

MEETING AGENDA

THURSDAY, JUNE 9, 2016 AT 9:00 A.M.
SUN VALLEY PLANNING AND ZONING COMMISSION
TO BE HELD IN SUN VALLEY COUNCIL CHAMBER AT CITY HALL

***The meeting will begin with a site visit at 9am at 5 Golf Lane and then adjourn to the Council Chambers of City Hall, 81 Elkhorn Road, Sun Valley, Idaho directly thereafter for the required public hearing and all remaining meeting items.**

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

Draft Minutes from the Planning & Zoning Commission Meeting of May 26, 2016.

4. New Business

a. Sun Valley Water and Sewer District Wellhead

- i. **Zone Map Amendment #2016-01:** Application for the proposed rezone of Tax Lot 1627 from the OR-1 Zoning District to Open Space (OS) Zoning District – or other similar zoning – required for the construction of a new municipal well and pump station on the subject area. Applicant: Sun Valley Water & Sewer District. Location: 12640 Highway 75; Tax Lot 1627 Sun Valley FR NWNE TL 5802, FR NENE TL 1627 SEC 30 4N 18 E.
- ii. **Conditional Use Permit #2016-03:** Application for the proposed construction of a new municipal well and 960 sq ft pump house in the Open Space (OS) Zoning District. Applicant: Sun Valley Water & Sewer District. Location: 12640 Highway 75; Tax Lot 1627 Sun Valley FR NWNE TL 5802, FR NENE TL 1627 SEC 30 4N 18 E.
- iii. **Design Review #2016-18:** Application for the construction of a municipal well and pump station for the district service area in the Open Space (OS) Zoning District. Applicant: Sun Valley Water & Sewer District. Applicant: Sun Valley Water & Sewer

District. Location: 12640 Highway 75; Tax Lot 1627; Sun Valley FR NWNE TL 5802, FR NENE TL 1627 SEC 30 4N 18 E.

b. **Plat Amendment #2016-03:** Amend the dimensions of a driveway & public utility easement and a building envelope on lot 3 of Lane Ranch North Subdivision. Applicant: Benchmark Associates, P.A., for LRN Development, LLC.

c. **5 Golf Lane Stable**

i. **Conditional Use Permit #2016-02:** Conditional use approval of a new 2,900 square foot stable (“indoor equestrian use”) as an accessory structure to a recreational use in the Recreational (REC) zone at 5 Golf Lane. Applicant: Marvin Anderson Architects, PLLC, for 5GL, LLC.

ii. **Design Review #2016-02:** Design review approval of a new 2,900 square foot stable in the Recreational (REC) zone at 5 Golf Lane. Applicant: Marvin Anderson Architects, PLLC, for 5GL, LLC.

5. **Continued Business**

None

6. **Discussion Items**

7. **Adjourn**

Meeting Schedule:

Regular Meeting at 9:00 am on Thursday, June 9, 2016

**Minutes of the Planning and Zoning Commission
May 26, 2016**

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 May 26, 2016 at 09:00 a.m.

1. [Call To Order](#)

Chairman Ken Herich called to order the meeting in Council Chambers at 9:44 a.m. He noted the Commission attended a site visit at 170 Lanes Way prior to reconvening in Council Chambers.

Present: Chairman Ken Herich, Commissioner John O'Connor, Commissioner Bill Boeger and Commissioner Sherri Newland.

Absent Vice Chair Jake Provonsha

Also Present: Cinda Lewis, Chase Gouley, Scott Thomson, Whitney Sander, Eiron Schofield, Sheridan Brett

3. [Consent Agenda](#)

a) [Draft Minutes from the Planning & Zoning Commission Meeting of May 12, 2016.](#)

Chairman Ken Herich asked that the language on page 4, 3rd paragraph be changed to say Herich asked staff to physically go to the County and see what was actually recorded. He also asked that language be changed to indicate Jae Hill suggested continuing the agenda item to a date uncertain with re-noticing.

MOTION

Commissioner John O'Connor moved to approve the May 12, 2016 meeting minutes with the changes requested, seconded by Commissioner Sherri Newland. All in favor. The motion carried unanimously.

4. [New Business](#)

a) [Design Review #2016-20: Application for the proposed construction of a new 3,931 sq ft single-family residence with associated site improvements in the Single-Family Residential \(RS-1\) Zoning District. Applicant: Scott Thompson, Evergreen Ventures, LLC. Location: 170 Lane's Way; Lot 7 Lane Meadows Subdivision.](#)

Chairman Ken Herich asked for the Commissioners to make disclosures on the agenda items. Herich stated he is the President of the Lane Ranch homeowners association, which is a neighboring subdivision. He noted nothing in this project would affect his own property and felt he could rule unbiased and fairly on the application.

No other Commissioner had disclosures to make.

Scott Thompson stated that Chase Gouley, landscape architect, had sketched additional trees and a sample chimney stack in response to feedback at the site visit.

Chase Gouley, from Ben Young Landscape Architects, presented on behalf of the applicant. He discussed the proposed exterior materials. He noted the property grade is 25% but they will provide drainage away from the house on all four sides. He discussed landscaping, including the materials to be planted.

The Commission and Gouley discussed the development agreement's requirement of tree screening. Gouley stated they plan to add trees because the screening was not as dense as they expected. Gouley explained they added shrubs in front of the trees to create a tiered effect.

Gouley further described the landscaping. He discussed whether the plants in the front would be sufficient to screen utility boxes. Commissioner Sherri Newland asked about the porcelain tiles planned for the entryway. Gouley responded they are a newer product but they have a 20-year warranty, so they expect they will weather well.

Gouley stated the applicant will plan additional snow storage per the City's suggestion. In response to a question from Commissioner Newland, he discussed the irrigation plan for the property.

Whitney Sanders, architect for the project, distributed the materials to be used on the building exterior. He discussed the roof plan and the placement and design of the chimney. He explained there was a new sketch of their proposal for the chimney, which is a stainless steel unit with a finished flue. He noted they would combine the chimney with the HVAC system. He pointed out the mechanical room on the plans and stated the air conditioning unit would be placed by the other utilities on the side of the house.

Commissioner Bill Boeger asked for more detail about the elevation of the house. Sanders responded the chimney will likely reach four feet above the roof, but it will be enclosed for three of those feet.

Sanders further detailed the materials for the bottom and top masses on the building. Commissioner Sherri Newland asked about the weathering process and glare of the proposed metal. Sanders responded the metal should last and noted its placement and matte finish should help with the glare.

Chairman Ken Herich asked about enclosures for the metering boxes. The applicant and Commission discussed the option of extending the wall of the house to shield the box from the street. Community Development Director Jae Hill pointed out that will only work for the electrical and that the A/C and gas would need to be external. Chairman Herich stated landscaping would be sufficient to shield those dependent on final approval from the Community Development Department.

Sanders detailed the overall design inspiration, noting the focus on second-floor living. Chairman Ken Herich asked about drainage on the roof. Sanders responded by showing several cross-sectional images to demonstrate how the drainage was designed. He noted they are using internal drains throughout the roof that will drain internally.

Commissioner John O'Connor asked about exterior lighting. Sanders responded there are five outdoor light fixtures planned, all of which are dark-sky compliant.

Chairman Ken Herich opened the public hearing on the agenda item. Hearing no comment, he closed the public hearing.

Commissioner Bill Boeger stated a concern about the starkness of the white stucco on the building.

MOTION

Commissioner John O'Connor moved to approve Design Review #2016-20 to allow construction of a new 3,931 square foot single-family residence with associated site improvements pursuant to the findings of fact and conditions of approval, seconded by Commissioner Bill Boeger.

Chairman Herich added a Condition of Approval #10 to read that the “electrical boxes be placed in an enclosure that shall be submitted for approval to and by the Community Development Director along with a landscape screening solution for gas meter and any potential air conditioning compressors.”

Commissioner John O’Connor stated he would amend his motion to include the additional condition, seconded by Commissioner Bill Boeger.

Chairman Herich asked about the sketches provided regarding the chimney and additional landscaping. Jae Hill stated it was sufficient that the applicant submitted the changes into the record at the meeting.

The Commission voted on the motion. All in favor. The motion carried unanimously.

BREAK

A break was taken at 10:34 a.m.

The break ended at 10:39 a.m.

- b) [Plat Amendment #2016-02: Application proposing to combine units 57, 58, 59, and 60 into amended unit 57A in the Multi-Family Dwelling \(RM-2\) Zoning District. Applicant: Benchmark Associates, P.A. for Richard Symms. Location: 1057 & 1059 Atelier Condo Drive; Atelier Condominiums Apts 57, 58, 59, & 60, Bldg 4.](#)

Cinda Lewis, with Benchmark Associates, presented on behalf of the applicant. She stated the applicant owns all four units. She stated the applicant currently plans to cut five-foot doorways between units 58 and 60 but the application is for the ability to cut doors between any of the units. Lewis stated no exterior improvements are proposed.

Commissioner John O’Connor asked whether the applicant planned to rent out the units as lock-off units. Lewis responded they do not rent the units but do want internal access between each of them.

Commissioner Bill Boeger asked why a plat amendment is required. Jae Hill responded that whenever two lots are being combined it is required. Chairman Ken Herich pointed out that if they want to sell an individual unit in the future they will need to go through the subplat process to reestablish the inner property lines.

Chairman Ken Herich asked whether the applicant needed homeowner association approval for this. Lewis responded they did. Jae Hill stated the Commission cannot require HOA approval prior to the City’s approval. The Commission and Hill discussed this issue further and how the requirements would change if the proposal was to change property owned by the HOA.

Chairman Herich pointed out that the walls in a condominium building are actually owned by the association so are not private property. Jae Hill stated that in that case the City should require association approval before the City approves the plat amendment, as the HOA is essentially vacating its interest in the common area of the wall.

Chairman Herich asked that a second condition of approval, requiring homeowner’s association approval, be added prior to recommendation for approval.

Chairman Ken Herich opened the public hearing on the agenda item. Hearing no comment, he closed the public hearing.

MOTION

Commissioner Sherri Newland moved to recommend approval to the City Council of plat amendment application 2016-02 combining units 57, 58, 59, and 60 into amended unit 57A pursuant to findings of fact and conditions of approval, including amended condition 2, seconded by Commissioner John O'Connor. All in favor. The motion carried unanimously.

6. Discussion Items

Jae Hill referenced a memo he sent to the Commission regarding the building envelope issue from the May 12th meeting. He stated the County only had one instrument number for the Twin Creeks subplat, and the building envelope document was never recorded. The only place they exist is through the CC&Rs and the Elkhorn Association. This means that anyone that has requested an envelope shift from the City has really just created an envelope where one did not previously exist. He noted the City will do thorough plat history research on any such application that comes in and not rely on documents provided by the applicant.

The Commission discussed the ramifications of this discovery and how the City can ensure it is using the correct base plats when reviewing an application. They discussed the interaction between the Elkhorn Association requirements for the building envelope versus what the City will require. Jae Hill noted the City is not required to enforce SVEA building envelopes, so the City can recommend applicants go to SVEA for approval prior to the City to avoid violating those requirements.

The Commission held a further discussion of the history of this issue. Jae Hill stated he would reach out to surveyors and architects to let them know of this discovery.

Jae Hill gave an overview of issues coming before the Commission in future meetings, including a code text amendment regarding plat amendments. He noted the June 9th meeting would have quite a few items and asked if there would be a quorum. Chairman Ken Herich asked that Commissioners thoroughly prepare for that meeting so they can be more efficient.

Chairman Ken Herich asked whether there would be a code text amendment to streamline public notice requirements. Hill responded that there may be one in the fall.

Jae Hill stated the Community Development Department planned to hire an intern for the summer.

7. Adjourn

MOTION

Commissioner John O'Connor moved to adjourn, seconded by Commissioner Bill Boeger. All in favor. The motion carried unanimously.

The meeting adjourned at 11:22 a.m.

Ken Herich, Chairman

Alissa Weber, City Clerk

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

From: Abby Rivin, CFM, Associate Planner
Meeting Date: 9 June 2016

DESIGN REVIEW (DR 2016-18)

APPLICANT: Sun Valley Water & Sewer District

LOCATION: Tax Lot 1627; SUN VALLEY FR NWN TL 5802, FR NENE TL 1627 SEC 30 4N 18E

ZONING DISTRICT: Open Space (OS)

REQUEST: Approve the design of a 960 sq ft pump station for a new municipal well (“utilities, above-grade”).

ANALYSIS: The applicant has submitted an application for design review approval of a new 960 sq ft pump station on Tax Lot 1627. Tax Lot 1627 is an undeveloped 3.07 acre parcel that sits between Highway 75 and the Blaine County Recreation District’s Wood River Trail. The site is adjacent to another Sun Valley Water & District owned property to the northwest. The pump station will be located near the northwest property boundary. The design of the new pump station is similar in use and styling to other Sun Valley Water & Sewer District facilities in the vicinity. The exterior of the pump house will be pre-stained recycled lumber. Above-grade utilities are a conditional use in the OS Zone. This design review application is contingent on the approval of Zoning Map Amendment Application No. ZMA 2016-01 and Conditional Use Permit Application No. CUP 2016-03. Sun Valley Municipal Code sets no dimensional standards for structures within the OS Zone; all design standards are established by CUP in this zone.

RELEVANT DEFINITIONS:

UTILITIES: Installations for conduction of water, sewage, gas, telephone, electricity, television, stormwater and similar facilities providing service to and used by the public, and provided by either a public or private entity.

RECOMMENDATION: Staff recommends approval of DR2016-18 as conditioned. (See Findings of Fact.)

RECOMMENDED MOTION: "I move to approve Design Review Application NO. 2016-18 to allow for the construction of a 960 sq ft pump station for a new municipal well pursuant to the Findings of Fact and Conditions of Approval and subject to the approval of Zoning Map Amendment Application 2016-01 and Conditional Use Permit Application 2016-03."

ALTERNATIVE ACTIONS: Move denial of the application and draft findings supporting denial.

ATTACHMENTS:

1. Findings of Fact

2. Application Materials

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

Project Name: **Design Review Application DR 2016-18**

Applicant: **Sun Valley Water & Sewer District**

Location: **Tax Lot 1627; SUN VALLEY FR NWNE TL 5802, FR NENE TL 1627 SEC 30 4N 18E**

Zoning District: **Open Space (OS)**

Project Description: The applicant submitted an application for design review approval of a new 960 sq ft pump station for a new municipal well on Tax Lot 1627. Tax Lot 1627 is an undeveloped 3.07 acre parcel that sits between Highway 75 and the Blaine County Recreation District's Wood River Trail. The exterior of the pump station will be pre-stained recycled lumber and similar in use, styling, and design to other Sun Valley Water & District facilities in the vicinity. This approval is contingent upon the approval of Zoning Map Amendment Application No. ZMA 2016-01 and Conditional Use Permit Application No. 2016-03.

