



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

To: Planning and Zoning Commission
From: MH Mark Hofman, Community Development Director
Meeting Date: April 23, 2014
Agenda Item: **Lane Meadows Annexation and Development**

SUBJECT: Review and approval of draft findings of fact reflective of the Planning and Zoning Commission's discussion, comments, and actions from the April 3, 2014 noticed public hearings for the revised Lane Meadows development applications, including: Annexation request to incorporate into the City of Sun Valley from unincorporated Blaine County; Comprehensive Plan/Future Land Use Map Amendment (CPA 2013-02) for a Low Density Residential land use designation; Zoning Map Amendment (REZ 2013-03) to zone the property to the Single-Family Residential (RS-1) Zoning District; Master Plan Development/Planned Unit Development (CUP 2013-01) for single family residential development, including a private street and an open park parcel; Preliminary Plat (SUBPP 2013-11) for a ten lot single family residential subdivision with associated improvements; and, Development Agreement for a single phase residential development. **Applicant:** Scott Thompson for Evergreen Ventures, LLC. **Application Filing Date:** November 4, 2013. **Location:** 12671 and 12673 Highway 75; Tax Lots 5994 and 6790, Blaine County.

BACKGROUND: A request to annex into the incorporated limits of the City of Sun Valley and associated development applications were submitted by Evergreen Ventures, LLC for two tax lots in Blaine County that are accessed directly from Highway 75 south of the Elkhorn Road intersection. The Planning and Zoning Commission of the City of Sun Valley reviewed the request for annexation and the associated development applications beginning with a presentation by the applicant at a noticed public hearing on Thursday, January 23, 2014. A publicly noticed site visit by the Planning and Zoning Commission was conducted at the February 13, 2014 regular meeting. The public hearing was continued to the February 27, 2014 meeting of the Commission. The applicant voluntarily amended the project at the February 27, 2014 meeting to a ten (10) lot residential subdivision. The project review was completely re-noticed for the amended design and a new public hearing was held for the Annexation request and the associated development applications on April 3, 2014. The Commission passed motions for the Annexation request and for each of the associated development applications and continued each item date certain to the April 23, 2014 meeting for review and adoption of Findings of Fact representative of the Commission's discussion and conclusions.

ANALYSIS: The draft Findings of Fact reflective of the Commission's April 3, 2014 discussion and adopted motions for each development application/request are attached as **Exhibits "PZ-A"** through **Exhibit "PZ-F"** for the proposed ten lot residential project design.

Public Notice- The application items were continued date certain from the April 3, 2014 meeting of the Commission. No further public comment has been received prior to the writing of this staff report.

RECOMMENDATION: The Commission should review and consider the attached draft Findings of Fact for each of the six development applications/requests, amend as may be necessary, and adopt each as reflective of the Commission's comments and directives.

LIST OF ATTACHED EXHIBITS:

- | | |
|----------------|--|
| Exhibit "PZ-A" | Draft Findings of Fact, Conclusions of Law, and Recommendation Decision of the City of Sun Valley Planning and Zoning Commission for the Lane Meadows Annexation Application. |
| Exhibit "PZ-B" | Draft Findings of Fact, Conclusions of Law, and Recommendation Decision of the City of Sun Valley Planning and Zoning Commission for the Lane Meadows Comprehensive Plan/Future Land Use Map Amendment Application, No. CPA 2013-02. |
| Exhibit "PZ-C" | Draft Findings of Fact, Conclusions of Law, and Recommendation Decision of the City of Sun Valley Planning and Zoning Commission for the Lane Meadows Zoning Map Amendment Application, No. REZ 2013-03. |
| Exhibit "PZ-D" | Draft Findings of Fact, Conclusions of Law, and Recommendation Decision of the City of Sun Valley Planning and Zoning Commission for the Lane Meadows Master Plan Development/Planned Unit Development Application, No. CUP 2013-01. |
| Exhibit "PZ-E" | Draft Findings of Fact, Conclusions of Law, and Recommendation Decision of the City of Sun Valley Planning and Zoning Commission for the Lane Meadows Preliminary Plat Application, No. SUBPP 2013-11. |
| Exhibit "PZ-F" | Draft Findings of Fact, Conclusions of Law, and Recommendation Decision of the City of Sun Valley Planning and Zoning Commission for the Lane Meadows Development Agreement Request. |

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

(DRAFT) FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION DECISION
CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION

LANE MEADOWS ANNEXATION APPLICATION

Project Name: Lane Meadows Annexation and Development

Applicant: Scott Thompson for Evergreen Ventures, LLC.

Application Filing Date: November 4, 2013.

Location: 12671 and 12673 Highway 75;
Tax Lots 5994 and 6790, Blaine County.

**Annexation
Site Area:**

Two existing lots totaling approximately 7.16 acres – all project area is proposed to be annexed into the City of Sun Valley from unincorporated Blaine County.

**Land Use
Designation:**

The Annexation Request is associated with Development Application No. CPA 2013-02 for a Comprehensive Plan/Future Land Use Map Amendment for a Low-Density Residential Land Use Designation to be applied to the subject property if annexed into the City of Sun Valley.

Zoning District:

The Annexation Request is associated with Development Application No. REZ 2013-03 for a Zoning Map Amendment for a Single Family Residential (RS-1) Zoning District to be applied to the subject property if annexed into the City of Sun Valley.

**Master Plan
Development:**

The Annexation Request is associated with Development Application No. CUP 2013-01 for a Master Plan Development/Planned Unit Development for single family residential development, including a private street and an open park parcel, for the subject property if annexed into the City of Sun Valley.

Preliminary Plat:

The Annexation Request is associated with Development Application No. SUBPP 2013-11 for a Preliminary Plat for a ten (10) lot single family residential subdivision with associated site improvements for the subject property if annexed into the City of Sun Valley.

**Development
Agreement:**

The Annexation Request is associated with a proposed Development Agreement request for a single phase residential development for the subject property if annexed into the City of Sun Valley.

Project Description: A request to voluntarily annex into the incorporated limits of the City of Sun Valley and associated development applications were submitted by Evergreen Ventures, LLC for two

tax lots in unincorporated Blaine County that are accessed directly from Highway 75 south of the Elkhorn Road intersection. The two tax lots are contiguous with the City limit and are surrounded on three sides by the existing Lane Ranch Subdivision.

