscoe. Application Filing Date: October 9, 2013. Location: 404 Fairway Loop; Lot 11 of Fairway Subdivision and Tax Lot 5381 (Sun Valley Golf Course).

**BACKGROUND:** The project area consists of one developed single family residential lot (Lot 11) and Tax Lot 5381, developed as the Sun Valley Golf Course. Existing Lot 11, owned by the applicant, lies adjacent to and south of Fairway Loop and is approximately 16,896 square feet in lot size. Tax Lot 5381 lies adjacent to the rear property line of Lot 11 and is owned by Sun Valley Company. Adjacent residential lots to the north, east and west are developed with existing single family structures and related site improvements. The amendment application proposes to add a small portion (266 square feet) of Tax Lot 5381 to adjacent Lot 11 and create a new slightly larger residential lot (Lot 11A). The added area consists of an approximately 2-foot by 133-foot strip of land adjacent to the existing recorded rear property line of Lot 11. No recorded building envelopes exist for either of the two subject properties. The lot line shift is fully depicted on the attached Plat Amendment Exhibit (**Exhibit "PZ-C"**).

**ANALYSIS:** The Plat Amendment application consists of a southerly relocation of the rear property line common between the two subject properties. Tax Lot 5381 is relatively large in size and the slight reduction (266 square feet) is negligible and unnoticeable. Resulting new Lot 11A will be 17,162 square feet in lot area where a 20,000 square foot minimum is required in the RS-1 Zoning District. Therefore, Lot 11A will remain nonconforming in lot area and will retain the existing ten (10) foot minimum setbacks from exterior property lines. All easements associated with the Fairway Subdivision Plat would remain unchanged and a new ten (10) foot wide sewer easement will be granted upon recordation of the plat amendment (see Note 3 on the attached plat exhibit). An existing sewer line runs across the side yard area of the Lot from a rear golf course location out to the Fairway Loop right-of-way.

**Tax Lot 5381 Zoning-** Tax Lot 5381 is currently zoned Outdoor Recreational (OR-1) Zoning District. The Commission should discuss this zoning aspect at the public hearing and determine what action, if anything, is appropriate. The need for the plat amendment could be seen as a correction of past survey work and the new Lot 11A should be entirely zoned as RS-1. Alternatives include leaving the 2-foot strip technically zoned OR-1 resulting in a legal split-zoned lot, or requiring a zoning map amendment for the 266 square foot area as a condition of approval. The applicant will be available at the public hearing to discuss this zoning aspect, as will staff.

**Project Review-** The completed review of the application and supporting materials by the Community Development Department and the City's contract Engineer, CH2MHill (**Exhibit "PZ-B"**) finds no unresolved issues, code conflicts or fatal flaws in the plat amendment nor any needed Fire Department comments or conditions. The public hearing was properly noticed in accordance to Development Code regulations and no comments or questions from the public have been received by the City as of the release of this Report.

**Alternative Actions-** Alternative actions available to the Commission include: (1) make the required findings and adopt the attached draft Findings of Fact and Conclusions of Law recommending approval of the plat amendment to the City Council; (2) Continue the hearing for further information and review; or (3) Close the public hearing, discuss the findings, vote to recommend denial of the plat amendment application and direct staff to return on a date certain with a resolution of denial reflecting the comments and findings of the Commission.

**RECOMMENDATION:** Before public comment is received, the Commission should disclose all information and contacts received outside the hearing on this item upon which the decision will be based, receive public testimony, and consider the facts and findings necessary to make a recommendation on the plat amendment to the City Council. The Community Development Director recommends approval of the plat amendment application subject to the Conditions of Approval contained in the attached draft Findings of Fact (**Exhibit "PZ-A"**).

**LIST OF ATTACHED EXHIBITS:**

Exhibit "PZ-A"	Draft Findings of Fact, Conclusions of Law and Decision for Plat Amendment Application No. SUBPA 2013-06.
Exhibit "PZ-B"	CH2MHill review and comment letter dated November 1, 2013 from Betsy Roberts and Jennifer Bass.
Exhibit "PZ-C"	Reduced 11" by 17" Plat Amendment Exhibit forming Lot 11A of the Fairway Subdivision, dated received by the City of Sun Valley on October 28, 2013.

\*\* The entire administrative record for this Plat Amendment application is available for review in the Community Development Department at City Hall.

