



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

To: Planning and Zoning Commission
From: *MH* Mark Hofman, Community Development Director
Meeting Date: February 21, 2013
Agenda Item: **Cleveland Landscaping and Patio
Design Review Application No. DR2013-03**

SUBJECT: Public Hearing for a design review application proposing new rear yard landscaping and patio area improvements associated with an existing single-family dwelling within the Single-Family Residential (RS-1) Zoning District of the City of Sun Valley. **Applicant:** Chase Gouley for Brad and Kirsten Cleveland. **Application Filing Date:** February 1, 2013. **Location:** Lot 7, Back of Dollar Subdivision; #112 Baldy View Lane.

BACKGROUND: The project proposes a new landscaping, walkway, patio, wall and trellis addition to the rear yard area of an existing single family dwelling on a lot within the Back of Dollar Subdivision. No new habitable structures or modifications to the existing single family dwelling are proposed as part of this project design or application. The landscaping addition design is normally a type of project reviewed and acted on administratively by the Community Development Director. However, the site lies within a low frequency avalanche zone (Blue Zone) and the Director has found that the required findings for action on the application are more appropriate for the review and consideration of the Planning and Zoning Commission.

The subject rear yard area of the subject lot is in a pre-graded condition and is currently covered in mixed low lying ground cover vegetation. Adjacent lots are developed with existing, detached single family residences, associated site improvements and mature screening landscaping. No development exists uphill to the east of the proposed improvements. The landscaping, patio and trellis improvements will be sited in an area which is consistent with existing single family residential development adjacent to the north, west and south. The single family residential character of the area will be maintained and the project is in compliance with all applicable standards and requirements of the City Development Code for property within the Single-Family Residential (RS-1) Zoning District.

ANALYSIS: The project proposes to place new landscaping, walkway, patio, walls and trellis improvements into a rear yard area of an existing single-family dwelling lying within a low frequency avalanche zone. The applicant will present the project design and related issues to the Commission at the public hearing to facilitate a discussion of the avalanche zone or any other concerns. The Commission should review the Back of Dollar Subdivision Plat and applicable

avalanche warning notes (**Exhibit "PZ-C"**) and discuss any concerns. Staff will provide background information to facilitate the discussion and the Commission should provide direction to staff on how best to proceed. The rear yard improvements are accessed via a new walkway extending from the north side of the existing dwelling. The new patio area and walkway are incorporated into the existing topography of the rear yard area, are consistent with the existing dwelling's design and no other detached or accessory structures are proposed. Reduced project drawings are attached to this Report as **Exhibit "PZ-D"**.

Development Standards- The construction of the new single family dwelling with site improvements is in conformance with the purpose and all applicable dimensional regulations of the RS-1 Zoning District. The RS-1 Zoning District allows landscaping and site improvements associated with single-family dwellings by right as a land use. Supporting avalanche letter documentation for the design and construction of the existing dwelling on Lot 7, Back Pay Way Subdivision, stamped received by the City of Sun Valley on February 1, 2013, are attached as **Exhibit "PZ-B"**.

The applicant states on the application materials that the project improvements are not for winter use. After the applicant presents the project and staff provides background information, the Commission should discuss the individual plat notes on the Back of Dollar Subdivision Plat and consider the following as potential conditions that could be placed upon the project if appropriate:

- Avalanche protective, deflective and preventative structures, devices or earthwork which threaten to deflect avalanches toward property of others or otherwise threaten to increase the danger to persons or property are prohibited. Prior to granting of a permit, the applicant shall submit to the city plans signed by an engineer licensed in the state, certifying that the proposed construction will not deflect avalanches toward the property of others.
- Prior to issuance of a building permit for any improvement within the avalanche zone, the applicant shall submit to the City of Sun Valley Building Official plans, signed by an engineer licensed in the state of Idaho, certifying that the proposed construction as designed will withstand the avalanche forces as set forth in the avalanche studies on file with the city, or the avalanche forces set forth in a study of the property in question prepared at the owner's expense and submitted to the city by a recognized expert in the field of avalanche occurrence, force and behavior. Warning: The avalanche forces set forth in such studies are to be considered minimum standards only, and the city does not represent, guarantee or warrant the ultimate safety of any construction, use or occupancy of structures constructed to those standards. Avalanches may occur with forces greater than those set forth in such studies, and areas of the city not designated as avalanche zone may be subject to potential avalanche danger.
- There shall be no further alteration of the project design or existing dwelling design without prior approval of the City of Sun Valley.
- Prior to the issuance of any building permit for construction or improvements within the avalanche zone, the applicant shall submit to the Community Development Director and Building Official a written acknowledgment, signed by the applicant under seal of a notary public, of the applicant's actual knowledge that the proposed building or improvement will be located within the avalanche zone. The applicant will also acknowledge that he or she has