Procedural History: The Planning and Zoning Commission is the recommending body for such requests and the project will be reviewed in an additional public hearing by the City Council in the future. The Planning and Zoning Commission of the City of Sun Valley reviewed the request for annexation and the associated development applications beginning with a presentation by the applicant at a noticed public hearing on Thursday, January 23, 2014. A publicly noticed site visit by the Planning and Zoning Commission was conducted at the February 13, 2014 regular meeting. The public hearing was continued to the February 27, 2014 meeting of the Commission. The applicant voluntarily amended the project at the February 27, 2014 meeting to a ten (10) lot residential subdivision. The project review was completely re-noticed for the amended design and a new public hearing was held for the Annexation request and the associated development applications on April 3, 2014. The Commission passed motions for the Annexation request and for each of the associated development applications and continued each item date certain to the April 23, 2014 meeting for review and adoption of Findings of Fact representative of the Commission's discussion and conclusions.

Public Notice: The initial submittal of the project applications was publicly noticed by a mailed and posted Notice of Pending Development Application Review on November 7, 2013. The initial Planning and Zoning Commission presentation and public hearing of January 23, 2014 and the individual development applications were publicly noticed by: 1.) publication in the Mtn. Express on January 8, 2014; 2.) posting in two places 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. The site visit on February 13, 2014 by the Planning and Zoning Commission was publicly noticed by the same methods listed above for the January 23, 2014 public hearing.

The revised project design and the individual development applications for the April 3, 2014 Commission public hearing were completely re-noticed to the public by: 1.) publication in the Mtn. Express on March 19, 2014; 2.) posting in two places 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.

Public Comment: The numerous public comment emails and letters received by the City of Sun Valley for this noticed project review, site visit and public hearings were entered into the public record via inclusion as an attachment in the staff reports for each meeting or by directly reading them into the record at the public hearings.

Discussion: Municipal Code Section 9-5B-9, Zoning Map Amendment and Annexation, contains criteria, regulations, and required findings for requests to annex land into the City of Sun Valley. The Lane Meadows Annexation Master Plan Narrative, stamped received by the City on December 31, 2014, and all associated application materials includes the required elements for submittal and review as per Code Sections 9-5A-4 and 9-5B-9.

FINDINGS OF FACT

1. As per the required Annexation Findings stated in City Code Section 9-5B-9G, in order to annex lands into the City, it must be found that the proposed annexation of land is in the

best of interest of the city, balances the cost of public services and facilities with anticipated municipal revenues, and complies with the procedures as set forth in Idaho Code section 50-222. (Ord. 387, 6-21-2007)

The request to voluntarily annex into the incorporated limits of the City of Sun Valley and associated development applications were submitted by Evergreen Ventures, LLC (Applicant) for two tax lots in unincorporated Blaine County that are accessed directly from Highway 75 south of the Elkhorn Road intersection. The two tax lots are contiguous with the City limit, are surrounded on three sides by the existing Lane Ranch Subdivision, and are contained in the City of Sun Valley Area of City Impact. All private landowners (Evergreen Ventures, LLC.) for the subject property have consented to annexation. The Applicant and City have complied with applicable procedures as set forth in Idaho Code Section 50-222 for a Category A annexation request.

The Planning and Zoning Commission held a properly noticed site visit and public hearings and finds that the proposed annexation of the Lane Meadows property into the incorporated limits of the City of Sun Valley is not in the best interest of the City because the infill design and density is not consistent or compatible with the surrounding Lane Ranch neighborhood. As stated previously, the subject 7.16 acre Lane Meadows property is surrounded on three sides by the existing Lane Ranch Subdivision. The subject land and the Lane Ranch Subdivision were once under common ownership and used for agriculture and ranching activity prior to development. When the land that comprises Lane Ranch was sold for development the owners of the Lane Meadows property desired to not be a part of the new surrounding subdivision. The larger Lane Ranch area was subdivided and developed around the two relatively smaller Lane Meadows parcels. Lane Meadows did not receive interior access onto the private street and path system developed for Lane Ranch and remained isolated with direct access only onto adjacent Highway 75.

The annexation request is to develop the Lane Meadows lands for low density residential use. The extensive public comment from adjacent land owners in Lane Ranch held that the development design and associated density is inappropriate for the infill site because the project would create negative privacy, setback, view, noise, building zone, bulk and mass, and access impacts on surrounding existing development. Additionally, the infill development would have no vehicular, bicycle, or pedestrian access through to the developed Lane Ranch private street and path system. Placing these access needs onto the existing Highway 75 improvements may not be a safe accommodation for increased single family land uses on the project site as a result of annexation to the City.

Low density residential is an appropriate land use for the infill development of the site. However, because of the identified access limitations and negative compatibility with the surrounding neighborhood, the Commission does not find that annexation of the Lane Meadows land into the City assures the orderly development of the property. The Commission finds that the proposed Lane Meadows annexation request is not compatible with Lane Ranch.

CONCLUSIONS OF LAW

Based upon the entire record by the Applicant, staff and individuals who spoke at the public hearings, the Sun Valley Planning and Zoning Commission concludes that the Lane Meadows Annexation Request does not meet the standards for approval under Section 9-5B-9G of the City of Sun Valley Municipal Code.

DECISION

Therefore, based on the information presented, the Sun Valley Planning and Zoning Commission makes the above Findings of Fact/Conclusions of Law and **recommends denial** to the City Council of the subject Annexation Application for the Lane Meadows Development.

Dated this 23rd day of April, 2014

FINDINGS APPROVED:

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

Date Findings of Fact Signed

(DRAFT) FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION DECISION
CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION

LANE MEADOWS COMPREHENSIVE PLAN/FUTURE LAND USE MAP AMENDMENT

Project Name: Lane Meadows Annexation and Development

Applicant: Scott Thompson for Evergreen Ventures, LLC.

Application Filing Date: November 4, 2013.

Location: 12671 and 12673 Highway 75;
Tax Lots 5994 and 6790, Blaine County.

Proposed Land Use Designation: The subject Comprehensive Plan/Future Land Use Map Amendment Application (No. CPA 2013-02) is for a Comprehensive Plan/Future Land Use Map Amendment to apply the Low-Density Residential Land Use Designation to the subject property if annexed into the City of Sun Valley.

Annexation Request: The Comprehensive Plan/Future Land Use Map Amendment Application is associated with Annexation Request No. ANNEX 2013-01 to incorporate two existing lots totaling approximately 7.16 acres into the City of Sun Valley from unincorporated Blaine County.

Zoning District: The Comprehensive Plan/Future Land Use Map Amendment Application is associated with Development Application No. REZ 2013-03 for a Zoning Map Amendment for a Single Family Residential (RS-1) Zoning District to be applied to the subject property if annexed into the City of Sun Valley.

Master Plan Development: The Comprehensive Plan/Future Land Use Map Amendment Application is associated with Development Application No. CUP 2013-01 for a Master Plan Development/Planned Unit Development for single family residential development, including a private street and an open park parcel, for the subject property if annexed into the City of Sun Valley.

