

**Revised
MEETING AGENDA**

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

1. Call To Order

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

2. Public Comment

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

3. Consent Agenda

A. Draft Minutes from the Planning and Zoning Commission Meeting of October 8, 2015.

4. New Business

A. **Design Review Application No. DR 2015-45:** Application by John and Diane Trimper for the approval of a wood post and dowel fence with an attached wire screen for a dog enclosure. Location: 105 Skyline Drive; Lot 7 Dollar Mountain Subdivision.

B. Discussion and adoption of the draft Planning & Zoning Commission Regular Meeting Schedule for 2016.

5. Postponed Items

A. *POSTPONED until December 10, 2015 Planning & Zoning Commission Meeting:* **Plat Amendment Application No. SUBPA 2015-09:** Application by Gretchen Wagner for Dan and Stacey Levitan to shift the recorded building envelope due north 50 feet. Location: 118 Paintbrush Road; Sagecreek Subdivision Unit 3 Lot 76 & 1/3 Lot K.

5. Continued Business

6. Discussion Items

7. Adjourn

Meeting Schedule:

Regular Meeting at 9:00 am on Thursday, December 10, 2015

**Minutes of the Planning and Zoning Commission
October 8, 2015**

The Planning and Zoning Commission of the City of Sun Valley, Blaine County, State of Idaho, met in regular session in the Council Chambers of Sun Valley City Hall on October 8, 2015 at 9:00 a.m.

1. [Call To Order](#)

The meeting began with a site visit at 101 Diamond Back Road. The Commission reconvened at 9:39 a.m. in the Council Chambers and Vice Chairman Jake Provonsha declared a quorum present.

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

Absent: Chairman Ken Herich.

Also Present: Community Development Director Jae Hill, Associate Planner Abby Rivin, City Attorney Adam King, City Clerk Alissa Weber, Marybeth Collins, Shaun Kelly, Thadd Blanton, Wally Huffman, Garth McClure, Nathan Schotte, Peter Hendricks, Evan Robertson.

2. [Public Comment](#)

There was no public comment.

3. [Consent Agenda](#)

[A. Draft Minutes from the Planning and Zoning Commission Meeting of July 31, 2015.](#)

Commissioner Boeger noted Commissioner O'Connor's vote was omitted from a motion in the minutes and requested it be added. Vice Chairman Provonsha requested the titles for Commissioner Walker and Chairman Herich be corrected on page 1. Vice Chairman Provonsha suggested the reference to the "Dustbowl Parcel" be changed to the more common nomenclature of the "Cottonwood Parcel."

MOTION

Commissioner John O'Connor moved to approve the draft minutes from the Planning and Zoning Commission Meeting of July 31, 2015 with the suggested changes, seconded by Commissioner Margaret Walker. All were in favor, none opposed. The motion carried.

[B. Draft Minutes from the Planning and Zoning Commission Meeting of September 24, 2015.](#)

The Commissioners held a conversation about a change to the minutes but elected not to alter them.

MOTION

Commissioner John O'Connor moved to approve the draft minutes from the Planning and Zoning Commission Meeting of September 24, 2015, seconded by Commissioner Margaret Walker. All were in favor, none opposed. The motion carried.

4. [New Business](#)

[A. Benchmark Associates, P.A. for Sun Valley Company; Public hearing for a Master Plan Development Application to amend the White Clouds \(Gun Club\) Land Use Area Master Plan Application No. MPD 2006-03-017 as amended by MPD 2014-02 as it applies to Parcel A Amended, White Clouds, Corrected: Parcels A, B & J Amended, whereby the density for Parcel A Amended is changed to allow a range of 26 – 36 units. Application No: MPD 2015-01.](#)

The Commissioners discussed the order and relation of the agenda items, and Community Development Department Director Jae Hill stated they needed to decide items 4A through 4C before they could

address 4D. He also noted that for items 4A-C, the Commission is recommending approval to the City Council.

Vice Chairman Provonsha gave an overview of the issue, noting it was changing the density of the parcel to allow for a range of 26 to 36 units. He asked the Commissioners if they wanted to add or amend any of Conditions of Approval.

Vice Chairman Provonsha asked for the Commission's disclosures on items 4A through 4D. They had none. Vice Chairman Provonsha asked if the applicant had anything to add to the staff report prior to the public hearing. Wally Huffman, representing the applicant, stated he had nothing to add.

Vice Chairman Provonsha opened the public hearing on agenda items 4A through 4D. Hearing no public comment, he closed the public hearing.

