

DRAFT

Minutes of the Planning and Zoning Commission

July 17, 2014

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 July 17, 2014 at 09:00 a.m.

1. Call To Order

Chairman Ken Herich called the meeting to order at 9:04 a.m. and declared a quorum present.

Present: Commissioners Ken Herich, Jake Provonsha, Margaret Walker, John O'Connor and Bill Boeger.

Absent: none

Also Present: Community Development Director Mark Hofman, Planning Technician and Associate Planner Isabel Lui, City Attorney Adam King, Nancy Humphrey, Liz Warrick, Ruty Lieder, Peter Hendricks, Tim Silva, Paul Willis, Cris Thiessen, Peter Palmedo, Karen Reinheimer and Reuben Perin.

2. Public Comment

3. Consent Agenda

4. New Business

- A. Public hearing on the City of Sun Valley 2014 Comprehensive Plan Update: Planning and Zoning Commission recommendations.

Mark Hofman gave an overview of the Planning and Zoning Commission Recommendations on the 2014 Comprehensive Plan Update dated July 17, 2014. Hofman said all the discussion notes and comments from the Steering Committee and Planning and Zoning Commission meetings are incorporated in the current document. The document is also available on the City website.

Adam King explained what a public hearing is and stated that a public hearing is not a question and answer session, but the Chairman has the discretion to answer certain questions if he sees it is appropriate in helping to move the process forward.

The Commission reviewed the document page by page.

Review of Vision Statement: Chairman Herich read the third paragraph on p.2 with emphasis on the last sentence, stating that today is the public hearing of the Planning and Zoning Commission and the City Council will hold another public hearing before finalizing the document.

Review of Chapter 1: Chairman Herich read aloud the first sentence on p.1 "...a guiding document to guide and balance..." and said the word "guide" is redundant. Hofman explained the importance of

describing the 2014 Comprehensive Plan Update as a guiding document to distinguish it from the zoning ordinance. The Commission agreed to simplify the sentence and make it read "... a guiding document to balance..."

Commissioner Walker suggested p.1, the first paragraph, third line from the bottom, "necessary actions and strategies are identified that implement..." should read "necessary actions and strategies are identified to implement..."

Chairman Herich reminded Hofman to add to the City Council note at the bottom of p.2 to include an update on the White Clouds Nine Golf Course.

Commissioner Walker questioned whether the recreational amenities as mentioned on p.2 second paragraph belong to the condominiums in Elkhorn village. The Commission had a brief discussion and decided to leave the wording "recreational amenities" the way it is.

Both Chairman Herich and Commissioner Walker said they do not see their previous comments captured under Historical Perspective on p.5. Mark Hofman said that he would re-write this section after the finalization of the policy in land use.

Chairman Herich pointed out the importance to specify the significance of mountain and lodge improvements that have been made since Earl Holding bought the property (Historical Perspective p.5, 2nd paragraph). This will give background documentation for changes that have been made to the Prospector LUPA. He further suggested inserting "relatively" before "undeveloped for the past three decades..." on the fifth line of the same paragraph.

Commissioner O'Connor questioned the source of the population figure "1,406" in Table 1 of p.6 and suggested adding the number of eligible voters and second home owners' data to the table. Mark Hofman replied, the source is from the U.S. Census Bureau, and explained the difficulties of obtaining the other data suggested.

Mark Hofman said he would work out the estimate for the forecast on p.8-11.

Chairman Herich questioned whether Weyyakin is the only subdivision in Sun Valley where water is supplied by Ketchum (p.16). Hofman said a couple of properties located at the city boundary in the Weyyakin subdivision use water provided by Ketchum as bided by an agreement prior to the annexation of the area to the City.

Chairman Herich questioned the reference to the 1973 master plan on p.19. Mark Hofman said the 1973 master plan was discovered during the Steering Committee process and it makes sense to include the information as part of the historical context of the Comprehensive Plan development.

Under the section "Solid Waste Management and Recycling", Chairman Herich suggested deleting "through methods such as 'pay as you throw' "(P.27, 7th- 8th line).

Chairman Herich suggested removing "Springs" from "Elkhorn Springs golf course" to reflect the accurate name of the golf course. Chairman Herich also questioned the 0.5-acre parcel at the end of Fairway Road. (p.29, last paragraph). Mark Hofman said that it is the parking near the trail to Proctor Mountain; however, the official parking is at Hemingway Memorial.

Commissioner Walker questioned the name CenturyLink (p.31). Mark Hofman clarified it is a name change from Qwest.

