

**MEETING AGENDA**

**THURSDAY, MARCH 12, 2015 AT 9:00 A.M.  
SUN VALLEY PLANNING AND ZONING COMMISSION  
TO BE HELD IN SUN VALLEY COUNCIL CHAMBER AT CITY HALL**

**1. Call To Order**

The Idaho Code requires that, "...A member or employee of a [Planning and Zoning] Commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action." Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this section shall be a misdemeanor.

**2. Public Comment**

Opportunity for the public to talk with the Planning and Zoning Commissioners about general issues and ideas not otherwise agendaized below (3 minutes max. each).

**3. Consent Agenda**

A. Draft Minutes from the Planning and Zoning Commission Meeting of February 19, 2015..... 1

**4. New Business**

**5. Continued Business**

A. Evergreen Ventures, LLC; Continued public hearing for a **Design Review** Application for the construction of three new, custom two-story single family dwellings and associated site improvements on existing lots in the Single-Family Residential (RS-1) Zoning District. Location: Lots 1, 2, and 6 Lane Meadows Subdivision; Lane's Way at Highway 75. Application No: DR 2015-01..... 7

B. Evergreen Ventures, LLC; Continued public hearing for a **Design Review** Application for a new entry monument sign at the Highway 75 entryway to the Lane Meadows Subdivision. Location: 12673 State Highway 75 at Lane's Way, near Lane Ranch. Application No: DR 2015-02..... 40

**6. Discussion Items**

A. Review and agreement on the draft Planning and Zoning Commission Regular Meeting Schedule for 2015..... 46

B. Nomination and selection of Commission Chairperson and Vice Chairperson for 2015.

**7. Adjourn**

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**Meeting Schedule:**

Regular Meeting at 9:00 am on Thursday, April 9, 2015.



**DRAFT**

**Minutes of the Planning and Zoning Commission  
February 19, 2015**

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 February 19, 2015 at 10:49 a.m.

**1. Call To Order**

The meeting began with a site visit at 9:00 a.m. at Lots 1, 2, and 6 of the Lane Meadows Subdivision, Lane's Way at Highway 75. The Commission reconvened at 10:49 a.m. in Council Chambers and Chairman Ken Herich declared a quorum present.

**Present:** Commission Chairman Ken Herich; Commissioners Bill Boeger, Jake Provonsha, and Margaret Walker.

**Absent:** Commissioner John O'Connor.

**Also Present:** Community Development Director Mark Hofman, Associate Planner Abby Rivin, City Clerk Alissa Weber, City Attorney Adam King, Robin Sias, Susan Wolford, Tim Hogam, Mary Ann Hogan, Chase Gouley, Clint Lightner, Peter Hendricks, Laura Gvozdaz, Geoff Tickner, Chrissy Grove.

**2. Public Comment**

No public comment.

**3. Consent Agenda**

**A. Draft Minutes from the Planning and Zoning Commission Meeting of November 13, 2014.**

Commissioner Provonsha asked whether the Water and Sewer District had been contacted regarding the Booster Pump Station off of Elkhorn Road. Mark Hofman responded that he contacted them and they had agreed on a timeline for making the Commission's requested changes.

**MOTION**

Commissioner Provonsha moved to approve the draft minutes from the Planning and Zoning Commission Meeting of November 13, 2014, seconded by Commissioner Boeger. All were in favor, none opposed. The motion carried.

**4. New Business**

**A. Evergreen Ventures, LLC; Public hearing and noticed site visit for a Design Review Application for the construction of three new, custom two-story single family dwellings and associated site improvements on existing lots in the Single-Family Residential (RS-1) Zoning District. Location: Lots 1, 2, and 6 Lane Meadows Subdivision; Lane's Way at Highway 75. Application No: DR 2015-01.**

Chairman Herich requested disclosures. Chairman Herich stated he is the president of the Lane Ranch Homeowners Association and disclosed his correspondence related to the application. The Commissioners agreed that Chairman Herich could fairly participate and act on the issue.

Chairman Herich noted there was a thorough on-site visit prior to the meeting in chambers.

Community Development Director Mark Hofman reminded the Commission that no action could be taken at the meeting because of two outstanding requirements – the applicants needed an actual copy

of financial insurance from Bank of the West and a copy of the CC&Rs. He noted the issues do not affect the design review, so the public hearing and site visit could take place before they were completed. He also mentioned there was a letter from the Fire Department requiring redesign of the driveway for one of the properties. Hoffman recommended the Commission develop a list of requested revisions for final design review.

Scott Thomson, applicant, gave an overview of the three sites and the design process.

Thomson then discussed the Lot 1 building. Whitney Sander, architect, described the exterior building materials and described the building's general layout.

Scott Thomson identified the outdoor living room on the plans, noting it was enclosed on only two sides and from above. He then walked the Commission through the first floor plan. Commissioner Walker asked about the positioning of the neighbors in relation to the outdoor living room and Thomson pointed it out on the plans.

Whitney Sander continued to describe the exterior building materials and further described the orientation on the property.

Commissioner Provonsha asked about screening for heating and plumbing vents on the roof. Whitney Sander explained that both the venting and solar panels were designed to be hidden from view. He also discussed the plans for the fireplace flue. Chairman Herich noted the Commission would like to see more detail on the chimney cap design and solar panels, including reflectivity.

Commissioner Walker requested more detail about the outdoor living room wall and how it incorporates into the overall design. Whitney Sander described the design and materials further.

Commissioner Provonsha expressed concern about the impact the elevation and setbacks would have on neighbors. The Commissioners and applicant discussed ways to mitigate the impact through landscaping and architectural elements.

Commissioner Walker asked about lighting placement. Whitney Sander described the fixtures and placement of the external lighting. Mark Hofman requested they provide plans for canned lights.

Scott Thomson remarked that the orientation of the home is such that the neighbor will not be looking straight at the long wall of the outdoor living room.

Chase Gouley discussed the construction management plan for all of the properties.

Mark Hofman noted the Commission will need to see the exact number and size (initial size and size at maturation) of vegetation for the final design review.

Chairman Herich asked the applicant to describe grading and drainage. Chase Gouley went through grading on the plans. He then discussed the planned drywells and described the general drainage plan.

Chairman Herich stated his plan to hold a separate public hearing for each of the three lots included in the design review.

Commissioner Provonsha requested a drawing that shows a line-of-sight perspective of the building once the planted trees reached full height.

Commissioner Herich opened the public hearing for Lot 1.

Robin Sias, residing at 18 Meadow Road, made a public comment. She stated she was concerned about privacy and noise given the proximity of the open living room to her property line. She also expressed discomfort with the setback of the building and noted concern about the compatibility of the design with the surrounding neighborhood. She described the disruption she experienced as a result of the project, including a six-foot trench dug on her property. She requested mitigation, such as landscaping, to alleviate some of her concerns.

Tim Hogan, residing at 11 Meadow Road, made a public comment. He stated his belief that the 25-foot wall would be intrusive and could not be softened by planting 15-foot trees. He suggested an amendment to allow for taller trees. He also expressed concern about the compatibility of the architecture with the surrounding neighborhood. He went on to make a comment about Lot 2, and requested taller trees to block the house from view.

Jeff Tickner, owner of a home at 9 Willow Road, made a public comment. He commented on the impact of the rift between Lane Ranch and Lane Meadows and mentioned that his second-home rental business at the property has completely stopped as a result of this project. He expressed concern that the experimental aspect of the project is risky for Sun Valley.

Chairman Herich closed the public hearing on Lot 1.

Scott Thomson, applicant, responded to the public comments. He addressed the concerns regarding the outdoor living space, setbacks, and height of the building. He stated the design process balanced the desires of the neighbors with an interest in making a return on an investment.

Chairman Herich summarized the applicant's additional steps for design review: provide details on solar panels (including reflectivity, location, visibility, etc.); fireplace and chimney cap design; materials and color on areas where they have not yet been selected; bulb type for Sconce A; placement and illumination of canned lighting for outdoor living space; landscape identification – at planting and maximum size. Mark Hofman also noted that they will need to respond to the Fire Department's letter regarding the size of the driveways and produce a rendering of the rear elevation to determine screening accuracy.

Chase Gouley stated the Fire Department only requires a modification of the driveway for Lot 2. Mark Hofman requested they sit down with the Fire Department and go over the modifications.

Commissioner Walker stated her concern about the open living space that is only 20 feet from the neighbor's property.

The Commission reviewed the Fire Department's letter. In addition to the modification of the driveway on Lot 2, Mark Hofman explained the request for a walkway around the solar panels on the roof and the fireplace and outdoor fire pit requirements.

The Planning and Zoning Commission took a break at 12:13 p.m.

The Planning and Zoning Commission reconvened from its break at 12:24 p.m.

The Commission began its review of Lot 2. Chase Gouley summarized the general design of the home. Whitney Sander described the first- and second-floor design plans. He also showed the Commission the building materials. Chairman Herich and Sander had a conversation about processing the steel on the outside of the building.

Chase Gouley and Scott Thomson gave an overview of the landscape plan and contouring as it relates to the grades.

Whitney Sander described the lighting plan and trellis. Sander then described window and solar panel placement. Scott Thomson offered to create a similar street-perspective rendering they will do for Lot 1.

The Commission and applicant had a conversation about the design and materials for the roof.

Whitney Sander and Scott Thomson stated the only fireplace in the home would be ethanol.

Chairman Herich recommended that more thought be put into the roof drains for the building.

Chairman Herich asked about the construction management plan and construction mitigation, including compliance with construction hours. Chase Gouley responded to the issues related to construction hour compliance. The Commission and applicant discussed the complaint by Robin Sias regarding the trench on her property. Chase Gouley stated the master-plan landscaping and irrigation would be complete before the issuance of a building permit to mitigate dust during construction.

Chairman Herich summarized the additional items for design review: provide solar panel details; landscape identification and sizes; update driveway width; and roof drains.

Chairman Herich opened the public hearing on Lot 2.

Susan Wolford, adjacent property owner, asked a question about construction hours and the related noise. She noted that during the fall it seemed that construction was taking place from dawn until dark. Mark Hofman clarified that the noise ordinance allows construction between 7:30 a.m. and 7:30 p.m. during the week, 9 a.m. until 6 p.m. on Saturday, and no work on Sunday.

Chairman Herich closed the public hearing.

The Commission began its discussion of Lot 6.

Scott Thomson gave an overview of the plans for the property. Whitney Sander showed the Commission samples of the exterior materials. Sander then described the floor plan, including the pool and the exterior areas. The Commission and Chase Gouley discussed the placement of the pool's mechanical area.

Commissioner Provonsha asked about venting. Chairman Herich added that he is concerned about the visibility of boiler flues.

Chase Gouley explained the heating plan for the pool. Commissioner Herich asked the applicant to think through the heating plan more extensively and bring plans back to the Commission.

Commissioner Walker asked about attractive nuisance provisions in the code. Mark Hofman suggested they check the new 2012 Residential Code for pool fencing requirements. Chairman Herich requested a design for the Commission to review in the event that the code does require a fence.

Scott Thomson briefly discussed the lighting and fixtures. The Commissioners had a discussion about the external lighting, including lighting around the pool.

Chairman Herich summarized the additional items for final design review: fencing for the pool; boiler flues; update materials list for Material D; update sconce list.

Chairman Herich asked about landscaping prior to construction. Chase Gouley confirmed they will do landscaping on the lot line prior to construction.

Chairman Herich opened the public hearing for Lot 6.

Susan Wolford, adjacent property owner, made a public comment. She encouraged fencing around the pool, as it poses a danger to animals or children that may fall through the safety cover. She also stated it would help screen noise.

Jeff Tickner, homeowner at 9 Willow Road, made a public comment. He expressed a concern that the design is not compatible with the neighborhood and that will affect the value of adjacent properties. He also discussed concerns about the Lane Ranch fence and the potential conflict of interest for Chairman Herich to both be on the Lane Ranch Homeowners Association and make a decision on this application. City Attorney Adam King explained what would constitute a conflict of interest.

Chairman Herich closed the public hearing.