Preliminary Plat: The Comprehensive Plan/Future Land Use Map Amendment Application is associated with Development Application No. SUBPP 2013-11 for a Preliminary Plat for a ten (10) lot single family residential subdivision with associated site improvements for the subject property if annexed into the City of Sun Valley.

Development Agreement: The Comprehensive Plan/Future Land Use Map Amendment Application is associated with a proposed Development Agreement request for a single phase residential development for the subject property if annexed into the City of Sun Valley.

Project Description: A request to voluntarily annex into the incorporated limits of the City of Sun Valley and associated development applications were submitted by Evergreen Ventures, LLC for two tax lots in unincorporated Blaine County that are accessed directly from Highway 75 south of the Elkhorn Road intersection. The two tax lots are contiguous with the City limit and are surrounded on three sides by the existing Lane Ranch Subdivision. The subject Comprehensive Plan/Future Land Use Map Amendment Application (No. CPA 2013-02) is for a Comprehensive Plan/Future Land Use Map Amendment to apply the Low-Density Residential Land Use Designation to the subject property if annexed into the City of Sun Valley.

Procedural History: The Planning and Zoning Commission is the recommending body for such requests and the project will be reviewed in an additional public hearing by the City Council in the future. The Planning and Zoning Commission of the City of Sun Valley reviewed the request for Comprehensive Plan/Future Land Use Map Amendment and the associated development applications beginning with a presentation by the applicant at a noticed public hearing on Thursday, January 23, 2014. A publicly noticed site visit by the Planning and Zoning Commission was conducted at the February 13, 2014 regular meeting. The public hearing was continued to the February 27, 2014 meeting of the Commission. The applicant voluntarily amended the project at the February 27, 2014 meeting to a ten (10) lot residential subdivision. The project review was completely re-noticed for the amended design and a new public hearing was held for the Comprehensive Plan/Future Land Use Map Amendment and the associated development applications on April 3, 2014. The Commission passed motions for the Comprehensive Plan/Future Land Use Map Amendment request and for each of the associated development applications and continued each item date certain to the April 23, 2014 meeting for review and adoption of Findings of Fact representative of the Commission's discussion and conclusions.

Public Notice: The initial submittal of the project applications was publicly noticed by a mailed and posted Notice of Pending Development Application Review on November 7, 2013. The initial Planning and Zoning Commission presentation and public hearing of January 23, 2014 and the individual development applications were publicly noticed by: 1.) publication in the Mtn. Express on January 8, 2014; 2.) posting in two places 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. The site visit on February 13, 2014 by the Planning and Zoning Commission was publicly noticed by the same methods listed above for the January 23, 2014 public hearing.

The revised project design and the individual development applications for the April 3, 2014 Commission public hearing were completely re-noticed to the public by: 1.) publication in the Mtn. Express on March 19, 2014; 2.) posting in two places 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.

Public Comment: The numerous public comment emails and letters received by the City of Sun Valley for this noticed project review, site visit and public hearings were entered into the public record via inclusion as an attachment in the staff reports for each meeting or by directly reading them into the record at the public hearings.

Discussion: Idaho Code Statutes 67-6502, 67-6507, 67-6508, and 67-6509 provide for and govern the City's duties and responsibilities regarding an application for a Comprehensive Plan/Future Land Use Map amendment. The Lane Meadows Annexation Master Plan Narrative, stamped received by

the City on December 31, 2014, and all associated application materials includes the required elements for submittal and review as per Code Section 9-5A-4.

FINDINGS OF FACT

Idaho Code Statutes 67-6502, 67-6507, 67-6508, and 67-6509 provide for and govern the City's duties and responsibilities regarding an application for a comprehensive plan amendment. Title 67 Chapter 65 of the Idaho Code governs Local Land Use Planning (the "Act").

67-6502. Purpose. The purpose of this act shall be to promote the health, safety, and general welfare of the people of the state of Idaho as follows:

- (a) To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.
- (b) To ensure that adequate public facilities and services are provided to the people at reasonable cost.
- (c) To ensure that the economy of the state and localities is protected.
- (d) To ensure that the important environmental features of the state and localities are protected.
- (e) To encourage the protection of prime agricultural, forestry and mining lands and land uses for production of food, fibre and minerals, as well as the economic benefits they provide to the community.
- (f) To encourage urban and urban-type development within incorporated boundaries.
- (g) To avoid undue concentration of population and overcrowding of land.
- (h) To ensure that the development on land is commensurate with the physical characteristics of the land.
- (i) To protect life and property in areas subject to natural hazards and disasters.
- (j) To protect fish, wildlife, and recreation resources.
- (k) To avoid undue water and air pollution.
- (l) To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.

67-6507. The planning process and related powers of the commission. As part of the planning process, a ...commission shall provide for citizen meetings, hearings, surveys, or other methods, to obtain advice on the planning process, plan, and implementation. The commission may also conduct informational meetings and consult with public officials and agencies, public utility companies, and civic, educational, professional, or other organizations. . .

The commission may, at any time, make recommendations to the governing board concerning the plan, planning process, or implementation of the plan.

...

67-6508. Planning duties. - It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, . . . The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded.

Application of Governing Statutes

1. The Commission found that the proposed associated annexation request to place the Lane Meadows property into the incorporated limits of the City of Sun Valley is not in the best interest of the City because the infill design and density is not consistent or compatible with the surrounding Lane Ranch neighborhood. Low density residential is an appropriate land use for the infill development of the site. However, because of the identified access limitations and negative

compatibility with the surrounding neighborhood, the Commission did not find that annexation of the Lane Meadows land into the City assures the orderly development of the property. The Commission finds that the proposed Lane Meadows annexation request is not compatible with Lane Ranch. Annexation of the property into the City of Sun Valley is a prerequisite requirement for a Comprehensive Plan amendment to be acted upon. Since the Commission's recommendation is to not approve the annexation, the applicant's Comprehensive Plan Amendment is therefore not appropriate.

2. The application for a Comprehensive Plan/Future Land Use Map amendment by Evergreen Ventures, LLC. does not comply with the general purpose of the Act to promote the health, safety, and welfare of the City and its citizens. Without limitation, the application's approval would not be consistent with the specific purposes of the Act set forth in paragraph's (a), (b), (c), (d), (e), (f), (g), and (h) of I.C. Statute 67-6502 because the development design and associated density is inappropriate for the infill site and the project would create negative privacy, setback, view, noise, building zone, bulk and mass, and access impacts on surrounding existing development. Additionally, the infill development would have no vehicular, bicycle, or pedestrian access through to the developed Lane Ranch private street and path system. Placing these access needs onto the existing Highway 75 improvements may not be a safe accommodation for increased single family land uses on the project site as a result of annexation to the City.