Though the structure is lower than the Highway 75 alignment and partially obscured along the adjacent rights-of-way by existing vegetation, the applicant will need to provide a landscaping plan which minimizes the effect of building massing and appearance, prior to Certificate of Completion; such a plan should be submitted to the Community Development Director.

All aspects of the project have been reviewed by the Planning Commission and staff to ensure compliance with all applicable standards and dimensional regulations. The project drawings stamped received by the City of Sun Valley on April 15, 2016 detail the design of the pump station project.

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 Planning & Zoning Commission 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. **Sun Valley Municipal Code sets no dimensional standards for structures within the OS Zone. Above-grade utilities are a conditionally-permitted use in the OS Zone. Because the parcel will remain primarily undeveloped, the pump station will not compromise the intrinsic open space value of the parcel.**
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 materials and colors utilized by the project are consistent with other Sun Valley Water & Sewer District facilities in the vicinity. The structure is 960 sq ft, which is less than 1% of the 133,729 sq ft 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. **No ridges or prominent terrain features exist on or directly adjacent to the site.**

4. The proposed design is in context and complimentary to adjacent properties. **The proposed design is complementary to adjacent Sun Valley Water & Sewer District facilities because of similarity in design, bulk, and mass. The visible mass of the building is minimized due to its siting on the property and orientation to the adjacent road and multi-use path.**
5. The proposed design is compatible with the community character and scale of the neighborhood. **The styling of the pump station is similar to adjacent Sun Valley Water & Sewer District facilities in the vicinity. The single-level bulk and mass of the proposed design is consistent and compatible with the character and scale of existing utility structures in the City.**
6. The proposed design adheres to standards for the protection of health, safety, and general welfare. **No site conditions or aspects of the design have been identified that would be adverse to the protection of health, safety, and general welfare of the community. The pump station enhances health, safety, and general welfare by providing a necessary public facility to serve the existing population and new growth.**
7. The proposed design is of quality architectural character and materials. **The exterior of the pump station will be re-stained, recycled lumber. The natural color as well as the recessed siting of the structure will minimize the visual impacts from Highway 75 and the Wood River Trail.**
8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City. **The project proposes a new pump station for a municipal well, which is an essential public facility. The new municipal well helps to achieve Goal 6 of the 2015 Comprehensive Plan Update, which is to, "provide for necessary and appropriate public facilities, services, and educational opportunities to serve existing populations and new growth." The OS District is consistent with the Open Space Future Land Use designation identified in the 2015 Comprehensive Plan.**

CONDITIONS OF APPROVAL

1. Applicant and their representatives shall comply with all applicable City codes and ordinances, including those related to noise (Section 4-4D-2 and 3) and water pollution control (Section 4-4C-2).
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 plan dated received by the City of Sun Valley on April 15, 2016.
6. Approval is contingent upon approval of Zoning Map Amendment Application No. 2016-01 and Conditional Use Permit Application No. 2016-03.
7. No modifications to the approved plans shall be made without written permission of the Building Official and/or Fire Chief.
8. Exterior lighting on the pump house shall be compliant with the City's Exterior Lighting Ordinance (SVMC 9-3B-3).
9. Prior to issuance of Certificate of Completion, the applicant shall provide a landscaping plan, to the satisfaction of the Community Development Director, which reduces the massing of the structure from adjacent rights-of-way.

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

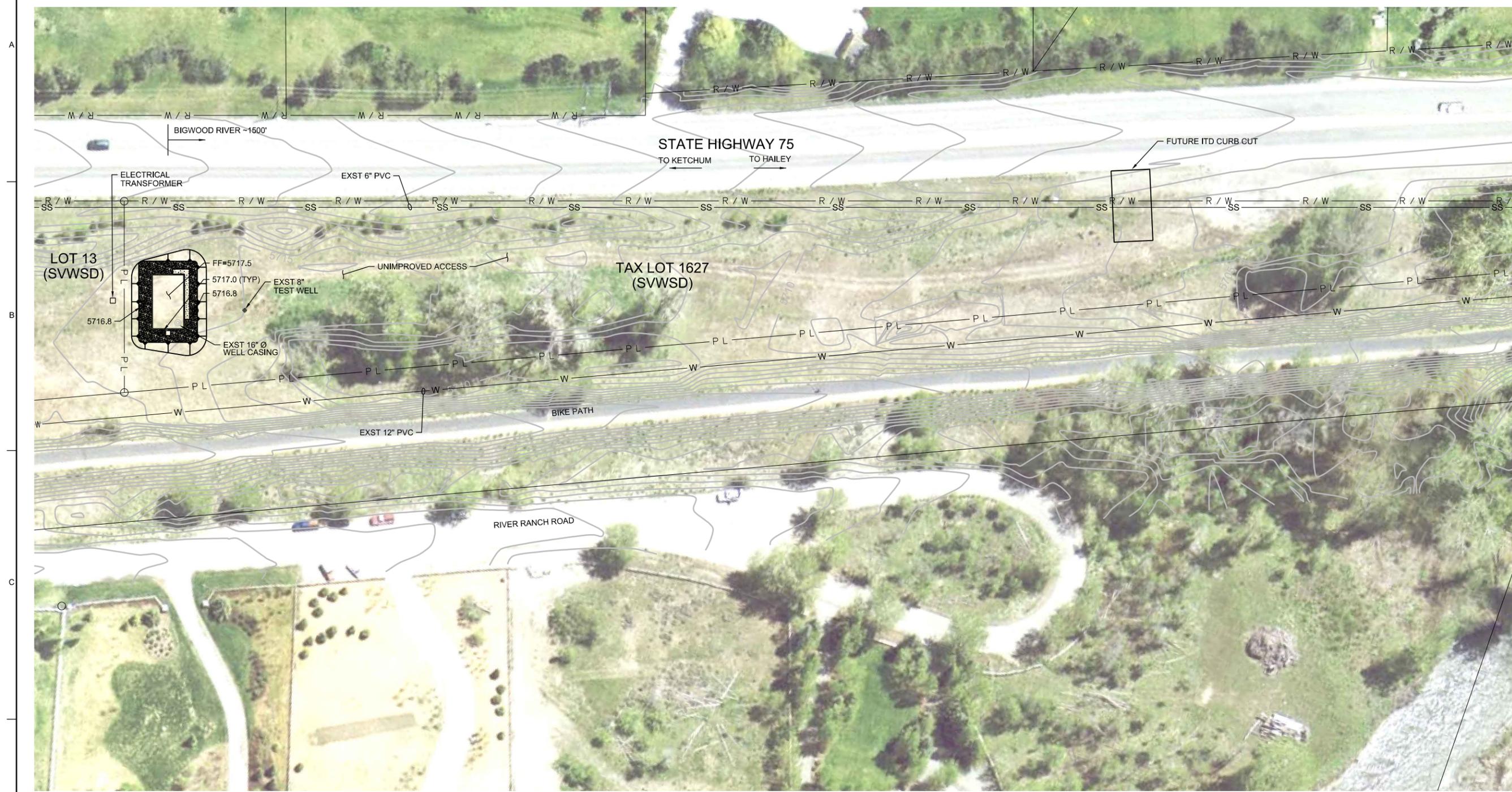
Therefore, the Sun Valley Planning and Zoning Commission approves this Design Review Application No. DR2016-18.

Dated this 9th day of June, 2016.

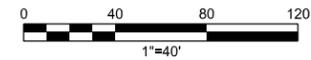
Jake Provonsha, Vice-Chairman
Sun Valley Planning and Zoning Commission

Date Findings of Fact signed _____

DRAFT



SITE AND GRADING PLAN



PRELIMINARY

NO.	DATE	DR	REVISION	BY	APVD

PUMP STATION FOR WELL NO. 13
SUN VALLEY WATER AND SEWER DISTRICT
SUN VALLEY, IDAHO

CH2MHILL®

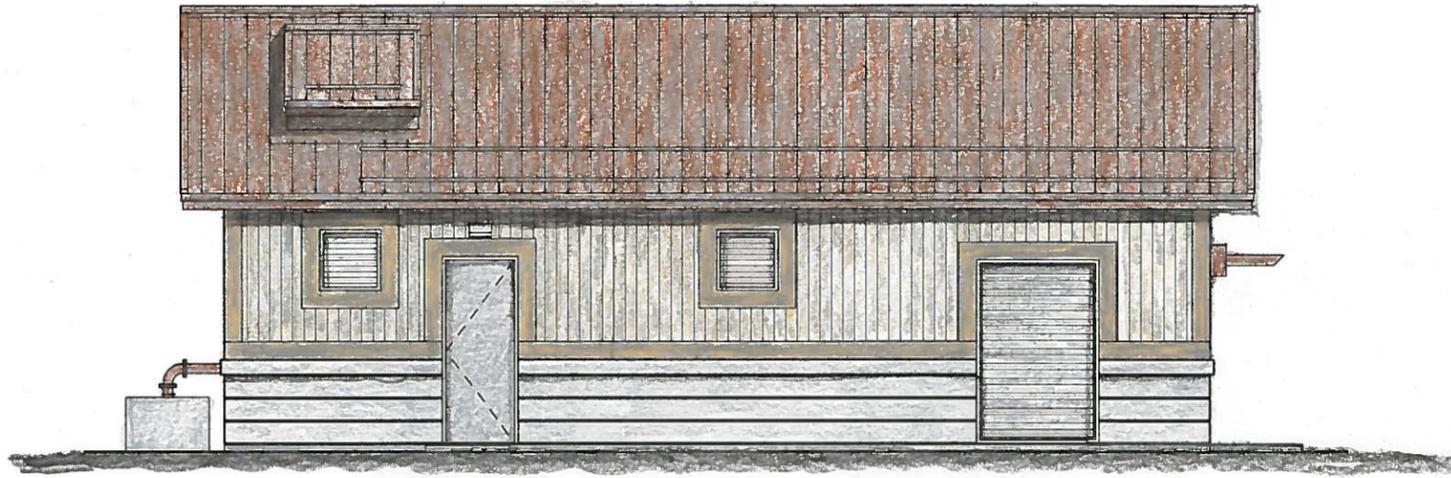
SITE AND GRADING PLAN

VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING.	
DATE	APRIL, 2016
PROJ	154047
DWG	
SHEET	2 of 3

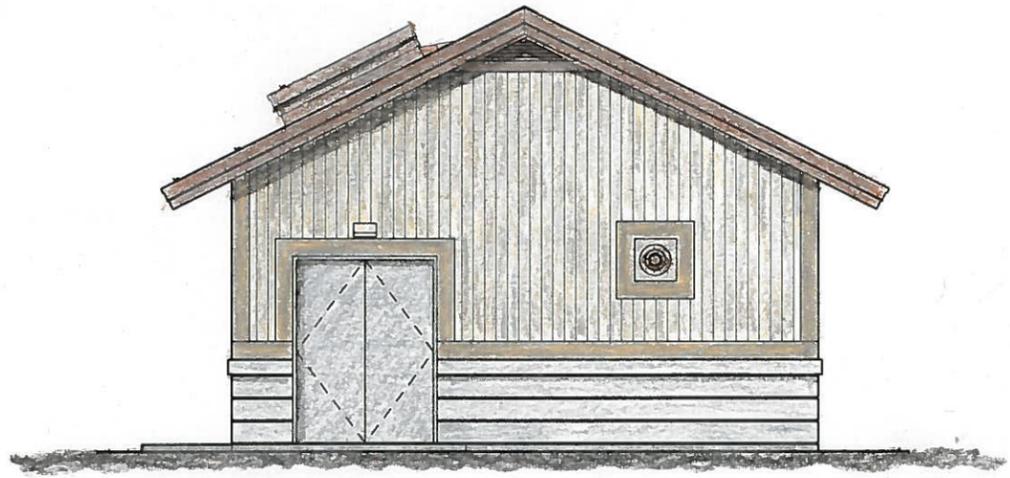
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B
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D



