CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION
AGENDA REPORT

To: Planning and Zoning Commission

From: MH Mark Hofman, Community Development Director

Meeting Date: December 12, 2013

Agenda Item: **New Villager Snow Storage**
Design Review Application No. DR 2013-41

SUBJECT: Review and action on draft Findings of Fact reflecting the Planning and Zoning Commission's public hearing and action on November 14, 2013 for a Design Review Application for improvements to common area that would allow intensification of snow storage behind an existing garage structure on the site of a condominium complex in the Multiple-Family Residential (RM-1) Zoning District of the City of Sun Valley. **Applicant:** James R. Laski for the New Villager Condominium Association, Inc. **Application Filing Date:** October 25, 2013. **Location:** New Villager Road; Area "B" behind the garages of Complex 7 and 8, adjacent to the Lower Fairway Road Subdivision, Corrected.

BACKGROUND: The Planning and Zoning Commission held a publicly noticed site visit and public hearing for this design review application at their regular meeting of November 14, 2013. After closing the public hearing, the Commission reviewed the project exhibits, discussed issues related to the project design and uses, considered the application request, and took action to approve the design review application, directing staff to return date certain to the December 12, 2013 meeting with Findings of Fact reflective of the Commission's comments.

ANALYSIS: Based on the public comment letter received from neighbors Kristopher and Julia McGee, the Commission added specific conditions of approval to their action to address concerns that only New Villager Condominiums be allowed to use Area B for snow storage, hours for the use of equipment for snow piling operations shall be limited between 8am and 6pm, and the maximum height of the piled snow shall be twelve (12) feet above the existing grass surface. The Commission also expressed that it is expected that the stored snow piles be cleaned of debris in the Spring for aesthetic purposes, the stored snow should be well managed to be free of trash, and the sub-surface drain system should be properly maintained in the future to ensure proper drainage of snow melt.

RECOMMENDATION: Staff has prepared draft Findings of Fact reflective of the Commission's comments (**Exhibit "PZ-A"**) for review, discussion, and adoption.

LIST OF ATTACHED EXHIBITS:

Exhibit "PZ-A"	Draft Findings of Fact, Conclusions of Law and Conditions of Approval for Design Review Application No. DR 2013-41.
Exhibit "PZ-B"	November 14, 2013 Planning & Zoning Commission Agenda Report with attached Exhibits "PZ-A" through "PZ-E".

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW
CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION
DESIGN REVIEW

Project Name:	**New Villager Condominiums Snow Storage Improvements.**
Applicant:	**James R. Laski for the New Villager Condominium Association, Inc.**
Location:	**New Villager Road; Area "B" behind the garages of Complex 7 and 8, adjacent to the Lower Fairway Road Subdivision, Corrected.**
Zoning District:	**Multiple-Family Residential (RM-1) Zoning District.**

Project Description and Background: In September, 2009 the New Villager Condominium Association sought a design review application approval from the City to construct a snow storage lot on the subject land below the Lower Fairway Road Subdivision. The application was scheduled for a public hearing on October 22, 2009 but was withdrawn prior to the hearing at the request of Frederick Hoedemaker, President of the New Villager Board of Directors. No action was taken by the City at that time. In late 2010, the City was notified that construction of a drain field and a gravel driveway had begun in the area adjacent to the New Villager garages ("Area B") and representatives of the City visited the site to investigate. A stop work order was issued because no design review approval was prior obtained as required for the site modification. Work on the project ceased, City staff worked with representatives of the New Villager Condominiums, and on January 13, 2011 staff agreed to hold off on any action for the stop work order so that New Villager could work out a long term resolution to the snow storage issue with Sun Valley Company.

By an agreement dated April 7, 2011, Sun Valley Company allowed New Villager to store snow on a different area to the north identified as "Area A" and owned by Sun Valley Company. Snow storage on the "Area B" portion of New Villager was no longer needed and staff allowed New Villager to remediate the unpermitted work in May and June, 2011 by installing landscaping and lawn over the drainage and gravel driveway improvements. The City's stop work order was lifted and the issue was resolved.

In the summer of 2013, Sun Valley Company notified the New Villager Condominium Association that, effective May 1, 2014, it is terminating its agreement to allow New Villager to store snow on "Area A". On September 11, 2014 New Villager notified the City of their intention to store snow on "Area B" and sought confirmation that no City approvals are required to do so. Staff informed New Villager that no design review action was taken by the City to allow the improvements already in place and covered with lawn to remedy the stop work order. New Villager was informed by the Community Development Director that a new design review application was required, even though no new work was being proposed, because the work done in violation in 2010 was never legalized. New driveways require design review approval by Title 9 of the City Code. The now sub-grade drainage and driveway improvements would allow a significantly larger quantity of plowed snow to be stored below Lots 1 and 2 of the Lower Fairway Road Subdivision, which could be a concern to those property owners.