CONCLUSIONS OF LAW

Based upon the entire record by the Applicant, staff and individuals who spoke at the public hearings, the Sun Valley Planning and Zoning Commission concludes that the Lane Meadows Comprehensive Plan/Future Land Use Map Amendment Application does not meet the standards for approval under Statutes 67-6502 of the Idaho Code.

DECISION

Therefore, based on the information presented, the Sun Valley Planning and Zoning Commission makes the above Findings of Fact/Conclusions of Law and **recommends denial** to the City Council of the subject Comprehensive Plan/Future Land Use Map Amendment Application for the Lane Meadows Development.

Dated this 23rd day of April, 2014

FINDINGS APPROVED:

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

Date Findings of Fact Signed

(DRAFT) FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION DECISION
CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION

LANE MEADOWS ZONING MAP AMENDMENT

Project Name: Lane Meadows Annexation and Development

Applicant: Scott Thompson for Evergreen Ventures, LLC.

Application Filing Date: November 4, 2013.

Location: 12671 and 12673 Highway 75;
Tax Lots 5994 and 6790, Blaine County.

Proposed

Zoning District: The subject Zoning Map Amendment Application (No. REZ 2013-03) is for an amendment to the Official Zoning Map of the City of Sun Valley for the Single Family Residential (RS-1) Zoning District to be applied to the subject property if annexed into the City of Sun Valley.

Annexation

Request: The Zoning Map Amendment Application is associated with Annexation Request No. ANNEX 2013-01 to incorporate two existing lots totaling approximately 7.16 acres into the City of Sun Valley from unincorporated Blaine County.

Land

Use Designation: The Zoning Map Amendment Application is associated with Development Application No. CPA 2013-02 for a Comprehensive Plan/Future Land Use Map Amendment for a Low-Density Residential Land Use Designation to be applied to the subject property if annexed into the City of Sun Valley.

Master Plan

Development: The Zoning Map Amendment Application is associated with Development Application No. CUP 2013-01 for a Master Plan Development/Planned Unit Development for single family residential development, including a private street and an open park parcel, for the subject property if annexed into the City of Sun Valley.

Preliminary Plat:

The Zoning Map Amendment Application is associated with Development Application No. SUBPP 2013-11 for a Preliminary Plat for a ten (10) lot single family residential subdivision with associated site improvements for the subject property if annexed into the City of Sun Valley.

Development Agreement:

The Zoning Map Amendment Application is associated with a proposed Development Agreement request for a single phase residential development for the subject property if annexed into the City of Sun Valley.

Project Description: A request to voluntarily annex into the incorporated limits of the City of Sun Valley and associated development applications were submitted by Evergreen Ventures, LLC for two tax lots in unincorporated Blaine County that are accessed directly from Highway 75 south of the Elkhorn Road intersection. The two tax lots are contiguous with the City limit and are surrounded on three sides by the existing Lane Ranch Subdivision. The subject Zoning Map Amendment Application (No. REZ 2013-03) is for an amendment to the Official Zoning Map of the City of Sun Valley for the Single Family Residential (RS-1) Zoning District to be applied to the subject property if annexed into the City of Sun Valley.

Procedural History: The Planning and Zoning Commission is the recommending body for such requests and the project will be reviewed in an additional public hearing by the City Council in the future. The Planning and Zoning Commission of the City of Sun Valley reviewed the request for an amendment to the Official Zoning Map of the City of Sun Valley and the associated development applications beginning with a presentation by the applicant at a noticed public hearing on Thursday, January 23, 2014. A publicly noticed site visit by the Planning and Zoning Commission was conducted at the February 13, 2014 regular meeting. The public hearing was continued to the February 27, 2014 meeting of the Commission. The applicant voluntarily amended the project at the February 27, 2014 meeting to a ten (10) lot residential subdivision. The project review was completely re-noticed for the amended design and a new public hearing was held for the Zoning Map Amendment Application and the associated development applications on April 3, 2014. The Commission passed motions for the Zoning Map Amendment Application and for each of the associated development applications and continued each item date certain to the April 23, 2014 meeting for review and adoption of Findings of Fact representative of the Commission's discussion and conclusions.

Public Notice: The initial submittal of the project applications was publicly noticed by a mailed and posted Notice of Pending Development Application Review on November 7, 2013. The initial Planning and Zoning Commission presentation and public hearing of January 23, 2014 and the individual development applications were publicly noticed by: 1.) publication in the Mtn. Express on January 8, 2014; 2.) posting in two places 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. The site visit on February 13, 2014 by the Planning and Zoning Commission was publicly noticed by the same methods listed above for the January 23, 2014 public hearing.

The revised project design and the individual development applications for the April 3, 2014 Commission public hearing were completely re-noticed to the public by: 1.) publication in the Mtn. Express on March 19, 2014; 2.) posting in two places 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.

Public Comment: The numerous public comment emails and letters received by the City of Sun Valley for this noticed project review, site visit and public hearings were entered into the public record via inclusion as an attachment in the staff reports for each meeting or by directly reading them into the record at the public hearings.

Discussion: Municipal Code Section 9-5B-9, Zoning Map Amendment and Annexation, contains criteria, regulations, and required findings for requests to amend the Official Zoning Map of the City of Sun Valley. The Lane Meadows Annexation Master Plan Narrative, stamped received by the City

on December 31, 2014, and all associated application materials includes the required elements for submittal and review as per Code Sections 9-5A-4 and 9-5B-9.

City Code Section 9-5B-9F specifies the required findings for approving an Official Zoning Map Amendment, as follows:

1. The official zoning map amendment is consistent with the comprehensive plan and future land use map and reasonably implements the applicable provisions of the comprehensive plan, a previously approved master plan development that is consistent with the comprehensive plan that existed at the time of approval, if applicable; and
2. The official zoning map amendment complies with the regulations in effect for the proposed zoning district, including the purpose statement, and is suitable for the proposed permitted uses; and
3. The official zoning map amendment has minimal or no adverse impacts on the natural environment, including, but not limited to, water quality, air quality, noise, vegetation, riparian corridors, hillsides and other natural features; and
4. The official zoning map amendment is not materially detrimental to the public health, safety, and welfare, or any significant impacts can be mitigated satisfactorily as determined by the planning and zoning commission or city council; and
5. Essential public facilities and services, including, but not limited to, emergency services, transit, work force housing and schools, are available to support the proposed uses and density or intensity without creating additional requirements at public cost for such public facilities and services.

FINDINGS OF FACT

1. The Commission found that the proposed associated annexation request to place the Lane Meadows property into the incorporated limits of the City of Sun Valley is not in the best interest of the City because the infill design and density is not consistent or compatible with the surrounding Lane Ranch neighborhood. Low density residential is an appropriate land use for the infill development of the site. However, because of the identified access limitations and negative compatibility with the surrounding neighborhood, the Commission did not find that annexation of the Lane Meadows land into the City assures the orderly development of the property. The Commission finds that the proposed Lane Meadows annexation request is not compatible with Lane Ranch. Annexation of the property into the City of Sun Valley is a prerequisite requirement for a Zoning Map Amendment to be acted upon. Since the Commission’s recommendation is to not approve the annexation, the applicant’s Zoning Map Amendment is therefore not appropriate.