**EXHIBIT "PZ-A"**

**(DRAFT) SUN VALLEY  
PLANNING AND ZONING COMMISSION**

<b>PLAT AMENDMENT</b>	)	<b>FINDINGS OF FACT/CONCLUSIONS</b>
<b>LOT 11 FAIRWAY SUBDIVISION</b>	)	<b>OF LAW, DECISION</b>
<b>AND TAX LOT 5381</b>	)	<b>AND CONDITIONS</b>
<b>404 FAIRWAY LOOP</b>	)	
<b>APPLICATION NO. SUBPA 2013-06</b>	)	

This matter came before the Sun Valley Planning and Zoning Commission for consideration on November 14, 2013 as a duly noticed public hearing for a shift of an existing rear property line between existing Lot 11 of the Fairway Subdivision and adjacent Tax Lot 5381 (the Sun Valley Golf Course). The subject lot is owned by the applicant and the adjacent Tax Lot is owned by Sun Valley Company. The Commission conducted a properly noticed public hearing, reviewed the Agenda Report and heard the comments of City staff, the applicant's representatives and the public. Additionally, the Commission reviewed the approval recommendation document with suggested Findings of Fact, Conclusions of Law, and Conditions of Approval recommended by the Community Development Director. Based on the evidence presented, the Commission hereby recommends approval of the proposed plat amendment to the City Council with the following Findings of Fact and Conclusions of Law and subject to specific conditions of approval.

**FINDINGS OF FACT/CONCLUSIONS OF LAW**

1. The applicant is Benchmark Associates for DeWayne Briscoe. The subject property consists of existing Lot 11 of the Fairway Subdivision Plat and Tax Lot 5381. This Plat Amendment application was not submitted in conjunction with any proposed development or other applications. The existing Lot 11 is zoned Single-Family Residential (RS-1) Zoning District and Tax Lot 5381 is zoned Outdoor Recreational (OR-1).
2. The application consists of a plat amendment map showing the southerly relocation of the rear property line common between the two properties. The lot line shift will result in a slightly larger Lot 11 and an insignificantly smaller Tax Lot 5381. Existing Lot 11 is 16,896 square feet in lot size. New Lot 11A will have a lot area of 17,162 square feet, where a 20,000 square foot minimum is required in the RS-1 Zoning District. The added 266 square feet to Lot 11 consists of an approximately 2-foot by 133-foot strip running adjacent to the existing rear property line. Resulting Lot 11A will remain with a nonconforming lot area and thus will retain the existing minimum 10-foot setback areas from exterior property lines.
3. No building envelopes were recorded for the subject Lot via the Fairway Subdivision Plat approval (Recorded as Instrument No. 125090) and the Plat Amendment does not create a new building envelope because the site is fully developed with a single family dwelling and associated improvements. All easements associated with the Fairway Subdivision Plat would remain unchanged and a new ten (10) foot wide sewer easement will be granted upon recordation of the plat amendment (see Note 3 on the attached plat exhibit). An existing sewer line runs across the side yard area of the Lot from a rear golf course location out to the Fairway Loop right-of-way.

4. The applicant has provided the information required for application, review, and action on a plat amendment as set forth in City of Sun Valley Municipal Code Section 9-5A-4, Required Application Information. On October 30, 2013 proper notice for the public hearing was completed by: 1.) publishing of a public notice of a public hearing in the local newspaper of record; 2.) mailed to adjacent properties within a minimum 300-foot radius; 3.) posted at Sun Valley City Hall, the Sun Valley Post Office, Elkhorn Springs Store Post Office, St. Thomas Episcopal Church and the Elkhorn Fire Station; 4.) posted on the project site; 5.) electronically transmitted to all those requesting receipt of such notices; and, 6.) posted on the City's website under public notices.
5. The required findings for review of a proposed plat amendment are contained in Municipal Code Section 9-4B-1F.
6. The property line relocation application will not lower the dimensions of existing Lot 11 so as to intensify an existing nonconformity. The amendment proposes to enlarge Lot 11 by shifting the shared side property line south onto a portion of adjacent Tax Lot 5381. The plat amendment will not increase or decrease the number of properties/lots and the property line shift will not change or move any public streets or publicly dedicated areas in any manner. The overall density of the project remains unchanged at one single family dwelling allowed on revised Lot 11A. No new building envelope will be created on the resulting Lot 11A and each aspect of the proposed adjustment to the property line complies with all applicable provisions of the Development Code.
7. The plat adjustment is appropriate for the design and physical location of existing development. Resulting Lot 11A is consistent with existing developed lots across the Fairway Loop right-of-way and along nearby Fairway Road. Many nearby lots have existing nonconforming sizes below the required 20,000 square foot minimum for the RS-1 Zoning District. A slope analysis was determined to not be required as part of the application materials because the site is essentially flat in topography.
8. The property line shift plat amendment is consistent with the Sun Valley Comprehensive Plan designation for Low and Medium Density Residential and does not significantly change the existing allowed land uses nor cause any conflict with the goals and policies of the Comprehensive Plan. There are no designated scenic, agricultural, recreational, or traditional sites identified for the lot by the Comprehensive Plan.
9. The plat amendment will not affect the character of the neighborhood in a materially adverse manner because the new property line location is consistent with the existing layout of the Fairway Subdivision. The property line shift is minor and, once recorded, the plat modification and existing development will appear as though designed as part of the original subdivision.
10. The side property line shift does not involve or alter any area used for access to the overall Fairway Subdivision nor any associated or adjacent public or private access or parking areas. The new Lot 11A configuration is consistent with all applicable easements and rights of way and with the original design of the access, traffic, circulation, and parking areas of the development.