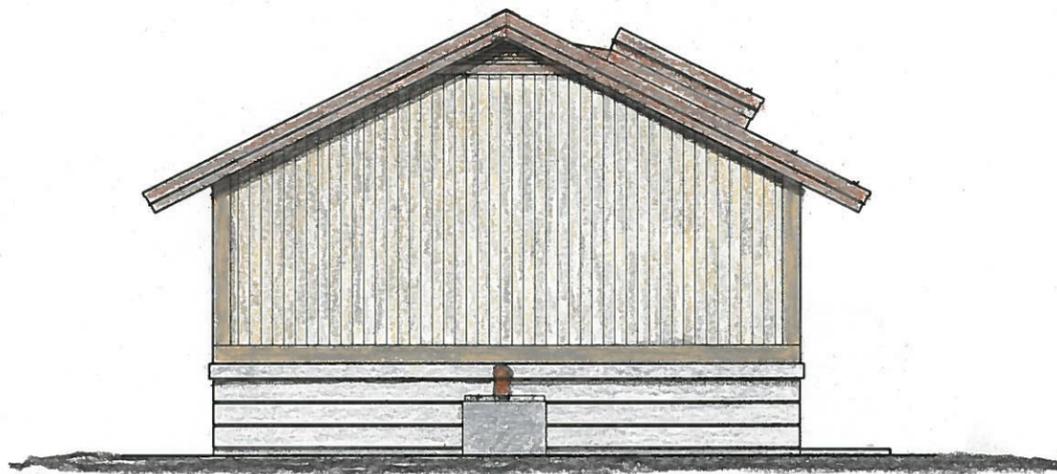
1 FRONT ELEVATION



2 RIGHT SIDE ELEVATION



4 REAR ELEVATION



3 LEFT SIDE ELEVATION

PRELIMINARY

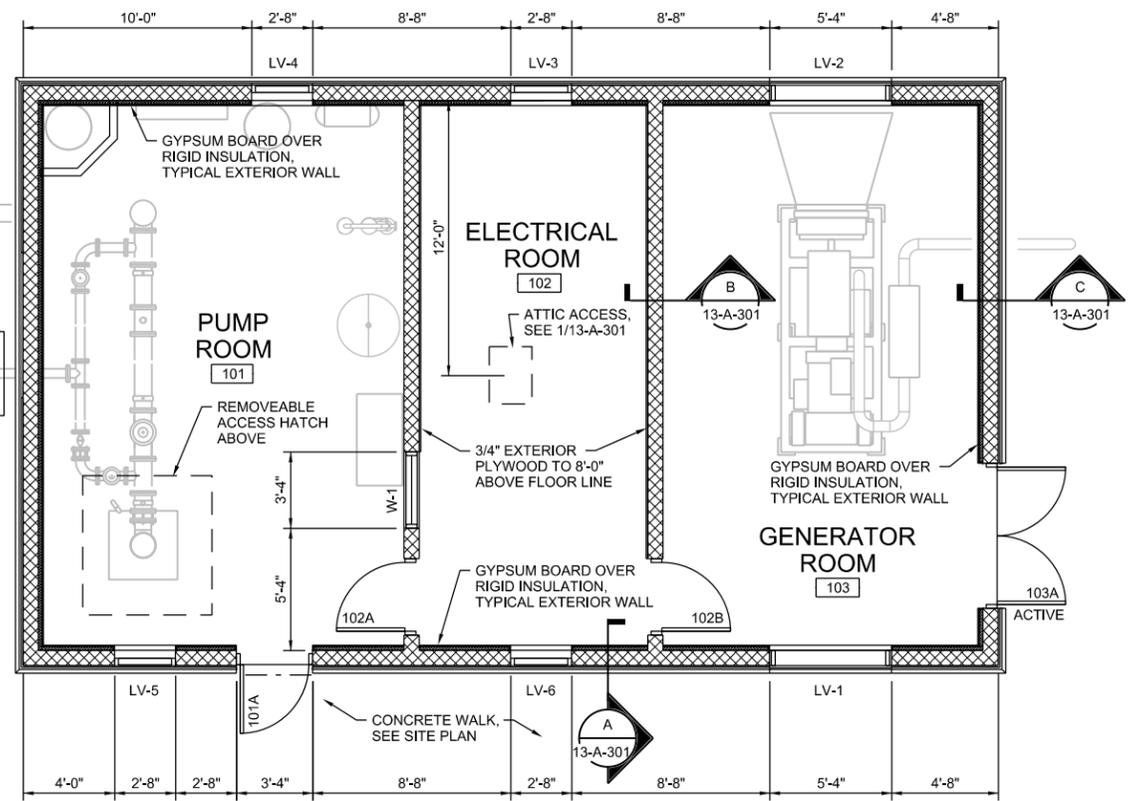
NO.	DATE	DR	REVISION	CHK	BY	APVD

PUMP STATION FOR WELL NO. 13
SUN VALLEY WATER AND SEWER DISTRICT
SUN VALLEY, IDAHO

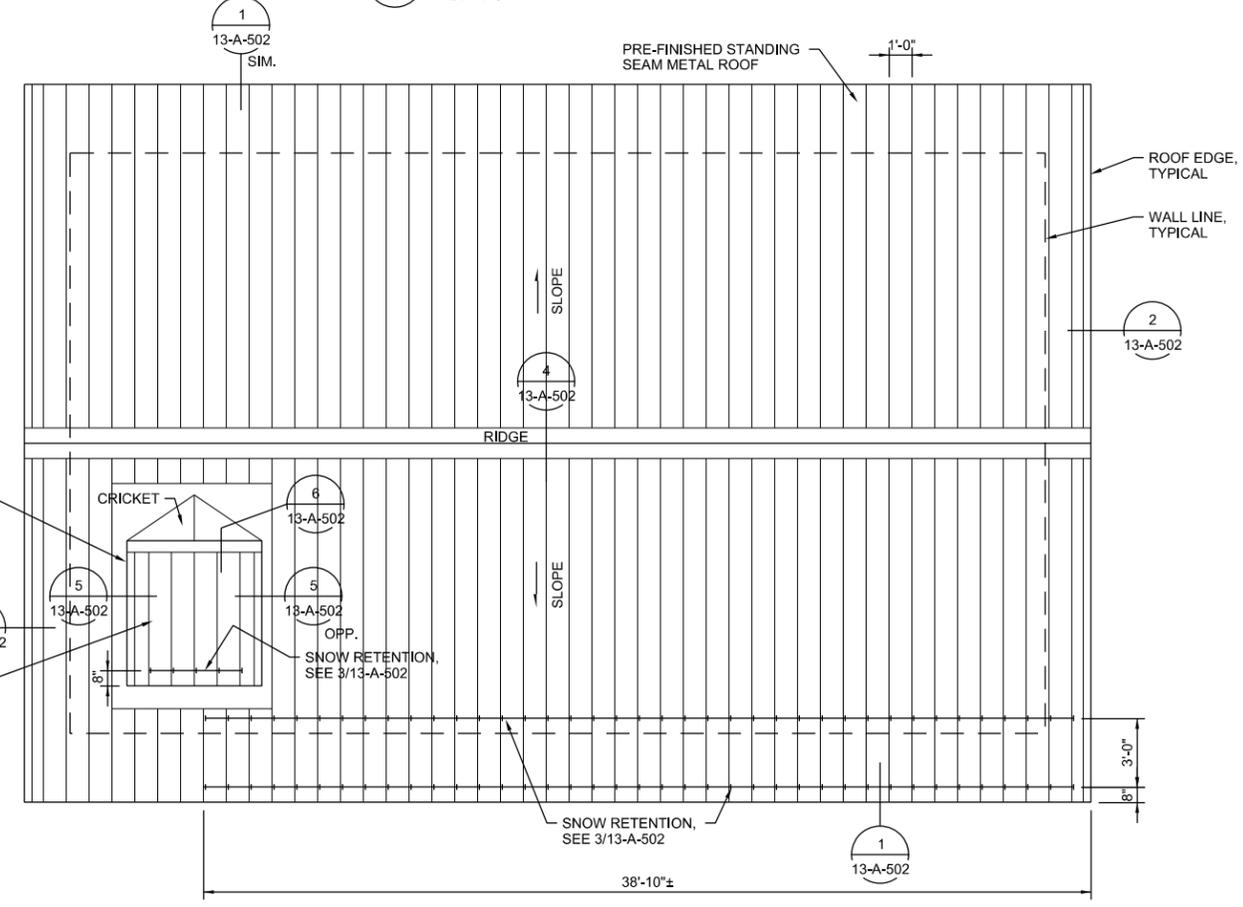
ch2m:
ARCHITECTURAL
EXTERIOR ELEVATIONS

VERIFY SCALE	
BAR IS ONE INCH ON ORIGINAL DRAWING.	
DATE	
PROJ	154047
DWG	13-A-201
SHEET	X of X

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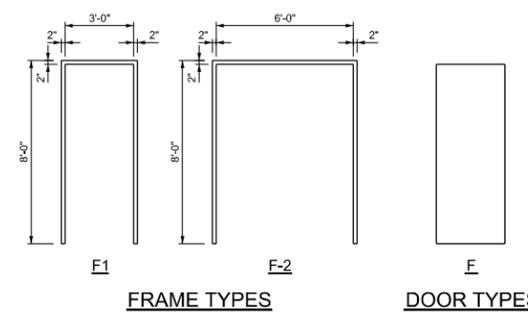
FLOOR PLAN
1/4"=1'-0"



ROOF PLAN
1/4"=1'-0"

CODE INFORMATION

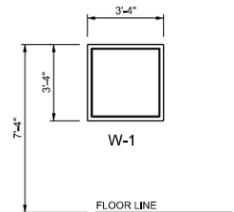
GROSS AREA: 1513 S.F.
OCCUPANCY CLASSIFICATION: F1
CONSTRUCTION TYPE: VB



FRAME TYPES **DOOR TYPES**

DOOR SCHEDULE

DOOR NO.	LEAF WIDTH	LEAF HEIGHT	DOOR TYPE	DOOR MAT	DOOR FINISH	FRAME TYPE	FRAME MAT	FRAME FINISH	DETAILS			HDW GROUP
									HEAD	JAMB	SILL	
101A	3'-0"	7'-10"	F	HM	PS-X	F-1	HM	PS-X	1/13-A-501	5/13-A-501	9/13-A-501	X
102A	3'-0"	7'-10"	F	HM	PS-X	F-1	HM	PS-X	3/13-A-501	7/13-A-501	11/13-A-501	X
102B	3'-0"	7'-10"	F	HM	PS-X	F-1	HM	PS-X	3/13-A-501	7/13-A-501	11/13-A-501	X
103A	(2) 3'-2"	7'-10"	F	HM	PS-X	F-2	HM	PS-X	1/13-A-501	5/13-A-501	9/13-A-501	X



WINDOW TYPE

WINDOW SCHEDULE

NO	TYPE	WIDTH	HEIGHT	GLASS	MATL	FINISH	COL	DETAILS		
								HEAD	JAMB	SILL
W-1	FIXED	3'-4"	3'-4"	LG	HM	PAINT	PS-X	8/13-A-501	8/13-A-501 SIM.	12/13-A-501

ABBREVIATIONS:
 HDW HARDWARE (SEE SPEC 08 71 00)
 LG LAMINATED GLASS
 HM HOLLOW METAL
 MAT MATERIAL
 PR PAIR
 PS PAINT SYSTEM (SEE SPEC 09 90 00)
 SILL THRESHOLD/DOOR OR WINDOW SILL

NOTES:
 1. FOR HARDWARE GROUPS, SEE SPEC 08 71 00.

FINISH SCHEDULE

SURFACE/ITEM	MATERIAL	FINISH	COLOR	NOTES
EXTERIOR SIDING AND SOFFIT	ROUGH SAWN SHIP LAP	NATURAL	NATURAL	
FACIA BOARD				
STANDING SEAM METAL ROOF				
METAL FLASHINGS				
ROOF HATCHES				
LOUVERS	ALUMINUM			
HOLLOW METAL DOORS AND FRAMES	HOLLOW METAL			INTERIOR
HOLLOW METAL DOORS AND FRAMES	HOLLOW METAL	PAINT SYSTEM PS-106	DARK BRONZE	EXTERIOR
GABLE END VENT	ALUMINUM			
INTERIOR FLOORS	LIGHT BROOMED CONC	SEALER	CLEAR	
INTERIOR WALLS	CMU			
INTERIOR WALLS	GYPSUM BOARD			
INTERIOR WALLS	PLYWOOD			ELECTRICAL ROOM
INTERIOR CEILING	GYPSUM BOARD			
PIPING AND MOTORS	METAL			

NOTES:
 1. COLOR SUBMITTALS SUBMITTED FOR SELECTION, SUBSTITUTION, AND/OR APPROVAL, SHALL BE ACTUAL MATERIAL, PROPOSED PAINT ON WHITE CARDBOARD, OR MANUFACTURER'S PAINT COLOR FAN/SAMPLES. PRINTED COLOR CHARTS, NOT ACCEPTABLE.

PRELIMINARY

NO.	DATE	DR	CHK	REVISION	BY	APVD

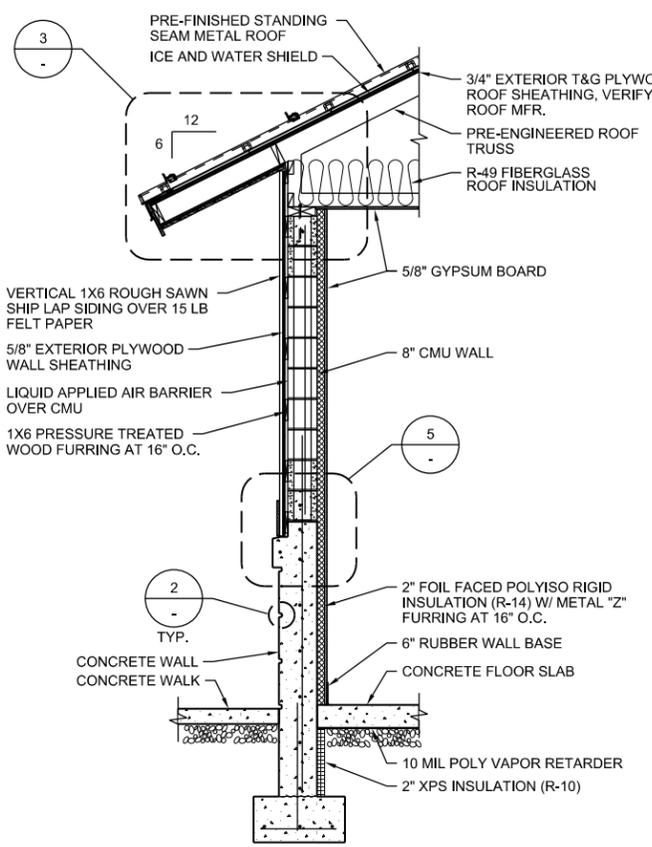
PUMP STATION FOR WELL NO. 13
 SUN VALLEY WATER AND SEWER DISTRICT
 SUN VALLEY, IDAHO

ch2m
 ARCHITECTURAL
**FLOOR AND ROOF PLANS
 DOOR, WINDOW AND
 FINISH SCHEDULES**

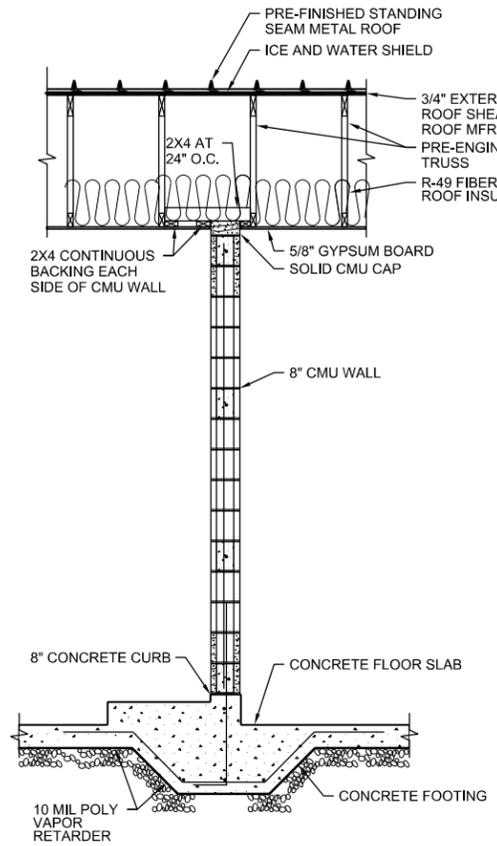
VERIFY SCALE
 BAR IS ONE INCH ON ORIGINAL DRAWING.
 0 1'