On p.36, the section on Air Travel, Chairman Herich requested to add "The Friedman Memorial Airport can be permanently accommodated in its current location", as the beginning sentence for the underline section. Mark Hofman explained the underlined paragraph is a policy statement reflecting the vision of the airport site in a 10-year time frame. The Commission also discussed the fact that a Sun Valley representative is currently not being appointed to the airport authority board. The City should keep pursuing for representation. With a brief discussion on the use of wording, the Commission agreed to replace "proposes" in the original text to "maintains". The new sentence should read as "the City maintains that a Sun Valley representative be appointed to the Friedman Memorial Authority Board. The City further maintains that an empowered governing body of regional partners be formed..."

Review of Chapter 2: On p.3 Objective 1.4, Commissioner Walker questioned the use of the word "conserve". Mark Hofman said the word is used with a slight different flavor. Protect and preserve can be achieved through the zoning map, while conserve has more to do in relation with nature conservancy and the natural habitat, i.e. to make whatever is there vital.

Regarding p.2, Action Item 1.1.4, Chairman Herich said he has a past note on the last sentence -- "...at Boundary Campground to maintain an adequate scenic corridor and rural transition." The underline phrase should be added.

The Commission had a brief discussion about the protection of wildlife habitats and its potential conflicts with property owners' water right. Mark Hofman cited some past experiences and recommended taking out Beaver Ponds from Special Sites. The Commission supported his recommendation.

On p.7, Action Item 3.2.1, the Commission questioned whether Sun Valley Elkhorn Association should be encouraged to ensure their current and future offerings of winter and summer recreation remain open to the public and not limited to their guests. Commissioner Provonsha remarked that home owners have no obligation to open their facilities to the public. If SVEA is encouraged to open their facilities, other home owners associations, like that of Lane Ranch and the Bluff Condos, would need to be included. Adam King agreed and said that it is okay to encourage Sun Valley Resort to open their facilities to the public because they are in a business position to do that. The Commission agreed to strike out "Sun Valley Elkhorn Association" from the first line of this Action Item.

On Action Item 3.2.2, Commissioner Walker suggested taking out "Elkhorn Springs" because there are not any winter activities in Elkhorn Springs. The Commission had a brief discussion on the ownership of the facilities over that area. It is clarified that Elkhorn Springs owns the condominiums and the roads. Mark Hofman said if Elkhorn Springs is deleted, the consequence is it will look like we may do any activities in the mountain but we cannot get there. Adam King suggested striking out "Elkhorn Springs" and replacing it with 'other property owners". The Commission agreed.

On Objective 3.3.5, Chairman Herich asked for clarification on the provision of expanded signage and seating at Proctor Mountain. Mark Hofman said signs were put up to indicate trails but he does not have the exact details. Adam King said his note shows that the whole section was stricken. Mark Hofman said his note shows this objective needs verification, especially the part on history. Nancy

Humphrey said she believes there was a conversation on the provision of signage for the old ski lodge on top of Ruud Mountain. Mark Hofman said expanded parking is not going to happen at the end of Fairway Road. After considering all the comments, Chairman Herich suggested deleting Action Item 3.3.5.

The Commission reviewed Goal 7 on p.16 where new Action Items were added. Mark Hofman explained the empty conduit in Action Item 7.1.7. It is industry standard to make high speed internet available as part of the infrastructure without having to dig up the road when such needs arise. Adam King suggested changing “all open utility trenches” into “appropriate open utility trenches”.

On p.19, Action Item 8.1.5, Chairman Herich said the Commission had agreed in the previous meeting to delete the last phrase “especially the fast-growing Hispanic Community.”

Review of Chapter 3: On p.6, Chairman Herich said one of the complaints the Sun Valley Company had was every little thing they want to do in the Land Use Planning Area needs an exemption from the City. In this regard, Chairman Herich suggested changing “any development” to “any significant development” in the beginning sentence of the third paragraph. Mark Hofman commented the development in LUPA is governed by the Master Plan Ordinance and City Code. Commissioner Provonsha asked Mark Hofman how the Sun Valley Laundry was approved. Hofman said it went through a design review process with no public hearing. The Commission had a brief discussion and concluded that if an applicant were not treated fairly by city staff, he or she could appeal to the Planning and Zoning Commission. Chairman Herich suggested deleting "Area of City of Impact" from the third paragraph second last line as River Run was annexed into City of Ketchum.

On p.9, Mark Hofman clarified those figures in yellow highlight will be updated on the day the Comprehensive Plan is adopted.

On p.10, Mark Hofman said the City Council will decide on the policy of workforce housing. Chairman Herich said the commercial core is the only area where workforce housing is required.

The Commission reviewed the text and graphics of all LUPAs.