Scott Thomson responded to public comment by stating he does not see a conflict between Lane Ranch and Lane Meadows.

Chairman Herich outlined the process for going forward to complete these projects. Adam King also made a comment about how to proceed.

#### **MOTION**

Commissioner Bill Boeger moved to continue to a date certain of March 12, 2015, seconded by Commissioner Margaret Walker. All were in favor, none opposed. Commissioner Provonsha was absent for the vote. The motion carried.

- B. Evergreen Ventures, LLC; Public hearing for a Design Review Application for a new entry monument sign at the Highway 75 entryway to the Lane Meadows Subdivision. Location: 12673 State Highway 75 at Lane's Way, near Lane Ranch. Application No: DR 2015-02.**

#### **MOTION**

Commissioner Bill Boeger moved to continue to a date certain for design review 2015-02 on March 12,

2015, seconded by Commissioner Margaret Walker. All were in favor, none opposed. Commissioner Provonsha was absent for the vote. The motion carried.

**5. Continued Business**

None.

**6. Discussion Items**

- A. Review and agreement on the draft Planning and Zoning Commission Regular Meeting Schedule for 2015.
- B. Nomination and selection of Commission Chairperson and Vice Chairperson for 2015.

Chairman Herich requested that the Commission delay the Discussion Items until the next meeting, noting that the Commission would plan on meetings on March 12 and 26, 2015.

Chairman Herich thanked Mark Hofman for his service to the City of Sun Valley. Commissioners Boeger and Walker also thanked Mark Hofman for his service.

**7. Adjourn**

**MOTION**

Commissioner Margaret Walker moved to adjourn, seconded by Commissioner Bill Boeger. All were in favor, none opposed. Commissioner Provonsha was absent for the vote. The motion carried.

The meeting adjourned at 1:53 p.m.

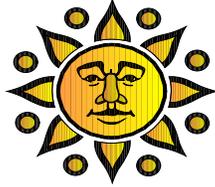
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Ken Herich, Chairman

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Alissa Weber, City Clerk



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

**To:** Planning and Zoning Commission  
**From:** Abby Rivin, Associate Planner  
**Meeting Date:** March 12, 2015  
**Agenda Item:** **Lane Meadows- Three Custom Single Family Dwellings  
Design Review Application No. DR 2015-01**

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**SUBJECT:** Continued public hearing for the proposed construction of three new, custom two-story single family dwellings and associated site improvements on existing lots in the Single-Family Residential (RS-1) Zoning District. **Applicant:** Scott Thompson for Evergreen Ventures, LLC. **Application Filing Date:** January 26, 2015. **Location:** Lots 1, 2, and 6 Lane Meadows Subdivision; Lane's Way at Highway 75.

**BACKGROUND:** The Lane Meadows property was annexed into the City of Sun Valley, designated as Low Density Residential on the Future Land Use Map of the Comprehensive Plan, and zoned as Single-Family Residential (RS-1) on the Official Zoning Map. Additionally, the City approved a Master Plan/Planned Unit Development Application (CUP 2013-01) for single family residential development, including a private street and an open common area parcel, and a Development Agreement request (DA 2013-01) for a single phase residential development.

Subsequent to these City approvals, the applicant constructed a private street, Lane's Way, in accordance with a separate Construction Plan Approval and Construction Permit issued by the City. Infrastructure and other requirements were also installed/completed by the applicant and they received approval of a final plat for the subdivision (Application No. SUBFP 2014-07). The Plat was recorded with the Office of the County Recorder, Blaine County, as Instrument No. 624510. The applicant now seeks to construct three new custom single-family residences on Lots 1, 2, and 6 of the ten-lot development.

**ANALYSIS:** The applicant satisfied the applicable conditions and requirements of the associated application approvals for the development, leading to the City signature on the final plat mylar to be recorded. Prior to the February 19, 2015 site visit and public hearing, two requirements remained incomplete: Conditions of Approval for the approved Final Plat require the submittal of a copy of the recorded Declaration of CC&Rs for the development (Instrument No. 624511); and, the required financial guarantee for completion of all remaining infrastructure and site work (Condition of Approval #2) in the amount of \$250,000 had not yet been received by the City. Staff completed the required public notice for the site visit and public hearing on this design review application in anticipation of all prior Conditions of Approval being completed by the applicant.

The site visit and public hearing were held on February 19, 2015. The meeting was the initial opportunity for the applicant to formally present the project design and elements of the three individual proposed custom homes to the public, neighbors, and the Commission. The applicant discussed the design, landscaping, and materials for lots 1, 2, and 6. Adjacent Lane Ranch homeowners raised concerns regarding neighborhood compatibility, the outdoor patio on lot 1, and the pool on lot 6. After receiving comments and recommendations from the Planning and Zoning Commission, the applicants submitted revised drawings, renderings, and material descriptions stamped received by the City on February 27, 2015. (**Exhibit "PZ-F"**). Following the February 19, 2015 site visit and public hearing, the City received the recorded Declaration of CC&Rs (Instrument No. 624511, **Exhibit "PZ-A"**) and the required financial guarantee (**Exhibit "PZ-B"**) necessary for approval action.

The Sun Valley Fire Department reviewed the project drawings for the three single family dwellings (**Exhibit "PZ-C"**). The comments of the Fire Department require the project drawings to be revised to reflect minimum 20-foot wide driveways and add requirements for solar voltaic system installation, fire pit construction, and chimneys/fireplaces.

The applicant's presentation will continue at the meeting on March 12, 2015. After the project design is presented, the Commission should continue the public hearing and then hold a discussion and review of the project for compliance with the prior development approvals (Annexation, Comprehensive Plan Amendment, Zoning Map Amendment, Release and Waiver Agreement, Master Plan/PUD, Preliminary Plat, Development Agreement, Declaration of CC&Rs, Sidewalk Maintenance Agreement, and Final Plat) as well as for compliance with City Code, the development regulations in the RS-1 zoning district, and more specifically the Design Evaluation Standards of Code Section 9-3A-3.

The Community Development Department has completed a comprehensive review of the development application and has determined that all required application materials have been satisfactorily submitted as per Development Code requirements.

**Public Notice and Comment-** The site visit and public hearing for the project application was publicly noticed by: 1.) publication in the Mtn. Express on February 4, 2015; 2.) posting of the project site; 3.) mailing of notice to all property owners within a 300 foot radius of the Lot; 4.) posting of notice in five prominent public places in the City, including Sun Valley City Hall, Sun Valley Post Office, Elkhorn Springs Store Post Office, St. Thomas Episcopal Church and the Elkhorn Fire Station; 5.) electronic notification to all parties who have notified the City of interest to receive agendas and notices; and, 6.) posting of the notice on the City's web site.

The City received one public email comment from Robin Sias (**Exhibit "PZ-E"**) regarding previewing plans, issues with the subdivision work and infrastructure, work hours violations, and building proximity to her property line.

No other emails, 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) close the public hearing, make the required findings, and adopt the attached draft Findings of Fact and Conclusions of Law approving the design review application; (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:** The Commission should disclose all information and contacts received outside the public hearing on this item upon which the decision will be based. The Commission should receive and review the attached project comment and review materials, hold the noticed site visit and public hearing, receive a presentation of the project design from the applicant, discuss the project design and elements, and provide direction to the applicant for required revisions to the project drawings to ensure compliance with standards, regulations, and design guidelines.

**LIST OF ATTACHED EXHIBITS:**

- Exhibit "PZ-A"            A copy of the recorded Declaration of CC&Rs for the development (Instrument No. 624511) required as a Condition of Approval for the approved Final Plat.
  
- Exhibit "PZ-B"            The required financial guarantee for completion of all remaining infrastructure and site work (Condition of Approval #2) in the amount of \$250,000.
  
- Exhibit "PZ-C"            City of Sun Valley Fire Department review and comment letter dated February 13, 2015.
  
- Exhibit "PZ-D"            International Building Code Section 3109 Swimming Pool Enclosures and Safety Devices.
  
- Exhibit "PZ-E"            Public comment email stamped received by the City on February 17, 2015 from Robin Sias, 18 Meadow Road in Lane Ranch.
  
- Exhibit "PZ-F"            Draft Findings of Fact, Conclusions of Law, and Conditions of Approval for Design Review Application No. DR 2015-01.
  
- Exhibit "PZ-G"            Revised drawings, renderings, and materials for lots 1, 2, and 6.

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

Instrument # 624511

HAILEY, BLAINE, IDAHO

2-12-2015 05:05:03 PM No. of Pages: 20

Recorded for : BENCHMARK

JOLYNN DRAGE Fee: 67.00

Ex-Officio Recorder Deputy

Index to: COVENANTS & RESTRICTIONS

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DECLARATION ESTABLISHING COVENANTS  
CONDITIONS AND RESTRICTIONS  
FOR LANE MEADOWS

This Declaration is made this 10 day of February, 2015, by Evergreen Ventures, LLC (hereafter referred to as "Declarant"), with reference to the following facts:

RECITALS

A. The Declarant is the owner of all that real property described in Section 1.12, including a water right appurtenant to the property, identified by the Idaho Department of Water Resources as Water Right #37-4248; and

B. The Declarant proposes to develop said real property in accordance with the maps and plans approved under the zoning and subdivision ordinances and regulations of the City of Sun Valley, Idaho; and

C. A Development Agreement was filed in the Office of the Recorder of the County of Blaine, State of Idaho as Instrument Number 624318, and the Subdivision Plat was filed as Instrument Number 624510.

NOW THEREFORE, it is hereby declared that the Lots shown on the said Subdivision Plat are held and shall be conveyed subject to the following covenants, conditions and restrictions:

ARTICLE I.

DEFINITIONS

1.01 "Association" shall mean Lane Meadows Homeowners' Association, Inc., a nonprofit corporation organized under the laws of the State of Idaho and composed of the owners of the Lots as may be annexed hereto in accordance with the provisions of this Declaration.

1.02 "Board" shall mean the Board of Directors of the Association.

1.03 "Building Zone" shall mean the area identified on each numbered Lot on the Plat within which all Structures constructed on the Lot, with the exception of driveways, walkways, fencing, retaining walls and other structures less than thirty (30) inches in height, shall be contained.

1.04 "Common Area" shall refer to all area, including easements and Parcel A and Parcel B, shown on the Plat as Common Area or Common Open Space.

1.05 "Declarant" shall mean Evergreen Ventures, LLC, an Idaho limited liability company and its successors or assigns.

1.06 "Committee" shall mean the Design Review Committee established under Article IV hereof.

1.07 "Lane Meadows Restrictions" shall mean this Master Declaration, as it may be amended from time to time, and the Lane Meadows Rules from time to time in effect.

1.08 "Lane Meadows Rules" shall mean the rules adopted by the Board or Committee pursuant to the terms hereof, as they may be amended from time to time.

1.09 "Lot" shall mean the numbered Lots shown on the Plat, whether improved or unimproved, for the Lane Meadows Subdivision.

1.10 "Owner" shall mean and refer to the record owner, including the Declarant, whether one or more persons, of the fee simple title of any of the numbered Lots above described and includes contract buyers but excludes those having such interest merely as security for the performance of an obligation.

1.11 "Plat" shall mean the Plat for LANE MEADOWS SUBDIVISION, as recorded in the Office of the Recorder of Blaine County, Idaho.

1.12 "Property" shall mean all of the land described in Exhibit A attached hereto. Property shall also include the water right appurtenant to the Property to be transferred to the Association by the Declarant.

1.13 "Sidewalk" shall mean all on-site sidewalks as shown on the Plat and the off-site sidewalk referenced in the Lane Meadows Development Agreement and Sidewalk Maintenance Agreement.

1.14. "Structure" shall have the same meaning as that term is defined in the Development Code adopted by the City of Sun Valley, which, as of the date of this Declaration "includes buildings, signs, fences and other improvements, or any portion thereof, constructed, erected, built, installed or placed upon any real property."

1.15 "View Corridors" shall mean those areas identified on the Exhibit B-1 and B-2 attached hereto that have special restrictions as to their planting, landscaping, and maintenance.