DATE	
PROJ	154047
DWG	13-A-101
SHEET	of

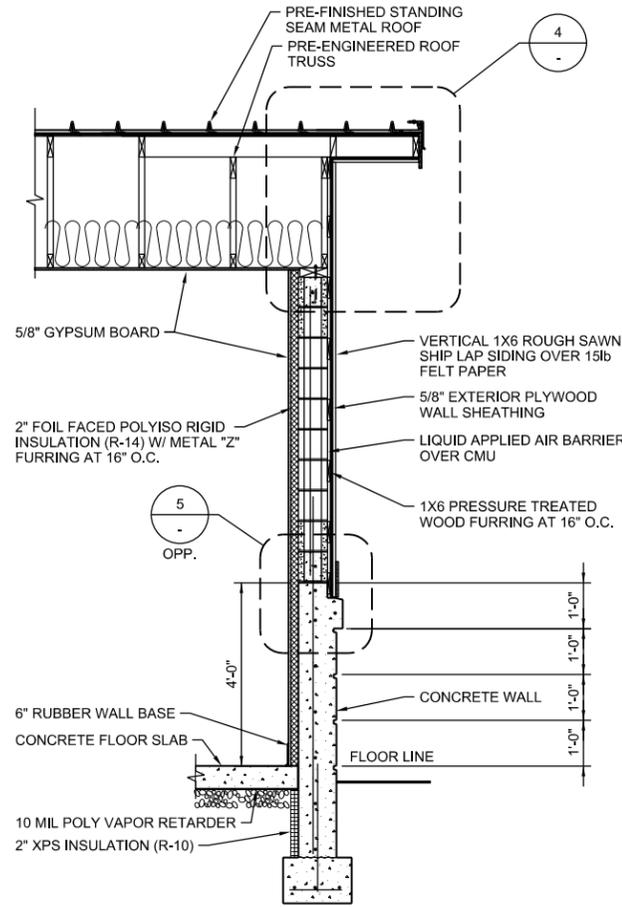
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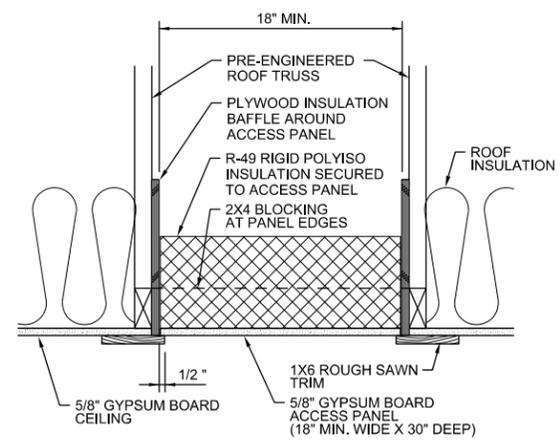
A WALL SECTION
1/2"=1'-0"



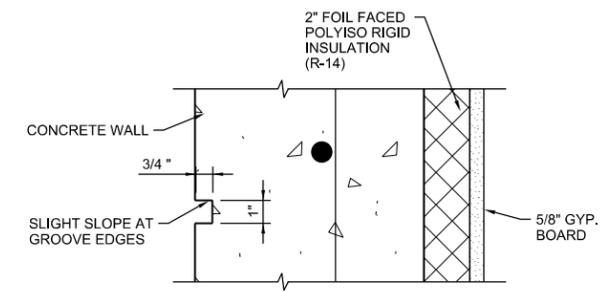
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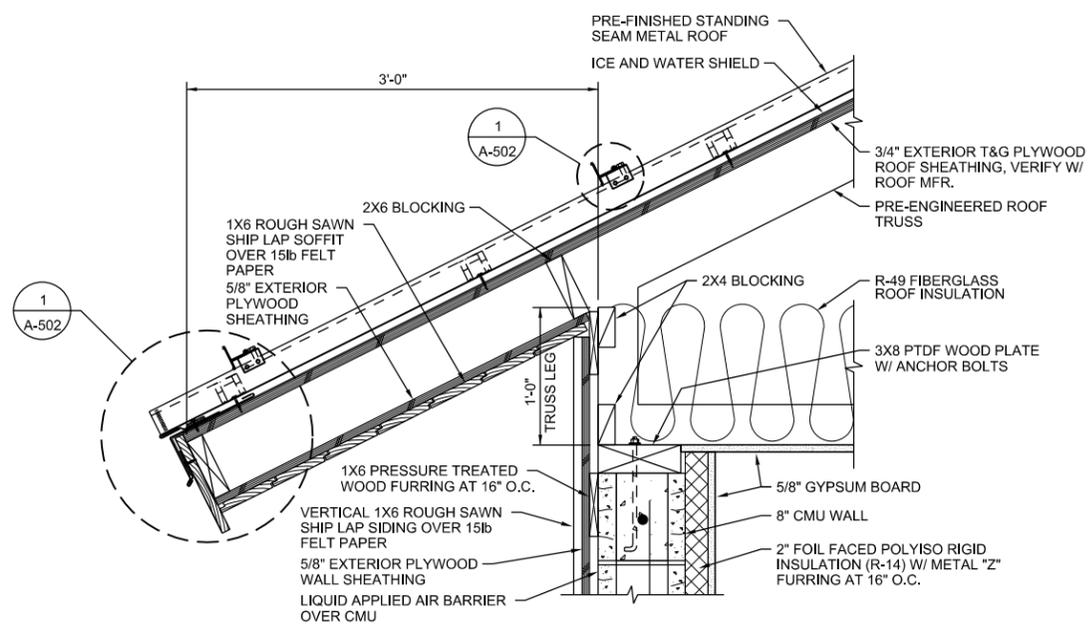
C WALL SECTION
1/2"=1'-0"



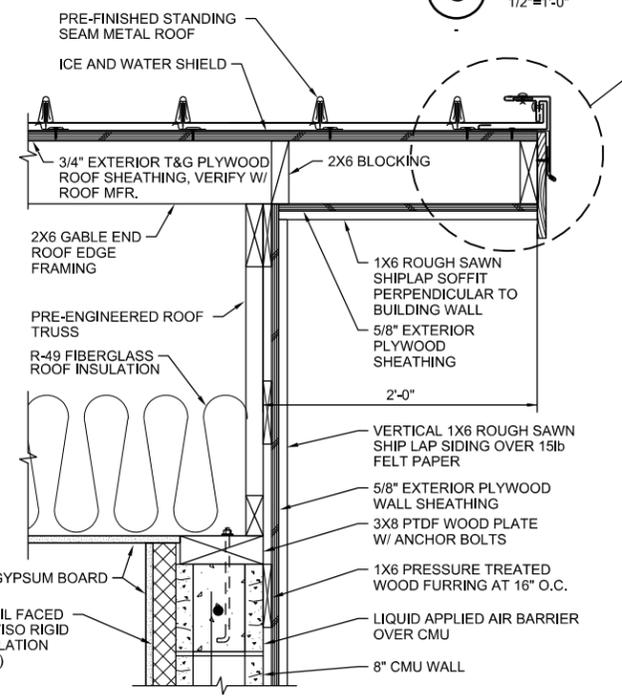
1 ATTIC ACCESS
1 1/2"=1'-0"



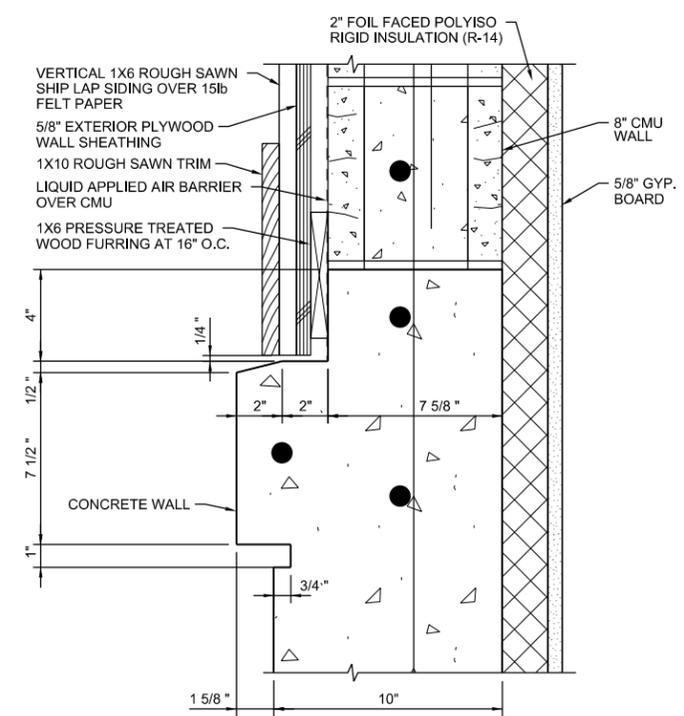
2 WALL GROOVE
3"=1'-0"



3 WALL DETAIL - ROOF EAVE
1 1/2"=1'-0"



4 WALL DETAIL - GABLE END
1 1/2"=1'-0"



5 WALL DETAIL - SILL
3"=1'-0"

PRELIMINARY

NO.	DATE	DR	REVISION	BY	APVD	C. FILANOWICZ

PUMP STATION FOR WELL NO. 13
SUN VALLEY WATER AND SEWER DISTRICT
SUN VALLEY, IDAHO

ch2m
ARCHITECTURAL
SECTIONS

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING.
0 1"

DATE	154047
PROJ	13-A-301
DWG	X of X
SHEET	X of X

FILENAME: FILENAME 154047_13_A301.dgn PLOT DATE: 2016/05/17 PLOT TIME: 3:45:41 PM

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

From: Abby Rivin, CFM, Associate Planner
Meeting Date: 9 June 2016

CONDITIONAL USE PERMIT (CUP2016-03)

APPLICANT: Sun Valley Water & Sewer District

LOCATION: Tax Lot 1627; SUN VALLEY FR NWNW TL 5802, FR NENE TL 1627 SEC 30 4N 18E

ZONING DISTRICT: Open Space (OS)

REQUEST: Approve the construction of a 960 sq ft pump station in the Open Space (OS) Zoning District.

ANALYSIS: The applicant, Sun Valley Water and Sewer District (SVWSD) proposes to construct a 960 sq ft pump station on a 3.07 acre lot between Highway 75 and the Blaine County Recreation District's Wood River Trail. This CUP Application is directly associated with Design Review Application No. DR 2016-18 and contingent upon the approval of Zone Map Amendment Application No. ZMA 2016-01, rezoning the parcel from the OR-1 to the OS Zone. "Above-grade utilities" are conditionally-permitted in the OS Zoning District and may be approved via the Conditional Use Permit approval process subject to the CUP's required findings detailed in SVMC § 9-5B-2D.

Tax Lot 1627 is currently undeveloped and consists primarily of native vegetation. If the pump station is approved, the lot will remain primarily undeveloped as the 960 sq ft pump station will occupy less than 1% of the 133,729 sq ft parcel. The purpose of the OS District states that, "transit corridors and utilities may be permitted where appropriate." Tax Lot 1627 is an appropriate site for a municipal well as the parcel does not contain any environmentally sensitive lands, such as steep hillsides or avalanche areas, and the pump station will not compromise the intrinsic open space nature of the site.

Though the Commission has the ability to impose conditions (such as requiring additional on- or off-site improvements) through the City's Conditional Use Permit approval process, Staff finds that this project has no adverse impacts on the provision of public services (such as fire or police service) and in fact *enhances* the provision of water service to homes and businesses within the SVWSD's service area, including water used for fire suppression.

RELEVANT DEFINITIONS:

UTILITIES: Installations for conduction of water, sewage, gas, telephone, electricity, television, stormwater and similar facilities providing service to and used by the public, and provided by either a public or private entity.

RECOMMENDATION: Staff recommends approval of CUP 2016-03 allowing for the construction of a 960 sq ft pump station in the OS Zoning District.

RECOMMENDED MOTION: "I move to approve Conditional Use Permit CUP2016-03, approving the construction of a new 960 sq ft pump station for a municipal well, pursuant to the Findings of Fact and Conditions of Approval and subject to the approval of Zoning Map Amendment Application 2016-01 and Design Review Application 2016-18."

ALTERNATIVE ACTIONS: Move denial of the application and draft findings supporting denial.

ATTACHMENTS:

1. Findings of Fact
2. Application Materials

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
CITY OF SUN VALLEY
CONDITIONAL USE PERMIT**

Project Name: **Conditional Use Application CUP 2016-03**

Applicant: **Sun Valley Water & Sewer District**

Location: **Tax Lot 1627; SUN VALLEY FR NWNE TL 5802, FR NENE TL 1627 SEC 30 4N 18E**

Zoning District: **Open Space (OS)**

Project Description: Approve the construction of a 960 sq ft pump station for a new municipal well (“utilities, above-grade”) for the Sun Valley Water and Sewer District in the OS Zoning District.

Required Findings: In order to approve a conditional use permit application and based on the standards set forth in **Sun Valley Municipal Code, Title 9, Chapter 5B-2 (CONDITIONAL USE)**, the Planning and Zoning Commission shall make the following findings:

1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district. **The use is appropriate to the location and lot as above-grade utilities may be conditionally permitted in the Open Space Zone and other Sun Valley Water & Sewer District facilities are adjacent to the site. The siting of the pump station utilizes the natural topography to enhance screening and minimize visibility.**
2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts. **The subject municipal well and pump station is a new public facility that will increase service to the existing population and new growth.**
3. The use will not unreasonably diminish either the health, safety or welfare of the community. **The use will enhance the health, safety, and welfare of the community by providing a necessary public facility to serve the City of Sun Valley. The pump station will have no adverse effect on the health, safety or welfare of the community as the project scope is minimal. The proposed 960 sq ft accessory structure will occupy less than 1% of the 133,729 sq ft parcel.**
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city. **The Conditional Use Permit process was established to develop procedures that allow for a particular use on a particular property subject to specific terms and conditions of approval. The municipal well and pump station is consistent with the goals of the city Comprehensive Plan as it provides for necessary and appropriate public facilities to serve the existing population and new growth.**

CONDITIONS OF APPROVAL

1. Prior to any new construction activity, the applicant shall receive City approval for the associated Zone Map Amendment Application No. ZMA 2016-01 and Design Review Application No. 2016-18 as well as the building permit application.

CONCLUSIONS OF LAW

The Sun Valley Planning & Zoning Commission concludes that the proposed municipal well and pump station on Tax Lot 1627 meets the standards for approval under Title 9, Chapter 5, City of Sun Valley Municipal Code provided the above condition of approval is met.