actual knowledge of the studies conducted to date regarding the avalanche zone that are on file with the Community Development Department. The acknowledgment shall state that the rear yard improvements are not for winter season use and include the following:

I, (applicant's name), the applicant named in Building Permit Number (#) intend to construct (type of building, outbuildings and/or improvements) on (property description, including legal description and (street address)). I acknowledge that this development and the parcel of land on which the development will be situated are within the low frequency avalanche zone. I have thoroughly read and fully understand the reports by Art Mears on file with the City of Sun Valley Community Development Department. I fully understand that building within the avalanche zone may pose a substantial hazard to life, health, and property for residents, guests, visitors, both invited and uninvited, children, city employees, utility workers, public servants, and animals. I also fully understand that City services, including fire protection, police, and medical and ambulance service may be suspended during times of high hazard.

I, on behalf of myself, my personal representatives and my heirs, hereby voluntarily agree to release, waive, discharge, hold harmless, defend and indemnify the City of Ketchum and its officers, employees, agents, and contractors from any and all claims, actions, or losses for bodily injury, death, wrongful death, property damages, and loss of services which may arise out of the construction of the buildings, outbuildings, and/or improvements that are the subject of my Building Permit Number ().

I also promise and agree to file an executed copy of this Acknowledgment, confirmed or stamped as received by the City of Sun Valley Community Development Department as an addendum to my deed to the real property described herein with the County Recorder.

- All persons who rent, lease or sublet any structure or premises within the avalanche zone shall provide the tenant, lessee or subtenant with written notice that said property is located within such avalanche zone prior to occupancy and that the rear yard patio area is not for winter season use.
- Each and every real estate agent, sales person and broker, and each and every private party who offers for sale or shows a parcel of real property and/or structure for sale, lease or rent within said avalanche zone shall, upon first inquiry, provide the prospective purchaser, lessee or tenant, prior to viewing said real property, with written notice that said real property and/or structure is located within said avalanche zone and the rear yard patio improvements are not for winter season use. Furthermore, such written notice shall state that the studies referred to are available for public inspection at the office of the city clerk of the City of Sun Valley and that said studies should be reviewed prior to any party entering any agreement, contract or lease.
- All brochures and other printed materials advertising and/or soliciting reservations for sale, rental or lease of living units within the avalanche zone shall contain a provision designating that said site and improvements are located within the avalanche zone and the rear yard patio improvements are not for winter season use.
- Suspension Of City Services: During periods of avalanche danger, city services may be suspended or otherwise not be provided to property within the avalanche zone; nor shall the

city accept responsibility for or guarantee that such services, rescue efforts or emergency services will be provided during periods of avalanche danger.

Warnings and Disclaimer of Safety And Liability-

- Avalanches occur naturally, suddenly and unpredictably based upon steepness of slope and runout area, exposure, snowpack composition, wind, temperature, rate of snowfall and other little understood interacting factors. The avalanche zone designated on this site is considered reasonable for regulatory purposes and is based upon and limited by the engineering and scientific methods of study. This designation does not represent or imply that areas outside the avalanche zone district are free from avalanches or avalanche danger.
- The fact that the city has not prohibited development, construction or use of real property within the avalanche zone does not constitute a representation, guarantee or warranty of any kind as to the safety of any construction, use or occupancy. The granting of any permit or approval for any structure or use, or the declaration or failure to declare the existence of an avalanche hazard shall not constitute a representation, guarantee or warranty of any kind or nature by the city, or any official or employee, of the practicality or safety of any construction, use or occupancy, and shall create no liability upon or cause of action against such public body, or its officials or employees, for any injury, loss or damage that may result.
- Avalanches occur naturally, suddenly and unpredictably, and persons who develop or occupy real property within said avalanche zone do so at their own risk.