On p.13, 4th paragraph, Chairman Herich asked Adam King if it makes sense to add "in perpetuity" to the last sentence. King answered there is no "in perpetuity" in the zoning ordinance which can be changed any time at the discretion of the Council. King further said deed-restricted ownership can also be changed and there is very little perpetuity in land use laws. Chairman Herich said the last sentence should read “the remaining lands which are designated as open space will be zoned as Open Space (OS).”

For p.17 &18, Mark Hofman said the narrative is not re-written yet. Hofman is awaiting the input on density from the City Council and the community. The map and the land use policy are accurate.

Chairman Herich said the blue area representing a fire substation on the draft Village Core LUPA 6-5-14 needs to show up somewhere as the current location is taken up by the Sun Valley Laundry. Mark Hofman said that the location of a new fire substation is not currently reflected in the 2014 Comprehensive Plan Update. The Fire Chief may decide on an appropriate location that aligns with current development.

The Commission reviewed the Gateway LUPA 6-5-14 graphic and went through the various land use designations on both the west and east side of Sun Valley Road with a comparison to the one in the 2005 Comprehensive Plan Update.

Chairman Herich directed the Commission to look at the Dollar LUPA. He said the only change from the 2005 Comprehensive Plan is an extension of medium density residential right across from Carol's Dollar Mountain Lodge. Mark Hofman said it is an extension of area but density remains the same as in the 2005 Comprehensive Plan Update, i.e. 32 single family units and 40 multi-family units as shown in the legend of the graphic. The larger brown area across from Dollar Lodge does not mean more multi-family units; it only implies a wider area to put the 40 units.

Chairman Herich opened the public hearing for comments.

Reuben Perin of 102 Silverweed Way said he objected to any change of zoning that will allow for medium density housing or any commercial / residential development on the pastures of the Gateway. He paraphrased a letter that he wrote with the supporting reasons for his objection, including the importance of a "Green Belt" to separate the City of Sun Valley and Ketchum, foreseeable traffic problems and a decline in property values if the area were allowed to be developed. A copy of the letter was filed for record.

Liz Warrick, Elkhorn resident, commended the Sun Valley Company in renovating and preserving the Red Barn. She thinks it is important to have an open parcel behind the Red Barn. Any development in the vicinity is not complementary to the Red Barn. Warrick thought any idea of development can be accommodated in the new commercial designation in the Cottonwood area.

Ruth Lieder, former Sun Valley Mayor, said the Red Barn and the pasture on the opposite side is sacred to the history of Sun Valley. Past proposals of putting condominiums and a hospital on the pasture side were defeated. She said the Red Barn is the last of the original property of Brass Ranch which Averell Harriman bought in 1935. She said any condominium development, even those as fine as the White Clouds, would cause the Red Barn to be totally immersed. She thought the Red Barn should be left alone with no development around it.

Nancy Humphrey commented on the parcel behind the Red Barn. She said the Red Barn is emblematic. It shows up in photos and post cards. It is land that balances the 5-acre parcel and the entrance to Sun Valley becomes even stronger if it remains open in such a way that it could also be used for private parties or other art fairs. The density that was proposed back in 2005 for workforce housing can be easily transferred to the new hotel to achieve an entire open Gateway. It is a scenario that is also supported by the Holding family.

Karen Reinheimer said she is deeply concerned about the fast pace of the current process. She commented that the document for today's meeting was available on Monday, and four days later the public is expected to comment on changes alongside the Planning and Zoning Commission's review. Reinheimer cited her experience with the past Comprehensive Plan Update and said ample time was available for public engagement. She hoped the City Council will offer true public participation. She commented on the change of wording under Executive Summary (p.2 of 4). The Planning and Zoning Commission used "recognize and respect" to replace "preserve and protect". Reinheimer thought this was a response to the Sun Valley Company's request for changes to the Comprehensive Plan in 2011. She thought the core desire of Sun Valley citizens, including preserve and protect open space, view

corridors, sensitive wildlife habit, etc., as reflected in the outreach meeting, is being watered down. People do not have an opportunity to understand what is happening. She disagreed with it and thought to “preserve and protect” is what the citizens of Sun Valley want, and she hoped the elected officials would listen to that.

Reinheimer made a comparison of wording of Goal 4 in the 2005 Comprehensive Plan Update and the current Planning & Zoning Commission recommendations. She thought the 2005 version was stronger than the current recommendations. She disagreed with the latter. She commented that the Planning and Zoning Commission has taken a more than proactive stance than it should have. Instead of the Sun Valley Company coming to ask for amendments which would support that change in language in the Comprehensive Plan, the Planning and Zoning Commission has voluntarily taken up that language change.