To legalize the previously unpermitted drain field and driveway improvements, New Villager has now submitted a design review application for public notification, a public hearing, public comment, and City action. As stated above, the new application proposes no new work or improvements. The application seeks authorization to begin using the sub-grade improvements for snow transfer and storage after the agreement with Sun Valley Company ends on May 1, 2014. The subject site is common area for the condominium association. To date, snow stored on the subject area consisted of a relatively small pile adjacent to the New Villager access road, put there by plowing action of a truck and snowplow blade. Snow has not been blown, bulldozed or trucked to the "Area B" location behind the garages in the past.

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. **The snow storage project does not propose improvements or modifications that exceed the height, setback, footprint, nor any other requirement for the Multiple-Family Residential (RM-1) Zoning District set forth in Title 9, Chapter 2A. The existing development consists of modules of attached residential condominium dwellings with associated parking structures, landscaping, access and other site improvements. The proposed site alteration for extended snow storage is in conformance because the design complies with all applicable standards appropriate for multi-family uses within the RM-1 Zone and is consistent with the original design of the overall development.**

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. **The snow storage project is in conformance with all applicable design review standards because the new subsurface drains and driveway access modifications essentially retain the existing general design, materials and appearance of the existing development. All project improvements and landscaping substantially match the existing site improvements and the development will remain consistent and cohesive. No aspect of the new design changes the existing area footprints of the condominium units or the garage structures nor the general design, access or layout of the fully developed site.**

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 subject site is currently developed as a clustered residential condominium units. The proposed snow storage alteration design has no impact because no significant natural features lie on or directly adjacent to the fully developed site.**

4. The proposed design is in context and complimentary to adjacent properties. **As conditioned, the proposed snow storage project is consistent with the original design of the residential development and with surrounding existing development because of the limited design changes and matching of landscaping. The limited alterations do not pose any view issue to or from adjacent properties. The proposed design is in context and complimentary to adjacent properties because of the limitations placed on snow storage operations on Area B by this approval.**

5. The proposed design is compatible with the community character and scale of the neighborhood. **The snow storage project is compatible with the community character and neighborhood scale because the new elements are consistent with the original design of the multi-family development and with surrounding existing properties. The new design will appear as if constructed as part of the original project and will remain compatible with the community**

character and scale of the residential neighborhood. The site is sufficiently screened by mature existing vegetation, garage structures, and lower grade and set back sufficiently enough to maintain privacy.

6. The proposed design adheres to standards for the protection of health, safety, and general welfare. **The subject application adheres to applicable public safety standards because no activity or development is proposed that adversely affects any aspect of access or other public safety design element. Adequate emergency access will continue to serve the development and surrounding area.**

7. The proposed design is of quality architectural character and materials. **The proposed snow storage project's design is of quality architectural character and materials because improvements are constructed under ground cover vegetation and landscaping will greatly match the existing development. The general appearance of the development will remain consistent with the original design concept of overall development in the area.**

8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City. **The subject application is in accordance with the City's Comprehensive Plan and the goals and policies of the City because the existing multi-family residential development will be upgraded with additional usable snow storage area but remain largely unchanged in layout or site disturbance. No land use change is involved with this snow storage project and the existing multi-family residential land use is consistent with the Medium Density Residential Land Use Designation of the City's Future Land Use Map.**

CONCLUSIONS OF LAW

That this project does 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. **The approved Area B snow storage shall be used solely by the New Villager Condominiums.**
6. **The use of equipment for snow piling operations hours shall be limited to between 8am and 6pm to minimize noise impact on surrounding land uses.**
7. **The maximum height of the piled snow shall be twelve (12) feet above the existing grass surface.**
8. **The stored snow piles shall be cleaned of debris in the Spring for aesthetic purposes as the snow melts and exposes buried debris collected up with snow removal operations.**

9. **The stored snow should be well managed so as to be free of trash to the greatest extent possible under normal operations.**
10. **The sub-surface drain system should be properly maintained in the future to ensure proper drainage of snow melt.**

DECISION

Therefore, the Sun Valley Planning and Zoning Commission approves this Design Review Application No. DR 2013-41.

Dated this 12th day of December, 2013.

_____
Ken Herich, Chairman
Sun Valley Planning and Zoning Commission

Date Findings of Fact signed_____

EXHIBIT "PZ-B"

CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION
AGENDA REPORT

To: Planning and Zoning Commission

From: MH Mark Hofman, Community Development Director

Meeting Date: November 14, 2013

Agenda Item: **New Villager Snow Storage**
Design Review Application No. DR 2013-41

SUBJECT: Public Hearing and noticed site visit for a Design Review Application for improvements to common area that would allow intensification of snow storage behind an existing garage structure on the site of a condominium complex in the Multiple-Family Residential (RM-1) Zoning District of the City of Sun Valley. **Applicant:** James R. Laski for the New Villager Condominium Association, Inc. **Application Filing Date:** October 25, 2013. **Location:** New Villager Road; Area "B" behind the garages of Complex 7 and 8, adjacent to the Lower Fairway Road Subdivision, Corrected. **(9am site visit at the project address to begin the Commission's meeting)**

BACKGROUND: In September, 2009 the New Villager Condominium Association sought a design review application approval from the City to construct a snow storage lot on the subject land below the Lower Fairway Road Subdivision. The application was scheduled for a public hearing on October 22, 2009 but was withdrawn prior to the hearing at the request of Frederick Hoedemaker, President of the New Villager Board of Directors. No action was taken by the City at that time. In late 2010, the City was notified that construction of a drain field and a gravel driveway had begun in the area adjacent to the New Villager garages ("Area B") and representatives of the City visited the site to investigate. A stop work order was issued because no design review approval was prior obtained as required for the site modification. Work on the project ceased, City staff worked with representatives of the New Villager Condominiums, and on January 13, 2011 staff agreed to hold off on any action for the stop work order so that New Villager could work out a long term resolution to the snow storage issue with Sun Valley Company.