Hillside Preservation Standards- An area of significant steep slopes over 25% is identified on all applicable site plans for the project. The landscaping, walkway, patio, walls and trellis addition avoids intrusion into the identified steep slope area and lies within the flattest, most developable portion of the rear yard. The steep slope area will be preserved and not affected by the project.

Public Notice and Comment- The project application was publicly noticed by: 1.) publication in the Mtn. Express on Wednesday, February 6, 2013; 2.) mailing of notice to all property owners within a 300 foot radius of all project property lines; 3.) posting of notice in five prominent public places in the City; 4.) electronic notification to all parties who have notified the City of interest to receive agendas and notices; and, 5.) posting of the notice on the City's web site. One public comment letter was received from neighbor Rick Rutkowski (**Exhibit "PZ-A"**). No other public email comments, phone calls or letters have been received by staff as of the writing of this Report.

Alternative Actions- Alternative actions available to the Commission include: (1) approve the design review application and direct staff to return date certain with Findings of Fact reflective of the Commission's comments for review and consideration; (2) continue the public hearing for further information and review; or (3) close the public hearing, discuss the findings, vote to deny the 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 public hearing on this item upon which the decision will be based, receive public testimony, and consider the facts and findings necessary to make a

decision on the application. The Community Development Director recommends the Commission review the project drawings, discuss the issue related to the project design, consider the application request, and take action to approve or deny the design review application, directing staff to return date certain with Findings of Fact reflective of the Commission's comments.

LIST OF ATTACHED EXHIBITS:

- | | |
|----------------|---|
| Exhibit "PZ-A" | Letter of support from Rick Rutkowski, 110 Baldy View Lane, stamped received by the City of Sun Valley on February 19, 2013. |
| Exhibit "PZ-B" | Supporting avalanche letter documentation for the construction of the existing dwelling on Lot 7, Back Pay Way Subdivision, stamped received by the City of Sun Valley on February 1, 2013. |
| Exhibit "PZ-C" | Reduced 11" by 17" Back of Dollar Subdivision Plat set consisting of four (4) sheets stamped received by the City on February 1, 2013. |
| Exhibit "PZ-D" | Reduced 11" by 17" project drawing set consisting of six (6) sheets stamped received by the City on February 2, 2013. |

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

EXHIBIT "PZ-A"



2/19/2013

To: City of Sun Valley Planning and Zoning Commission

Re: Design Review App DR2013-03 by Brad and Kirsten
Cleveland

112 Baldy View Ln, Sun Valley ID

Commissioners,

I am in support of this landscape modification. I understand that there will be a condition of "no use" during snow avalanche potential, which seems to be a good safety measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Rutkowski". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rick Rutkowski

110 Baldy View Ln, Sun Valley ID



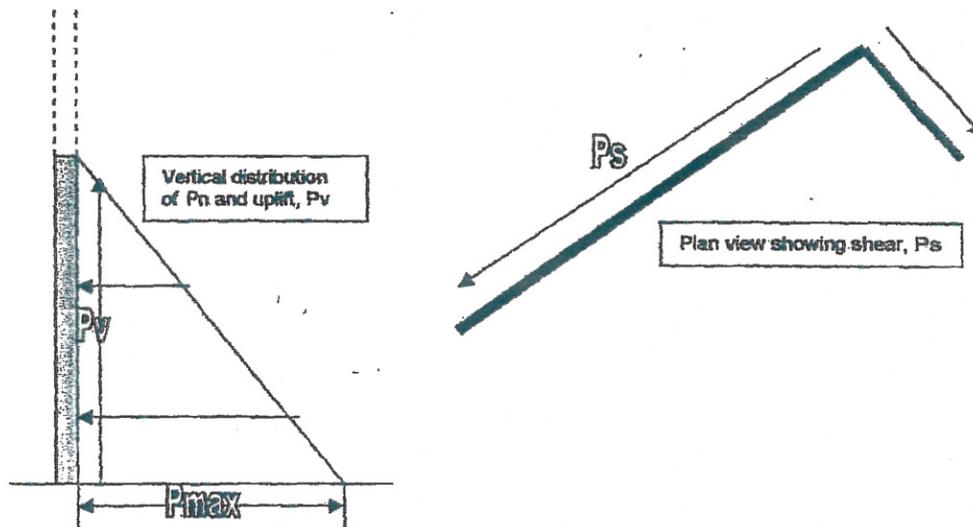
EXHIBIT "PZ-B"
 P+Z 2/21/13

Additional details are provided in the attached appendix.

