

**DRAFT**

**Minutes of the Planning and Zoning Commission  
November 14, 2013**

The Planning and Zoning Commission of the City of Sun Valley, Blaine County, State of Idaho, met in regular session in the Council Chambers of Sun Valley City Hall on November 14, 2013 following a 9:00 a.m. site visit at the New Villager Condominiums.

Present: Commissioners Ken Herich, Keith Saks, Jake Provonsha, and John O'Connor.  
Absent: Commissioner Margaret Walker.

Also Present: Community Development Director Mark Hofman, Community Development Planning Technician and Associate Planner Isabel Lui, City Attorney Adam King, City Clerk Hannah Stauts, Heather O'Leary, Marybeth Collins, Chris Jensen, Steve Boeitcher, Peter Hendricks, Garth McClure, Bruce Smith, Evan Robertson, Mark Gilbert, and Jim Laski.

**1. Call To Order**

Chairman Herich reconvened the meeting following the site visit at 9:35 a.m.

**2. Public Comment**

There were no comments.

**3. Consent Agenda**

There were no items for the consent agenda.

**4. New Business**

- A. [James R. Laski for the New Villager Condominium Association, Inc.; Public hearing and noticed site visit for a Design Review Application for improvements to common area that would allow intensification of snow storage behind an existing garage structure on the site of a condominium complex in the Multiple-Family Residential \(RM-1\) Zoning District of the City of Sun Valley. Location: New Villager Road; Area "B" behind the garages of Complex 7 and 8, adjacent to the Lower Fairway Road Subdivision, Corrected. Application No. DR 2013-41. \(9am site visit at the project address to begin the Commission's meeting\)](#)

Community Development Director Mark Hofman reviewed the staff report for the Commission. Hofman discussed the long history of the property development attempts in the past. The applicants were before the Commission to resolve the outstanding issue created by an intensification of snow storage and improvements made to the driveway.

Jim Laski, the attorney representing the New Villager Condominium Association, provided an overview of the history of the improvements made to the association property from the owners' perspective. Laski reviewed the agreement with the Sun Valley Company regarding not

contesting the improvements made to the property, such as the underground drain, driveway, and the proposed location for snow storage. Earlier in the summer the Sun Valley Company withdrew their permission to use snow storage area A.

Chairman Herich asked what they would be able to do for storage if the application was denied. Laski replied that he did not know. Hofman stated their only other options would be transporting the snow off-site or melting it on-site. Commissioner O'Connor asked whether there was any other location on the property where the snow could be stored. Laski replied that there were no other areas similar in size that were not currently parking areas.

Commissioner Saks stated he was concerned about the letter from the adjacent property owners, the McGee's. He said after walking the property during the site visit, he feels the snow storage would not have substantial impact on homes that would be built nearby.

The Commission discussed additional Conditions of Approval to address the concerns of neighboring property owners. Mark Gilbert, Board President for the New Villager Condominium Association, said that they would be willing to agree to stipulations restricting the hours for snow removal and the height the snow could be piled. The Commissioners discussed what a reasonable limitation would be for the snow removal times.

Chairman Herich said the time limitation should be for the loaders to move snow back into area B, not for the plowing of driveways. Hofman stated that the Commission should be careful to not design their project for them. Laski offered that the Association would agree to restrict the snow moving activities from 8:00 a.m. until 6:00 p.m. and to limit the snow piling height to no higher than 12 feet.

Chairman Herich opened the public hearing for comments. There being none, he closed the public hearing.

Hofman said only one comment letter had been received regarding the application, from the current owner of Lot 1, and that there were no other public comments being shared.

Commissioner Saks said he felt it was notable that the Sun Valley Company was not expressing objections.

Laski summarized for the Commission that their request was for approval of the Design Review Application with the following additional provisions: that they agree not to utilize the improvements for anything other than to facilitate the storage of snow for the New Villager Condominiums; that they would only move snow to the storage area in question between the hours of 8:00 a.m. and 6:00 p.m.; and that they would not pile the snow any higher than 12 feet.

## **MOTION**

Commissioner Provonsha moved to approve Design Review Application No. DR 2013-41 with the additions as discussed, seconded by Commissioner Saks. All were in favor, none opposed. The motion carried.

Hofman said that staff would return with revised Findings of Fact at the December 12<sup>th</sup> meeting.