2. The application for an amendment to the Official Zoning Map of the City of Sun Valley by Evergreen Ventures, LLC. does not comply with the required finding in Sun Valley City Code Section 9-5B-9F-4 because the amendment is materially detrimental to the public health, safety, and welfare, and significant impacts cannot be mitigated satisfactorily as determined by the Planning and Zoning Commission. The development design and associated density is inappropriate for the infill site and the project would create negative privacy, setback, view, noise, building zone, bulk and mass, and access impacts on surrounding existing development. Additionally, the infill development would have no vehicular, bicycle, or pedestrian access through to the developed Lane Ranch private street and path system. Placing these access needs onto the existing Highway 75 improvements may not be a safe accommodation for increased single family land uses on the project site as a result of annexation to the City.

CONCLUSIONS OF LAW

Based upon the entire record by the Applicant, staff and individuals who spoke at the public hearings, the Sun Valley Planning and Zoning Commission concludes that the Lane Meadows Zoning Map Amendment Application does not meet the standards for approval under Section 9-5B-9F of the City of Sun Valley Municipal Code.

DECISION

Therefore, based on the information presented, the Sun Valley Planning and Zoning Commission makes the above Findings of Fact/Conclusions of Law and **recommends denial** to the City Council of the subject Zoning Map Amendment Application for the Lane Meadows Development.

Dated this 23rd day of April, 2014

FINDINGS APPROVED:

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

Date Findings of Fact Signed

**(DRAFT) FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION DECISION
CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION**

LANE MEADOWS MASTER PLAN DEVELOPMENT/PLANNED UNIT DEVELOPMENT

- Project Name:** Lane Meadows Annexation and Development
- Applicant:** Scott Thompson for Evergreen Ventures, LLC.
- Application Filing Date:** November 4, 2013.
- Location:** 12671 and 12673 Highway 75;
Tax Lots 5994 and 6790, Blaine County.
- Proposed Master Plan Development/PUD:** The subject Master Plan Development/Planned Unit Development Application (No. CUP 2013-01) is for a single family residential development, including a private street and an open park parcel, for the subject property if annexed into the City of Sun Valley.
- Annexation Request:** The Master Plan Development/Planned Unit Development Application is associated with Annexation Request No. ANNEX 2013-01 to incorporate two existing lots totaling approximately 7.16 acres into the City of Sun Valley from unincorporated Blaine County.
- Land Use Designation:** The Master Plan Development/Planned Unit Development Application is associated with Development Application No. CPA 2013-02 for a Comprehensive Plan/Future Land Use Map Amendment for a Low-Density Residential Land Use Designation to be applied to the subject property if annexed into the City of Sun Valley.
- Zoning District:** The Master Plan Development/Planned Unit Development Application is associated with Development Application No. REZ 2013-03 for a Zoning Map Amendment for a Single Family Residential (RS-1) Zoning District to be applied to the subject property if annexed into the City of Sun Valley.
- Preliminary Plat:** The Master Plan Development/Planned Unit Development Application is associated with Development Application No. SUBPP 2013-11 for a Preliminary Plat for a ten (10) lot single family residential subdivision with associated site improvements for the subject property if annexed into the City of Sun Valley.
- Development Agreement:** The Master Plan Development/Planned Unit Development Application is associated with a proposed Development Agreement request for a single phase residential development for the subject property if annexed into the City of Sun Valley.

Project Description: A request to voluntarily annex into the incorporated limits of the City of Sun Valley and associated development applications were submitted by Evergreen Ventures, LLC for two tax lots in unincorporated Blaine County that are accessed directly from Highway 75 south of the Elkhorn Road intersection. The two tax lots are contiguous with the City limit and are surrounded on three sides by the existing Lane Ranch Subdivision. The subject Master Plan Development/Planned Unit Development Application (No. CUP 2013-01) is for a single family residential development, including a private street and an open park parcel, for the subject property if annexed into the City of Sun Valley.

Procedural History: The Planning and Zoning Commission is the recommending body for such requests and the project will be reviewed in an additional public hearing by the City Council in the future. The Planning and Zoning Commission of the City of Sun Valley reviewed the request for a Master Plan Development/Planned Unit Development Application and the associated development applications beginning with a presentation by the applicant at a noticed public hearing on Thursday, January 23, 2014. A publicly noticed site visit by the Planning and Zoning Commission was conducted at the February 13, 2014 regular meeting. The public hearing was continued to the February 27, 2014 meeting of the Commission. The applicant voluntarily amended the project at the February 27, 2014 meeting to a ten (10) lot residential subdivision. The project review was completely re-noticed for the amended design and a new public hearing was held for the Master Plan Development/Planned Unit Development Application and the associated development applications on April 3, 2014. The Commission passed motions for the Master Plan Development/Planned Unit Development Application and for each of the associated development applications and continued each item date certain to the April 23, 2014 meeting for review and adoption of Findings of Fact representative of the Commission's discussion and conclusions.

Public Notice: The initial submittal of the project applications was publicly noticed by a mailed and posted Notice of Pending Development Application Review on November 7, 2013. The initial Planning and Zoning Commission presentation and public hearing of January 23, 2014 and the individual development applications were publicly noticed by: 1.) publication in the Mtn. Express on January 8, 2014; 2.) posting in two places 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. The site visit on February 13, 2014 by the Planning and Zoning Commission was publicly noticed by the same methods listed above for the January 23, 2014 public hearing.

The revised project design and the individual development applications for the April 3, 2014 Commission public hearing were completely re-noticed to the public by: 1.) publication in the Mtn. Express on March 19, 2014; 2.) posting in two places 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.

Public Comment: The numerous public comment emails and letters received by the City of Sun Valley for this noticed project review, site visit and public hearings were entered into the public record via inclusion as an attachment in the staff reports for each meeting or by directly reading them into the record at the public hearings.

Discussion: Municipal Code Section 9-5B-6, Master Plan Development (MPD), and Section 9-5B-7, Planned Unit Development (PUD), contain criteria, regulations, and required findings in order for the Commission to recommend approval of a MPD/PUD. The Lane Meadows Annexation Master

Plan Narrative, stamped received by the City on December 31, 2014, and all associated application materials includes the required elements for submittal and review as per Code Sections 9-5A-4, 9-5B-6, and 9-5B-7.