Reinheimer further said that she would like to see all LUPAs going forward be brought to the City Council. She thought there were word irregularities regarding the Gun Club. She commented that the zoning density of the Gun Club in the Sun Valley Master Plan and in the documents that went to the City Council was not accurately represented according to historic documents. In the Sun Valley Master Plan, the density of the Gun Club is 515 units. What people might not have realized is that the 515 units are reflective of both the actual zoning and the land use map. She thinks it needs to be looked at. She said she is going to bring the issue to the City Council’s attention, and that the Gun Club should not disappear. There are big questions, both in terms of the process and how the information was represented.

For health and safety reasons, Reinheimer thought the Gun Club should be reviewed in terms of potential use for a fire station. She also made comments on wildlife issues and a few other few issues and said the Gun Club LUPA should not disappear.

Furthermore, Reinheimer pointed out that the location of employee housing mentioned in the Gun Club LUPA needs to be addressed. She said the rationale for expanding the west side of the Gun Club in the 1994 Comprehensive Plan was in respect to employee housing.

Reinheimer asked the Commission if there is a plan for public outreach meeting on the Commission’s final recommendations prior to the review by the City Council. Chairman Herich said he has no idea on what the City Council’s plan is. Chairman Herich said all public input is going to be included in the Planning and Zoning Commission draft document. The document will be available on the City’s website. The strike-out and underline format will enable the City Council to deliberate on the Steering Committee and the Planning and Zoning Commission’s input .

Adam King reiterated what is taking place today is the public hearing -- it is publicly noticed and advertised in the newspaper as mandated by the legislature.

Karen Reinheimer said the public is used to having a public outreach meeting for the Planning and Zoning draft Comprehensive Plan before it goes to City Council. She thought the current update process is not serving the public.

Reinheimer asked for clarification of “citizen surveys” mentioned in the Executive Summary. Hofman said there was one response to a survey, put online as part of the Steering Committee’s effort. The survey was kept open for several months, there were no additional responses. Reinheimer said then it

should be corrected as "a citizen survey". As regarding "workshops", she said there was one public outreach meeting at the Steering Committee level; she suggested it should be changed to "a workshop".

Commissioner O' Connor commented that the year-long Steering Committee meetings are regarded as workshops and Reinheimer attended every one of them. A substantial amount of time has been spent in discussing and updating the Comprehensive Plan.

Karen Reinheimer suggested the change of wording in the third paragraph of the Executive Summary to read "a citizen survey, a Town Hall and Steering Committee meetings".

Peter Hendricks, Sun Valley resident and City Council member, said the Mayor has stated numerous times he absolutely intends to have outreach meetings. Hendricks further described the timing of the three-level review process. It is timed in such a way to enable the City Council to hold an outreach meeting at a time when most of the home-owners are in the valley, such as in August and September. It is the intentions of city administration to have these outreach meetings and as many as are necessary and as frequent and open as we have to have them.

Commissioner Walker asked Karen Reinheimer to clarify her objection to the Commission's recommendations related to the change of "preserve and protect." Reinheimer said Goal 4 was re-written as "Honors Private Property Rights,and Respects the Natural Scenic Setting and Views", and the same language is used in different levels of the Comprehensive Plan which she believes is undermining the very nature of the idea of "preserve and protect" which has been the historic stamp of citizens of the community. Reinheimer indicated she prefers what was originally said in the 2005 Comprehensive Plan. She said since the last meeting "recognize and respect" becomes "honors and respect".

In response to Reinheimer's comment, Adam King said it is perfectly appropriate for the Commission as an appointed body to have the discretion and legal authority to create language and recommend a comprehensive plan to the City Council. He said where that language came from is wholly irrelevant from a legal perspective.

Cris Thiessen, a member of the Steering Committee, explained how the Steering Committee comes to the suggested wordings in Goal 4. The purpose is to balance the rights of property owners and the right of the community. The Steering Committee also reached a consensus on LUPAs except having a split on the Gateway LUPA. He believes, the Steering Committee and the Sun Valley Company were satisfied. He thought it is a fairly significant achievement of the Comprehensive Plan.

Hearing no further comment, Chairman Herich closed the public hearing.

Break

A break was taken at 11:15 a.m.

The meeting reconvened at 11:25 a.m.

Review of Chapter 4: Chairman Herich commented on p.1 the title "Plan Monitoring and Annual Review" should be changed to "Plan Monitoring and Periodic Review". A brief discussion was held on the section of "Implementation Priorities" with Mark Hofman explaining why the section is stricken.