MOTION

Commissioner John O'Connor moved to recommend for approval to the City Council the Master Plan Development Application No. MPD 2015-01, an amendment to the previously-approved 2006 Master Plan for the Gun Club LUPA, pursuant to the findings of fact, seconded by Commissioner Margaret Walker. All were in favor, none opposed. The motion carried unanimously.

[B. Benchmark Associates, P.A. for Sun Valley Company; Public hearing for a Conditional Use Permit Application to amend Conditional Use Permit for Gun Club LUPA PUD Application No. 2007-05 as it applies to Parcel A Amended, White Clouds, Corrected: Parcels A, B & J Amended, whereby the Diamond Back Townhomes may include single family dwellings in a townhouse form of ownership with common area. Application No: CUP 2015-01.](#)

Jae Hill gave an overview of the application, noting the PUD for the Gun Club had previously been amended in 2007. The purpose of the proposed amendment is to allow single-family dwelling units within the RM1 zoning district. He stated staff did not believe there would not be any deleterious impact on adjacent properties as a result of approval of the application. He pointed out this is amending the entire PUD, not just the Diamond Back townhome area.

Vice Chairman Provonsha asked if the applicant had anything to add. Huffman indicated he did not.

MOTION

Commissioner O'Connor moved to recommend for approval to the City Council Conditional Use Permit 2015-01, amending the previously approved 2007 Gun Club PUD, pursuant to the findings of fact, seconded by Commissioner Walker. All were in favor, none opposed. The motion carried unanimously.

[C. Benchmark Associates, P.A. for Sun Valley Company; Public hearing for a Plat Amendment Application proposing to amend the preliminary plat \(SUBPP 2014-03, approved May 24, 2014\) for Parcel A Amended within the plat of White Clouds Corrected, Parcels A, B & J Amended reducing the total number of townhouse units from 36 to 31. Application No: SUBPA 2015-04.](#)

Vice Chairman Provonsha asked Jae Hill to explain the map "P2 Preliminary Plat." Hill stated the proposal is to reduce the number of sublots from 36 to 31. He described the reconfiguration on the maps and noted the total reduction is five units.

Commissioner Boeger asked whether the applicant would need to return to the Commission if future plans fell within the range of units proposed in this application. Jae Hill responded that if they were

doing a few swap outs, perhaps less than 10% change, the change could be reviewed administratively. But, if there were bigger changes, he would talk to Chairman Herich about whether the Commission wanted to review it. The Commission held a conversation about whether they should add a condition of approval that states the Community Development Department could review larger changes administratively. Vice Chairman Provonsha stated he liked the discretion to potentially have things come back to the Commission for review. The other Commissioners agreed. Jae Hill reviewed a few scenarios that demonstrated what could be reviewed administratively and what should come back to the Commission for approval.

MOTION

Commissioner John O'Connor moved to recommend approval to the City Council Plat Amendment Application No. SUBPA 2015-04, amending the previously approved White Clouds Corrected Parcels A, B & J, pursuant to the findings of fact, seconded by Commissioner Bill Boeger. All were in favor, none opposed. The motion carried unanimously.

D. Ruscitto/Latham/Blanton Architectura P.A. for Sun Valley Company; Public hearing for a Design Review Application proposing the development of one duplex townhome (Bldg. H) and two single-family townhomes (Bldgs. J & K) - including site access, improvements, and landscaping - as well as the modification of a previously approved four-plex (Bldg. C) and duplex (Bldg. G) within the Multi-Family Residential (RM-1) Zoning District. Location: 105 Diamond Back Road; Parcel A White Clouds PUD. Application No: DR 2015-33.

The Commissioners noted the proposed design is similar to other designs the Commission already approved. Vice Chairman Provonsha noted the materials and other aspects of the buildings were explained clearly during the site visit.

Jae Hill noted the new duplex unit has a completely different size and design to the other buildings in the subdivision; it is much larger than the other duplexes and four-plexes. Vice Chairman Provonsha stated his opinion that the applicant's renderings showed that the consistency was retained without the usual difficulties you might expect from a size expansion.

In response to a question from Commissioner Boeger, Wally Huffman described the change in size. He stated the buildings were changing from 2,500 square feet to 3,200 square feet and from a single-car garage to a double-car garage in the duplex. They also change from three bedrooms to four bedrooms. Jae Hill noted the height is 40 feet, 7 inches, which is below the 44-foot requirement.