City Code Section 9-5B-6E specifies the required findings for approving an MPD/PUD, as follows:

Required Findings: The commission shall make the following findings in order to recommend approval of an MPD or approval of an MPD amendment. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings. The commission, if denying an MPD application, shall state findings why such application does not comply with one or more of the following findings:

1. The MPD is consistent with the city comprehensive plan, as amended, including the future land use map and the land use planning area guidelines and land use designations, if applicable;
2. The MPD complies with each applicable element of the purpose of this section, as set out in subsection A of this section;
3. The MPD meets the minimum requirements of this chapter;
4. The MPD promotes the orderly planning and development of land, as set forth in the purpose for this process, subsection A of this section;
5. The MPD has been properly noticed and public hearing held in accordance with this code;
6. The MPD complies with all city zoning regulations and codes in effect at the time of the MPD application.

FINDINGS OF FACT

1. The Commission found that the proposed associated annexation request to place the Lane Meadows property into the incorporated limits of the City of Sun Valley is not in the best interest of the City because the infill design and density is not consistent or compatible with the surrounding Lane Ranch neighborhood. Low density residential is an appropriate land use for the infill development of the site. However, because of the identified access limitations and negative compatibility with the surrounding neighborhood, the Commission did not find that annexation of the Lane Meadows land into the City assures the orderly development of the property. The Commission finds that the proposed Lane Meadows annexation request is not compatible with Lane Ranch. Annexation of the property into the City of Sun Valley is a prerequisite requirement for a Master Plan Development or a Planned Unit Development to be acted upon. Since the Commission's recommendation is to not approve the annexation, the applicant's Master Plan Development and Planned Unit Development are therefore not appropriate.

2. The application for a Master Plan Development/Planned Unit Development by Evergreen Ventures, LLC. does not comply with Sun Valley City Code Section 9-5B-6 because the project: does not contribute to the social, economic and environmental sustainability of the City; does not develop the subject land in a manner that is highly respectful of the natural setting, that is at human scale and ensures neighborhood compatibility; does not provide for an integrated transportation system which prioritizes a pedestrian environment and mass transit and reduces vehicular trips; and, does not result in a contribution of amenities to the community, including maintaining public access to recreation facilities. The development is materially detrimental to the public health, safety, and welfare, and significant impacts cannot be mitigated satisfactorily as determined by the Planning and Zoning Commission. The development design and associated density is inappropriate for the infill site and the project would create negative privacy, setback, view, noise, building zone, bulk and mass, and access impacts on surrounding existing development. Additionally, the infill development would have no vehicular, bicycle, or pedestrian access through to the developed Lane Ranch private street and path system. Placing these access needs onto the existing Highway 75 improvements

may not be a safe accommodation for increased single family land uses on the project site as a result of annexation to the City.

CONCLUSIONS OF LAW

Based upon the entire record by the Applicant, staff and individuals who spoke at the public hearings, the Sun Valley Planning and Zoning Commission concludes that the Lane Meadows Master Plan Development/Planned Unit Development Application does not meet the standards for approval under Section 9-5B-6 of the City of Sun Valley Municipal Code.

DECISION

Therefore, based on the information presented, the Sun Valley Planning and Zoning Commission makes the above Findings of Fact/Conclusions of Law and **recommends denial** to the City Council of the subject Master Plan Development/Planned Unit Development Application for the Lane Meadows Development.

Dated this 23rd day of April, 2014

FINDINGS APPROVED:

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

Date Findings of Fact Signed

**(DRAFT) FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION DECISION
CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION
LANE MEADOWS PRELIMINARY PLAT**

Project Name: Lane Meadows Annexation and Development

Applicant: Scott Thompson for Evergreen Ventures, LLC.

Application Filing Date: November 4, 2013.

Location: 12671 and 12673 Highway 75;
Tax Lots 5994 and 6790, Blaine County.

Proposed Preliminary Plat: The subject Preliminary Plat Application (No. SUBPP 2013-11) is for a ten (10) lot single family residential subdivision with associated site improvements for the subject property if annexed into the City of Sun Valley.

Annexation Request: The Preliminary Plat Application is associated with Annexation Request No. ANNEX 2013-01 to incorporate two existing lots totaling approximately 7.16 acres into the City of Sun Valley from unincorporated Blaine County.

Land Use Designation: The Preliminary Plat Application is associated with Development Application No. CPA 2013-02 for a Comprehensive Plan/Future Land Use Map Amendment for a Low-Density Residential Land Use Designation to be applied to the subject property if annexed into the City of Sun Valley.

Zoning District: The Preliminary Plat Application is associated with Development Application No. REZ 2013-03 for a Zoning Map Amendment for a Single Family Residential (RS-1) Zoning District to be applied to the subject property if annexed into the City of Sun Valley.

Master Plan Development: The Preliminary Plat Application is associated with Development Application No. CUP 2013-01 for a Master Plan Development/Planned Unit Development for single family residential development, including a private street and an open park parcel, for the subject property if annexed into the City of Sun Valley.

Development Agreement: The Preliminary Plat Application is associated with a proposed Development Agreement request for a single phase residential development for the subject property if annexed into the City of Sun Valley.

Project Description: A request to voluntarily annex into the incorporated limits of the City of Sun

Valley and associated development applications were submitted by Evergreen Ventures, LLC for two tax lots in unincorporated Blaine County that are accessed directly from Highway 75 south of the Elkhorn Road intersection. The two tax lots are contiguous with the City limit and are surrounded on three sides by the existing Lane Ranch Subdivision. The subject Preliminary Plat Application (No. SUBPP 2013-11) is for a ten (10) lot single family residential subdivision with associated site improvements for the subject property if annexed into the City of Sun Valley.

Procedural History: The Planning and Zoning Commission is the recommending body for such requests and the project will be reviewed in an additional public hearing by the City Council in the future. The Planning and Zoning Commission of the City of Sun Valley reviewed the request for a Preliminary Plat and the associated development applications beginning with a presentation by the applicant at a noticed public hearing on Thursday, January 23, 2014. A publicly noticed site visit by the Planning and Zoning Commission was conducted at the February 13, 2014 regular meeting. The public hearing was continued to the February 27, 2014 meeting of the Commission. The applicant voluntarily amended the project at the February 27, 2014 meeting to a ten (10) lot residential subdivision. The project review was completely re-noticed for the amended design and a new public hearing was held for the Preliminary Plat Application and the associated development applications on April 3, 2014. The Commission passed motions for the Preliminary Plat Application and for each of the associated development applications and continued each item date certain to the April 23, 2014 meeting for review and adoption of Findings of Fact representative of the Commission's discussion and conclusions.