## DECISION

Therefore, based upon the foregoing Findings of Fact/Conclusions of Law, the Sun Valley Planning and Zoning Commission hereby recommends approval of the plat amendment to the City Council to relocate the common rear property line between existing Lot 11 of the Fairway Subdivision and existing Tax Lot 5381, according to the plat amendment map, supporting plans, and documents submitted as part of the development application, subject to the following specific conditions of approval.

### CONDITIONS OF APPROVAL

1. The action by the Planning and Zoning Commission on the plat amendment is a recommendation only and requires final action by the City Council at a noticed public hearing. The plat amendment and all aspects of the project design shall conform to the project drawings stamped received by the City of Sun Valley on October 28, 2013 and reviewed by the Planning and Zoning Commission on November 14, 2013.
2. Upon approval of the plat amendment by the City Council to relocate the common rear property line between Lot 11 of the Fairway Subdivision and Tax Lot 5381, the applicant shall record the amended plat with the Office of the County Recorder and provide a copy of the recorded document to the Community Development Director. This plat amendment approval shall expire three hundred sixty five (365) days from the date of approval unless extended pursuant to Code Section 9-5A-9.

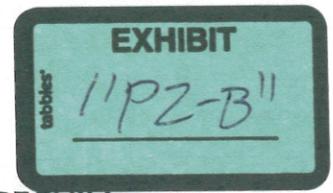
Dated this 14th day of November, 2013.

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Ken Herich, Chairman  
Planning and Zoning Commission  
City of Sun Valley

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Date Findings of Fact Signed



MEMORANDUM

CH2MHILL

## Preliminary Plat: Fairway Subdivision Lot 11A

TO: Mark Hofman  
COPIES: Bill Whitesell  
Cinda Lewis, Benchmark Associates  
FROM: Betsy Roberts  
Jennifer Bass  
DATE: November 1, 2013

This memo updates the previous Preliminary Plat Memo dated October 14, 2013. We have reviewed the Preliminary Plat sheet for Fairway Subdivision Lot 11A. This document meets the intent of a preliminary plat submittal and we find no fatal flaws.

We have the following general observations for this project at this time; these are not all inclusive:

1. Final Plat shall indicate basis of bearing, initial point, any snow storage and utility easements per original plat, closure report, sanitary restrictions, and a certification sheet (with a spot for both land owners' signatures).

Attachment: Fairway Subdivision Lot 11A Preliminary Plat Table, Dated November 1, 2013