Commissioner O'Connor raised a question on p.9, 3.3.1. Mark Hofman explained that there have been changes in Chapter 2 but this section in Chapter 4 does not reflect the changes in Chapter 2. When action items are finalized by the City Council, this section will be rewritten with the matching of word for word to reflect the changes.

Chairman Herich asked what the yellow highlight on p.19 means. Mark Hofman said if there is any change in the Idaho Code this section needs to be updated to ensure compliance. Hofman also commented on Addendum A: Special Sites Descriptions, emphasizing change would be made to formatting this section to make it easier to read. Chairman Herich found some amendments proposed previously were not reflected in the current draft. Hofman said he had the notes on the suggested changes and planned to provide the updated version of the yellow highlight portion on the July 24th regular P&Z meeting.

Karen Reinheimer asked if there were going to be any additional public hearings in the future. Chairman Herich said opportunities for public comments would be available in the next meeting on the entire draft recommendations. Mark Hofman said the entire draft Comprehensive Plan is available to the public throughout the entire period of the Planning and Zoning Commission's public meetings and hearings. Chairman Herich said the Comprehensive Plan Update is discussed in open meetings. All the changes are reflected in the strike-out underline format of the document and on the tapes. Once the changes are made a public hearing will be held for the revised document.

Commissioner Provonsha asked a question on p.23 regarding the relocation of sledding activities. A discussion was held on the ownership of Penny Hill and the potential liability issues. Mark Hofman clarified the ownership of Penny Hill. He read the testimonials of non-trespassing and the existence of liability that goes with the Sun Valley Company. Adam King said the sledding activities on Penny Hill also impacts the City as police have to go out there to monitor security and put out no-parking signs. Hofman said the paragraph will stay though no further investigation will be made for future parking and access.

Chairman Herich opened the public hearing for comments.

Karen Reinheimer said she put in a public record request six weeks ago for today's meeting materials but only received it on Monday this week. Chairman Herich explained that Monday was when they received their materials also. Chairman Herich said Reinheimer was present in the previous open meetings and she should be aware of the discussion and changes made. To incorporate the changes into a new document is a monumental task that takes time and Mark Hofman had taken some time off which the Commission fully supports.

Karen Reinheimer pointed out on P.21 of 31, middle section of the first paragraph, she disagreed with the change the Commission made to the Special Site designation, where "preserved and maintained in its current location" is replaced by "recognized and respected for its unique character."

Karen Reinheimer requested the wildlife map in Addendum B figure 11 of the 2005 Comprehensive Plan Update be updated. Chairman Herich said the scope of work was beyond the Commission's capacity. He said City Council prioritizes and funds the action items, including wildlife studies. He suggested Reinheimer bring the matter to the City Council.

Karen Reinheimer said she would have a land use map of 1973 available next week to the Commission.

Karen Reinheimer commented on the late availability of the Planning and Zoning Commission's recommendations which does not give sufficient time for public review. Chairman Herich said the Comprehensive Plan Update draft has been available since April. The Commission's recommendations mostly agree with those recommendations made by the Steering Committee, and all were done in open meetings. Chairman Herich said the Commission has gone above and beyond in reaching out to the public.

Chairman Herich clarified the format of public hearing and reiterated that the public may comment on anything the Commission struck out on the Comprehensive Plan Update up to this point of time. Karen Reinheimer commented that it is an impossible situation.

Hearing no further comments, Chairman Herich closed the public hearing.

Chairman Herich said the meeting will continue to date specific July 24, 2014 when a review will begin on p.21 of 31 where the Commission left off today.

Commissioner Walker brought up the Gateway LUPA and asked the Commission to reconsider whether it is something they want. The Commission had a brief discussion on their views of this LUPA and pointed out the importance of balancing public interest and honoring private property rights. Chairman Herich concluded that if we look at the 2005 Comprehensive Plan Update and the current Gateway LUPA version 2, there is a huge improvement. Commissioner Provonsha made an evaluation on the recommended phrase "recognize and respect" that replaces "preserve and maintain". He used Trail Creek Cabin as an example and said the renovation won't be possible under "preserve and maintain". His evaluation was supported by the Commission.

5. **Continued Business**

6. **Discussion Items**

7. **Adjourn**

Commissioner O'Connor moved to adjourn, seconded by Commissioner Boeger. All were in favor, none opposed.

The meeting was adjourned at 12:05 p.m.

Meeting Schedule:

Regular Meeting at 9:00 a.m. on Thursday, July 24, 2014.

Regular Meeting at 9:00 a.m. on Thursday, August 21, 2014.

Ken Herich, Chairman

Isabel Lui, Planning Technician / Associate Planner