## ARTICLE II.

### USE REGULATIONS AND RESTRICTIONS

2.01 (a) No use whatsoever shall be made of any Lot except its use and improvement for a single family private residence. No residence shall be used for any purpose other than single family residential purposes. No sales of wholesale and retail goods or other nonresidential use shall be conducted in any such residence, provided, however, that nothing in this Declaration shall prevent the rental of property by the Owner thereof for residential

purposes, on either a short or long-term basis, subject to all the provisions of the Lane Meadows Restrictions and applicable laws. Notwithstanding the foregoing, Lots owned by Declarant or its nominee may be used as construction offices or for the purpose of selling the Lots.

(b) The floor area of any primary dwelling located on any Lot, exclusive of decks, open porches, carports and garages, shall be not less than two thousand (2,000) square feet. The total net usable floor area of living space on any Lot, inclusive of a primary dwelling and any accessory dwelling, shall not exceed four thousand two hundred and fifty (4,250) square feet, exclusive of basement and garage space. No building shall be constructed outside the Building Zone for the Lot as depicted on the Plat.

(c) No more than one single family dwelling shall be erected or maintained on any one Lot together with no more than one detached outbuilding per Lot, which may contain an accessory dwelling for guests (subject to applicable zoning regulations). An outbuilding containing an accessory dwelling must be situated within the Building Zone as part of a comprehensive Lot development plan which includes a primary dwelling and which is approved by the Committee. No Lot shall be further subdivided. All Structures must be erected within the designated Building Zone.

(d) All Lots shall be maintained by the Owner thereof, both prior to and after construction of improvements thereon, in an attractive manner, free of trash and other unsightly material. All improvements to any Lot shall at all times be kept in good condition and repair and adequately painted or otherwise finished by the owner thereof, and no improvement shall be entitled to fall into disrepair. All landscaping shall be well maintained in a manner appropriate and consistent with Landscape Plans approved by the Committee. All garbage and recycling bins and/or collectors shall be stored indoors or contained within structures approved by the Committee. Notwithstanding the foregoing, the Declarant may install, at its own expense, an appropriate refuse and yard waste receptacle within the Common Area.

(e) All new landscaping and plantings shall be in accordance with the approved Species List attached hereto as Exhibit C and shall be subject to review by the Committee unless they are part of a Landscape Plan which has been previously approved by the Committee, and shall accommodate existing vegetation wherever possible by allowing native material to co-exist within and around new plantings. Owners are encouraged to consider the arid environment of the Wood River Valley and any limitations on water usage in landscape design. The Committee shall compile a list of environmentally compatible trees and shrubs for use in landscape design, and shall also compile a list of approved landscaping materials to be used within View Corridors.

(f) No trailer or garage shall be used as a temporary or permanent residence. Architecturally designed pre-fabricated structures of high quality may be erected on a Lot if so approved by the Committee. When the erection of any structure is approved, the work thereon must be prosecuted diligently, and said structure, including all landscaping pursuant to an approved landscaping plan, must be completed within eighteen (18) months, unless an extension is granted by the Committee upon a showing of good cause. In the event of

construction of an accessory dwelling on a Lot prior to construction of a primary dwelling, construction of a primary dwelling must commence within eighteen (18) months of completion of the accessory dwelling.

(i) No perimeter fencing shall be allowed. All fencing must be post and rail, except those containing swimming pools, which shall be separately approved by the Committee, with a maximum height of forty-eight (48) inches and the minimum height of the lowest rail no less than twelve (12) inches and comply with all requirements of the State of Idaho Department of Fish and Game. Fencing shall generally be limited to that reasonably necessary for the containment of domestic animals and small children. Electric dog fences shall be encouraged by the Committee.

(j) No trailer, boat or camper shall be kept on a Lot except within an enclosed building. Trailers, boats or campers no longer than 15' may be kept on a Lot during summer months, if properly screened from public view from outside the Lot, such screening shall be approved of by the Committee.

(k) With the exception of standard size "For Sale" or "For Rent" signs (which shall not be larger than 20" by 26"), no sign of any kind shall be displayed to the public view on any Lot except as permitted by the Committee.

(l) Should delivery conditions or regulations dictate that there be free standing newspaper receptacles or mail boxes, the type of box and/or cluster arrangement shall be determined and/or approved by the Committee and rules for maintenance established by the Association.

(m) No Lot shall be used or maintained as a dumping ground for rubbish, machinery, equipment or motor vehicles. Trash, garbage or other waste shall not be kept except in sanitary containers. All trash cans, garbage containers or other equipment for temporary storage and disposal of such material shall be kept in a clean and sanitary condition and shall not be exposed to public view.

(n) No trees, hedges or shrub plantings shall be permitted within the private roadway right of way.

(o) No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. All Lots and improvements thereon shall be kept and maintained by the Owner thereof in a clean, safe, attractive and sightly condition and repair.

(p) Easements for installation and maintenance of utilities and irrigation are reserved as shown on the Plat. Within these easements, care should be taken with respect to plantings and installation of other improvements to not unreasonably interfere with the installation and maintenance of utilities. The easement area of each Lot and all improvements in it shall be maintained continuously by the Owner of the Lot, except for those improvements for which the Association, a public authority or utility company is expressly responsible.

(q) No vehicle repairs shall be permitted on any streets or driveways, except minor emergency repairs.

(r) No commercial or industrial trucks (with the exception of standard pickups or vans), trailers or vehicles shall be stored on any Lot or on any of the streets fronting on any Lot except within the garage or in conjunction with construction of any improvements on such Lot.

(s) No horses or other farm animals or livestock may be kept on any Lot. Dogs, when outside, must be at all times in an enclosed or electrically fenced yard, kennel, leashed, or under the Owner's supervision. No more than a combined total of three (3) dogs and/or cats may be kept on any Lot at a time. Any household pet may be subject to expulsion from the Property upon complaint of three (3) or more Association members, and upon a reasonable finding by the Association Board that said animal has created a nuisance or represents a threat to public safety.

(t) All utilities upon any Lot for the transmission of utilities, telephone service, the reception or audio or visual signals or electricity, and all pipes for water, gas, sewer, drainage, or other utility purposes, shall be installed and maintained below the surface of the ground. Solar panels may be approved by the Committee in a size and location of its discretion, but solar panels attached to roof surfaces, reasonably flush with said surface, or mounted on the ground and screened from view should be allowed by the Committee.

(u) No activities shall be conducted on any Lot and no improvements constructed thereon which are or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms shall be discharged upon any Lot. No open fires shall be lighted or permitted on any Lot, except while under the direct supervision, control and surveillance of the Lot owner; provided, however, burning trash, garbage and other refuse is prohibited.

(v) Nothing in this Article II shall be construed to relieve an Owner from the obligation to follow all applicable codes and ordinances of the city of Sun Valley, Idaho, and any other applicable jurisdiction.

### ARTICLE III.

#### TITLE TO COMMON AREA

3.01 The title and fee to all lands platted as roads and Sidewalks as shown on the Plat shall be transferred to the Association upon recordation of the final Plat and creation of the Association, and the Association shall thereafter be responsible for the maintenance and repair of said roads and Sidewalks. The title and fee to other Common Area shall be transferred to the Association upon recording of the final Plat and creation of the Association, and the Association shall thereafter be responsible for the maintenance and repair of such Common Area.

3.02 All operational, maintenance, snow removal and improvement expenses connected with the private road, Sidewalks and Common Area shall be shared on an equal

basis by the members of the Association as "Common Area Expenses." Each Lot owner's share of Common Area Expenses shall be computed by the total number of Lots in the subdivision, divided by the number of Lots owned by the Owner.

3.03 The Association may create reasonable rules and regulations relating to the use of the Common Area by Owners, which shall be known as the Lane Meadows Rules.

#### ARTICLE IV.

#### DESIGN CONTROL

4.01 The Design Review Committee shall be composed of three (3) persons as may be appointed by the Association. A majority of the Committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor.

4.02 The vote or written consent of any two members shall constitute action of the Committee. The Committee shall report in writing all approvals and disapprovals of changes in the existing state of the Property to the Association.

4.03 Exhibits B-1 and B-2 shows the location of View Corridors. View Corridors shall be subject to the following special rules: (1) only plants and landscaping specifically listed by the Committee shall be allowed within a designated View Corridor; (2) no structure of any kind shall be allowed within a designated View Corridor; and (3) View Corridors cannot be removed or modified without the express permission of the Owner of the Lot that benefits from said View Corridor. Additional View Corridor restrictions are listed on Exhibit B-1.

4.04 It shall be the responsibility of the Committee to maintain, and update as appropriate, a current approved "Species List" in a form consistent with the initial approved Species List attached hereto as Exhibit C. The Species List shall identify approved species for plantings within the Property, all of which shall have a maximum expected height at or below fifteen (15) feet as listed in the Western Garden Book or similar industry guidebook. No species shall be allowed to be planted on a Lot or Common Area parcel that has a projected height in excess of fifteen (15) feet. The Committee shall have the authority to amend the Species List as it relates to the included species, BUT NOT AS IT RELATES TO MAXIMUM HEIGHT, without a vote of the members of the Association, and any such amendment shall be effective upon recording in the Office of the Blaine County Recorder.

4.05 No changes in the existing state of any of the Property shall be made or permitted without the prior written approval of the Committee. Changes in the existing state of the Property shall include, without limitation, fences, the construction of any building, structure or other improvement, including utility facilities; the excavation, filling or similar disturbance of the surface of the land including, without limitation, change of grade, stream bed, ground level or drainage pattern, the clearing, marring, defacing or damaging of significant trees, shrubs, or other growing things; the landscaping texture or exterior appearance of any previously approved change in the existing state of the Property.

Notwithstanding the foregoing, approval of the Committee shall not relieve an Owner of its obligation to obtain appropriate approvals from local, state and/or federal agencies with respect to the proposed change if required.

4.06 The Committee shall have complete discretion to approve or disapprove any change in the existing state of the Property and shall exercise such discretion with the following objectives in mind: to carry out the general purposes expressed in this Declaration; to prevent violation of any specific provision of this declaration or any supplemental declaration; to prevent any change which would be unsafe or hazardous to any persons or property; to minimize obstruction or diminution of the view of others; to preserve visual continuity of the area and to prevent a marked or unnecessary transition between improved and unimproved areas and any sharp definition of boundaries of property ownership; to assure that any change will be of good and attractive design and in harmony with the natural setting of the area and will serve to preserve and enhance existing features of natural beauty; to assure that material and workmanship for all improvements are of high quality sufficiently comparable to other improvements in the area; that improvements and landscape is reasonably environmentally conscious, to balance the ability of owners to exercise control over their land according to their aesthetic desires and lifestyle needs and the needs of the subdivision to have a harmonious design aesthetic; and to minimize maintenance and assure a better appearing area under all conditions.

4.07 Prior to expenditures of any substantial time or funds in the planning of any proposed change in the existing state of the Property, the Owner of a Lot shall advise the Design Committee in writing of the general nature of the proposed change; shall, if requested by the Committee, meet with a member or members of the Committee to discuss the proposed change; shall read or become familiar with any guides or guidelines which may have been prepared or formulated by the Committee; and shall, if requested by the Committee, furnish the Committee with preliminary plans and specifications for comment and review.

4.08 After the nature and scope of a proposed change in the existing state of the Property is determined and prior to the commencement of work to accomplish such change:

(a) With respect to all changes other than buildings and Structures, the Committee may, in its discretion, authorize the proposed change without obtaining additional information, or may require the Owner to furnish the Committee with two (2) copies of a complete and full description of the proposed change in writing and with drawings, drawn to such scale as may be reasonably required by the Committee, showing all boundaries, showing existing and proposed contour lines and elevations at reasonably detailed intervals, showing all existing and proposed improvements, showing the existing and proposed drainage pattern, showing the existing and proposed utility and sanitation facilities, showing the existing or proposed substantial trees and shrubs. There shall also be furnished to the Committee any and all further information with respect to the existing state of the Lot which the Committee may reasonably require, to permit it to make an informed decision on whether or not to grant approval of the change. Approvals of changes pursuant to this section must be made in writing by at least one (1) member of the Committee.