**CITY OF SUN VALLEY  
PRELIMINARY PLAT CHECK LIST TABLE**

**For: Benchmark Associates**

1	<b>Subdivision Name:</b>	Fairway Subdivision: Lot 11A
2	<b>Reviewer:</b>	Jennifer Bass
3	<b>Date:</b>	November 1, 2013
4	<b>Sheet Title and Preamble:</b>	Fairway Subdivision: Lot 11A. Located within Section 8, Township 4 North, Range 18 East, B.M., City of Sun Valley, Blaine County, Idaho; wherein the boundary common to Lot 11, Fairway Subdivision (Inst. No. 125090) and Tax Lot 5381 is amended. October 2013. Preliminary Plat
5	<b>Basis of Bearing:</b>	Referenced in Note 1. Show on final plat
6	<b>North Arrow:</b>	OK
7	<b>Scale and Legend:</b>	OK
8	<b>Plat Closure:</b>	None. Shall be submitted with Final Plat.
9	<b>Total Area:</b>	Individual lot area shown
10	<b>Monuments:</b>	None shown.
11	<b>Land Corners:</b>	OK
12	<b>Initial Point:</b>	None shown
13	<b>Street Names &amp; Width:</b>	OK
14	<b>Easements:</b>	10' wide sewer easement is granted to benefit the Sun Valley Water & Sewer District as shown, 10' minimum setback per non-conforming lot. Note 1 refers to original plat for conditions and restrictions.
15	<b>Lot &amp; Block Numbers:</b>	OK, no block numbers shown (no block numbers found on original plat of Fairway Subdivision).
16	<b>Lot Dimensions:</b>	OK
17	<b>Curve &amp; Line Tables:</b>	OK
18	<b>Certifications:</b>	None shown, shall be included with final plat
19	<b>Certificate of Owner:</b>	None shown, will need both owners signatures on the certification sheet.
20	<b>Certificate of Surveyor:</b>	None shown
21	<b>Sanitary Restriction:</b>	None shown, shall be included on final plat.
22	<b>Agency Approvals:</b>	None shown
23	<b>Public Dedication:</b>	N/A
24	<b>Common Areas:</b>	N/A

Notes: Final Plat shall indicate basis of bearing, initial point, any snow storage and utility easements per original plat, closure report, sanitary restrictions, and a certification sheet (with a spot for both land owners' signatures).

# FAIRWAY SUBDIVISION : LOT 11A

LOCATED WITHIN: SECTION 8, TOWNSHIP 4 N, RANGE 18 E, B.M.,  
CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO

WHEREIN THE BOUNDARY COMMON TO LOT 11, FAIRWAY SUBDIVISION  
(INST. NO. 125090) AND TAX LOT 5381 IS AMENDED.

OCTOBER 2013

## LEGEND:

- PROPERTY LINE
- - - 10' MINIMUM SETBACK (SEE NOTE 2.)
- EDGE PAVEMENT
- X FENCE
- S POSSIBLE SEWER LINE (FIELD VERIFY)
- OBM OUT OF BOUNDS MARKER
- FOUND 1/2" REBAR
- SET 1/2" REBAR

## CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	638.54	118.32	118.15	S 68°05'37" W	10°37'02"
C2	130.35	12.00	12.00	S 70°46'02" W	05°16'29"