Commissioner O'Connor asked about access for emergency vehicles and whether the Fire Department provided a letter. Jae Hill stated a gate was already approved on the private road and that the Fire Department letter reiterated that. He stated the gate would serve a public-safety purpose of making it safer for users of the bike path and drivers on Trail Creek Road.

Vice Chairman Provonsha stated any concerns he had about the increase in the mass were alleviated by the renderings and seeing that it was consistent with buildings the Commission already approved.

MOTION

Commissioner Margaret Walker moved to approve DR 2015-33 for construction of one new duplex and three single-family units pursuant to the findings of fact, seconded by Commissioner John O'Connor. All were in favor, none opposed. The motion carried unanimously.

5. [Continued Business](#)

Vice Chairman Provonsha noted he wanted the City to address the issue of appropriately zoning the Trail Creek Subdivision and Bitterroot Road for townhomes. Jae Hill stated he would begin the process to address that. He stated a need to conduct outreach to homeowners before the City took action. The Commission recommended that Jae Hill contact Chairman Herich to work together on figuring out the best way to proceed.

The Commission asked about future meetings. Jae Hill stated there was likely to be a meeting on November 12 to address a fence about which the City received complaints.

Jae Hill stated there are things that need updating in the City Code that he will work on over the next few months.

Commissioner Boeger stated he received complaints about an appurtenance on the roof of the Sun Valley Lodge. Associate Planner Abby Rivin stated she believes it is a wireless facility. Commissioner Boeger said he could not recall approving that with the design of the Lodge remodel. Jae Hill stated the Community Development Department would take a look at it.

7. [Adjourn](#)

MOTION

Commissioner John O'Connor moved to adjourn, seconded by Commissioner Margaret Walker. All were in favor, none opposed. The motion carried unanimously.

The meeting adjourned at 10:23 a.m.

Jake Provonsha, Vice Chairman

Alissa Weber, City Clerk

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

From: Jae Hill, AICP, CFM, Community Development Director
Meeting Date: 12 November 2015

DESIGN REVIEW (DR2015-45)

APPLICANT: Clemens Associates (Doug Clemens) for John and Diane Trimper

LOCATION: 105 Skyline Dr, Dollar Mountain Sub

ZONING DISTRICTS: Single-Family Residential (RS-1) Zoning District

REQUEST: Approve the design of a new perimeter fence, exceeding the 48 inch maximum allowable by-right in the RS-1 zoning district.

BACKGROUND: The property owners are in the process of constructing their new home, which was previously approved by the Planning and Zoning Commission in DR2014-03. The plans which were approved at that time did not include a perimeter fence. In approximately late August or early September, the applicant met with me to discuss adding a "standard three-rail wood fence" and a dog run to the property. At that time, I directed the applicant to Sun Valley Municipal Code § 9-3G-8 which specifically limits the height of fences in the RS-1 zone to a "maximum of 4 feet." Seeing as there was a recent survey of the property, that the two immediately adjoining lots are vacant, and finding no previous comments had been received on the design for the new home's construction, I administratively approved the fence as an addition to the previously-approved design review.

Starting in late-September, I received complaint calls from adjoining neighbors who were upset about the new fence: specifically that it was too high and "shiny." During a site visit, I measured the height of the fence as approximately 57 inches to the top of the posts and 53 inches to the top of the highest cross-member - both of which exceeded the allowable height in the RS-1 zone. The fence is also clad in a shiny metal grating to prevent the owners' dogs from leaving the yard; this grating is highly reflective during early morning hours and was not part of my approval of the "standard three-rail wood fence."

On September 29th, I notified the applicant that the fence was out of compliance with the code requirements and the terms of my approval. During a subsequent meeting, the applicant disagreed with my interpretation of "maximum height" stating that the posts were exempt from the height limitation expressly stated in the code (9-3G-8) as:

A. Maximum Height: Except as otherwise provided herein, the maximum height of all fences, retaining walls, freestanding walls, and screens, as measured from record grade, shall be as follows within each district:

<i>District</i>	<i>Maximum Height</i>
<i>RA</i>	<i>6 feet</i>

RS-1	4 feet
RS-2	4 feet
RM-1	4 feet
RM-2	4 feet
SC	4 feet
CC	4 feet
REC	6 feet
PI	4 feet
OS	None

At this time, the applicant also claimed that additional fill would be brought on to the lot to reduce the height of the fence to nearly 48 inches to the top of the highest cross-member. Originally he claimed that some trailing plants would be grown along the grating, obscuring it from view, but then removed that component of his application, adding it as an option.