By an agreement dated April 7, 2011, Sun Valley Company allowed New Villager to store snow on a different area to the north identified as "Area A" and owned by Sun Valley Company. Snow storage on the "Area B" portion of New Villager was no longer needed and staff allowed New Villager to remediate the unpermitted work in May and June, 2011 by installing landscaping and lawn over the drainage and gravel driveway improvements. The City's stop work order was lifted and the issue was resolved.

In the summer of 2013, Sun Valley Company notified the New Villager Condominium Association that, effective May 1, 2014, it is terminating its agreement to allow New Villager to store snow on "Area A". On September 11, 2014 New Villager notified the City of their intention to store snow on "Area B" and sought confirmation that no City approvals are required to do so. Staff informed New Villager that no design review action was taken by the City to allow the improvements already in place and covered with lawn to remedy the stop work order. New Villager was informed by the Community Development Director that a new design review application was required, even though no new work was being proposed, because the work done in violation in 2010 was never legalized. New driveways require design review approval by Title 9 of the City Code. The now sub-grade drainage and driveway improvements allow a significantly larger quantity of plowed snow to be stored below Lots 1 and 2 of the Lower Fairway Road Subdivision, which could be a concern to those property owners.

To legalize the previously unpermitted drain field and driveway improvements, New Villager has now submitted a design review application for public notification, a public hearing, public comment, and City action. As stated above, the new application proposes no new work or improvements. The application seeks authorization to begin using the sub-grade improvements for snow transfer and storage after the agreement with Sun Valley Company ends on May 1, 2014. The subject site is common area for the condominium association. To date, snow stored on the subject area consisted of a relatively small pile adjacent to the New Villager access road, put there by plowing action of a truck and snowplow blade. Snow has not been blown, bulldozed or trucked to the "Area B" location behind the garages in the past.

ANALYSIS: The project proposes to legalize drainage and gravel driveway improvements placed on the site in violation in 2010. Authorization of these improvements would allow New Villager to store a greater quantity of plowed snow in "Area B" below Lots 1 and 2 of the Lower Fairway Road Subdivision. Snow storage is a necessary and appropriate use associated with multi-family residential development. The applicant's narrative submitted as part of the application is attached as **Exhibit "PZ-A"**. An aerial photo showing "Area A" and "Area B" is attached to this Report as **Exhibit "PZ-B"** and a survey diagram depicting the New Villager Condominiums and Lower Fairway Road Subdivision property lines is attached as **Exhibit "PZ-C"**. The applicant will present the project information and related issues to the Commission at the public hearing to facilitate a discussion of the snow storage and address any other concerns. Staff will provide background information to facilitate the discussion and the Commission should provide direction to staff on how best to proceed.

Development Standards- The drainage and gravel driveway improvements are consistent and in conformance with the purpose and all applicable dimensional regulations of the Multiple-Family Residential (RM-1) Zoning District. The RM-1 Zoning District allows landscaping, site improvements and snow storage associated with multi-family dwellings by right as a land use. At issue for the Commission will be the compatibility of the snow storage area with adjacent single-family land uses.

Hillside Preservation Standards- No areas of significant steep slopes over 25% are identified for the project site. The drainage and gravel driveway improvements are located on a flat lawn area behind the development's existing garage structures and avoid intrusion into the sloped bank leading down from adjacent Lots 1 and 2 of the Lower Fairway Road Subdivision.

Public Notice and Comment- The project application was publicly noticed by: 1.) publication in the Mtn. Express on Wednesday, October 30, 2013; 2.) mailing of notice to all property owners within a 300 foot radius of all project property lines; 3.) posting of notice on the project site; 4.) posting of notice in five prominent public places in the City; 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.

One public comment letter (**Exhibit "PZ-D"**) was received from neighbors Kristopher and Julia McGee, owners of Lot 1 of the Lower Fairway Road Subdivision. The McGees voice opposition to the intensification of snow storage in the area directly below their property based on concerns for noise, health hazards, visual impacts, drainage, property devaluation, and snow storage possibly crossing over onto their property.

No other public email comments, phone calls or letters have been received by staff as of the writing of this Report.

Alternative Actions- Alternative actions available to the Commission include: (1) approve the design review application and direct staff to return date certain with Findings of Fact reflective of the Commission's comments for review and consideration; (2) continue the public hearing for further information and review; or (3) close the public hearing, discuss the findings, vote to deny the application and direct staff to return on a date certain with a resolution of denial reflecting the comments and findings of the Commission.