3 AVALANCHE MAGNITUDES AND IMPACT HEIGHTS

Figure 1 identifies wall surfaces and building areas ("A" through "D") all of which can receive avalanche impact loads. The magnitudes of these loads and the heights over which loads act are provided in the following table; directions are in the sketch. A major avalanche (certainly the design event) will be substantially wider than the house and may be wider than any one lot. Therefore, all impact surfaces may receive avalanche impact loads simultaneously.

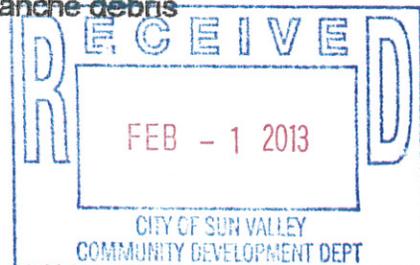
WALL	P_N (lbs/ft ²)	P_V (lbs/ft ²)	P_S (lbs/ft ²)	H (ft)
A	150	80	80	12 ft
B	200	100	100	12 ft
C	200	100	100	12 ft
D	100	50	50	10 ft



The loads provided in Table 1 are the maximum loads (P_{max}) at the base of each surface. Loads decrease linearly with height up to the top of the impact surface at a height, H.

The following must be considered:

- a. The "bay window" (area C) can receive avalanche impact because it will be located within an excavated area; this side of the house will be filled in with compressed avalanche debris during a large event;



- b. The covered area below the deck southwest of the "bay" will receive impact primarily on the 8" x 8" supporting posts (area D); this area will also be filled in with compressed avalanche debris during a large event and the deck will receive uplift forces as avalanche debris is compressed under the deck. Windows in the wall must also be designed for avalanche loads.
- c. All avalanche loads are *impact loads* and must be multiplied by the appropriate impact factor, FI; therefore final design loads $P_f = P \times FI$, where $1.0 < FI < 2.0$ and P is provided in Table 1. Final design value of FI must be determined during final structural engineering.
- d. All windows and doors within the impact areas receive avalanche loads as specified and must be designed for these loads.

4 ADDITIONAL DESIGN CONSIDERATIONS

The following must also be considered when using this property during the season when avalanches can occur (usually December through March with the season extending from November through April on some years):

- a. The primary entry area is from Baldy View Lane and will be protected from avalanches.
- b. The back side of the house (behind walls "A" and "B" could be extremely dangerous and must be avoided during conditions of high snowpack instability.
- c. Area "C," the bay-window area is similarly exposed and should be avoided during dangerous conditions.
- c. Area "D," the area covered by the deck, is also exposed to avalanches and should be avoided during dangerous conditions.

5 AVALANCHE HAZARD IN AREA

This house, if designed to meet the specifications set forth herein, will be "avalanche proof." Persons within the house will therefore be safe from avalanches. However, the persons one wishes to protect may be outside when the avalanche occurs.

The likelihood of being in exactly the "wrong place at the wrong time" is small because (a) the avalanche return period is relatively long (30 to 100 years) and (b) the total time spent outdoors during dangerous conditions will usually be short. Even though the risk from avalanches is small it can and should be