(b) With respect to all buildings and other Structures, and other changes for which the Committee, in its discretion, deems necessary, the Committee shall require, in addition to descriptions required in Section 4.06(a), submission in duplicate, of floor plans, elevation drawings from four (4) sides, all drawn to such scale as may be reasonably required by the Committee; descriptions of exterior materials and colors and, if deemed appropriate by the Committee, samples of the same; final construction specifications; and a landscaping plan showing existing and proposed trees and shrubs, and all plants located with a View Corridor. Where buildings or Structures, other improvements, or changes to existing landscaping which reasonably require plans and specifications are proposed to be constructed or built, a reasonable fee, as shall be determined from time to time by the Association and published by the Committee, shall be paid to the Association to cover costs and expenses of review, including the reasonable time and expenditures of Committee members, particularly professionals in applicable design professions. Prior to giving approval to a proposed change in the existing state of a Lot, at least one (1) member of the Committee shall physically inspect the Lot. No proposed building or Structure shall be deemed to have been approved by the Committee unless its approval is in writing executed by at least two (2) members of the Committee; provided, that approval shall be deemed given if the Committee fails to approve or disapprove of a proposed change or to make additional requirements or request additional information within twenty-one (21) days after a full and complete description of the proposed change and all additional instruments, documents and plans have been furnished in writing to the Committee with a written and specific request for approval.

4.09 After approval by the Committee of any proposed change in the existing state of the Property, the proposed change shall be accomplished as promptly and diligently as possible and in complete conformity with the description of the proposed change and any plans and specifications provided to the Committee. Failure to accomplish the change strictly in accordance with the description thereof and plans and specifications therefor within eighteen (18) months of the date of Committee approval, unless an extension is granted by the Committee upon a showing of good cause, shall operate to automatically revoke the approval of the proposed change, and, upon demand by the Committee, the Lot shall be restored as nearly as possible to its state existing prior to any work in connection with the proposed change. The Committee and its duly appointed agents may enter upon any Lot at any reasonable time or times to inspect the progress or status of any changes in the existing state of a Lot being made or which may have been made. The Committee shall have the right and authority to record a notice to show that any particular change in the existing state of a Lot has not been approved or that any approval given has been automatically revoked.

4.10 The Declarant shall be exempt from the rules relating to the Committee, except as they pertain to Building Zones, planting restrictions, and other general subdivision regulations.

4.11 Nothing in this Article IV shall be construed to relieve an Owner from the obligation to obtain all governmental approvals, permits, etc. for improving a Lot, including submitting their plans and gaining approval from any applicable municipal design review process.

## ARTICLE V.

### ESTABLISHMENT AND ORGANIZATION OF ASSOCIATION

5.01 The Lane Meadows Homeowners' Association, Inc., shall be incorporated as an Idaho not for profit corporation. The purposes and powers of the Association and the rights and obligations inherent in membership are set forth in its Articles of Incorporation, and the provisions of this Declaration with respect thereto are for general descriptive purposes only. The Association is and shall be obligated (a) to accept title to and maintain Common Areas, and (b) to assure the functions and obligations imposed on it or contemplated for it under this Declaration.

5.02 The Association shall be governed by a Board composed of three (3) Directors, all of whom shall be elected at the first annual meeting.

5.03 Regular meetings of the Association will be held at the time and in the place prescribed by the By-Laws of the Association. The first annual meeting shall be held within ninety (90) days after the closing of the sale of the first Lot.

5.04 Each Owner of each Lot is subject to assessment by the Association and shall be a member of the Association. Said membership shall be appurtenant to and shall not be severed from the Lot.

5.05 The Association shall have two classes of voting membership:

Class A. Class A members shall be all Owners with the exception of the Declarant and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B members shall be the Declarant and shall be entitled to three (3) votes for each Lot owned. Class B membership shall cease and be converted to Class A membership on the occurrence of the later of any of the following events:

(a) when the total votes outstanding in the Class A membership in the Association equal the total votes outstanding in the Class B membership in said Association;

(b) the fourth anniversary of the recording of this Declaration.

5.06 All elections shall be by secret ballot. Cumulative voting procedures shall be prescribed at all elections at which more than one position on the Board is to be filled.

5.07 So long as there are two classes of membership, one (1) director shall be elected solely by the votes of the Class A members.

5.08 Regular meetings of the Directors shall be held quarterly or as deemed appropriate by the Association.

5.09 Any vote may be cast by an Owner in person or by proxy. All proxies shall be in writing, dated and signed by the Owners and filed with the Board of Directors before commencement of any meeting. No proxy shall extend beyond the specific meeting for which it was executed, and every proxy shall automatically cease upon sale by the Owners of his or their Lot or upon death or incapacity of the member executing the proxy statement.

5.10 Where the vote or written assent of the membership is required for any action contemplated herein, such action shall require the prescribed percentage of each class of voters during the time there are two classes of membership.

## ARTICLE VI.

### COMMON WATER RIGHTS

6.01 Declarant shall transfer all water rights for irrigation to the Association, who shall hold such rights for the benefit of the Owners.

6.02 Declarant shall construct and install a common system of water to be used for irrigation purposes (the "Water System"). Title in fee to the Water System, including all equipment and pipelines associated therewith, shall be vested in the Association, who shall be responsible for keeping the Water System in good and clean condition and keeping facilities in good repair and operating condition.

6.03 The Board shall be authorized to limit water allocated for irrigation to designated Common Area and Lot 6 should it, in its sole discretion, deem such limitation to be necessary and in the best interests of the Association.

6.04 Owners shall comply with Idaho law with respect to use of commonly held water rights in conjunction with privately held domestic and irrigation water rights.

6.05 A primary component of the Water System is the well ("Well") which is located on Parcel B. Owners shall not interfere with the operation, maintenance, or use of the Well.

6.06 Lot 6 shall be entitled to irrigate from the Water System to the extent there is excess available water after the irrigation of Parcel B. Such use shall be conditioned on the Owner of Lot 6 paying its proportional share of the expenses for using and maintaining the Well and related pump. Actual costs attributable to Lot 6's use shall be assessed against Lot 6. Costs which are not able to be directly attributed to Lot 6, shall be prorated, based upon the Board's good faith determination of the proportional use of the parties. If the amount of acreage to be irrigated by the water right is reduced or diminished in the future for any reason, the amount allowed to be used by Lot 6 shall be directly reduced first. Lot 6 shall be entitled to use the Water System for irrigation and to fill and maintain a recreational pool, as long as said water right allows, and the Owner pays its proportional share of expenses as described above.

## ARTICLE VII.

### PROPERTY RIGHTS AND RIGHTS OF ENJOYMENT

7.01 Each Member of the Association shall have the right of enjoyment of the Common Area including any easements and any facilities located thereon which are appurtenant to the member's Lot, subject to the following conditions:

(a) The right of the Association, as provided in its By-Laws to suspend the rights and privileges, including voting rights of any member for any period during which an assessment (to which his interest is subject) remains unpaid and for a period not to exceed thirty (30) days for each infraction of its published rules and regulations and for the right to impose monetary penalties for violation of such rules and regulations after hearing by the Board of Directors of the Association. Any Owner shall be given ten (10) days notice of any such hearing by mail to his address as it appears on the books of the Association.

(b) The right of the Association to charge reasonable fees for the use of any facility, belonging to the Association.

(c) The right of the Association, in accordance with its Articles and ByLaws, to borrow money for the purpose of improving the Common Area and facilities.

7.02 The Association shall have the obligation at its expense to maintain in a clean and orderly manner and in a good state of repair its Common Area and all improvements located thereon and to operate in a competent and efficient manner, all facilities, if any, located in its Common Area; and in the event of damage or destruction to the improvements, to repair and restore promptly after such damage or destruction occurs, all improvements thereon. The Association shall be responsible for contracting for snow removal for Association roads and reasonable ice abatement for Association Sidewalks.

7.03 The Association shall enter into a Maintenance Agreement with the City of Sun Valley by virtue of which it shall undertake the responsibility for the maintenance and upkeep of the sidewalk constructed in conjunction with this development to provide pedestrian access between Lane's Way and Elkhorn Road. By virtue of this Maintenance Agreement, the Association is responsible for all expenses associated with the maintenance, repair and snow removal related to the sidewalk.

7.04 Any member may delegate his rights of enjoyment in the Common Area and in the privileges of the Association to the members of his family who reside upon a Lot, to any of his tenants who reside thereon under a leasehold interest for a term of one week or more, and to his guests; subject, however, to the By-Laws, rules, regulation and limitations of the Association. The rights and privileges of such person are subject to suspension the same as members of the Association, as provided in paragraph (a) of Section 1 of this Article.

## ARTICLE VIII.

### CREATION OF ASSESSMENT LIENS

8.01 The Declarant, for each Lot owned within the Property hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the respective Association:

(a) Annual assessments or charges; and (b) special assessments for capital improvements, such assessments to be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment became due. The personal obligation for delinquent assessments shall not pass to his successors in title unless expressly assumed by them.

8.02 The assessment levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the Owners and for the improvement and maintenance of the Common Area owned by the Association and including, but not limited to, the payment of taxes and insurance for the common properties, and repair, replacement and additions hereto and for the cost of labor, equipment, materials, management and supervision of the Common Area. The Association may retain a professional management company to manage the affairs of the Association, and if so, any expenses so related may be a portion of the assessment.

8.03 In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement to be performed on the Lots or Common Area or of a capital improvement upon the Association's Common Area, including fixtures and personal property related thereto and for the purpose of performing any unanticipated maintenance, provided that any such assessment in excess of five percent (5%) of the annual budgeted expense of the Association shall have the assent of fifty-one percent (51%) of the votes of all of the Class A members and fifty-one (51%) of all the Class B members, if any, of the Association. Such votes shall be cast in person or by proxy at a meeting duly called for this purpose as provided in Section 8.04 next following.

8.04 Written notice of any meeting of the members of the Association shall be sent to all members at their address shown in the books of the Association, by regular mail, not less than ten (10) days nor more than thirty (30) days in advance of the meeting and shall describe the nature of the business to be conducted. The presence at any meeting of the members or of proxies entitled to cast twenty-five percent (25%) of all of the votes of each class of membership shall constitute a quorum. If the required quorum is not present or represented at any meeting, the members entitled to vote thereat shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as

aforesaid shall be present or represented. Such adjournment shall be for not less than five (5) days and not more than thirty (30) days from the original meeting date. In the absence of a quorum, no other business may be conducted at any such meeting.

8.05 Annual and special assessments shall be fixed on a pro rata basis for each Lot and shall be collected by the Association on a quarterly basis. The directors of the Association shall estimate the charges required to be paid by the Association during the calendar year. The total annual assessments against all Owners shall be based upon advance estimates of cash requirements. Owners shall not be entitled to take offsets from assessment amounts for any reason.

8.06 The annual assessments provided for herein shall commence on the first day of the month following the closing of the first sale of a Lot to a purchaser.

8.07 Without written consent or a majority vote by the members of the Association residing in members, the annual assessment may not be increased more than twenty percent (20%) over that of the last preceding annual assessment, except in the first year of the Association's operation.

8.08 In addition to the foregoing, the Committee or Board, in their individual discretion, may levy a one time fee, not to exceed \$2,000.00, adjusted for inflation from the date of this Declaration, to any Owner proposing substantial improvements to their Lot, to cover excessive wear and tear on Common Areas, including the roads.

8.09 Any assessment not paid within thirty (30) days after the due date, shall bear interest from the due date at 12% per annum. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the Lot. No Owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the Common Area or abandonment of his Lot. Each of the Owners do hereby grant and appoint the Board of Directors as trustee to enforce such lien and to foreclose such lien by private power of sale, and the authority and power to sell the Lot of such defaulting Owner, or any part thereof, to satisfy said lien, for lawful money of the United States to the highest bidder. Such lien and the right to foreclose the same shall be in addition to and not in substitution for all other rights and remedies which the Owner and the Board of Directors may have to enforce the provisions hereof.