RECOMMENDATION: Before public comment is received, the Commission should disclose all information and contacts received outside the public hearing on this item upon which the decision will be based, receive public testimony, and consider the facts and findings necessary to make a decision on the application. The Community Development Director recommends the Commission review the project exhibits, discuss the issue related to the project design and uses, consider the application request, and take action to approve or deny the design review application, directing staff to return date certain with Findings of Fact reflective of the Commission's comments. The required Findings for the Commission to approve a design review application, based on the standards set forth in Sun Valley Municipal Code, Title 9, Chapter 5B, Section 3 DESIGN REVIEW, are attached to this Report for review and consideration as **Exhibit "PZ-E"**.

LIST OF ATTACHED EXHIBITS:

Exhibit "PZ-A"	Applicant's narrative, stamped received by the City of Sun Valley on October 25, 2013 and consisting of one (1) 8.5" by 11" sheet.
Exhibit "PZ-B"	Aerial photo showing "Area A" and "Area B", stamped received by the City of Sun Valley October 25, 2013 and consisting of one (1) 8.5" by 11" color sheet.
Exhibit "PZ-C"	Survey diagram depicting the property lines of the New Villager Condominiums and Lower Fairway Road Subdivision, stamped received by the City of Sun Valley on October 25, 2013 and consisting of one (1) 8.5" by 11" sheet.

Exhibit "PZ-D"	Public comment letter received from neighbors Kristopher and Julia McGee, owners of Lot 1 of the Lower Fairway Road Subdivision, stamped received by the City of Sun Valley on November 7, 2013 and consisting of one (1) 8.5" by 11" comment sheet and three (3) 8.5" by 11" reduced rendering sheets.
Exhibit "PZ-E"	Required Findings for the Commission to approve a design review application, based on the standards set forth in Sun Valley Municipal Code, Title 9, Chapter 5B, Section 3 DESIGN REVIEW.

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

EXHIBIT "PZ-A"

RECEIVED
OCT 25 2013
CITY OF SUN VALLEY
COMMUNITY DEVELOPMENT DEPT

DESIGN REVIEW APPLICATION

FOR NEW VILLAGER SNOW STORAGE

The New Villager Condominiums are an 80 unit condominium complex located on approximately 5 acres in Sun Valley ("New Villagers") and managed by the New Villager Condominium Association, Inc. ("NVCA"). Historically accumulated snow from the roadway surfaces within the New Villagers has been removed and stored off site on property to the North (the "North Lot") owned by Sun Valley Company. By letter dated July 19, 2013, Sun Valley Company informed the NVCA that its ability to use the North Lot to store snow would terminate effective May 1, 2014.

Given the foregoing, the NVCA hereby requests the Design Review Approval related to the use of that portion of the New Villager Common Area identified as Area B on the attached Exhibit for storage of snow. The NVCA has previously installed drainage in Area B to address run off issues related to the adjacent garage structures. Anticipating that this area might be required to be used for future snow storage, the NVCA designed such drainage to be adequate to accommodate snow storage in the area. Accordingly, no new construction is required.

Although no provision of the Sun Valley City Code requires Design Review Approval for snow storage on its own property, the planning director believed that a design review permit was appropriate as a result of the intensification of snow storage activity in an area directly below and adjacent to residential properties.