DECISION

Therefore, the Sun Valley Planning & Zoning Commission **approves** the subject Conditional Use Permit Application No. CUP 2016-03 for the proposed municipal well and pump station subject to the Condition of Approval above.

Dated this 9th day of June, 2016.

Jake Provonsha, Vice-Chairman
Sun Valley Planning & Zoning Commission

Date Findings of Fact signed

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

From: Abby Rivin, CFM, Associate Planner
Meeting Date: 9 June 2016

ZONE MAP AMENDMENT (ZMA 2016-01)

APPLICANT: Sun Valley Water & Sewer District

LOCATION: Tax Lot 1627; SUN VALLEY FR NWNE TL 5802, FR NENE TL 1627 SEC 30 4N 18E

ZONING DISTRICT: Outdoor Recreation (OR-1)

REQUEST: Approve the rezone of Tax Lot 1627 from OR-1 to Open Space (OS)

ANALYSIS: Tax Lot 1627 is a 3.07 acre lot that sits between Highway 75 and the Blaine County Recreation District's Wood River Trail. This amendment application is directly associated with Conditional Use Permit Application No. CUP 2016-03 and Design Review Application No. DR 2016-18, which propose to construct a 960 sq ft pump house for a new municipal well on the associated tax lot. Sun Valley Water & Sewer District has multiple facilities in close proximity to the site, including multiple well/pump stations and the wastewater treatment & reuse facility.

Lands that are zoned OR-1 are subject to Sun Valley City Code § 9-5B-9B, which states that, "*Lands that are zoned open recreation (OR-1) prior to the adoption of the development code and the creation of the recreation and open space zoning districts (ordinance 382, 2006) and designated as OR-1 on the official zoning map shall be required to apply for and receive an official zoning map amendment consistent with the land use designation shown on the comprehensive plan future land use map prior to, or in conjunction with, the processing of any development applications for improvements on the respective OR-1 zoned lands.*" The Future Land Use Map designates Tax Lot 1627 as open space.

The Open Space District has been established to identify lands which are environmentally sensitive or are identified by the comprehensive plan as having significant open space value to be preserved and/or used for limited, passive recreational uses. The parcel is currently undeveloped and consists primarily of native vegetation. If the pump station is approved, the parcel will remain primarily undeveloped as the 960 sq ft pump station is less than 1% of the 133,729 sq ft parcel. The purpose of the OS District states that, "transit corridors and utilities may be permitted where appropriate." Tax Lot 1627 is an appropriate location for the proposed project as the parcel does not contain any environmentally sensitive lands, such as steep hillsides or avalanche areas, and the pump station will not compromise the intrinsic open space nature of the site.

In order to approve a conditional use permit application and based on the standards set forth in **Sun Valley Municipal Code, Title 9, Chapter 5B-9 (ZONING MAP AMENDMENT AND ANNEXATION)**, the City Council shall make the following findings:

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. **The zone map**

amendment is consistent with the comprehensive plan as Tax Lot 1627 is designated as Open Space on the City's Future Land Use Map and the rezone will allow for the provision of an essential public service. The parcel will primarily remain undeveloped and any future development proposals will be subject to the City's Design Review and Conditional Use Permit process.

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. **The Open Space (OS) District was established to identify lands which are environmentally sensitive or identified by the comprehensive plan as having significant open space value to be preserved and/or used for limited, passive recreational uses. Transit corridors and utilities are permitted in the zone where appropriate. The site will be used for a new municipal well, which is an essential public facility and promotes the health, safety, and general welfare of the community. The majority of the parcel will remain undeveloped.**

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. **The impact of the proposed development on the parcel will be minimal as the 960 sq ft proposed pump station will occupy less than 1% of the 133,729 sq ft parcel. The proposed use is not loud except when emergency generators are operating, but will not be any louder than the adjacent highway. No environmentally sensitive lands such as hillsides or riparian corridors exist on the site.**

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. **The rezone is consistent with the goals of the Comprehensive Plan as the parcel is designated as open space on the Future Land Use Map. Conditional Use Permit No. 2016-03 and Design Review Application No. 2016-18, which propose the construction of a new municipal well and pump station on the site, are contingent upon the rezone of Tax Lot 1627 to the OS Zone. The pump station is an essential public facility promotes the health, safety, and general welfare of the community.**

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. **The rezone will expand the availability of essential public facilities and services, as the OS Zone permits utilities where appropriate. Density does not increase with this rezone.**

RECOMMENDATION: Staff recommends approval of ZMA 2016-01 rezoning Tax Lot 1627 from OR-1 to the Open Space (OS) Zoning District.

RECOMMENDED MOTION: "I move to recommend approval to the City Council of Zone Map Amendment Application No. 2016-01, approving the rezone of Tax Lot 1627 from OR-1 to the Open Space (OS) Zoning District."

ALTERNATIVE ACTIONS: Move denial of the application and draft findings supporting denial.

ATTACHMENTS:

1. Findings of Fact
2. Draft Ordinance

3. Application Materials

31 WHEREAS, the City Council finds that the zone map amendment will provide for construction of an essential
32 public facility “above-grade utility” use that is conditionally-permitted in, and appropriate for, the proposed
33 OS Zoning District; and

34
35 WHEREAS, the City Council finds that the proposed development will have minimal impacts on the natural
36 environment, as the site is already disturbed, lightly vegetated, and not in proximity to any riparian habitat
37 or hillsides, while the facility itself will be generally quiet and constructed of quality materials; and

38
39 WHEREAS, the City finds that the proposed amendment to the official zoning map will not detrimentally
40 impact the health, safety, or welfare of the community as the change in zoning district to Open Space will
41 provide for legally-established open space in addition to the provision of essential public water services and
42 utilities as conditionally permitted; and

43
44 WHEREAS, the City Council finds that no additional public facilities or services are necessary to serve the
45 proposed use which necessitates the rezoning request;

46
47 WHEREAS, the State of Idaho has empowered the City Council with the ability to zone and rezone property
48 in Idaho Statute 67-6511; and

49
50 WHEREAS, the request to amend the zoning map has been considered at a duly-noticed public hearing by the
51 Planning Commission on June 9, 2016, and such rezone was unanimously recommended to the Council by
52 the Commission;

53
54 NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sun Valley, Idaho, as follows:

55
56 The Official Zoning Map of the City of Sun Valley shall be amended to show a change in zoning
57 designation from Outdoor Recreation (OR-1) Zone to the Open Space (OS) Zone for Tax Lot 1627,
58 as also shown on Exhibit A, a map attached to this ordinance.

59

60 APPROVED BY THE SUN VALLEY CITY COUNCIL THIS 21st DAY OF JUNE, 2016.

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ATTEST:

Alissa Weber, City Clerk
City of Sun Valley

APPROVED:

Peter Hendricks, Mayor
City of Sun Valley

DRAFT

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

From: Jae Hill, AICP, CFM, Community Development Director
Meeting Date: 9 June 2016

PLAT AMENDMENT (SUBPA2016-03)

APPLICANT: Benchmark Associates, P.A., for LRN Development, LLC.

LOCATION: Lot 3, Lane Ranch North Subdivision

ZONING DISTRICTS: Rural Estate and Ranch (RA) Zoning District

REQUEST: Amend the dimensions of a driveway & public utility easement and a building envelope on lot 3 of Lane Ranch North Subdivision.

ANALYSIS: This is an amendment to the previously approved plat SUBFP2013-12, approved by the City Council in February 2014.

The applicant is requesting to amend the previously-approved Lane Ranch North Subdivision to accommodate a larger driveway easement on Lot 3 that will allow for a wider shared driveway serving Lots 2 and 3, and place the driveway easement into common ownership and maintenance of the Lane Ranch North Owners Association. The larger driveway easement will reduce the platted building envelope by an equivalent area, but the envelope will not be shifting from its current location, other than a reduction in size.

	Easement	Building Envelope
2014 Approved	+/- 12,919 S.F.	+/- 110,815 S.F.
2016 Proposed	+/- 16,037 S.F.	+/- 94,934 S.F.
Difference	≈ 3,118 S.F.	≈ -15,881 S.F.

The primary changes can be summarized by reviewing the new Plat Notes 12 and 13.

- NOTE 12, PRIVATE ROAD AND DRIVEWAY: *Parcel D is a Private Road Right-of-Way and Easement D1 is a permanent easement herein granted to the Lane Ranch North Owners Association, Inc. as a private driveway Right-of-Way. Both Parcel D and Easement D1 shall provide access to Lots 1-4, and shall include an easement for public utilities and an access easement for Sun Valley Water and Sewer District, City of Sun Valley Fire Department, and for emergency service vehicles.*
- NOTE 13, OWNERSHIP AND MAINTENANCE OF PARCEL D AND EASEMENT D1: *For the benefit of Lots 1-4, and the owners thereof, title to Parcel D and Easement D1 shall be conveyed and granted to the Lane Ranch North Owners Association, Inc. who shall thereafter have the obligation of providing maintenance and repair of all road, driveways, and landscaping located thereon,*

including all necessary snow removal. The City of Sun Valley shall have no obligation to improve, repair, or maintain any improvements within Parcel D or Easement D1.

Note 13 also replaces Note 15, which has been deleted entirely.

For Plat Notes to be changed, 100% of the affected owners must approve the changes. Since 100% of the lots still belong to LRN Development, the necessary approval is granted.

The applicant has worked with the Fire Code Official to determine that the proposed driveway will meet the curve and grade standards necessary for emergency access; as such, the Fire Department has no additional comments.

Applications for plat amendments are subject to the following standards:

9-4B-1E Standards:

- 1. A plat amendment shall not lower the dimensions of the lot below the minimum dimensional standards prescribed by this title; **Lot 3 will remain 60.24 acres.***
- 2. A plat amendment shall not increase the original number of properties, and may decrease the original number of properties; **No new lots are created by this application.***
- 3. A plat amendment shall not change or move any public streets or publicly dedicated areas in any manner. **Neither Pete's Lane (Parcel D) nor the private drive easement (D1) are publicly dedicated, and the revised private drive meets the standards for emergency access to the satisfaction of the Fire Code Official.***

RECOMMENDATION: Staff recommends approval of SUBPA2016-03 altering the configuration of the private driveway easement and building envelope.

RECOMMENDED MOTION: "I move to recommend approval to the City Council of Plat Amendment SUBPA2016-03, amending the driveway easement on Lot 3, Lane Ranch North Subdivision, pursuant to the Findings of Fact."

ALTERNATIVE ACTIONS: Move denial of the application and draft findings supporting denial.

ATTACHMENTS:

1. Findings of Fact
2. Application Materials

DRAFT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
CITY OF SUN VALLEY
PLAT AMENDMENT

Project Name: **Plat Amendment SUBPA 2016-03**

Applicant: **Benchmark Associates, P.A., for LRN Development, LLC.**

Location: **Lot 3, Lane Ranch North Subdivision**

Zoning District: **Rural Estate and Ranch (RA) Zoning District**

Project Description: Amend the dimensions of a driveway & public utility easement and a building envelope on Lot 3 of Lane Ranch North Subdivision. The subject application reduces the size of the Lot 3 building envelope by approximately 15,800sf while increasing the size of an access easement (Easement D1), which serves Lots 2 and 3, by approximately 3100sf.

Required Findings: In order to approve a plat amendment application and based on the standards set forth in **Sun Valley Municipal Code, Title 9, Chapter 4B-1 (PLAT AMENDMENTS)**, the City Council shall make the following findings:

1. The adjustment is appropriate for the lot and the surrounding neighborhood. **The plat amendment is appropriate to the undeveloped subdivision by improving the design of the private driveway serving Lots 2 and 3, and providing for the maintenance thereof.**
2. The adjustment is consistent with the goals of the city comprehensive plan. **The proposed reconfiguration of the easement is consistent with Comprehensive Plan Objective 7.3: Provide for a safe street system to meet current and future traffic needs.**
3. The adjustment will not affect the character of the neighborhood in a materially adverse manner. **The proposal will not alter the character of the neighborhood as there has been no development yet in the Lane Ranch North Subdivision, there are no adjoining developed properties, and no shifts in building envelope**
4. The adjustment will not cause undue traffic congestion, or dangerous traffic conditions. **The proposal specifically provides for maintenance of a private drive which is designed to appropriate safety standards and to the satisfaction of the Fire Code Official.**

CONDITIONS OF APPROVAL

1. Upon approval of the subject plat amendment by City Council, the applicant shall record the amended plat with the Office of the County Recorder and provide a copy of the recorded document to the Community Development Director prior to application for any development on subject lot.

CONCLUSIONS OF LAW

The Sun Valley City Council concludes that the revision of the access easement and related actions meets the standards for approval under Title 9, Chapter 4, City of Sun Valley Municipal Code provided the above condition of approval is met.

DECISION

Therefore, the Sun Valley City Council **approves** the subject Plat Amendment Application No. SUBPA 2016-03 to modify the shared access easement and reduce the building envelope on Lot 3 of Lane Ranch North Subdivision subject to the Conditions of Approval above.

Dated this 7th day of July, 2016.

Peter Hendricks, Mayor
City of Sun Valley

Date Findings of Fact signed

ATTEST:

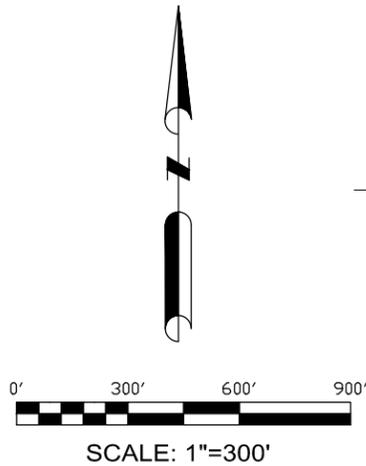
Alissa Weber, City Clerk
City of Sun Valley

LANE RANCH NORTH AMENDED

WHEREIN THE DRIVEWAY & PUBLIC UTILITY EASEMENT ON LOT 3, LANE RANCH NORTH (INST. NO. 618904) IS AMENDED AND DESIGNATED AS "EASEMENT D1" AND THE BUILDING ENVELOPE ON LOT 3 IS AMENDED.