- B. [Bruce Smith, PLS Alpine Enterprises Inc. for Portage Bay Partners, LLC and Robyn Rogers Trust; Public hearing for a Plat Amendment Application proposing to relocate a common side property line between two existing tax lots to reflect the current conditions and improvements \(fencing and landscaping\) on the properties. Location: 106 and 108 Saddle Road; Tax Lots 3523 and 3524. Application No. SUBPA 2013-07.](#)

Chairman Herich disclosed his past work for the applicant two to three years ago and asked City Attorney King whether that creates a conflict of interest for him in regards to the application. King said conflict rules deal with a financial interest, and so long as Chairman Herich has not discussed doing any work for the applicants following approval of the lot line shift request he will not need to recuse himself.

Hofman provided an overview of the staff report for the Commission. Commissioner Saks said that based on the proposed Findings of Fact it seemed little would change with the property line shift and the request seemed to be a non-issue.

Chairman Herich opened the public hearing. Bruce Smith with Alpine Enterprises, representing the applicant, said he did not see any potential problems with the application request.

Chairman Herich closed the public hearing.

## **MOTION**

Commissioner Provonsha moved to recommend approval of Plat Amendment Application 2013-07 to the City Council to relocate the common site property line based on the Conditions of Approval and Findings of Fact as presented in the staff report, seconded by Commissioner O'Connor. All were in favor, none opposed. The motion carried.

King stated that the application will be before the City Council on December 5, 2013.

- C. [Benchmark Associates for DeWayne Briscoe; 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. Location: 404 Fairway Loop; Lot 11 of Fairway Subdivision and Tax Lot 5381 \(Sun Valley Golf Course\). Application No. SUBPA 2013-06.](#)

Chairman Herich disclosed having worked with Dewayne Briscoe on pricing projects related to the application and recused himself from the meeting. Chairman Herich requested that Vice Chairman Provonsha take over the meeting. Chairman Herich then left the meeting.

Evan Robertson requested the record reflect that Mayor Briscoe would not be in attendance during the meeting due to his concern that his position as Mayor might create any perceived conflicts.

Hofman reviewed the staff report for the Commission. The requested plat amendment would form Lot 11-A by including a portion of the current rough "out of bounds" area along the golf course. Hofman stated that it was a fairly straight forward plat amendment.

The Commission asked what the reasoning would be behind wanting to make this adjustment. Robertson said that the survey markers appear to have been wrong according to a new survey that was conducted. Robertson explained the history and reasoning behind Mayor Briscoe's interest in pursuing this lot line shift, and that Briscoe had been paying a tax assessment based on the incorrect survey.

The Commission and Hofman discussed what the differences where in the City Code between the current lot size and what it would be with the plat amendment.

Commissioner Saks asked Robertson if an agreement between Sun Valley Company and Mayor Briscoe had already been made. Robertson said yes, and that he was present on behalf of the Mayor and to represent Sun Valley Company.

Hofman said the plat amendment would be adding ten feet to the property. A discussion was held between the Commission and Hofman regarding whether a zoning map amendment would be necessary. Hofman stated that he did not think that the plat amendment would be a zoning issue in the future.

Vice Chairman Provonsha opened the public hearing.

Chris Grathwell, of 408 Fairway Loop, made comments in support of Mayor Briscoe's application. Grathwell stated he felt Mayor Briscoe was taking the high road in the situation.

Robertson asked the record reflect that the agreement between Mayor Briscoe and the Sun Valley Company is that the property will be purchased at fair market value by the Mayor, and it is not being given to the Mayor.

Vice Chairman Provonsha closed the public hearing.

**MOTION**

Commissioner O’Connor moved to recommend to the City Council that they approve Plat Amendment Application No. SUBPA 2013-06 with the Findings of Fact and Conditions of Approval as presented.

Commissioner Saks asked to amend the motion to address the zoning, which will result in a split lot, as discussed in the analysis on page 2 of the staff report. Commissioner O’Connor agreed to modify motion. Hofman recommended addressing the zoning map revision under #7 of the Findings of Fact, and suggested including "the OR-1 zoned area to be added to Lot #11 is deminimus and no zoning map amendment is required. The lot line shift is to correct a past survey error."

The amended motion was seconded by Commissioner Saks. All were in favor, none opposed. The motion carried.

**5. Continued Business**

None.

**6. Discussion Items**

Hofman reminded the Commission the next meeting would not be until December 12th.

**7. Adjourn**

**MOTION**

Commissioner O’Connor moved to adjourn, seconded by Commissioner Saks. All were in favor, none opposed. The motion carried.

The meeting adjourned at 10:54 a.m.

**Meeting Schedule:**

December 12, 2013 at 9:00 a.m. Regular Planning& Zoning Meeting, Council Chambers

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Jake Provonsha, Vice Chairman

ATTEST:

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Hannah L. Stauts, City Clerk