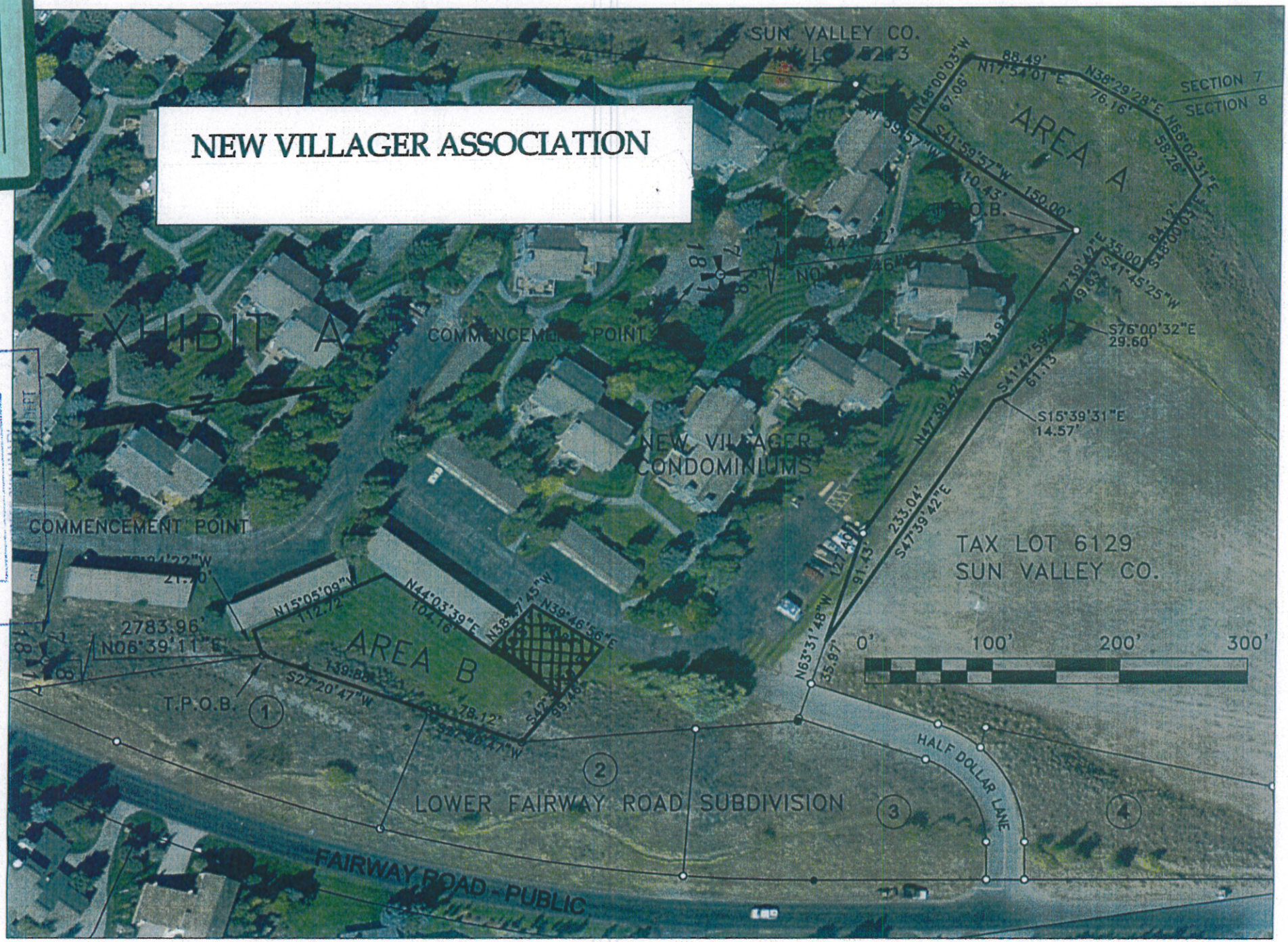
Snow storage is incidentally appropriate and compatible to RM-1 multi-family residential use. Indeed, if this project were to be approved today, a snow storage area would be required. *See* Sun Valley Code 9-3A-3. Area B is the only open common area with the New Villagers that is appropriate for storage of snow. Further, based on the relative elevations of the adjacent properties, the storage of snow will not impact view or privacy.

NVCA is willing to comply with reasonable restrictions regarding hours of snow removal and clean up of Area B each spring.

EXHIBIT
"PZ-B"
tabbies

RECEIVED
OCT 25 2013

NEW VILLAGER ASSOCIATION



RECEIVED
OCT 25 2013
CITY OF SUN VALLEY
COMMUNITY DEVELOPMENT DEPT

EXHIBIT "PZ-C"