On October 7th, the applicant submitted an application for Design Review for the fence.

ANALYSIS: As stated in the code, exceeding the allowable fence height can be permitted through design review - even administratively.

C. Approval Through Design Review Process: In all zoning districts, fences, screens, retaining walls, and freestanding walls in excess of the maximum height limit may be approved through the design review process.

Given the contentious history of the approval and the complaints by the neighbor, this project was likely to go before the Planning and Zoning Commission on appeal of the Director's decision. Also, the Director's determination of "maximum height" has also been called into question. With these two issues in mind, the Planning and Zoning Commission has been asked to review the fence design and the interpretation of "maximum height."

Our Municipal Code section regarding fence and wall standards (9-3G-8) - and specifically the section regarding the maximum height of fences - makes no allowances or exemptions for posts, lamps, caps, finials, or other accoutrements. It makes no reference to the height as being the tallest cross-member; nor should it, as various fence types (vinyl, cedar plank, chainlink, etc.) may have a cross member 1-2 feet lower than the top of the fence. Staff remains firm that the definition is expressly clear. The applicant may, as indicated in the code, receive approval of a taller fence - even just a few inches above the maximum allowable height - through the design review process. Measuring from record grade, as the code requires, will still net a fence that is 57 inches in height.

After receiving the application, Community Development staff undertook a driving tour of the city, stopping to measure various three-rail fences and other fence types throughout the city. While true that several of these fences exceed the 48-inch required height, several of them were compliant: one on Juniper Road had even cut the support piles down to meet the 48-inch maximum. Fences exceeding four feet in height may prohibit the passage of wildlife and/or restrict views.

The other outstanding issue is the material used in the fencing. The applicant assures the Community Development Department that the grating, which is stapled to the outside of the fence, will gradually

lose its shine over several seasons of weathering; the applicant has provided material samples to demonstrate that effect.

During the same aforementioned driving tour, Staff found only a half-dozen examples of the "three-rail-fence-with-wire-grating" style in the entire city. While the grating *had* in fact weathered over time, the primary difference between the subject application and the other fences in the city was that the grating was affixed to the *inside* of the fence in every single instance noted. Affixing the grating to the interior has a substantial impact on reducing the mass of the metal "chain link" appearance towards the neighbors. Outside of Sun Valley city limits, in Ketchum and East Fork, some examples of this grating has fallen into disrepair and is an unattractive nuisance.

It is Staff's recommendation, then, that if the fence is approved, that the grating be removed. If the Commission elects to approve the fence, Staff *strongly* recommends the grating be removed from the *exterior* of the fence and reattached to the *interior*, facing the homeowner instead of the neighbors.

EVALUATION STANDARDS: Applications for design review are subject to standards in SVMC § 9-3A-3. Many of the standards are not applicable as this is simply a fence and not a new structure.

A. Design and Siting: **Not applicable.**

B. Grading: **Not applicable.**

C. Architectural Quality: **Not applicable.**

D. Pedestrian And Vehicle Circulation Design: **Not applicable.**

E. Landscaping Quality: **Not applicable.**

F. Irrigation Limits: **Not applicable.**

G. Fences, Walls, Retaining Walls, Screens, And Dog Runs:

*1. Fences, screens, and dog runs are designed to be consistent with the architectural character of the structures on the property. **The shiny metal grating, similar to chicken wire, does not match the architectural styles of the property or the surrounding area. The wood fence is similar in nature to those found throughout the city, but is the only wooden three-rail fence in the entire Skyline Drive neighborhood. The fence is highly visible from the tee box and fairway at the adjacent Elkhorn Golf Course.***

*2. Fencing and screening materials are finished on both sides. **The metal is affixed to the outside, where it is most visible to the neighbors, to travelers on Elkhorn Road, and to golfers on the fairway.***

3. Fences, walls, retaining walls, screens, and dog runs are in accordance with the requirements set forth in article G, "Standard Regulations", of this chapter, including the provision that in all zoning districts, fences, screens, retaining walls, and freestanding walls may be approved in excess of the maximum height limit through the design review process. (Ord. 455, 12-6-2012)

The height exceeds the maximum allowable 48-inches; the height measures 57 inches to the top of the posts, until sufficient fill is added to the non-landscaped side of the fence, at which point it will still exceed the 48-inch maximum by 4 to 5 inches.