LOCATED WITHIN SECTIONS 19 AND 20, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M., CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO

APRIL 2016



LEGEND

- PROPERTY LINE
- LOT LINE
- EASEMENT D1 (SEE NOTES 12 & 13.)
- CENTERLINE EXISTING POWERLINE ESMT.
- OVERHEAD POWER LINE
- CENTERLINE 15' WIDE EFFLUENT RE-USE LINE ESMT.
- CENTERLINE 15' WIDE SEWERLINE ESMT.
- EASEMENT LINE (AS NOTED)
- BUILDING ENVELOPE PER ORIGINAL PLAT
- PROPOSED BUILDING ENVELOPE
- RED AVALANCHE ZONE (SEE NOTE 16.)
- BLUE AVALANCHE ZONE (SEE NOTE 16.)
- TIES
- FOUND 1/2" REBAR
- FOUND 5/8" REBAR
- SET 1/2" REBAR
- FOUND BRASS CAP
- FOUND 1" IRON PIPE
- CALCULATED POINT

LINE DATA

LINE	BEARING	DISTANCE
L1	S82°50'23"E	32.66'
L2	N63°08'24"W	207.70'
L3	N79°54'24"W	44.15'
L4	S69°50'48"W	558.23'
L5	N49°04'28"W	216.06'
L6	S58°14'07"W	151.56'
L7	S89°09'01"W	64.83'
L8	N56°06'56"E	726.80'
L9	S13°42'16"E	121.45'
L10	S06°50'45"E	55.83'
L11	N51°29'47"E	295.16'
L12	S38°30'13"E	295.16'
L13	S51°29'47"W	295.16'
L14	N38°30'13"W	295.16'
L15	N82°29'13"E	227.41'
L16	N31°58'52"W	340.83'
L17	N56°06'56"E	365.66'
L18	N56°06'56"E	361.14'

RE-USE LINE DATA

LINE	BEARING	DISTANCE
R1	N 36°54'09" E	148.81'
R2	N 20°49'02" E	147.64'
R3	N 46°14'46" E	79.58'
R4	N 61°29'19" E	79.87'
R5	N 71°29'19" E	160.05'
R6	N 59°19'45" E	59.58'
R7	N 46°05'57" E	179.94'
R8	N 43°29'18" E	160.00'
R9	N 45°52'39" E	180.04'
R10	N 50°29'19" E	80.00'
R11	N 64°22'39" E	180.02'
R12	N 66°22'39" E	180.03'
R13	N 62°29'19" E	60.02'
R14	N 57°44'17" E	119.68'
R15	N 63°17'10" E	266.17'

CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2170.00'	742.26'	738.65'	N72°56'31"W	19°35'54"
C2	1030.00'	301.39'	300.31'	N71°31'45"W	16°45'55"
C3	980.00'	517.99'	511.98'	S84°55'20"W	30°17'03"
C4	870.00'	382.57'	379.49'	S82°27'35"W	25°11'42"
C5	924.93'	160.24'	160.04'	N80°03'49"W	09°55'35"
C6	924.93'	129.59'	129.48'	N79°06'51"W	08°01'39"
C7	924.93'	30.65'	30.65'	N84°04'38"W	01°53'56"
C26	1030.00'	224.75'	224.31'	N69°23'51"W	12°30'08"

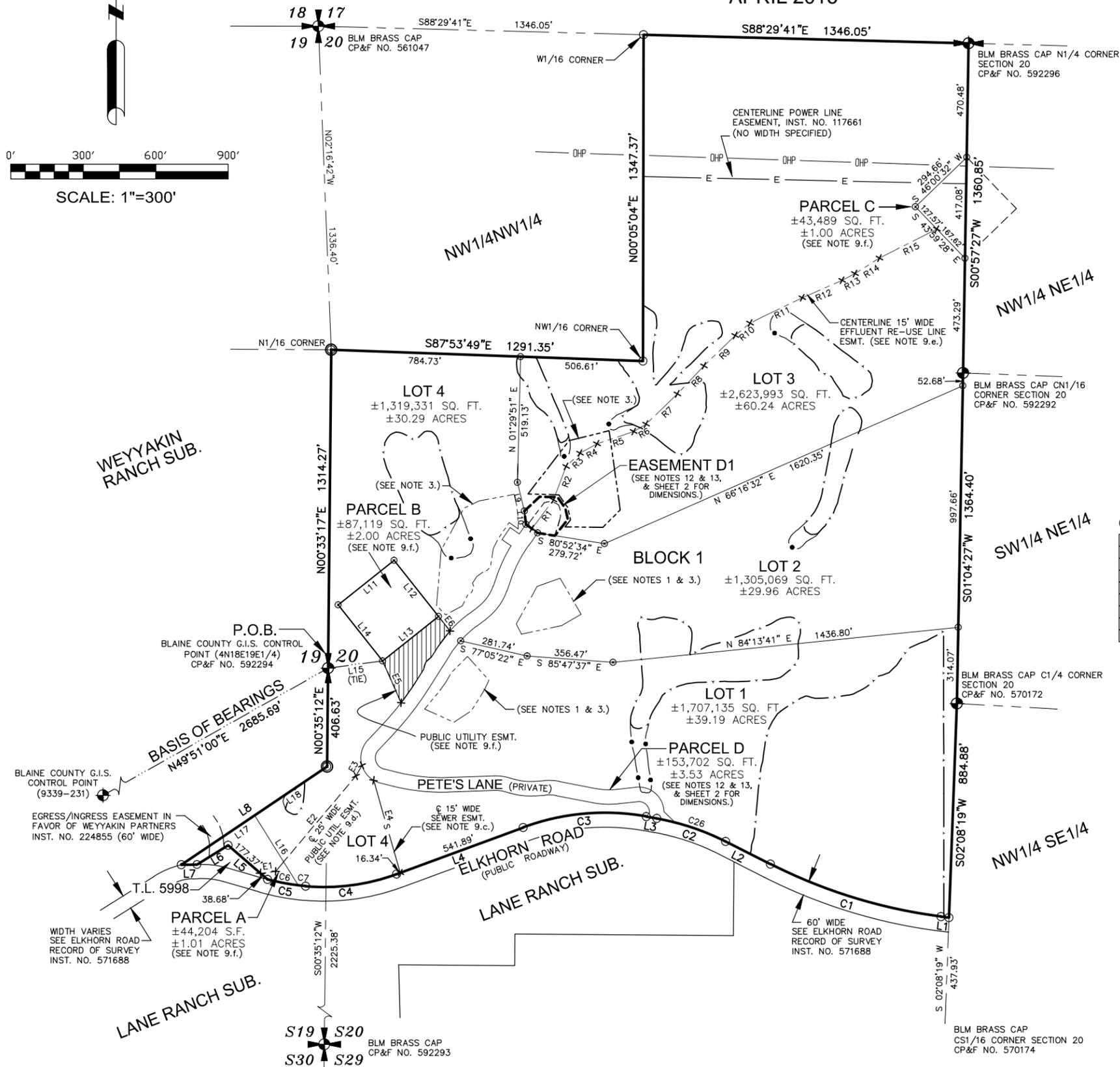
EASEMENT LINE DATA

LINE	BEARING	DISTANCE
E1	N 82°15'04" E	63.05'
E2	N 40°09'13" E	514.57'
E3	N 30°03'26" E	50.90'
E4	N 16°08'16" W	397.60'
E5	S 23°52'46" E	189.06'
E6	S 38°30'13" E	77.12'

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: _____ South Central Public Health District, REHS



LANE RANCH NORTH AMENDED

LOCATED WITHIN SECTIONS 19 & 20, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M., CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO
PREPARED FOR: LRN DEVELOPMENT, LLC

PROJECT NO. 11133	DWG BY: CPL/CMM	FILE: 11133PG1REV.DWG
FINAL PLAT	DATE: 04/26/2016	SHEET: 1 OF 4

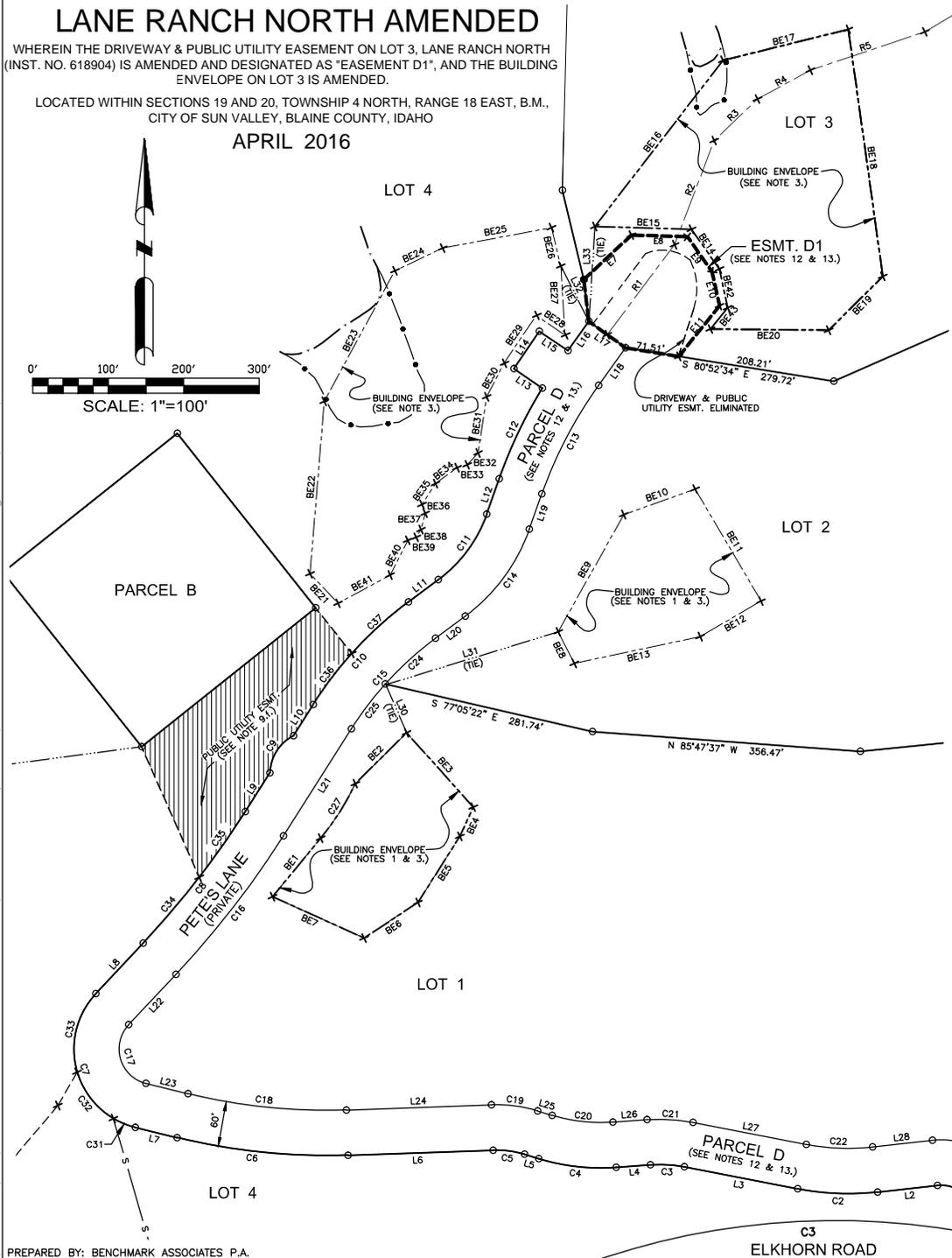
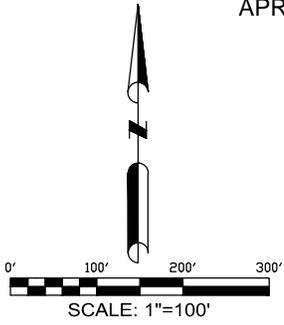
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LANE RANCH NORTH AMENDED

WHEREIN THE DRIVEWAY & PUBLIC UTILITY EASEMENT ON LOT 3, LANE RANCH NORTH (INST. NO. 618904) IS AMENDED AND DESIGNATED AS "EASEMENT D1", AND THE BUILDING ENVELOPE ON LOT 3 IS AMENDED.

LOCATED WITHIN SECTIONS 19 AND 20, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M., CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO

APRIL 2016



LEGEND

	PROPERTY LINE
	LOT LINE
	EASEMENT D1 (SEE NOTES 12 & 13.)
	CENTERLINE EXISTING POWERLINE ESMT.
	OVERHEAD POWER LINE
	CENTERLINE 15' WIDE EFFLUENT RE-USE LINE ESMT.
	CENTERLINE 15' WIDE SEWERLINE ESMT.
	EASEMENT LINE (AS NOTED)
	BUILDING ENVELOPE PER ORIGINAL PLAT
	PROPOSED BUILDING ENVELOPE
	RED AVALANCHE ZONE (SEE NOTE 16.)
	BLUE AVALANCHE ZONE (SEE NOTE 16.)
	TIES
	FOUND 1/2" REBAR
	FOUND 5/8" REBAR
	SET 1/2" REBAR
	FOUND BRASS CAP
	FOUND 1" IRON PIPE
	CALCULATED POINT

RE-USE LINE DATA

LINE	BEARING	DISTANCE
R1	N 36°54'09" E	148.81'
R2	N 20°49'02" E	147.64'
R3	N 48°14'46" E	79.36'
R4	N 61°29'19" E	79.87'
R5	N 71°29'19" E	160.05'

CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	45.00'	74.49'	66.27'	S 49°00'08" E	94°50'38"
C2	350.00'	106.27'	105.86'	N 87°43'33" W	17°23'47"
C3	170.00'	45.12'	44.99'	N 86°37'55" W	15°12'29"
C4	280.00'	103.92'	103.32'	N 83°36'13" W	21°15'53"
C5	127.00'	42.24'	42.04'	N 82°29'57" W	19°03'19"
C6	830.00'	228.78'	228.06'	N 84°07'49" W	15°47'35"
C7	107.00'	223.19'	184.87'	N 16°28'37" W	119°30'48"
C8	1170.00'	221.23'	220.90'	N 37°51'46" E	10°50'01"
C9	56.84'	61.23'	56.31'	N 32°26'46" E	61°43'14"
C10	510.00'	186.71'	185.67'	N 42°56'03" E	20°58'35"
C11	185.00'	109.64'	108.04'	N 36°26'42" E	33°57'19"
C12	630.00'	133.14'	132.90'	N 25°31'18" E	12°06'32"
C13	570.00'	162.97'	162.12'	S 27°38'35" W	16°21'06"
C14	245.00'	145.19'	143.08'	S 36°26'42" W	33°57'19"
C15	450.00'	164.75'	163.83'	S 42°56'03" W	20°58'35"
C16	1230.00'	232.57'	232.23'	S 37°51'46" W	10°50'01"
C17	47.00'	98.04'	81.21'	S 16°28'37" E	119°30'48"
C18	770.00'	212.24'	211.57'	S 84°07'49" E	15°47'35"
C19	187.00'	62.19'	61.91'	S 82°29'57" E	19°03'19"
C20	220.00'	81.65'	81.18'	S 83°36'13" E	21°15'53"
C21	230.00'	61.05'	60.87'	S 86°37'55" E	15°12'29"
C22	290.00'	88.05'	87.71'	S 87°43'33" E	17°23'47"
C23	105.00'	173.81'	154.63'	S 49°00'08" E	94°50'38"
C24	450.00'	90.15'	90.00'	N 47°41'00" E	11°28'42"
C25	450.00'	74.60'	74.51'	N 37°11'42" E	09°29'53"
C26	1030.00'	224.75'	224.31'	N 69°23'51" W	12°30'08"
C27	350.00'	85.86'	85.64'	S 32°29'06" W	14°03'18"
C28	58.19'	63.39'	60.30'	S 81°25'40" E	62°25'10"
C29	87.45'	65.86'	64.32'	S 03°48'38" E	43°09'01"
C30	1030.00'	76.64'	76.62'	N 77°46'49" W	04°15'47"
C31	107.00'	31.32'	31.20'	N 67°50'57" W	16°46'09"
C32	107.00'	79.89'	78.05'	N 38°04'25" W	42°48'54"
C33	107.00'	111.98'	106.94'	N 13°17'54" E	59°57'46"
C34	1170.00'	115.06'	115.02'	S 40°27'45" W	05°38'05"
C35	1170.00'	106.17'	106.13'	S 35°02'44" W	05°11'56"
C36	510.00'	85.11'	85.01'	N 37°13'36" E	09°33'41"
C37	510.00'	101.61'	101.44'	N 47°42'54" E	11°24'54"

B.E. TIES

LINE	BEARING	DISTANCE
L30	S 23°26'12" E	69.39'
L31	N 72°58'13" E	239.21'
L32	N 26°56'26" W	82.25'
L33	N 03°34'20" E	125.85'

B.E. LINE DATA

LINE	BEARING	DISTANCE
BE1	N 39°30'46" E	100.46'
BE2	N 45°13'56" E	95.67'
BE3	S 41°53'36" E	132.34'
BE4	S 24°43'41" W	42.56'
BE5	S 32°22'38" W	103.63'
BE6	S 56°30'48" W	85.59'
BE7	N 65°44'06" W	133.31'
BE8	N 27°00'52" W	46.95'
BE9	N 29°14'16" E	177.84'
BE10	N 70°21'46" E	100.60'
BE11	S 30°28'46" E	172.06'
BE12	S 59°42'09" W	93.36'
BE13	S 78°01'06" W	170.67'
BE14	N 35°08'23" W	64.10'
BE15	N 88°20'25" W	128.26'
BE16	N 37°42'35" E	278.02'
BE17	N 76°08'02" E	171.28'
BE18	S 07°57'13" E	330.28'
BE19	S 45°12'05" W	101.20'
BE20	N 89°26'56" W	156.79'
BE21	N 43°29'18" W	53.98'
BE22	N 04°44'07" E	229.12'
BE23	N 28°27'10" E	196.75'
BE24	N 64°40'14" E	69.81'
BE25	N 79°24'18" E	146.98'
BE26	S 13°42'16" E	52.12'
BE27	S 03°30'11" E	91.74'
BE28	N 55°44'07" W	46.00'
BE29	S 34°15'53" W	75.32'
BE30	S 27°20'15" W	51.05'
BE31	S 08°45'11" W	75.17'
BE32	S 42°28'26" W	21.34'
BE33	S 74°04'17" W	14.08'
BE34	S 53°40'27" W	35.45'
BE35	S 32°53'00" W	33.03'
BE36	S 20°14'44" E	12.43'
BE37	S 14°22'53" W	22.21'
BE38	S 32°45'52" W	12.13'
BE39	S 69°36'49" W	11.69'
BE40	S 26°59'41" W	51.60'
BE41	S 61°38'20" W	78.60'
BE42	N 12°14'40" W	52.52'
BE43	N 38°49'30" E	36.40'

PARCEL "D" LINE DATA

LINE	BEARING	DISTANCE
L1	N 37°19'48" E	22.70'
L2	S 83°34'33" W	80.01'
L3	N 79°01'40" W	153.28'
L4	S 85°45'50" W	45.58'
L5	N 72°58'17" W	19.87'
L6	S 87°58'24" W	192.36'
L7	N 76°14'01" W	57.09'
L8	N 43°16'47" E	91.62'
L9	N 32°26'46" E	60.72'
L10	N 32°26'46" E	48.89'
L11	N 53°25'21" E	49.19'
L12	N 19°28'02" E	49.85'
L13	N 55°44'07" W	45.69'
L14	N 34°15'53" E	60.00'
L15	S 55°44'07" E	45.59'
L16	N 35°49'09" E	47.92'
L17	S 54°10'51" E	60.00'
L18	S 35°49'09" W	61.28'
L19	N 19°28'02" W	49.85'
L20	S 53°25'21" W	49.19'
L21	S 32°26'46" W	167.92'
L22	S 43°16'47" W	91.62'
L23	S 76°14'01" E	57.09'
L24	N 87°58'24" E	192.36'
L25	S 72°58'17" E	19.87'
L26	N 85°45'50" E	45.58'
L27	S 79°01'40" E	153.28'
L28	N 83°34'33" E	80.01'
L29	S 45°36'46" E	62.42'
L30	N 79°54'26" W	44.15'

EASEMENT "D1" LINE DATA

LINE	BEARING	DISTANCE
E7	N 46°58'17" E	86.12'
E8	S 88°20'25" E	74.48'
E9	S 35°08'23" E	57.07'
E10	S 12°14'40" E	45.72'
E11	S 38°49'30" W	86.19'



LANE RANCH NORTH AMENDED
 LOCATED WITHIN
 SECTIONS 19 & 20, TOWNSHIP 4 NORTH, RANGE 18 EAST,
 B.M., CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO

PREPARED FOR: LRN DEVELOPMENT, LLC
 PROJECT NO. 11133 DWG BY: LLJ/CPL/RKF FILE: 11133PC2REV.DWG
 FINAL PLAT DATE: 04/26/2016 SHEET: 2 OF 4

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LANE RANCH NORTH AMENDED

WHEREIN THE DRIVEWAY & PUBLIC UTILITY EASEMENT ON LOT 3, LANE RANCH NORTH (INST. NO. 618904) IS AMENDED AND DESIGNATED AS "EASEMENT D1", AND THE BUILDING ENVELOPE ON LOT 3 IS AMENDED.

LOCATED WITHIN SECTIONS 19 AND 20, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M., CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO

APRIL 2016

NOTES:

- Development Agreement.** The real property depicted on this Plat of the Lane Ranch North Subdivision ("Subdivision") is subject to a Development Agreement by and between the City of Sun Valley and PONASCEA, LLC, an Idaho limited liability company, dated April 23, 2012, as the same may be amended ("Development Agreement"). The Development Agreement including Exhibits A, B, C & D thereto, shall be binding upon all successors and assigns of PONASCEA, LLC, including LRN Development, LLC, the current owner of the Subdivision ("Owner"), and all subsequent purchasers of any Lot or Parcel within the Subdivision.
- City of Sun Valley Development Code.** The real property depicted on this Plat of the Lane Ranch North Subdivision is also subject to all applicable provisions of the Development Code of the City of Sun Valley, as the same may be amended ("Development Code").
- Current Development Agreement Restrictions Applicable to Lots.**
 - For each of Lots 1 & 2, the combined maximum allowable Building Footprint (as defined in the Development Code) for a single family residential structure, accessory dwelling unit, accessory structure and/or any other permitted use shall not exceed 6,000 square feet, nor shall the Net Usable Floor Space thereof (as defined in the Development Code), exceed 9,000 square feet.
 - Certain portions of the Building Envelopes on Lots 1 and 2, as depicted on Exhibits "A" and "B" of the Development Agreement, have cross-hatched areas that are non-buildable ("Non-Buildable Zones"), and to which the following restrictions shall also apply:
 - No residential structures shall be allowed in the Non-Buildable Zones.
 - There shall be no changes to the contoured grading within the Non-Buildable Zones which would be visible from Elkhorn Road. Furthermore, any enhancement or additions to the native landscaping provided in the Non-Buildable Zones and visible from Elkhorn Road must be of a type consistent with native planting, and may be subject to design review by LRN Development, LLC, the Homeowners Association, and/or the City.
 - Only landscaping, terraces, rockery retaining walls not exceeding five (5) feet in height, lawn, trees, shrubs, pools, spas, and barbeques are allowed in the Non-Buildable Zones, provided they are not visible from any location on Elkhorn Road and receive design review approval from the City.
 - Paragraph 4 of the Development Agreement sets forth certain parameters regarding height and locational standards for structures within the building envelopes on Lots 1 and 2 which are more restrictive than Development Code requirements, and are mandatory in nature.
 - For Lots 3 & 4, no residential structure located within the Building Envelope shall be built, constructed or placed closer than ten (10) feet of said Building Envelope boundary (as that term is defined in Section 9-1C-1 of the Development Code).
 - For Lots 3 & 4, the combined maximum allowable Building Footprints (as defined in Section 9-1C-1 of the Development Code) for all structures on each such Lot shall not exceed 30% of Building Envelope coverage.
 - Notwithstanding anything to the contrary in the Development Code, no portion of any structure on any lot may be located outside the boundary of its platted Building Envelope. Driveways, hardscape, retaining walls and landscape shall be allowed outside the Building Envelope.
 - All structures within this subdivision shall comply with the Design Guidelines as set forth in Exhibit D to the Development Agreement.
- Applicable Restrictions from the Current Development Code.**
 - Lots 1, 2, 3 and 4 shall be developed in accordance with the standards established by the Development Code for the RA zoning district, unless noted otherwise on this Plat.
 - Current Development Code provisions limit the development of each single family residential lot within this subdivision to one (1) single family dwelling unit, together with one accessory dwelling unit, and other permissible accessory structures.
- Irrigation.** Municipal potable water sources for irrigation of landscaped areas on any Lot shall not exceed one-half (1/2) acre.
- Lighting.** All exterior lights within the Subdivision shall comply with the City's lighting ordinances, including down-cast lighting and shielding.
- Weed Control.** Weed control for each Lot shall be the responsibility of the Owner until the Lot is sold, and thereafter the responsibility of the owners thereof. The weed control program to be implemented by the responsible party shall target those species designated on the Idaho Noxious Weed List. Mowing and manual removal for weed control are recommended, although biological control has been shown to be effective in eradicating knapweed.
- Fencing.** No perimeter fencing shall be permitted around any Lot or Building Envelope. Privacy fencing adjacent to residences will be considered pursuant to Design Guidelines established for the Subdivision. The only type of wire fencing that will be allowed is for a dog run which must meet the requirements of Section 9-3G-6 of the Development Code.

9. Utilities.

- All utilities shall be placed underground.
- A ten (10) foot wide Public Utility Easement is reserved adjacent to Elkhorn Road.
- A fifteen (15) foot wide Sewerline Easement exists within Lot 4 to benefit the Sun Valley Water & Sewer District, as shown hereon.
- A twenty-five (25) foot wide Public Utility Easement exists within Lot 4, as shown hereon.
- A fifteen (15) foot wide Effluent Re-use Easement exists within Lot 3 to benefit the Sun Valley Water & Sewer District, as shown hereon. No buildings are allowed over the Effluent Re-Use Line Easement within the Lot 3 building envelope, unless otherwise agreed to in writing by the Sun Valley Water & Sewer District.
- A Public Utility Easement exists within Lot 4, adjacent to Parcel B, for access to booster station, tank and necessary appurtenances thereto, as shown hereon. Parcels A, B and C are reserved for public utilities, access to tanks and necessary appurtenances thereto.

~~DELETE (g) A Public Utility Easement is granted within Lot 3, adjacent to Pete's Lane, as shown hereon.~~

10. Protection of Natural Vegetation. Disturbance of natural and existing vegetation from construction related activities shall be limited, to the extent possible, to areas within the Building Envelopes, except that which is necessary to construct roads, access driveways, utilities, and the installation of plant materials and landscaping.

11. Wildlife and Domestic Pets.

- Big game and other wildlife depredation on ornamental plants, landscaping and gardens are anticipated. All responsibility for controlling wildlife depredation will belong to each property owner. Any actions taken to alleviate depredation shall be limited to those prescribed or permitted by the Idaho Department of Fish and Game ("IDFG"). Harassment of wildlife will not be tolerated.
- Native plant communities support the most stable and diverse wildlife populations. Removal of native vegetation should be minimized and restricted to what is necessary to construct permitted roads, driveways, utilities and structures. To the extent possible, vegetation and soil disturbance by contractors and utility companies should be limited to applicable utility easements, road rights-of-way and Building Envelopes.
- Burning of refuse (household garbage, landscaping trimmings, etc.) is strictly prohibited, as wildfire in this area could result in severe consequences for wildlife and residents.
- Domestic pets, including dogs and cats, shall be kept indoors, in kennels, or under the control of their owners, and shall not be allowed to run at large.
- IDFG recommends all outside pet kennels be completely enclosed, including roofs, to prevent mountain lion depredation.
- All pet food shall be stored and fed in a manner that does not attract "nuisance" wildlife (e.g., skunks, raccoons, magpies, red fox, etc.). All responsibility for controlling nuisance wildlife problems will be those as may be prescribed by the IDFG.

~~DELETE 12. Private Road. Parcel D (Pete's Lane) is a (60) foot wide Private Road Right-of-Way. A Public Utility Easement within all of Parcel D is granted hereon. In addition, an Access Easement within Parcel D to benefit Lots 1-4, the Sun Valley Water & Sewer District and the City of Sun Valley Fire and Emergency Services is granted hereon.~~

NEW 12. Private Road and Driveway. Parcel D is a Private Road Right-of-Way and Easement D1 is a permanent easement herein granted to the Lane Ranch North Owners Association, Inc. as a Private Driveway Right-of-Way. Both Parcel D and Easement D1 shall provide access to Lots 1-4, and shall include an easement for public utilities, and an access easement for Sun Valley Water and Sewer District, City of Sun Valley Fire Department, and for emergency service vehicles.