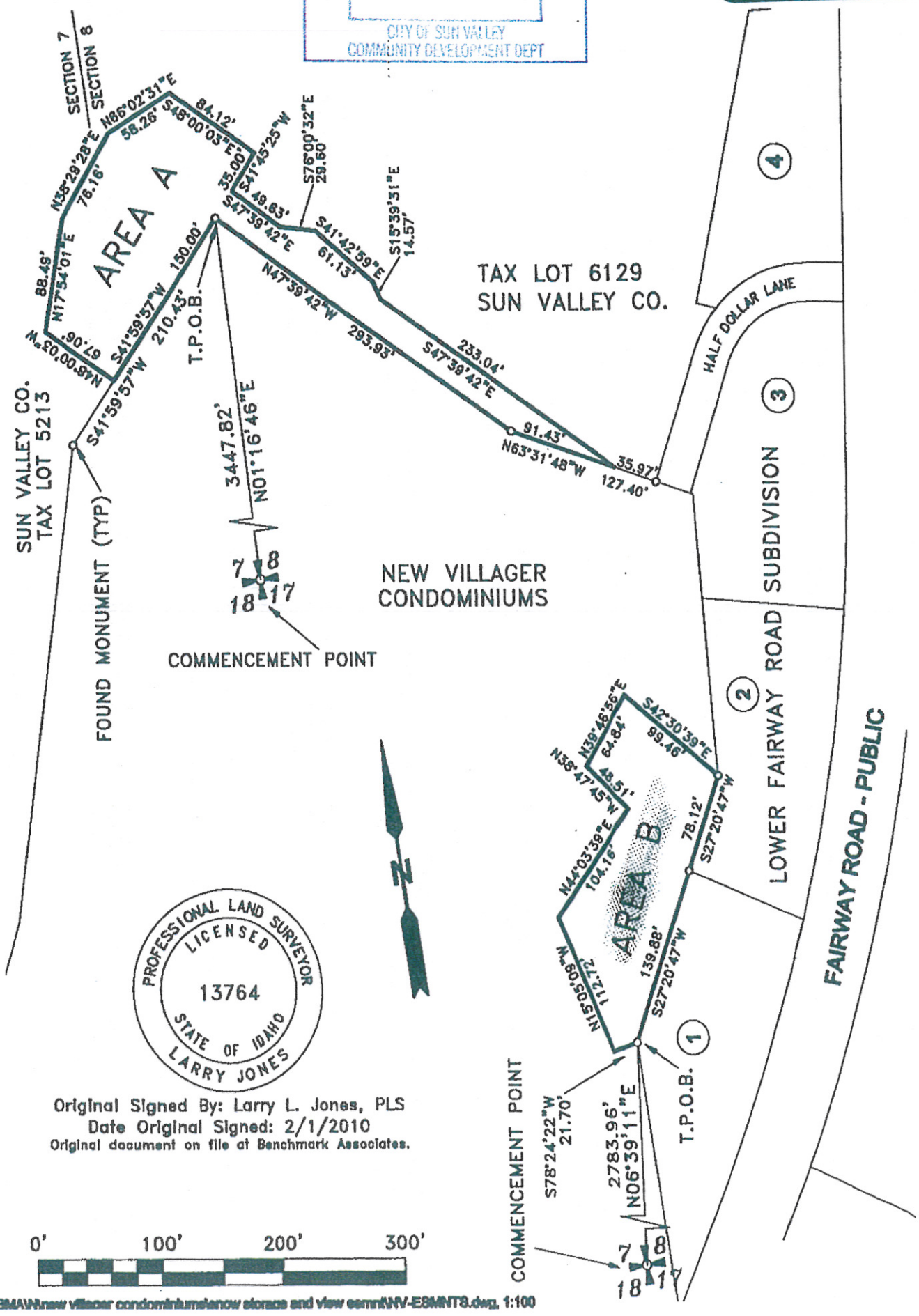


EXHIBIT
"PZ-D"

RECEIVED
NOV - 7 2013
CITY OF SUN VALLEY

Dear City of Sun Valley Planning and Zoning Commission,

It has come to our attention that New Villager Condominium Association, Inc. is improving land directly adjacent to our property (lot 1, Lower Fairway Road Subdivision) to allow intensification of snow storage. This information is extremely troubling as we are in the final phases of architectural design of our dream vacation and retirement home. Attached are the renderings of the home with intensions of breaking ground this coming spring with Intermountain Construction. The great room and master bedroom are perfectly positioned to capture the majesty of bald mountain. This also happens to be in direct site of the New Villager snow piles. This is troubling for a multitude of reasons, including but not limited to, the following:

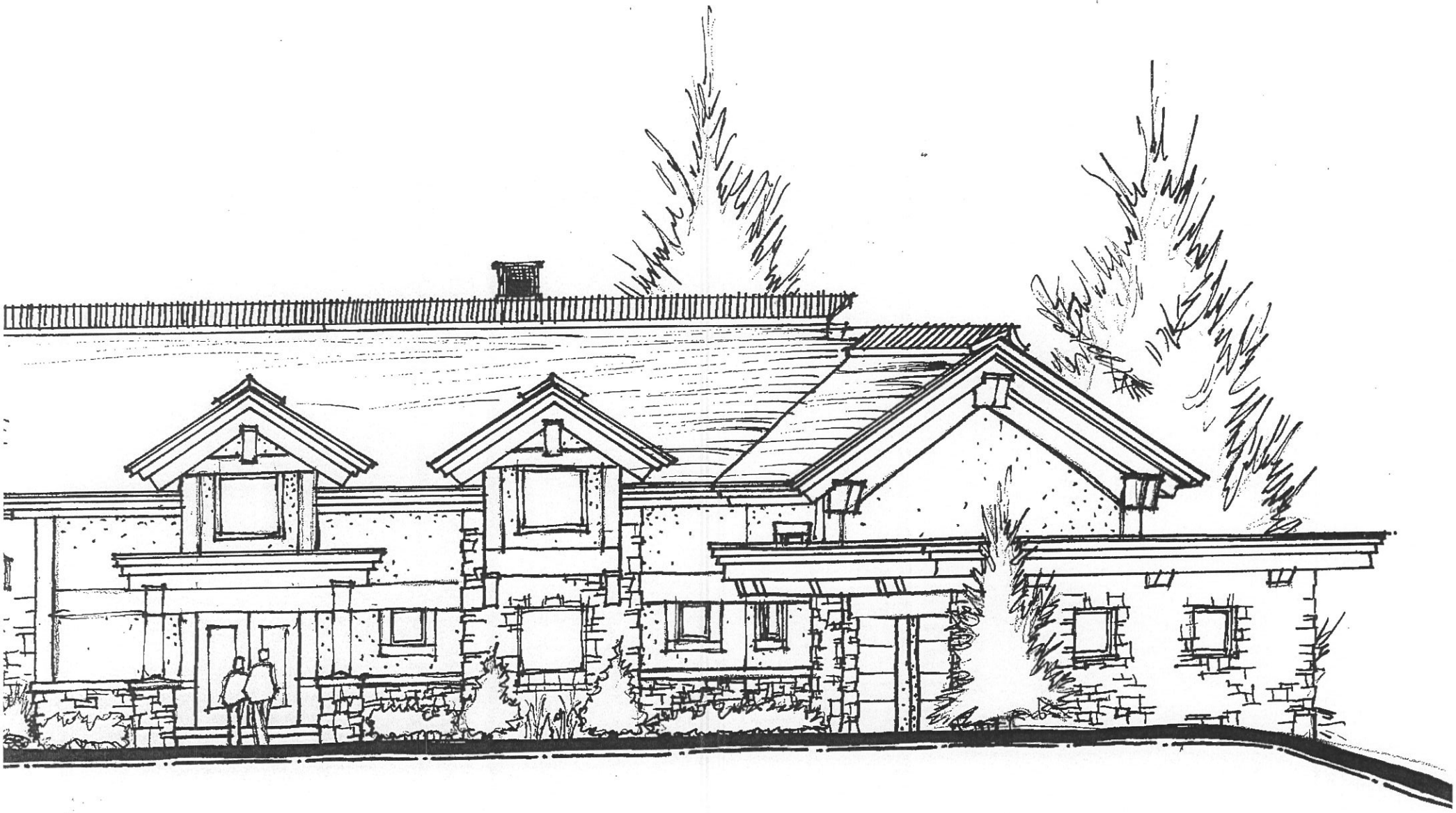
- Noise pollution secondary to heavy equipment manipulating snow piles, particularly in the early morning hours, when our 5 and 7 year-old boys are preparing for a long day of ski-team.
- Potential health hazard to our young children playing on our property adjacent to snow piles.
- Eye sore from the large piles of snow, with potential obstruction of view.
- Snow will be bull-dozed making it muddy in the spring.
- Snow may not melt until well into the summer months when we are trying to enjoy the symphony and the other magnificent activities the resort has to offer.
- Will most certainly devalue the property.
- Potential for snow to spill onto our land which would prompt legal action.