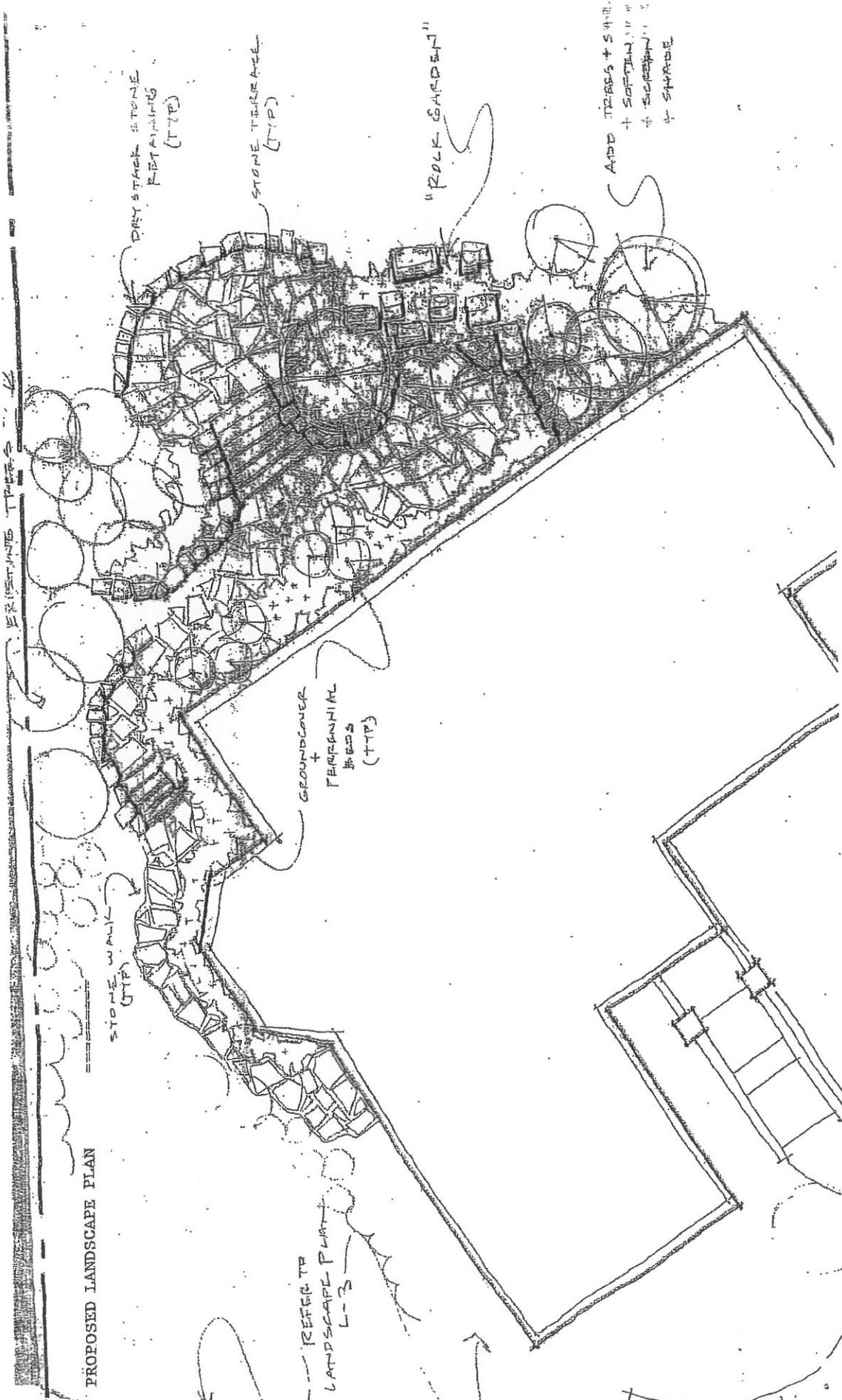
reduced even further by heeding all official avalanche warnings, being prepared for self rescue and attending avalanche awareness or education courses. These steps are recommended.

Report prepared by,

Arthur I. Mears

Arthur I. Mears, P.E. (CO)
Avalanche-control engineer

PROPOSED LANDSCAPE PLAN



DRY STACK STONE
RETAINING
(TTP)

STONE TERRACE
(TTP)

"ROCK GARDEN"

AND TREES + SHRUBS
+ SOFTENING
+ SUBSEQUENTLY
+ STABLE

GROUNDCOVER
+ PERENNIAL
BEDS
(TTP)

STONE WALK
(TTP)

REF TO
L-3
LANDSCAPE PLAN

ESTIMATED TREES