H. Sign Design: **Not applicable.**

I. Exterior Lighting: **Not applicable.**

J. Additional Evaluation Standards For Commercial, Public, And Multiple-Unit Projects (PUDs, RM-1, RM-2, SC, CC And OS-1 Zones, And Condominium And Townhouse Projects): **Not applicable.**

RECOMMENDATION: Staff recommends approval of DR2015-45, allowing for five inches of additional height, but with the additional condition that the grating must be removed from the exterior (and possibly reattached to the interior of the fence.)

RECOMMENDED MOTION: "I move to approve DR2015-45, pursuant to the Staff-recommended Conditions of Approval and the Findings of Fact."

ALTERNATIVE ACTIONS: Move denial of the application and draft findings supporting denial; request redesign of the project.

ATTACHMENTS:

1. Findings of Fact
2. Application Materials
3. Comment Email

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
CITY OF SUN VALLEY
DESIGN REVIEW**

Project Name: **Design Review Application DR2015-45**

Applicant: **Clemens Associates (Doug Clemens) for John and Diane Trimper**

Location: **105 Skyline Dr, Dollar Mountain Sub**

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

Description: **Approve the design of a new perimeter fence, exceeding the 48 inch maximum allowable by-right in the RS-1 zoning district.**

Required Findings: In order to approve a design review application and based on the standards set forth in **Sun Valley Municipal Code, Title 9, Chapter 3A (DESIGN REVIEW REGULATIONS)**, the Community Development Director shall make the following findings pursuant to **Development Code Section 9-5B-3 (DESIGN REVIEW)**.

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district. **Fences are an allowable use in the RS-1 district, and the maximum allowable height of 48 inches may be exceeded with appropriate design review.**
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. **As conditioned, the project will be consistent with similar styles of fences in the city and will be appropriately styled to minimize impacts on the neighbors.**
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. **As conditioned, the project will not impact the views from the summit of Elkhorn Road or from the adjacent fairways of the Elkhorn Golf Course.**
4. The proposed design is in context and complimentary to adjacent properties. **A three-rail wooden fence is in context to adjacent properties due to its natural and rustic appearance and minimalist design.**
5. The proposed design is compatible with the community character and scale of the neighborhood. **Three-rail wooden fences are similar to those found throughout the community, including in such areas as the Gateway.**
6. The proposed design adheres to standards for the protection of health, safety, and general welfare. **The fence is accessible by fire, rescue, and safety personnel.**
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.**

CONDITIONS OF APPROVAL

1. The grating affixed to the exterior of the fence shall be removed **[and reattached to the interior (optional)]**.
2. Design Review approval is good for one year from the date of approval, unless extended pursuant to Sun Valley 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 9-5A-9 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. Approval is specific to the project drawings dated received by the City of Sun Valley on October 7, 2015.
6. No modifications to the approved plans shall be made without written permission of the Building Official and/or Fire Chief.

CONCLUSIONS OF LAW

Therefore, this project does meet the standards for approval under Title 9, Chapter 3A, City of Sun Valley Municipal Code provided the 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.