8.10 The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage or deed of trust. The sale or transfer of any Lot shall not affect any assessment lien. However, the sale of any Lot pursuant to a mortgage or deed of trust foreclosure shall extinguish the lien of such assessments as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessment thereafter becoming due or from the lien thereof.

8.11 In addition to the remedies stated above, the Association upon violation or breach of any covenant, restriction or condition contained in this declaration, may enter upon any Lot where such violation or breach exists and may abate or remove the thing or condition causing the violation or breach or may otherwise cure the violation or breach. The costs

incurred shall be billed to and paid by the Owner of the Lot. If the Owner of any Lot fails, after demand, to pay such costs then the Association shall have a lien, from and after the time a notice of such failure to pay is recorded in the records of Blaine County, Idaho, against the Lot of such Owner or Owners for the amount due and not paid, plus interest from the date of demand for payment at the statutory rate, plus all costs and expenses of collecting the unpaid amount, including reasonable attorneys' fees.

#### ARTICLE IX.

#### DAMAGE OR DESTRUCTION OF COMMON AREA IMPROVEMENTS

In the event of damage to or destruction of the property of the Association, or any part thereof, the Association shall repair or replace the same from the insurance proceeds payable to it by reason of such damage or destruction. If any such damage or destruction was insured against and the insurance proceeds are insufficient to cover the cost of repair or replacement of the property damaged or destroyed, the Association may make a special assessment in accordance with the provisions of this declaration, to cover the additional cost of the repair or replacement not covered by the insurance proceeds. Such special assessment is not in addition to any other regular assessments made against Owners and is subject to the rules herein relating to Special Assessments. If any damage or destruction is caused by a casualty not insured against, then the repair or reconstruction shall be accomplished in the manner provided by a written agreement approved by the Owners representing more than fifty percent (50%) of all the Lots after the plans for any repairs or reconstruction have been approved by the Association.

#### ARTICLE X.

#### LENDER'S REGULATIONS

In order that residential dwelling units erected on the Property may qualify for existing subsidized lending programs, it is declared that the following rights exist in favor of any first mortgagee, notwithstanding contrary or conflicting provisions contained herein.

10.01 The first mortgagee of any dwelling unit may, by written notice to the Association, request written notice of any default by the mortgagor of such dwelling unit in the performance of such mortgagor's obligations under this declaration within thirty (30) days. Such request shall state the name and mailing address of the mortgagee, and the official records book and page number, file number or other reference identifying such recording, and the Lot number encumbered by said mortgage, and a reference to this declaration. Each notice of default given pursuant to such request may be sent by regular mail, postage prepaid, addressed to the mortgagee at the address stated in such request. Following the elapse of two (2) years from the date of receipt of the written request last given by any mortgagee pursuant to this Article, the Association shall have no further duty to notify such mortgagee if mortgagor defaults.

10.02 Any first mortgagee who comes into possession of a dwelling unit pursuant to the remedies provided for in the mortgage, or foreclosure of the mortgage, shall be exempt

from an existing right of first refusal of any party as to the purchase of such dwelling unit from the mortgagee thereof.

10.03 Unless at least seventy-five percent (75%) of the first mortgagees (based upon one (1) vote for each mortgage) of dwelling units within the subdivision have given their prior written approval, the Association shall not be entitled to:

(1) By act or omission seek to abandon, partition, subdivide, encumber, sell or transfer real estate or improvements thereon which are owned, directly or indirectly, by the Association for the benefit of the dwelling units in the subdivision. (The granting of easements for public utilities or for other public purposes consistent with the intended use of such subdivision shall not be deemed a transfer within the meaning of this clause);

(2) Fail to maintain fire and extended coverage on insurable Common Area on a current replacement cost basis in an amount of not less than one hundred percent (100%) of the insurable value (based on current replacement cost);

(3) Use hazard insurance proceeds for losses to any Common Area for other than the repair, replacement or reconstruction of such improvements;

10.04 First mortgagees shall have the right to examine the books and records of the Association, upon reasonable advance request in writing.

10.05 First mortgagees of dwelling units in the subdivision, may jointly or singly, pay taxes which are in default and which may or have become a charge against Common Area and may pay overdue premiums on hazard insurance policies, or secure new hazard insurance coverage on lapse of a policy, for such property and first mortgagees making such payments shall be owed immediate reimbursement therefor from the Association.

10.06 Nothing herein or in the Articles of Incorporation of the Association, or in any other instrument relating to the Property, gives any Owner of any Lot or other party priority over any rights of first mortgagees pursuant to their mortgages, in the case of distribution to such Owners of insurance proceeds or condemnation awards for losses to or a taking of common property in the subject subdivision.

10.07 The terms "mortgage", "mortgagor" and "mortgagee" as used in this Article shall include respectively, a deed of trust and the trustor and beneficiary thereunder.

## ARTICLE XI.

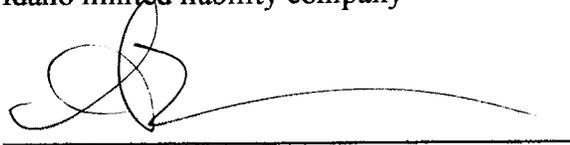
### MISCELLANEOUS PROVISIONS

11.01 Except with respect to amendments to the approved Species List, which are governed by the provisions of Paragraph 4.04, above, the provisions hereof may be amended by a vote or the written consent of sixty percent (60%) or more of each class of Members. Irrespective of the provisions of this Article, the percentage of voting power to amend a specific clause herein shall prevail with relation to that specific Article.

11.02 In the event of any inconsistency between applicable law and any of these covenants or restrictions the applicable law shall govern. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no ways affect any other provisions which shall remain in full force and effect.

DATED this 10 day of February, 2015.

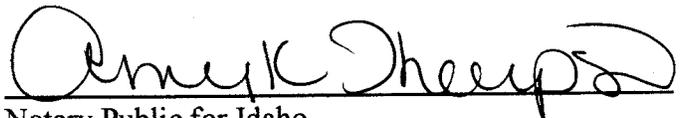
Evergreen Ventures, LLC, an  
Idaho limited liability company



By: Scott Thomson, Manager

STATE OF IDAHO            )  
  ) ss.  
County of Blaine            )

On this 10 day of February, in the year of 2015, before me, a Notary Public in and for said State, personally appeared Scott Thomson, Manager of Evergreen Ventures, LLC, a limited liability company, the Manager who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name.



Notary Public for Idaho  
Residing at Belleme ID 83313  
My Commission expires:

May 7, 2019

**EXHIBIT - A**  
**Legal Description of the "Property"**

A parcel of land located in the Southeast 1/4 of Section 19 and the Northeast 1/4 of Section 30, Township 4 North, Range 18 East of the Boise Meridian, Blaine County, Idaho and being more particularly described as follows:

Commencing at a 1969 BLM Brass Cap which marks the southeast corner of Section 19, Township 4 North, Range 18 East (CP&F No. 592293), from which a 1969 BLM Brass Cap which marks the East 1/4 corner of said Section 19 (CP&F No. 592294) bears North 00°35'12" East, 2631.96 feet;

Thence North 82°32'05" West, 754.46 feet to a 5/8" rebar, PLS 1000, on the northerly boundary of Lane Ranch Subdivision Phase 2, recorded as Instrument No. 319339, said 5/8" rebar being the **POINT OF BEGINNING**;

Thence along said northerly boundary line South 71°14'50" West, 366.16 feet to a 5/8" rebar, PLS 1000;

Thence North 18°44'35" West, 322.63 feet to a 5/8" rebar, PLS 1000;

Thence South 71°11'43" West, 280.09 feet to the northeasterly right-of-way line of State Highway 75;

Thence along said northeasterly right-of-way line North 18°47'43" West, 299.92 feet to the southerly boundary line of Lane Ranch Subdivision Phase 1, recorded as Instrument No. 306890;

Thence along said southerly boundary line North 71°15'00" East, 646.45 feet;

Thence South 18°44'59" East, 622.27 feet to the **POINT OF BEGINNING**;

Said parcel contains 311,838 square feet, or 7.2 acres, more or less

End Description

EXHIBIT – B-1  
VIEW CORRIDORS

Those View Corridors depicted on Exhibit B-2 are meant to preserve critical views for certain Lots, and are key elements of the value for those Lots. Therefore, the following rules, in addition to the rules in the Declaration, shall apply to these View Corridors.

1. View Corridor A is meant for the benefit of all subdivision residents, in order to preserve significant cliff and mountain views, and the owner of Lot 39, Phase 2 of Lane Ranch Sub (“Lot 39”), as long as Lot 39 is owned by a related party of Declarant, including Managers, Members, and/or family members of Managers or Members, to include trusts whose trustors, trustees, and beneficiaries fall within any of those categories (“Related Party”). No changes to the size, shape, or location of this View Corridor may be enacted without the express written permission of all of the Owners plus the owner of Lot 39, as long as the owner of Lot 39 shall be a Related Party to Declarant.

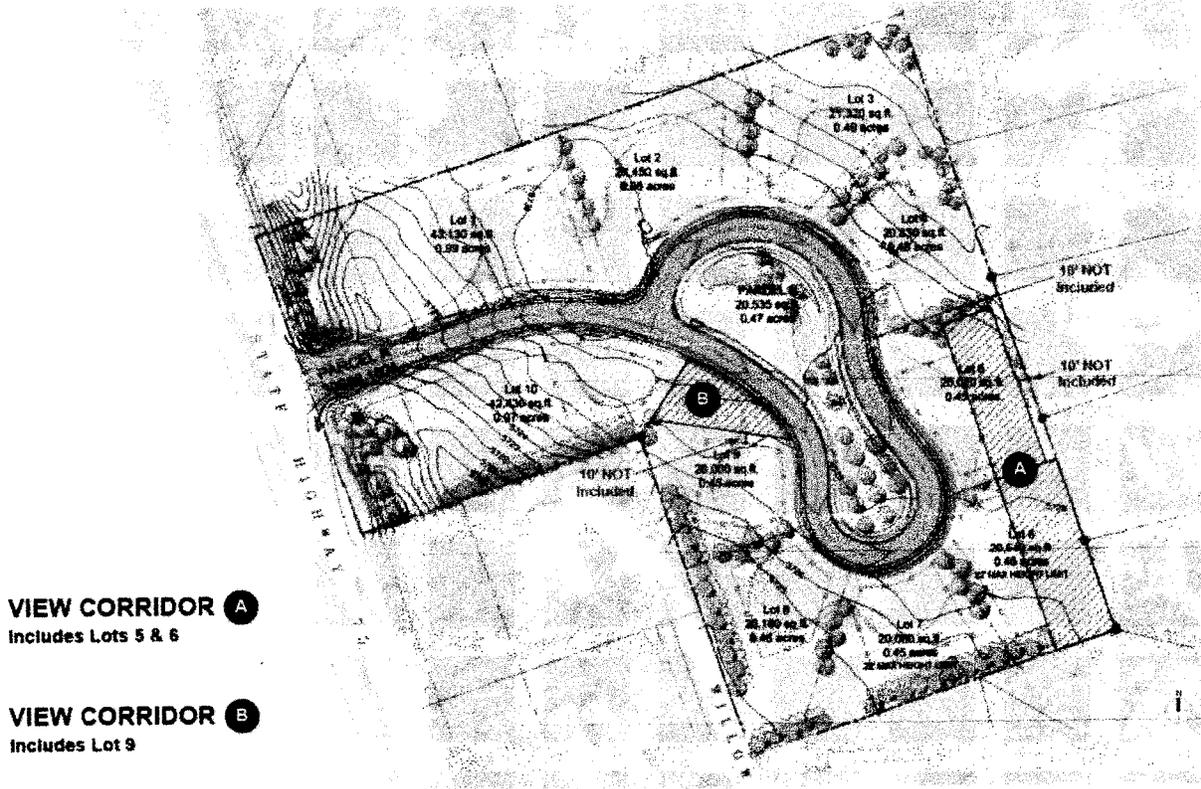
2. View Corridor B is meant for the benefit Lot 11. No changes to the size, shape, or location of this View Corridor may be done without the express written permission of the Owner of Lot 11.