Public Notice: The initial submittal of the project applications was publicly noticed by a mailed and posted Notice of Pending Development Application Review on November 7, 2013. The initial Planning and Zoning Commission presentation and public hearing of January 23, 2014 and the individual development applications were publicly noticed by: 1.) publication in the Mtn. Express on January 8, 2014; 2.) posting in two places 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. The site visit on February 13, 2014 by the Planning and Zoning Commission was publicly noticed by the same methods listed above for the January 23, 2014 public hearing.

The revised project design and the individual development applications for the April 3, 2014 Commission public hearing were completely re-noticed to the public by: 1.) publication in the Mtn. Express on March 19, 2014; 2.) posting in two places 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.

Public Comment: The numerous public comment emails and letters received by the City of Sun Valley for this noticed project review, site visit and public hearings were entered into the public record via inclusion as an attachment in the staff reports for each meeting or by directly reading them into the record at the public hearings.

Discussion: Municipal Code Section 9-4A-6, Preliminary Plat, contains criteria, regulations, and required findings for requests to subdivide land in the City of Sun Valley. The Lane Meadows Annexation Master Plan Narrative, stamped received by the City on December 31, 2014, and all associated application materials includes the required elements for submittal and review as per Code Sections 9-5A-4 and 9-4A-6.

City Code Section 9-4A-G specifies the required findings for the Commission to recommend a proposed subdivision, as follows:

2. Findings: In determining the acceptability or unacceptability of the proposed subdivision, the Commission shall consider the following:
 - a. The conformance of the proposed subdivision and preliminary plat with the requirements of this title and all other applicable ordinances and provisions of this code.
 - b. The conformance of the proposed subdivision with the comprehensive plan and this title.
 - c. The availability of existing public services to accommodate the anticipated needs of the proposed development.
 - d. The necessity for off site improvements to connect the proposed subdivision to existing public services and utilities.
 - e. The financial capability of the city and other public agencies to provide required additional municipal services to the proposed development.
 - f. Compliance of the proposed subdivision with the design and improvement standards specified in chapter 3 of this title and title 7 of this code.

FINDINGS OF FACT

1. The Commission found that the proposed associated annexation request to place the Lane Meadows property into the incorporated limits of the City of Sun Valley is not in the best interest of the City because the infill design and density is not consistent or compatible with the surrounding Lane Ranch neighborhood. Low density residential is an appropriate land use for the infill development of the site. However, because of the identified access limitations and negative compatibility with the surrounding neighborhood, the Commission did not find that annexation of the Lane Meadows land into the City assures the orderly development of the property. The Commission finds that the proposed Lane Meadows annexation request is not compatible with Lane Ranch. Annexation of the property into the City of Sun Valley is a prerequisite requirement for a Preliminary Plat to be acted upon. Since the Commission's recommendation is to not approve the annexation, the applicant's Preliminary Plat is therefore not appropriate.

2. The application for a Preliminary Plat by Evergreen Ventures, LLC. does not comply with Sun Valley City Code Section 9-4A-6 because the project: does not provide for the harmonious development of the land (if annexed) in context with the immediate neighborhood; does not ensure that structural development occurs in a manner that minimizes building visibility by establishing suitable building envelopes or footprints; does not contribute to the social, economic and environmental sustainability of the City; does not develop the subject land in a manner that is highly respectful of the natural setting, that is at human scale and ensures neighborhood compatibility; does not provide for an integrated transportation system which prioritizes a pedestrian environment and mass transit and reduces vehicular trips; and, does not result in a contribution of amenities to the community, including maintaining public access to recreation facilities. The development is materially detrimental to the public health, safety, and welfare, and significant impacts cannot be mitigated satisfactorily as determined by the Planning and Zoning Commission. The development design and associated density is inappropriate for the infill site and the project would create negative privacy, setback, view, noise, building zone, bulk and mass, and access impacts on surrounding existing development. Additionally, the infill development would have no vehicular, bicycle, or pedestrian access through to the developed Lane Ranch private street and path system. Placing these access needs onto the existing Highway 75 improvements may not be a safe accommodation for increased single family land uses on the project site as a result of annexation to the City.

CONCLUSIONS OF LAW

Based upon the entire record by the Applicant, staff and individuals who spoke at the public hearings, the Sun Valley Planning and Zoning Commission concludes that the Lane Meadows Preliminary Plat Application does not meet the standards for approval under Section 9-4A-6 of the City of Sun Valley Municipal Code.

DECISION

Therefore, based on the information presented, the Sun Valley Planning and Zoning Commission makes the above Findings of Fact/Conclusions of Law and **recommends denial** to the City Council of the subject Preliminary Plat Application for the Lane Meadows Development.

Dated this 23rd day of April, 2014

FINDINGS APPROVED:

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

Date Findings of Fact Signed

(DRAFT) FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION
DECISION
CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION

LANE MEADOWS DEVELOPMENT AGREEMENT

Project Name: Lane Meadows Annexation and Development

Applicant: Scott Thompson for Evergreen Ventures, LLC.

Application Filing Date: November 4, 2013.

Location: 12671 and 12673 Highway 75;
Tax Lots 5994 and 6790, Blaine County.

**Proposed
Development
Agreement:**

The subject Development Agreement request (No. DA 2013-01) is for a single phase residential development for the subject property if annexed into the City of Sun Valley.

**Annexation
Request:**

The Development Agreement request is associated with Annexation Request No. ANNEX 2013-01 to incorporate two existing lots totaling approximately 7.16 acres into the City of Sun Valley from unincorporated Blaine County.

**Land
Use Designation:**

The Development Agreement request is associated with Development Application No. CPA 2013-02 for a Comprehensive Plan/Future Land Use Map Amendment for a Low-Density Residential Land Use Designation to be applied to the subject property if annexed into the City of Sun Valley.

Zoning District:

The Development Agreement request is associated with Development Application No. REZ 2013-03 for a Zoning Map Amendment for a Single Family Residential (RS-1) Zoning District to be applied to the subject property if annexed into the City of Sun Valley.

**Master Plan
Development:**

The Development Agreement request is associated with Development Application No. CUP 2013-01 for a Master Plan Development/Planned Unit Development for single family residential development, including a private street and an open park parcel, for the subject property if annexed into the City of Sun Valley.

Preliminary Plat:

The Development Agreement request is associated with Development Application No. SUBPP 2013-11 for a Preliminary Plat for a ten (10) lot single family residential subdivision with associated site improvements for the subject property if annexed into the City of Sun Valley.

Project Description: A request to voluntarily annex into the incorporated limits of the City of Sun Valley and associated development applications were submitted by Evergreen Ventures, LLC for two tax lots in unincorporated Blaine County that are accessed directly from Highway 75 south of the Elkhorn Road intersection. The two tax lots are contiguous with the City limit and are surrounded on three sides by the existing Lane Ranch Subdivision. The subject Development Agreement request (No. DA 2013-01) is for a single phase residential development for the subject property if annexed into the City of Sun Valley.