We purchased this property with the intention of building our dream vacation home and future retirement home. We are planning to build a home that is nothing short of the quality Sun Valley Company would expect of its own developments. Even though we work in Pocatello, our family spends at least a quarter of our time in Sun Valley and we want to continue to invest our time there. I can remember as a child growing up my father would drive us down fairway road admiring the magnificence of the homes. We've worked hard to afford another such home; however, with nuisances such as noise pollution and potential view obstruction, we may reconsider. We made and will continue to make a considerable investment in making fairway road the best the valley can offer.

The irony is that in order to make lot 4 (currently under development) more pleasant, Sun Valley Company is no longer allowing the New Villagers to store snow in proximity. It certainly is not fair to improve one lot at the expense of another. None of the property owners of Lower Fairway Subdivision should have to take on the burden of the New Villagers snow removal or storage. We are happy to work with the City of Sun Valley and the New Villagers at exploring other snow removal options. There must be a feasible alternative that wouldn't make such a significant impact.

Sincerely,

Kristopher and Julia McGee

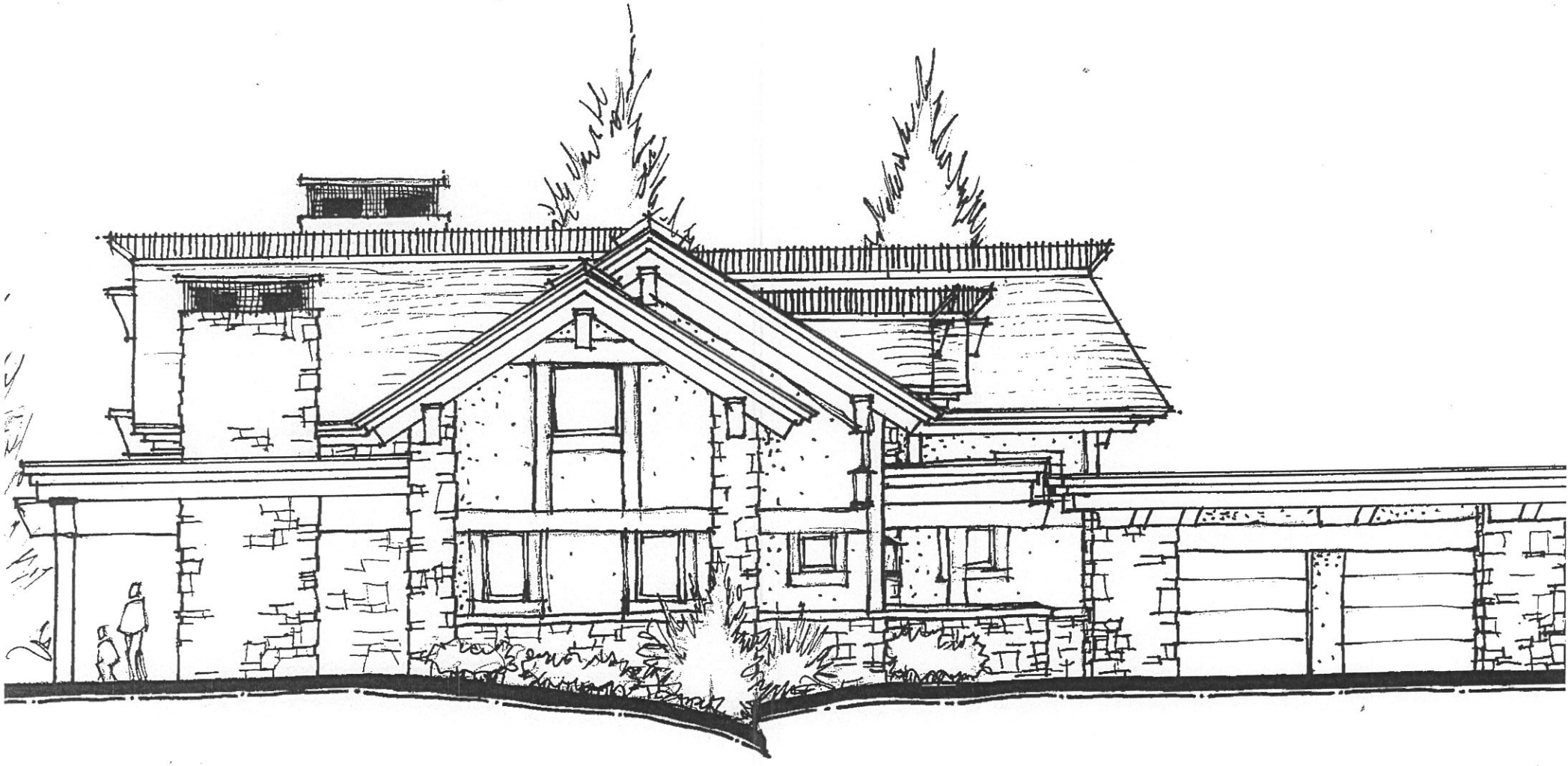


NORTH ELEVATION

1/8"=1'-0"

OUTH ELEVATION.

=1'-0"



EAST ELEVATION

1/8" = 1'-0"

FINDINGS OF FACT AND CONCLUSIONS OF LAW
CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION
DESIGN REVIEW

Project Name: **New Villager Condominiums Snow Storage Improvements.**

Applicant: **James R. Laski for the New Villager Condominium Association, Inc.**

Location: **New Villager Road; Area "B" behind the garages of Complex 7 and 8, adjacent to the Lower Fairway Road Subdivision, Corrected.**

Zoning District: **Multiple-Family Residential (RM-1) Zoning District.**

Project Description and Background: In September, 2009 the New Villager Condominium Association sought a design review application approval from the City to construct a snow storage lot on the subject land below the Lower Fairway Road Subdivision. The application was scheduled for a public hearing on October 22, 2009 but was withdrawn prior to the hearing at the request of Frederick Hoedemaker, President of the New Villager Board of Directors. No action was taken by the City at that time. In late 2010, the City was notified that construction of a drain field and a gravel driveway had begun in the area adjacent to the New Villager garages ("Area B") and representatives of the City visited the site to investigate. A stop work order was issued because no design review approval was prior obtained as required for the site modification. Work on the project ceased, City staff worked with representatives of the New Villager Condominiums, and on January 13, 2011 staff agreed to hold off on any action for the stop work order so that New Villager could work out a long term resolution to the snow storage issue with Sun Valley Company.

By an agreement dated April 7, 2011, Sun Valley Company allowed New Villager to store snow on a different area to the north identified as "Area A" and owned by Sun Valley Company. Snow storage on the "Area B" portion of New Villager was no longer needed and staff allowed New Villager to remediate the unpermitted work in May and June, 2011 by installing landscaping and lawn over the drainage and gravel driveway improvements. The City's stop work order was lifted and the issue was resolved.

In the summer of 2013, Sun Valley Company notified the New Villager Condominium Association that, effective May 1, 2014, it is terminating its agreement to allow New Villager to store snow on "Area A". On September 11, 2014 New Villager notified the City of their intention to store snow on "Area B" and sought confirmation that no City approvals are required to do so. Staff informed New Villager that no design review action was taken by the City to allow the improvements already in place and covered with lawn to remedy the stop work order. New Villager was informed by the Community Development Director that a new design review application was required, even though no new work was being proposed, because the work done in violation in 2010 was never legalized. New driveways require design review approval by Title 9 of the City Code. The now sub-grade drainage and driveway improvements would allow a significantly larger quantity of plowed snow to be stored below Lots 1 and 2 of the Lower Fairway Road Subdivision, which could be a concern to those property owners.

To legalize the previously unpermitted drain field and driveway improvements, New Villager has now

submitted a design review application for public notification, a public hearing, public comment, and City action. As stated above, the new application proposes no new work or improvements. The application seeks authorization to begin using the sub-grade improvements for snow transfer and storage after the agreement with Sun Valley Company ends on May 1, 2014. The subject site is common area for the condominium association. To date, snow stored on the subject area consisted of a relatively small pile adjacent to the New Villager access road, put there by plowing action of a truck and snowplow blade. Snow has not been blown, bulldozed or trucked to the "Area B" location behind the garages in the past.

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.

(DRAFT) 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.**

DECISION

Therefore, the Sun Valley Planning and Zoning Commission approves/denies this Design Review Application No. DR 2013-41.

Dated this 14th day of November, 2013.

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Ken Herich, Chairman
Sun Valley Planning and Zoning Commission

Date Findings of Fact signed_____