3. The Committee shall publish, from time to time, a list of plants, shrubs, and trees that may be planted within the View Corridors. In no circumstances shall any plant, tree, or shrub be allowed to grow over 6’ tall within the View Corridors.

4. No structures over 6’ tall shall be allowed within the View Corridors. This shall include play structures, teepee’s, sheds, or any other permanent or temporary structure.

5. All proposed landscaping and any and all improvements to any area within the View Corridors must be approved by the Committee. Any alterations to existing landscaping and improvements located within the View Corridors must be approved by the Committee. An Owner may maintain, repair, or replace in like-kind any landscaping or improvement without requiring the permission of the Committee.

**EXHIBIT - B-2**  
**VIEW CORRIDORS**



**VIEW CORRIDOR A**  
Includes Lots 5 & 6

**VIEW CORRIDOR B**  
Includes Lot 9

**BYLA**  
BEN YOUNG LANDSCAPE ARCHITECT

**LANE MEADOWS | VIEW CORRIDORS**  
Highway 75 | Sun Valley, ID | 6.09.2014

**EXHIBIT - C**  
**SPECIES LIST**

**TREES | EVERGREEN \***

COMMON NAME

Bosnian Pine  
Bristlecone Pine  
Mountain Pine  
Tannenbaum Pine

BOTANICAL NAME

*Pinus heldreichii*  
*Pinus longaeva*  
*Pinus mugo rostrata*  
*Pinus mugo 'Tannenbaum'*

**TREES | DECIDUOUS \***

COMMON NAME

Hedge Maple  
Amur Maple  
Rocky Mountain Maple  
Apple, varieties  
Crabapple, varieties  
Plum, varieties  
Chokecherry

BOTANICAL NAME

*Acer campestre*  
*Acer ginnala*  
*Acer glabrum*  
*Malus domestica, var.*  
*Malus sp.*  
*Prunus cistinia*  
*Prunus virginiana*

**SHRUBS | EVERGREEN \***

COMMON NAME

Moonglow Juniper  
Sky Rocket Juniper  
Mugo Pine varieties  
Yew, varieties  
Techny Arborvitae

BOTANICAL NAME

*Juniperus scopulorum*  
*Juniperus scopulorum 'Sky Rocket'*  
*Pinus mugo var.*  
*Taxus x media, var.*  
*Thuja occidentalis 'Techny'*

**SHRUBS | DECIDUOUS \***

COMMON NAME

Serviceberry  
Pea Shrub  
Red Twig Dogwood  
Yellow Twig Dogwood  
Ninebark  
Diablo Ninebark  
Alpine Currant  
Golden Currant  
Fragrant Sumac  
Blue Fox Willow  
Coyote Willow  
Flame Willow  
Arctic Willow  
American Elderberry  
Red Elderberry  
Spirea, varieties  
Snowberry  
Lilac, varieties

BOTANICAL NAME

*Amelanchier alnifolia*  
*Caragana aborescens*  
*Cornus sericea 'Cardinal'*  
*Cornus sericea 'Flaviramea'*  
*Physocarpus capitatus*  
*Physocarpus opulifolius 'Diablo'*  
*Ribes alpinum*  
*Ribe aureum*  
*Rhus aromatica*  
*Salix brachycarpa 'Blue Fox'*  
*Salix exigua*  
*Salix 'Flame'*  
*Salix nana purpurea*  
*Sambucus canadensis*  
*Sambucus racemosa*  
*Spiraea sp.*  
*Symphoricarpos albus*  
*Syringa vulgaris*

\* This list of approved plant species for Lane Meadows was created and approved by Ben Young Landscape Architect. No single species has an expected height to exceed a 15' height maximum.

**BYLA**  
BEN YOUNG LANDSCAPE ARCHITECT

**LANE MEADOWS | PLANT SPECIES LIST**

Highway 75 | Sun Valley, ID | 11.06.2014



BANK OF THE WEST  
GLOBAL TRADE SERVICES  
1977 SATURN STREET, SC-MPK-02-G  
MONTEREY PARK, CA 91755  
SWIFT: BWSTUS66LAX

DATE: FEBRUARY 19, 2015

### IRREVOCABLE STANDBY LETTER OF CREDIT

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT NO. MB60515782

IN FAVOR OF BENEFICIARY:  
CITY OF SUN VALLEY  
81 ELKHORN RD  
SUN VALLEY, ID 83353

FOR ACCOUNT OF (APPLICANT):  
EVERGREEN VENTURES LLC  
323 LEWIS STREET, UNIT K  
KETCHUM, ID 83340

AMOUNT: USD 250,000.00 (TWO HUNDRED FIFTY THOUSAND AND 00/100 U.S. DOLLARS)

EXPIRY DATE/PLACE: JULY 31, 2015 AT 5:00 PM IN MONTEREY PARK, CA, AT OUR ABOVE ADDRESS

WE BANK OF THE WEST (THE "BANK") HEREBY ISSUE OUR IRREVOCABLE STANDBY LETTER OF CREDIT NO. MB60515782 IN BENEFICIARY'S FAVOR FOR THE ACCOUNT OF EVERGREEN VENTURES, LLC IN THE AGGREGATE AMOUNT OF EXACTLY USD250,000.00.

THIS LETTER OF CREDIT IS AVAILABLE WITH US AT OUR ABOVE OFFICE BY PRESENTATION OF YOUR DRAFT DRAWN ON US AT SIGHT BEARING THE CLAUSE: "DRAWN UNDER CREDIT NO. MB60515782 OF BANK OF THE WEST, MONTEREY PARK, CALIFORNIA" AND ACCOMPANIED BY THE ORIGINAL OF THIS LETTER OF CREDIT AND ALL AMENDMENTS, IF ANY, AND THE FOLLOWING DOCUMENT:

BENEFICIARY'S STATEMENT SIGNED BY AN AUTHORIZED INDIVIDUAL STATING THE FOLLOWING HAS OCCURRED:

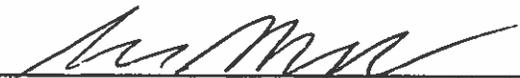
"I, \_\_\_(Insert Name of individual)\_\_\_, BEING AN AUTHORIZED OFFICER, AGENT OR REPRESENTATIVE OF THE BENEFICIARY HEREBY CERTIFY THAT THE AMOUNT OF \$\_\_\_\_\_ IS DUE TO THE BENEFICIARY AS EVERGREEN VENTURES, LLC IS IN DEFAULT OF THEIR OBLIGATIONS UNDER THE TERMS AND CONDITIONS OF LANE MEADOWS PUD SUBDIVISION ("LANE MEADOWS").

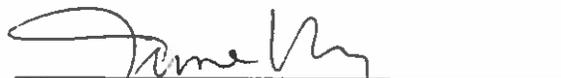
BANK OF THE WEST HAS BEEN ADVISED BY THE APPLICANT THAT THIS LETTER OF CREDIT IS IN LIEU OF A PERFORMANCE BOND FOR COMPLETION OF CONSTRUCTION AND IMPROVEMENTS.

PARTIAL DRAWING AND MULTIPLE PRESENTATIONS SHALL BE PERMITTED.

WE HEREBY ENGAGE WITH YOU THAT DRAFT(S) DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED BY US ON PRESENTATION AT OUR OFFICE LOCATED AT: BANK OF THE WEST, GLOBAL TRADE SERVICES, SC-MPK-02-G, 1977 SATURN STREET, MONTEREY PARK CA 91755, ATTN: STANDBY TEAM ON OR BEFORE THE EXPIRATION DATE.

THIS STANDBY LETTER OF CREDIT IS SUBJECT TO THE INTERNATIONAL STANDBY PRACTICES ISP98. INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 590.

  
\_\_\_\_\_  
AUTHORIZED SIGNATURE  
GLOBAL TRADE SERVICES  
TEAM NO 02

  
\_\_\_\_\_  
AUTHORIZED SIGNATURE  
GLOBAL TRADE SERVICES  
TEAM NO 02



Date: 2/13/2015  
To: Mark Hofman  
Re: 2015-01/ Lane Meadows /Lot 1, 2, 6

I have reviewed the submitted plans for Lane Meadows lots 1, 2 and 6 they are R-3 occupancy, type V-B construction that is protected by automatic fire suppression systems.

The fire department has the following comments:

1. The driveways shall be no less than 20 feet wide to accommodate fire department access.
2. The Solar photovoltaic power systems shall be installed in accordance with International fire code Section 605.11.1 through 605.11.4, International Building Code and NFPA 70.
3. Non-temporary fire pits shall be constructed to burn non-solid fuel only. No solid fuel burning is permitted in permanent outdoor fireplaces.
4. All chimneys, fireplaces, and incinerators (or similar) that are capable of burning solid fuel shall be equipped with an effective means for arresting sparks. Required spark arrestors shall be installed per IRC 1003.9.1 and IBC 2113.9.1 as inspected and enforced by the city.

No Changes shall be made to the plans without approval of the Fire Code Official or the Fire Chief.

The correct address shall be posted in a place so as to be visible from the street. This shall be on a contrasting background so as to be visible both day and night and in all weather conditions. The numbers shall be a minimum of 6 inches tall. If an address monument is used the numbers shall be no lower than 4 feet from finish grade. The requirement for the posting of numbers on the residence shall also be in effect. The numbers shall be posted in the usual and customary location.

Reid Black Fire Code Official  
City of Sun Valley Fire Department

*The Sun Valley Fire Department Mission is to do no harm, survive and be courteous. We accomplish this through compassionate, professional response to all situations where we are called for assistance.*

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- [SECTION 3107 SIGNS](#)
- [SECTION 3108 TELECOMMUNICATION AND BROADCAST TOWERS](#)
- [SECTION 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES](#)
- [SECTION 3110 AUTOMATIC VEHICULAR GATES](#)
- [SECTION 3111 SOLAR PHOTOVOLTAIC PANELS/MODULES](#)

[3109.1 General.](#)

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[3109.1 General.](#)

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[3109.4 Residential swimming pools.](#)

[3109.5 Entrapment avoidance.](#)

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## **SECTION 3109 SWIMMING POOL ENCLOSURES AND SAFETY DEVICES**

### **3109.1 General.**

Swimming pools shall comply with the requirements of [Sections 3109.2](#) through [3109.5](#) and other applicable sections of this code.

### **3109.2 Definition.**

The following term is defined in [Chapter 2](#):

### **SWIMMING POOLS.**

#### **3109.3 Public swimming pools.**

Public swimming pools shall be completely enclosed by a fence not less than 4 feet (1290 mm) in height or a screen enclosure. Openings in the fence shall not *permit* the passage of a 4-inch-diameter (102 mm) sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates.

#### **3109.4 Residential swimming pools.**

Residential swimming pools shall comply with Sections 3109.4.1 through 3109.4.3.

**Exception:** A swimming pool with a power safety cover or a spa with a safety cover complying with ASTM F 1346 need not comply with Section 3109.4.

#### **3109.4.1 Barrier height and clearances.**

The top of the barrier shall be not less than 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm).

##### **3109.4.1.1 Openings.**

Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

##### **3109.4.1.2 Solid barrier surfaces.**

Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

##### **3109.4.1.3 Closely spaced horizontal members.**

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall be not greater than  $1\frac{3}{4}$  inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than  $1\frac{3}{4}$  inches (44 mm) in width.

##### **3109.4.1.4 Widely spaced horizontal members.**

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than  $1\frac{3}{4}$  inches (44 mm) in width.

##### **3109.4.1.5 Chain link dimensions.**

Mesh size for chain link fences shall be not greater than a  $2\frac{1}{4}$  inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than  $1\frac{3}{4}$  inches (44 mm).

##### **3109.4.1.6 Diagonal members.**

Where the barrier is composed of diagonal members, the opening formed by the diagonal members shall be not greater than  $1\frac{3}{4}$  inches (44 mm).