Procedural History: The Planning and Zoning Commission is the recommending body for such requests and the project will be reviewed in an additional public hearing by the City Council in the future. The Planning and Zoning Commission of the City of Sun Valley reviewed the Development Agreement request and the associated development applications beginning with a presentation by the applicant at a noticed public hearing on Thursday, January 23, 2014. A publicly noticed site visit by the Planning and Zoning Commission was conducted at the February 13, 2014 regular meeting. The public hearing was continued to the February 27, 2014 meeting of the Commission. The applicant voluntarily amended the project at the February 27, 2014 meeting to a ten (10) lot residential subdivision. The project review was completely re-noticed for the amended design and a new public hearing was held for the Development Agreement request and the associated development applications on April 3, 2014. The Commission passed motions for the Development Agreement request and for each of the associated development applications and continued each item date certain to the April 23, 2014 meeting for review and adoption of Findings of Fact representative of the Commission's discussion and conclusions.

Public Notice: The initial submittal of the project applications was publicly noticed by a mailed and posted Notice of Pending Development Application Review on November 7, 2013. The initial Planning and Zoning Commission presentation and public hearing of January 23, 2014 and the individual development applications were publicly noticed by: 1.) publication in the Mtn. Express on January 8, 2014; 2.) posting in two places 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. The site visit on February 13, 2014 by the Planning and Zoning Commission was publicly noticed by the same methods listed above for the January 23, 2014 public hearing.

The revised project design and the individual development applications for the April 3, 2014 Commission public hearing were completely re-noticed to the public by: 1.) publication in the Mtn. Express on March 19, 2014; 2.) posting in two places 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.

Public Comment: The numerous public comment emails and letters received by the City of Sun Valley for this noticed project review, site visit and public hearings were entered into the public record via inclusion as an attachment in the staff reports for each meeting or by directly reading them into the record at the public hearings.

Discussion: Municipal Code Section 9-5B-4, Development Agreement, and Section 9-5B-9E, contain criteria, regulations, and required findings for requests for a development agreement with the City of Sun Valley. The Lane Meadows Annexation Master Plan Narrative, stamped received

by the City on December 31, 2014, and all associated application materials includes the required elements for submittal and review as per Code Sections 9-5A-4 and 9-5B-4.

City Code Sections 9-5B-9E and 9-5B-4E specify the required standards for the Commission to recommend a proposed development agreement, as follows:

9-5B-9E The applicant may submit or the council may require a development agreement in conjunction with the annexation or official zoning map amendment pursuant to Idaho Code section 65-6711A and section 9-5B-4, "Development Agreement", of this article.

9-5B-4E Standards: The standards identified in this subsection shall apply to all annexations and rezones involving development agreements, unless otherwise specified.

1. Comprehensive Plan Compliance: Compliance with the goals and policies of city comprehensive plan shall be demonstrated in a written narrative.
2. Neighborhood:
 - a. There shall be compatible transition in scale, building form, and proportion between the proposed structure/use and existing structures and landscape.
 - b. All development within the project area shall comply with the standards and criteria as set forth in chapter 3, article A of this title. Conceptual approval is required prior to the approval of a development agreement and the zone change or annexation.
 - c. Alteration to the record grade shall be in compliance with this title.
 - d. The proposed use(s) and development of the subject property shall be appropriate for the location, the lot and the neighborhood.
 - e. The proposed use(s) and development shall not adversely affect the character, public health, safety, and/or general welfare of the neighborhood or the community.
3. Infrastructure:
 - a. The proposed use and development of the subject property shall not cause undue traffic congestion, or dangerous traffic conditions.
 - b. The proposed use(s) and development of the subject property shall not adversely impact other infrastructure such as, but not limited to, public utilities and communication systems, water, wastewater, and drainage systems, as well as snow storage and snow removal.

FINDINGS OF FACT

1. The Commission found that the proposed associated annexation request to place the Lane Meadows property into the incorporated limits of the City of Sun Valley is not in the best interest of the City because the infill design and density is not consistent or compatible with the surrounding Lane Ranch neighborhood. Low density residential is an appropriate land use for the infill development of the site. However, because of the identified access limitations and negative compatibility with the surrounding neighborhood, the Commission did not find that annexation of the Lane Meadows land into the City assures the orderly development of the property. The Commission finds that the proposed Lane Meadows annexation request is not compatible with Lane Ranch. Annexation of the property into the City of Sun Valley is a prerequisite requirement for a Development Agreement to be acted upon. Since the Commission's recommendation is to not approve the annexation, the applicant's Development Agreement is therefore not appropriate.

2. The request for a Development Agreement by Evergreen Ventures, LLC. does not comply with Sun Valley City Code Section 9-5B-4 because the project: does not provide compatible transition in scale, building form, and proportion between the proposed structures/uses and the existing adjacent structures/uses; does not provide acceptable levels of residential density for the land to prevent negative impacts; does not propose development of the land appropriate for the location, the lot, or the neighborhood; does not provide for the harmonious development of the land (if annexed) in context with the immediate neighborhood; does not ensure that structural

development occurs in a manner that minimizes building visibility by establishing suitable building envelopes or footprints; does not contribute to the social, economic and environmental sustainability of the City; does not develop the subject land in a manner that is highly respectful of the natural setting, that is at human scale and ensures neighborhood compatibility; does not provide for an integrated transportation system which prioritizes a pedestrian environment and mass transit and reduces vehicular trips; and, does not result in a contribution of amenities to the community, including maintaining public access to recreation facilities. The development is materially detrimental to the public health, safety, and welfare, and significant impacts cannot be mitigated satisfactorily as determined by the Planning and Zoning Commission. The development design and associated density is inappropriate for the infill site and the project would create negative privacy, setback, view, noise, building zone, bulk and mass, and access impacts on surrounding existing development. Additionally, the infill development would have no vehicular, bicycle, or pedestrian access through to the developed Lane Ranch private street and path system. Placing these access needs onto the existing Highway 75 improvements may not be a safe accommodation for increased single family land uses on the project site as a result of annexation to the City.

CONCLUSIONS OF LAW

Based upon the entire record by the Applicant, staff and individuals who spoke at the public hearings, the Sun Valley Planning and Zoning Commission concludes that the Lane Meadows Development Agreement request does not meet the standards for approval under Section 9-5B-4E of the City of Sun Valley Municipal Code.

DECISION

Therefore, based on the information presented, the Sun Valley Planning and Zoning Commission makes the above Findings of Fact/Conclusions of Law and **recommends denial** to the City Council of the subject Development Agreement request for the Lane Meadows Development.

Dated this 23rd day of April, 2014

FINDINGS APPROVED:

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

Date Findings of Fact Signed