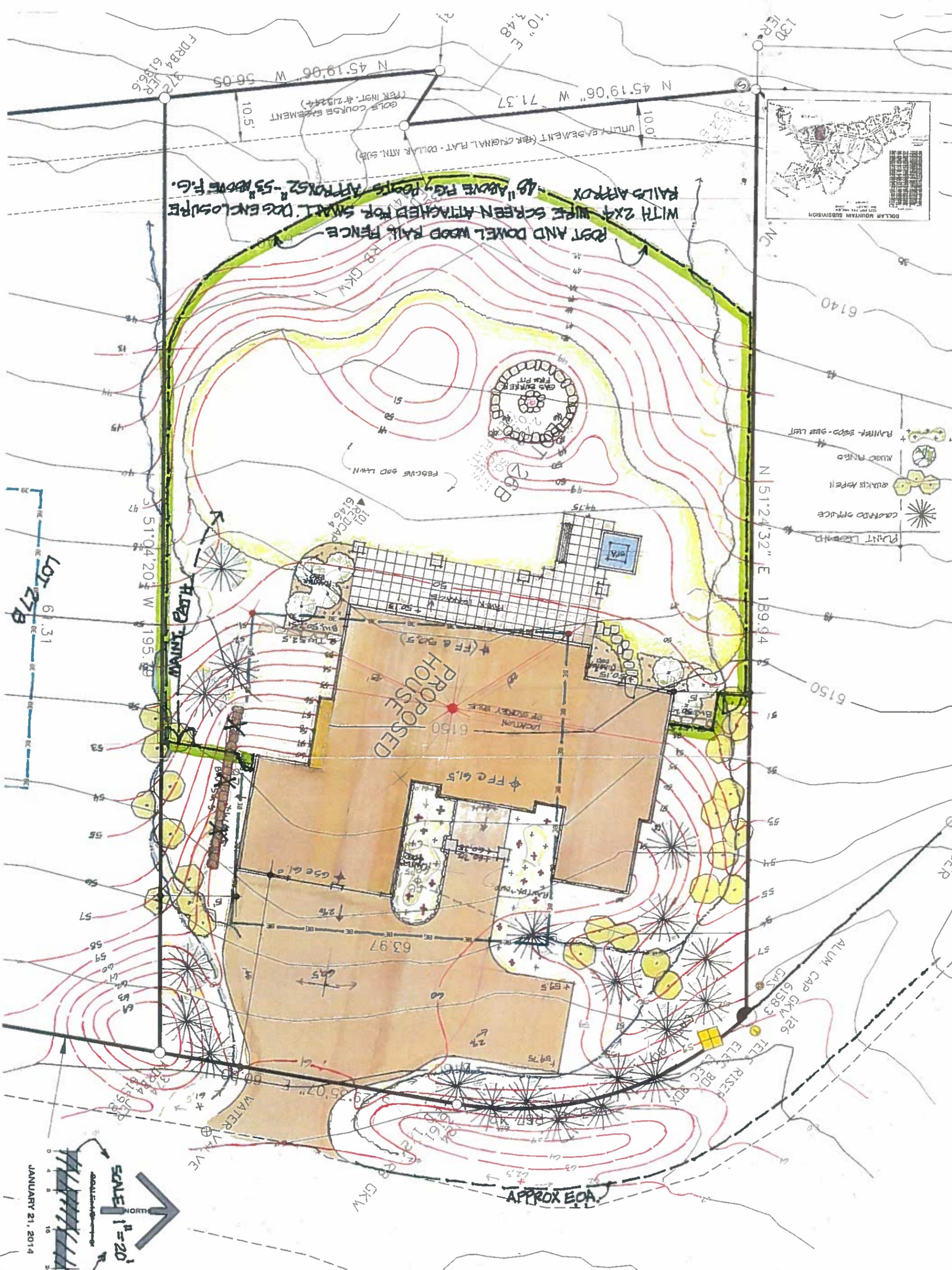
DECISION

Therefore, the Sun Valley Planning and Zoning Commission approves this Design Review Application No. DR2015-45.

Dated this 12th day of November, 2015.

Ken Herich, Chairman
Sun Valley Planning and Zoning Commission

Date Findings of Fact signed _____



- PLANT LEGEND
- COMMAND OFFICE
- QUAKER APPLE
- MUGO PINE
- PLANTER BEDS - SEE LIST



JANUARY 21, 2014

L-1 TRIMPER RESIDENCE SITE/GRADING/LANDSCAPE PLAN
DOLLAR MOUNTAIN SUB LOTS 26B + 27B
SKYLINE DRIVE
SUN VALLEY, IDAHO
CLEMENS ASSOCIATES INC. PLANNING AND DESIGN CONSULTANTS PO BOX 300 KETCHUM, IDAHO 83340 208.726.5331

DTG

From: [Jae Hill](#)
To: [Abby Rivin](#)
Subject: FW: Trimper dog fence comments
Date: Monday, November 02, 2015 10:23:55 AM

-----Original Message-----

From: Phil Silver [<mailto:psilver@SILGAN.com>]
Sent: Sunday, November 01, 2015 10:59 AM
To: Jae Hill
Subject: Trimper dog fence comments

Dear Mr. Hill

My name is Philip Silver. I am the owner of a residence at 103 skyline Spur. I also own a vacant lot at 101 Skyline Spur. The Trimper Home at 105 Skyline Drive is less than 100 yards from our property. I have viewed the dog fence in question and have the following comments;

- Were the required approval received prior to it's construction? If not,why?
- I believe the concept of dog fences in the community is not in keeping with the nature of the community.
- Granting an exception in this case would open a can of worms for you and our subdivision.
- Fences would impede the movement of wildlife through the community which is stated element of Sun Valley's land use plan.
- Lastly I dread the thought of barking dogs behind fences as an element of our community.

Thank you for consideration of my comments.

Regards Phil Silver