##### **3109.4.1.7 Gates.**

Access doors or gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6

and shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Doors or gates other than pedestrian access doors or gates shall have a self-latching device. Release mechanisms shall be in accordance with Sections 1008.1.9 and 1109.13. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the door or gate, the release mechanism shall be located on the pool side of the door or gate 3 inches (76 mm) or more, below the top of the door or gate, and the door or gate and barrier shall be without openings greater than  $\frac{1}{2}$  inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

#### **3109.4.1.8 Dwelling wall as a barrier.**

Where a wall of a *dwelling* serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be *listed* and labeled in accordance with UL 2017. In dwellings not required to be *Accessible units, Type A units* or *Type B units*, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be *Accessible units, Type A units* or *Type B units*, the deactivation switch shall be located not higher than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the threshold of the door.
2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.
3. Other means of protection, such as self-closing doors with self-latching devices, which are *approved*, shall be accepted so long as the degree of protection afforded is not less than the protection afforded by Section 3109.4.1.8, Item 1 or 2.

#### **3109.4.1.9 Pool structure as barrier.**

Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. Where the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

#### **3109.4.2 Indoor swimming pools.**

Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.8.

#### **3109.4.3 Prohibited locations.**

Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

#### **3109.5 Entrapment avoidance.**

Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

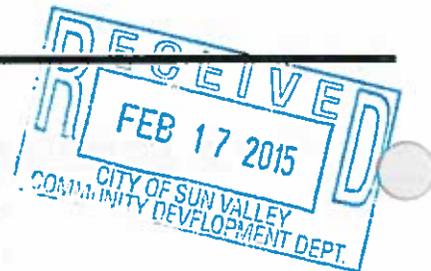
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**Mark Hofman**

---

**From:** Robin Sias [robin@mountaingirl.org]  
**Sent:** Tuesday, February 17, 2015 12:19 PM  
**To:** Mark Hofman  
**Subject:** Lane Meadows P & Z meeting



Hi Mark,

What is the best way to preview the plans for the first homes in Lane Meadows? I am very interested to see what is being proposed and plan to attend Thursday's meeting. As you probably know, this project has cost me my backyard, sleep and thousands of dollars in legal fees. I am very worried about what comes next.

I don't know if anyone on the P & Z has any interest, but I have a good deal of documentation of what was done to my yard this fall when they laid the pipe for water to Lane Meadows. It was almost not to be believed so I took video! I also have documentation of Scott's crews starting before legal hours on numerous occasions. I called Eric to let him know but I don't know if anything was ever done, other than issuing Scott a warning.

Now, of course, the first homes to be built will be five feet from my property line. My fear, from experience, is that if you give this group an inch, they will take a mile which is why I want to see what the setbacks and height proposals. My hope is that P & Z closely supervises this project going forward and that they insist on maximum setbacks and other requirements that take the welfare of very close neighbors into consideration.

Thank you,  
Robin Sias  
18 Meadow Road

**[DRAFT] FINDINGS OF FACT AND CONCLUSIONS OF LAW  
CITY OF SUN VALLEY  
PLANNING AND ZONING COMMISSION  
DESIGN REVIEW**

Project Name: **Lane Meadows Lots 1, 2, and 6**

Applicant: **Scott Thompson for Evergreen Ventures, LLC**

Location: **Lots 1, 2, and 6 Lane Meadows Subdivision, Lane's Way at Highway 75**

Zoning District: **Single-Family Residential (RS-1) Zoning District**

**Required Findings:** In order to approve a design review application and based on the standards set forth in **Sun Valley Municipal Code, Title 9, Chapter 5B, Section 3 DESIGN REVIEW**, the Planning & Zoning Commission shall make the following findings:

1. The proposed design [is/is not] in conformance with the purpose of the zoning district and all dimensional regulations of that district. **The construction of three new, custom two-story single family dwellings and associated site improvements [is/is not] in conformance with the purpose and dimensional regulations of the zoning district because the design meets or exceeds all applicable standards. The Single-Family Residential (RS-1) Zoning District allows single family residential construction by right as a land use. The new dwellings and associated improvements [comply/do not comply] with all applicable development standards for the RS-1 District, including setbacks, height, and building footprint.**
2. The proposed design [is/is not] in conformance with the standards for design review as set forth in Chapter 3A DESIGN REVIEW REGULATIONS of Title 9. **The structures [are/are not] in conformance with all applicable standards for design review because they [are/are not] appropriately and sensitively located on the existing plated lots and the preservation of existing view sheds and corridors [was/was not] taken into account as part of the project design. The design of each dwelling [is/is not] consistent with and complimentary to existing development on adjacent lots, as well as the developed surrounding neighborhood. The quality materials and colors utilized by the project [are/are not] consistent with the surrounding neighborhood and the greater Sun Valley area. All applicable evaluation standards for design review as set forth in Chapter 3A [have/have not] been met by the project design.**
3. The proposed design does not significantly impact the natural, scenic character and aesthetic value of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits in the City. **The Planning and Zoning Commission conducted a site visit as part of the noticed public hearing to view staking/story poles and to examine existing site conditions. The site is accessed off of State Highway 75 and no significant areas of steep slope exist on or adjacent to the site. No significant view or hillside scaring will occur, and no significant natural features or hilltops will be disturbed. No natural tree or shrub masses or unique rock or geological formations exist on the site. The area is not within an identified view corridor or skyline. No avalanche hazard area has been identified on or near the subject property. The development provides adequate**

**separation from adjacent properties and maximizes view preservation through and to the site.**

4. The proposed design [is/ is not] in context and complimentary to adjacent properties. **The project is on Lots 1, 2, and 6 of the Lane Meadows Subdivision. The Lane Ranch Subdivision is adjacent to the proposed development site. The structure will be sited in an area which [is/ is not] consistent with existing residential development in the neighborhood. The new dwelling [is/is not] consistent and in context with, and complimentary to, adjacent properties because of sensitivity in design, bulk, mass and location. The single family residential character of the area [will/will not] be maintained.**
5. The proposed design [is/is not] compatible with the community character and scale of the neighborhood. **The proposed design [is/is not] compatible with the community character and scale of the neighborhood because the dwellings [are/are not] sensitively and appropriately placed on the site and the single family design [is/is not] consistent with existing and future single family development on lots within the immediate surrounding area. The new dwellings will be accessed from State Highway 75 public street right-of-way via Lane's Way. The bulk and mass of the proposed design [is/is not] consistent and compatible with the community character and scale of the existing residences in the City because the structure [is/is not] centrally located on the front most developable portion of the site, [is/is not] substantially dug into existing grade, and [will/will not] be separated from view from surrounding areas in the future by new landscaping vegetation.**
6. The proposed design adheres to standards for the protection of health, safety, and general welfare. **All applicable services such as sewer and water are available to fully serve the project. Additionally, as conditioned, the project will comply with all applicable requirements from the Sun Valley Fire Department and Building Official review letters. No site conditions or aspects of design have been identified that would be adverse to the protection of health, safety and general welfare of the community.**
7. The proposed design [is/is not] of quality architectural character and materials. **The proposed design of the structures [is/is not] of quality architectural character because it incorporates adequate horizontal and vertical articulation in wall and roof planes, the flat roof elements of the structures [are/are not] architecturally broken up to avoid a massive flat roof presentation, the structure [is/is not] integrated into the sloping grade, visual impacts [are/are not] minimized while allowing development of the existing lot and the materials [are/are not consistent with the quality and design of surrounding development and the region.**
8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City. **The subject site is designated as Low Density Residential by the Future Land Use Map of the Comprehensive Plan. The Single-Family Residential (RS-1) Zoning District implements the Low Density Residential Land Use Designation and the proposed single-family dwelling on one legal lot is consistent with all applicable provisions of the RS-1 Zoning District.**

#### **CONCLUSIONS OF LAW**

That this project does/does not meet the standards for approval under Title 9, Chapter 3A (Design Review Regulations), of the City of Sun Valley Municipal Code provided the below conditions of approval are met. Design review approval shall expire 365 days from the date of approval, unless extended as per Municipal Code Section 9-5A-8.

## CONDITIONS OF APPROVAL

1. The applicant(s) and their representatives shall comply with all IBC, IFC and applicable City ordinances.
2. Site review approval is good for one year from the date of approval, unless extended as per Municipal Code Section 9-5A-8.
3. Any requirements and/or approvals of private associations or other entities are the sole responsibility of the property owner.
4. The location and elevation of the building foundation shall be certified by a licensed surveyor or engineer and submitted to the Sun Valley Building Inspector, as applicable, prior to any issuance of a foundation inspection or permission to pour concrete footings.
5. Any permits issued during the 10-day appeal period provided for under section 9-3A-4 may be subject to a stop work order in the event of an appeal. Any work commenced during the appeal period shall be at the applicant's own risk.
6. A final construction management plan shall be submitted to the Building Inspector at the time of application for a building permit that addresses construction parking, material storage, nuisance control (noise, dust, trash, street cleaning and construction fencing) and each issue of concern of the Planning and Zoning Commission addressed as part of the project approval. **Prior to the issuance of a building permit, final review and approval of the construction management plan by the Community Development Director is required.** No construction parking or staging shall occur on the public right-of-way without City permission and the site access shall be kept free and clear for emergency vehicle access at all times. Access shall not be impeded by construction activity to the greatest extent practicable and any significant access issues shall be brought to the attention of the City and project neighbors in advance. Temporary construction fencing shall protect all sensitive surrounding vegetation on adjacent properties throughout the development process. Temporary dirt and grading staging areas shall be clearly identified on the construction management plan. Any damage done to the paved City street or other improvements within the right-of-way shall be restored to the satisfaction of the Streets Department.
7. The applicant shall comply with the applicable comments set forth in the Sun Valley Fire Department Review Letter, dated February 13, 2015, which are based on the stated project design. No modifications to the approved plans shall be made without written permission of the Fire Chief, Building Official and Community Development Director.
8. Any planned permanent address monument shall meet all applicable requirements of Development Code Section 9-3G-14, including letter size and height. A final address monument plan showing the design of any included lighting fixtures shall be submitted for approval by the Community Development Director prior to any construction of such monument and prior to issuance of a Certificate of Occupancy for the project by the City.
9. All exterior lighting shall be consistent with the project drawings and approved project design. Any future new lighting shall remain consistent with the provisions for exterior lighting compliance and shall receive prior approval of the Community Development Department prior to modification.
10. The subject Design Review Application shall be specific to the project drawings stamped received by the City on January 26, 2015 and the modified design drawings submitted for Commission review and approval on February 27, 2015. Any changes or modifications to the approved design shall be reviewed by the Community Development Department pursuant to Code Section 9-5A-10, Substantial Conformance.
11. The project's utilities shall be enclosed and screened from view. The enclosure design shall be depicted on the plans submitted for building permit review to

**the satisfaction of the Community Development Director prior to issuance of any building permits for the project.**

**DECISION**

Therefore, the Sun Valley Planning and Zoning Commission approves/does not approve this Design Review Application No. DR 2015-01.

Dated this 12th day of March, 2015.

---

Ken Herich  
Chairman  
Sun Valley Planning and Zoning Commission

Date Findings of Fact signed \_\_\_\_\_





**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 19, 2015  
**Agenda Item:** **Lane Meadows Entry Monument Sign and Accent Landscaping Design Review Application No. DR 2015-02**

---

**SUBJECT:** Site visit and public hearing for a design review application proposing a new monument sign with new accent landscaping at the Highway 75 entryway to the Lane Meadows Subdivision to provide visibility and recognition to the entryway. **Applicant:** Evergreen Ventures, LLC. **Application Filing Date:** November 22, 2014. **Location:** Entry berm easement on Lot 1 of the Lane Meadows Subdivision at Highway 75 and Lane's Way, near Lane Ranch.

**BACKGROUND:** Evergreen Ventures, LLC proposes a new entry monument sign project for the Lane Meadows Subdivision's entrance on Highway 75 that includes a new metal sign placed atop a cement base element. The sign will be accented with two (2) new 16' tall Spruce trees, three (3) new 6'-8' tall Flame Willows, and five (5) new Blue Fox Willows.