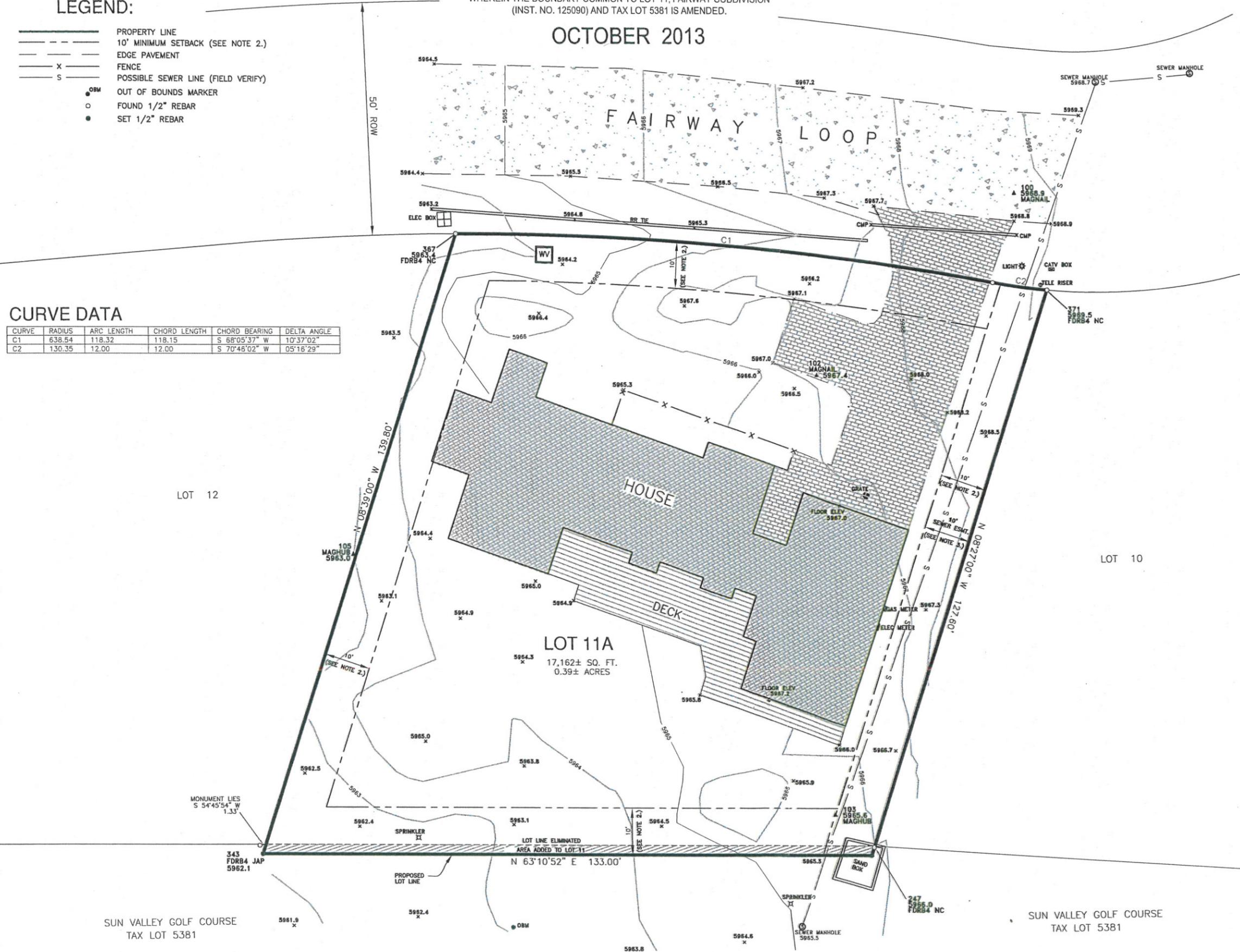
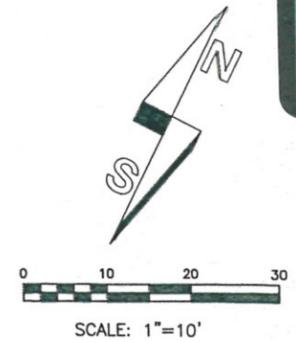


EXHIBIT  
"P2-C"



## PRELIMINARY PLAT

### NOTES:

1. BASIS OF BEARINGS IS PER THE ORIGINAL PLAT OF FAIRWAY SUBDIVISION. BOUNDARY LINES AND CERTAIN EASEMENTS SHOWN HEREON ARE PER SAID PLAT. REFER TO SAID PLAT & COAR'S FOR CONDITIONS AND/OR RESTRICTIONS REGARDING THIS PROPERTY.
2. MINIMUM 10 FOOT SETBACK FOR NON-CONFORMING LOT PER SECTION 9-2A-3E(3) SUN VALLEY MUNICIPAL CODE.
3. A 10 FOOT WIDE SEWER EASEMENT IS GRANTED WITHIN LOT 11A TO BENEFIT THE SUN VALLEY WATER & SEWER DISTRICT AS SHOWN HEREON.
4. ELEVATIONS BASED ON ASSUMED DATUM.
5. UTILITIES AND DRAIN PIPES ARE PER SURFACE EVIDENCE ONLY. OTHER UNDERGROUND UTILITIES MAY EXIST. LOCATION OF UNDERGROUND UTILITIES AND SERVICES SHOULD BE CONFIRMED PRIOR TO EXCAVATION OR DESIGN.
6. BUILDING WALLS ARE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
7. CONTOUR INTERVAL: 1'.
8. MAP SCALE: DUE TO ELECTRONIC MAP DELIVERY AND ALTERNATE PRINTING METHODS, PLEASE USE BAR SCALE TO DETERMINE ACTUAL PRINTED SCALE.
9. THE STREET ADDRESS IS PURPORTED TO BE: 404 FAIRWAY LOOP.



PREPARED BY:  
BENCHMARK ASSOCIATES, P.A.  
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FAIRWAY SUBDIVISION  
LOT 11A  
LOCATED WITHIN  
SECTION 8, TOWNSHIP 4 N, RANGE 18 E, B.M.,  
CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO  
PREPARED FOR: DEWAYNE BRISCOE

PROJECT NO. 13096 DWG BY: DWS/CPL 13096PRE.DWG  
PRELIMINARY PLAT DATE: 10/28/2013 SHEET: 1 OF 1

SUB PA 2013-06

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