**ANALYSIS:** As per Section 9-3F-3A of the Sun Valley City Code, all permanent signs are subject to review and approval by the Planning and Zoning Commission. A design review approval of the proposed project and a noticed public hearing is required. The applicant has submitted revised project drawings (**Exhibit "PZ-B"**) depicting proposed site alterations and additions to the Lane Meadows entry off Highway 75. The Lane Meadows Subdivision is currently zoned as Single-Family Residential (RS-1) and consists of ten (10) undeveloped lots.

**Development Standards-** The proposed entryway upgrade project is required to meet all of the dimensional standards listed in Title 9, Chapter 2, Article A for development in the RS-1 Zoning District. The standards in Table 9-2A-2 are not applicable to the elements of the proposed project design for such criteria as density, lot size, lot dimensions, frontage, building height, and open site area. The project adds no new units, significant structures, new roads, etc to the residential site.

**Monument Signs-** The project includes a new entry monument sign to be located within the 60-foot private street, public utility and snow storage easement adjacent to the north of Parcel A of the Lane Meadows Subdivision. The sign is also proposed within the 63-foot berm easement on Lot 1 of the Subdivision. The new monument sign will be placed on the northern corner of the entry intersection and will consist of a 15' wide by 7' high metal sign element set upon a 30' wide by 7' high architectural formed concrete wall with surrounding accent landscaping.

No monument sign currently exists at the Highway 75 entry. Major subdivisions with one major entry are permitted by City Code to have one entry monument sign. The overall height of the sign (7 feet or less depending on grade) does not exceed the maximum allowed height of ten feet.

**Remaining issues:** Community Development Department staff preformed a review of the application and original project drawings, found the application incomplete on January 8, 2015, and requested revised project drawings from the applicant. Revised project drawings were submitted for review (January 27, 2015). However, a few review issue remain unaddressed, as follows:

- 1.) Sign area calculation remains missing. The proposed sign area shall comply with the maximum of sixteen (16) square feet for entry signs to major subdivisions;
- 2.) The drawings do not indicate that lighting is included, nor do they indicate that no lighting will be made part of the project;
- 3.) Demonstrate adequate safety line of sight- A line of sight line is depicted on Sheet L-4 of the project drawings but does not clearly relate to the highway entrance stop line nor reference any dimensional or design criteria from related standards. The applicant should discuss and demonstrate compliance with proper line of sight standards at or after the public hearing;
- 4.) Correctly identify the exact location of the sign outside the existing 17' future highway expansion easement for the Idaho Transportation Department. The cover sheet of the project drawings does not match the dimensional call-outs or setback depicted on Sheet L-4; and,
- 5.) The project drawings shall depict the required standard street sign for Lane's Way, as well as required stop sign, street striping, etc. The Lane's Way street sign shall be consistent with the public/private street sign standards of the City of Sun Valley. A new standard size stop sign shall be placed onto a 6" by 6" wood pole with a standard brown format street sign. City standards require that these two signs not be placed on the same pole for safety and visibility reasons. The project should be conditioned to require that the new street sign and stop sign be placed on separate wood poles in consultation with the City's Streets Department.

The applicant shall be prepared to discuss these remaining issues at the public hearing and then submit re-revised drawings for City review to ensure compliance with all applicable standards and regulations.

**Design Review Findings and Evaluation Standards-** The required Findings for action on a Design Review application are specified in Development Code Section 9-5B-3 and the Evaluation Standards are contained in Section 9-3A-3. These required findings are contained in the Draft Findings of Fact, Conclusions of Law and Conditions of Approval for Design Review Application No. DR 2015-02 attached to this Report as **Exhibit "PZ-A"**. All proposed features of the entryway sign project shall comply with applicable standards and criteria for residential developments, landscaping, street improvements, exterior lighting and signs within the RS-1 Zoning District.

**Public Notice and Comment-** The project application was publicly noticed by: 1.) publication in the Mtn. Express on February 4, 2015; 2.) posting on the project site; 3.) mailing of notice to all property owners within a minimum 300 foot radius of the site; 4.) posting of notice in five prominent public places in the City, including Sun Valley City Hall, Sun Valley Post Office, Elkhorn Springs Store Post Office, St. Thomas Episcopal Church and the Elkhorn Fire Station; 5.) electronic notification to all parties who have notified the City of interest to receive agendas and notices; and, 6.) posting of the notice on the City's web site. No 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) close the public hearing, discuss the findings, vote to approve the application and direct staff to return on a date certain with a resolution of approval reflecting the comments and findings of the Commission; (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, hold the site visit and public hearing, discuss any remaining issues, and provide direction to the applicant and staff regarding the design review application.

**LIST OF ATTACHED EXHIBITS:**

- |                |   |
|----------------|---|
| Exhibit "PZ-A" | Required Findings of Fact, Conclusions of Law and Conditions of Approval for Design Review Application No. DR 2015-02.                              |
| Exhibit "PZ-B" | Reduced 11" by 17" project drawing set consisting of seven (7) sheets stamped received by the Community Development Department on January 27, 2015. |

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

**(DRAFT) FINDINGS OF FACT AND CONCLUSIONS OF LAW  
CITY OF SUN VALLEY  
PLANNING AND ZONING COMMISSION  
DESIGN REVIEW**

Project Name: **Lane Meadows Entry Sign and Landscaping at Highway 75**  
 Applicant: **Evergreen Ventures, LLC**  
 Location: **Entry berm easement on Lot 1 of the Lane Meadows Subdivision at Highway 75 and Lane's Way, near Lane Ranch**  
 Zoning District: **Single-Family Residential (RS-1) Zoning District**

**Entry Sign Area Calculation:**

	<b>Area (sq. ft.)</b>
Proposed Sign	???
Max Permitted	16

Setbacks: **Shall comply with all applicable setback and line-of-site standards.**

Building Footprint Allowed: N/A  
 Maximum Number of Signs Allowed: 1 Entry Monument Sign  
 Number of signs proposed for the Subdivision: 1 Entry Monument Sign  
 Entry Sign Height Allowed: 10 feet maximum.  
 Proposed Sign Height: 7' above existing record grade.

**Project Description:** Evergreen Ventures, LLC submitted an application for design review approval for a new entry monument sign project for the Lane Meadows Subdivision's entrance on Highway 75 that includes a new metal sign placed atop a cement base element. The sign will be accented with two (2) new 16' tall Spruce trees, three (3) new 6'-8' tall Flame Willows, and five (5) new Blue Fox Willows.

As per Section 9-3F-3A of the Sun Valley City Code, all permanent signs are subject to review and approval by the Planning and Zoning Commission. A design review approval of the proposed project and a noticed public hearing is required. The applicant has submitted revised project drawings depicting proposed site alterations and additions to the Lane Meadows entry off Highway 75. The Lane Meadows Subdivision is currently zoned as Single-Family Residential (RS-1) and consists of ten (10) undeveloped lots.

The Planning and Zoning Commission conducted a properly noticed site visit and public hearing for the application at their February 19, 2015 meeting.

**Required Findings:** In order to approve a design review application and based on the standards set forth in **Sun Valley Municipal Code, Title 9, Chapter 5B, Section 3 DESIGN REVIEW**, the Planning & Zoning Commission shall make the following findings:

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district.
2. The proposed design is in conformance with the standards for design review as set forth in Chapter 3A DESIGN REVIEW REGULATIONS of this Title.
3. The proposed design does not significantly impact the natural, scenic character and aesthetic value of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits in the City.
4. The proposed design is in context and complimentary to adjacent properties.
5. The proposed design is compatible with the community character and scale of the neighborhood.
6. The proposed design adheres to standards for the protection of health, safety, and general welfare.
7. The proposed design is of quality architectural character and materials.
8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City.

#### CONCLUSIONS OF LAW

That this project does/does not meet the standards for approval under Title 9, Chapter 3A (Design Review Regulations), of the City of Sun Valley Municipal Code provided the below conditions of approval are met. Design review approval shall expire 365 days from the date of approval, unless extended as per Municipal Code Section 9-5A-8.

#### CONDITIONS OF APPROVAL

1. The applicant(s) and their representatives shall comply with all IBC, IFC and applicable City ordinances.
2. Site review approval is good for one year from the date of approval, unless extended as per Municipal Code Section 9-5A-8.
3. Any requirements and/or approvals of private associations or other entities are the sole responsibility of the property owner.
4. Any permits issued during the 10-day appeal period provided for under section 9-3A-4 may be subject to a stop work order in the event of an appeal. Any work commenced during the appeal period shall be at the applicant's own risk.
5. A final construction management plan shall be submitted to the Community Development Department that addresses adjacent site and street preservation and safety, construction parking, material storage, nuisance control (noise, dust, trash, street cleaning and construction fencing) and each issue of concern of the Planning and Zoning Commission addressed as part of the project approval. Prior to the issuance of a building permit, final review and approval of the construction management plan by the Community Development Director is required. No construction parking or staging shall occur on the public or private right-of-ways

and the site access shall be kept free and clear for emergency vehicle access at all times. Temporary construction fencing shall protect all sensitive areas and surrounding vegetation throughout the development process. Temporary dirt and grading staging areas shall be clearly identified on the construction management plan.

6. The subject Design Review Application shall be specific to the project drawings (7 Sheets) stamped received by the City on [REDACTED] ??, 2015 and approved by the Planning & Zoning Commission on [REDACTED] ??, 2015. Any changes or modifications to the approved design shall be reviewed by the Community Development Department pursuant to Code Section 9-5A-10, Substantial Conformance.
7. The project drawings shall include the provision of a new standard stop sign and a new street sign placed on 6" by 6" wood poles, as conforming to City standards. The street sign and stop sign shall be placed on separate poles for visual and safety purposes to the satisfaction of the City's Streets Department.

### DECISION

Therefore, the Sun Valley Planning and Zoning Commission approves/denies this Design Review Application No. DR 2015-02.

Dated this [REDACTED]th day of [REDACTED], 2015.

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Ken Herich, Chairman  
Sun Valley Planning and Zoning Commission

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Date Findings of Fact Signed

**(Draft for 1/22/15) CITY OF SUN VALLEY  
PLANNING & ZONING COMMISSION**

**2015 REGULAR MEETING SCHEDULE**

REGULAR THURSDAY P&Z MEETING DATES *	APPLICATION CERTIFIED COMPLETE DEADLINE **
January 22 ( <i>Only one meeting this month</i> )	Monday, December 29
February 12	Tuesday, January 20
February 26	Monday, February 2
March 12	Tuesday, February 17
March 26	Monday, March 2
April 9	Monday, March 16
April 23	Monday, March 30
May 14	Monday, April 20
May 28	Monday, May 4
June 11	Monday, May 18
June 25	Monday, June 1
July 9	Monday, June 15
July 23	Monday, June 29
August 20 ( <i>Only one meeting this month</i> )	Monday, July 27
September 10	Monday, August 17
September 24	Tuesday, September 1
October 8	Monday, September 14
October 22	Monday, September 28
November 12 ( <i>Only one meeting this month</i> )	Monday, October 19
December 10 ( <i>Only one meeting this month</i> )	Monday, November 16

**\* Meetings are generally scheduled for 9:00 a.m. on the second and fourth Thursday of each month, except for January, August, November and December. Meeting dates and times are subject to change due to holidays or other circumstances. All meetings will be held at Sun Valley City Hall located at the corner of Dollar & Elkhorn Roads unless otherwise noticed.**

**\*\* PLEASE NOTE-** The application submittal date does not constitute a completeness certification. By Municipal Code, staff has up to 30 calendar days from the submittal date to review a new development application and make either a certification of completeness or incompleteness. The Community Development Director or designated staff will certify an application as complete by placing the item on an agenda for review by the Commission or will certify the application as incomplete and formally request additional information from the applicant. Incomplete applications will not be placed on an Agenda for hearing. Meeting the deadlines above for applications to be certified as complete does not guarantee scheduling of applications for the Commission meeting dates stated above. Staff will make every effort to adhere to the schedule above but reserves the right to schedule applications certified complete to a more appropriate hearing date based on the complexity of the application as well as staff and Commission workload.