~~DELETE 13. Parcel D and D1 (Pete's Lane) Construction and Maintenance. Parcels D (Pete's Lane) shall be owned by the Homeowners Association. The purchaser and/or owner of any Lot or Parcel understands and agrees that private road maintenance and snow removal shall be the obligation of the Homeowners Association, and that the City of Sun Valley shall not be obligated to maintain or improve said road.~~

NEW 13. Ownership and Maintenance of Parcel D and Easement D1. For the benefit of Lots 1-4, and the owners thereof, title to Parcel D and Easement D1 shall be conveyed and granted to the Lane Ranch North Owners Association, Inc. who shall thereafter have the obligation of providing maintenance and repair of all roads, driveways and landscaping located thereon, including all necessary snow removal. The City of Sun Valley shall have no obligation to improve, repair or maintain any improvements within Parcel D or Easement D1.

14. Restrictive Covenants. The property in the Lane Ranch North Subdivision shall be subject to the Declaration of Covenants, Conditions and Restrictions, recorded as Instrument No. 618905, records of Blaine County, Idaho.

~~DELETE 15. Private Access Easement. A Private Driveway, Public Utility, Landscape and Maintenance Easement is granted within Lot 3 for the mutual benefit of Lots 2 and 3, as shown hereon.~~

16. Avalanche Hazards. Avalanche hazards exist within this property. Refer to Avalanche Study by A.I. Mears, P.E., April, 1998, on file with the City of Sun Valley. The avalanche zones designated on this Plat are considered by the Owner and Benchmark Associates P.A. as reasonable for regulatory purposes. However, neither the Owner, nor Benchmark Associates P.A. represents, guarantees, warrants or implies that areas outside the designated avalanche zones are safe and free from avalanche or avalanche danger.



LANE RANCH NORTH AMENDED

LOCATED WITHIN SECTIONS 19 & 20, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M., CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO

PREPARED FOR: LRN DEVELOPMENT, LLC

PROJECT NO. 11133	DWG BY: LLJ/CPL	FILE: 11133PG1REV.DWG
FINAL PLAT	DATE: 04/26/2016	SHEET: 3 OF 4

Lane Ranch North Final Plat Review

TO: Jae Hill/City of Sun Valley

COPIES: Abby Riven/City of Sun Valley
Cinda Lewis, Benchmark Associates

FROM: Betsy Roberts/CH2M
George Van Horn/CH2M

DATE: May 11, 2016

We received the amended plat sheets for Lane Ranch North. These documents meet the intent of a final plat submittal and we find no fatal flaws.

We have the following observation for this project:

1. Confirm final area of Lot 4. The area shown on the Amended Plat is different than the previous Lane Ranch Final Plat.
2. Closure reports were not included for Easement D1 or the modified building envelop on Lot 3. Confirm that those areas do close as required.
3. Consider adding a Detail A for the new Easement D1 similar to what was provided on the Final Lane Ranch Plat.

**CITY OF SUN VALLEY
PLAT CHECK LIST TABLE**

For: Benchmark Associates

1	Subdivision Name:	Lane Ranch North Amended
2	Reviewer:	George Van Horn, CH2M HILL
3	Date:	May 11, 2016
4	Sheet Title and Preamble:	Wherein the Driveway & Public Utility Easement on Lot 3, Lane Ranch North (Inst No. 618904) is Amended and Designated as "Easement D1", and the Building Envelope on Lot 3 is Amended. Located within Sections 19 and 20, Township 4 North, Range 18 East, B.M., City of Sun Valley, Blaine County, Idaho. April, 2016.
5	Basis of Bearing:	OK
6	North Arrow:	OK
7	Scale and Legend:	OK
8	Plat Closure:	Closure Reports not provided for amended Lot 3 or Easement D1.
9	Total Area:	OK, Lot and Parcel areas shown. Area of Easement D1 not shown.
10	Monuments:	OK
11	Land Corners:	OK
12	Initial Point:	OK
13	Street Names & Width:	OK, width shown on Sheet 2
14	Easements:	Power Line Easement (Instrument No. 117661), Egress/Ingress Easement in Favor of Weyyakin Partners (Instrument No. 224855), 60' wide. 10' wide public utility easement adjacent to Elkhorn Road, 15' wide sewerline easement within Lot 4 to benefit the Sun Valley Water and Sewer District, 25' wide public utility easement within Lot 4, 15' wide effluent re-use easement within Lot 3, a public utility easement within Lot 4 adjacent to Parcel B for access to booster station, tank and appurtenances, Parcels A, B, and C are reserved for public utilities, access to tanks and appurtenances. Easement D1.
15	Lot & Block Numbers:	OK
16	Lot Dimensions:	OK
17	Curve & Line Tables:	OK
18	Certifications:	
19	Certificate of Owner:	OK
20	Certificate of Surveyor:	OK

21	Sanitary Restriction:	OK
22	Agency Approvals:	OK
23	Public Dedication:	OK
24	Common Areas:	N/A

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

From: Jae Hill, AICP, CFM, Community Development Director
Meeting Date: 9 June 2016

DESIGN REVIEW (DR 2016-02)

APPLICANT: Marvin J. Anderson, AIA for 5GL, LLC

LOCATION: 5 Golf Lane, Sun Valley TL 8239 SEC 5 4N 18E

ZONING DISTRICTS: Recreation (REC) Zoning District

REQUEST: Construction of a new 2,900 square foot barn.

ANALYSIS: The applicant has submitted an application for the construction of a new stable, which is an “equestrian use” as defined by Sun Valley Municipal Code § 9-1C-1 [Definitions], and is more specifically an “indoor equestrian use” – a conditionally permitted use in the Recreation (REC) Zoning District in which this property is located. This structure is a proposed accessory use to the already established recreational use on the property; “accessory uses for recreational uses, other than maintenance related” are also conditionally-permitted uses in the REC zone. *[The Applicant disagrees with Staff’s interpretation of the definition of “equestrian use” and has provided a letter in support of their opinion.]*

As this proposed use is conditionally permitted, a Condition of Approval has been added to this application requiring issuance of a Conditional Use Permit to allow the stable (“indoor equestrian use”) as an accessory use to the recreational use.

The development lot is split zoned, with the northern portion being zoned REC and the southern portion being zoned Single-Family Residential (RS-1) which contains a residence and a pool house.

Minimum setbacks in the REC zone are 35 feet; the proposed stable has a 35 foot southern setback and exceeds the required setback on the western property line by well over twenty feet. The maximum height of a structure in the REC zone is limited to 44 feet; this proposal does not exceed 33 feet. There are no footprint or coverage requirements in the subject zoning district.

The Fire Code Official has reviewed this project and determined that there is not adequate access for emergency apparatus, and has also determined that there is not sufficient water pressure to maintain adequate flow for fire suppression [See attached]; as such, two recommended Conditions of Approval have been attached to the Conditional Use Permit to address these issues. *[The Applicant disagrees with the Fire Department’s interpretation and has provided a brief in support of their opinion.]*

RELEVANT DEFINITIONS:

9-1C-1 EQUESTRIAN USES: The use of a site for the keeping of horses, including **stables** and paddocks.

DESIGN REVIEW CRITERIA [§ 9-3A-3]:

A. Design and Siting:

1. *The design of proposed improvements is appropriate and compatible to the lot and the surrounding neighborhood. Attention has been given to the location and design of streets, view corridors, privacy of adjacent properties, outdoor spaces, shadows, solar access, view access, lighting, vehicular access, building massing, privacy of other noise generating equipment, openings and doors as these elements impact adjacent properties. **The proposed structure is on a lot surrounded almost entirely by the Sun Valley Golf Course, so there are no adjacent residential neighbors who can be negatively impacted by the proposed intensification of use.***

2. *The location and design of the proposed improvements has given consideration to special sites of historical, natural, ecological, architectural, archaeological, and scenic value or significance, including, but not limited to, those identified in the city's comprehensive plan. The essential character of special sites should be preserved and protected with any proposed site or structure improvements. **Not applicable, as there are no special sites in the immediate vicinity.***

3. *The siting of the proposed improvements complies with the adopted uniform fire code and any other applicable regulations regarding emergency vehicle access and circulation as set forth in title 7 of this code. **This lot does not provide adequate access for fire department apparatus nor does it provide sufficient water pressure for fire suppression.***

4. *The proposed improvements are sited to meet the ingress, egress, and driveway standards and requirements set forth in title 7 of this code, and the siting standard in subsection A1 of this section. **No changes are proposed to ingress, egress, or the driveway.***

5. *The proposed improvements are sited to take into consideration and to mitigate natural hazards such as floodplains and avalanches as set forth in this chapter. Mitigation measures shall not adversely impact other properties. **The structure is outside of the mapped floodplain extents, but may still experience flooding during high-water events or when Trail Creek is dammed by debris. Avalanche danger is highly unlikely.***

6. *The siting of the proposed improvements minimizes interference with natural drainage patterns and is designed to minimize adverse impact on other properties. All drainage shall comply with the standards set forth in title 7 of this code; be contained on site, or be connected to drainage easements or rights of way. No drainage shall be diverted off site onto private property. **No drywells or roof drainage plans are indicated on the attached plans, but due to the topography, the only potential cross-lot drainage is not onto adjacent property but rather downslope into Trail Creek.***

7. *The site design provides for adequate space or means to maintain snow storage. Snow storage areas are in accordance with the requirements set forth in article G of this chapter. **The applicant has proposed approximately 1,900 sq ft of snow storage area, which is less than the required 1,450 sq ft.***

8. *Appropriate address numbers and monuments are shown in accordance with the requirements as set forth in article G of this chapter. **Address numbering will match the existing site, per the applicant's narrative.***

9. *The siting of the proposed improvements, including streets and driveways, where applicable, minimizes hillside visibility and, where applicable, skylining by using a combination of stepped building forms, natural colors and materials, sloped roofs, and landscaping. **No ridges or prominent terrain features exist on or directly adjacent to the site.***

10. *Every lot shall be designed to be connected to public water and sewer systems, unless the property is over five hundred feet (500') from a public system as measured from the closest property line and an alternative utility system is approved by the city engineer. **The existing lot is connected to existing water and sewer systems, but there are no facilities in the proposed structure which are proposed to be connected to the sewer.***

B. Grading:

1. *Essential grading is shaped to blend with natural landforms and to minimize the necessity of padding and/or terracing of building sites. Cut and fill are shaped, rounded, minimized and nonuniform to simulate natural existing contours. **No grading will be significantly changed and the site is predominantly flat.***

2. *Areas which are not well suited for development because of existing soil conditions, ridges, ridgelines, ridge tops, knolls, saddles, summits, wildlife habitat, natural features or hydrology are allocated for open site area or recreational uses. **This site, along Trail Creek, is used for recreational purposes.***

3. *The development is in accordance with the design criteria, as applicable, as set forth in article H of this chapter and title 7 of this code. **The slope on the site is not subject to the City's Hillside requirements.***

C. Architectural Quality:

1. *The proposed project maintains the quality of materials and design that is appropriate to the location, the lot and the neighborhood. **The barn will have a traditional appearance, and there is no "neighborhood" to speak of with a consistent design styling.***

2. *The proposed improvements conform to natural landscape features by minimizing the degree of cuts and fills. **The project does not substantially alter the site's grade.***

3. *The plan includes the location of all exterior lighting. All lighting shall be directed onto the subject lot and shall not be directed towards other properties. **All new exterior lighting will be downcast and shielded as depicted on Sheet A2.01.***

4. *Building design includes weather protection that prevents water from dripping or snow from sliding onto pedestrian or vehicle areas or onto adjacent properties. **Not applicable.***

5. *Any exterior addition or alteration to an existing building is compatible with the design character of the original building. Any new detached structure is compatible with the design character of the existing*

buildings and/or structure(s). **The proposed accessory structure is separated from the existing primary and accessory structures by distance of several hundred feet.**

6. *All improvements are designed to minimize light and sound emanating to other properties as set forth in article B of this chapter.* **The existing lighting conforms to the City's Exterior Lighting Regulations.**

7. *Rooftop chimneys and utilities are enclosed and design is consistent with the primary structure.* **No new rooftop chimney or utilities will be installed.**

D. Pedestrian and Vehicle Circulation Design:

1. *Pedestrian and vehicle accesses are provided that meet the requirements set forth in title 7 of this code and comply with the current and future circulation plans for streets and nonvehicular paths contained in the 1997 Sun Valley transportation plan and any amendments thereto.* **There are no modifications identified for the property in any existing transportation plan.**

2. *The site plan provides for safe and uninhibited traffic flow both within the project and onto adjacent streets. Sight distances and proper signage are in accordance with title 7 of this code.* **The project's private drive is only twelve feet in width and doesn't meet city standards.**

3. *Parking areas meet aisle dimensions, backup space and turning radius requirements in accordance with title 7 of this code.* **Not applicable.**

4. *Parking areas are designed to minimize adverse impacts upon living areas and upon adjacent properties with regard to noise, light, and visual impact.* **Not applicable.**

5. *Unobstructed access for fire and emergency vehicles complies with title 8 of this code and other applicable city regulations. Unobstructed access for snowplows, garbage trucks and similar service vehicles is provided to all necessary locations within the project.* **The fire department has expressed concern over the narrow width of the current drive and has requested a code-compliant driveway.**

E. Landscaping Quality: **These standards are not applicable as the project does not propose any changes to the existing landscaping.**

F. Irrigation Limits: **The city's one-half-acre limit applies to irrigated areas.**

G. Fences, Walls, Retaining Walls, Screens, and Dog Runs: **None proposed.**

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

I. Exterior Lighting: **All proposed lighting is down-cast and shielded, and complies with the City's Exterior Lighting Regulations. See sheet A2.01 of the design review submittal.**

RECOMMENDATION: Staff recommends approval of DR2016-02, as conditioned.

RECOMMENDED MOTION: "I move to approve DR2016-02 to allow for construction of a 2,900 square foot stable, pursuant to the Findings of Fact and Conditions of Approval."

ALTERNATIVE ACTIONS: Move denial of the application and draft findings supporting denial.

ATTACHMENTS:

1. Findings of Fact
2. Application Materials

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

Project Name: **5 Golf Lane Stable**

Applicant: **Marvin J. Anderson, AIA for 5GL, LLC**

Location: **5 Golf Lane, Sun Valley TL 8239 SEC 5 4N 18E**

Zoning District: **Recreation (REC) Zoning District**

Project Description: The applicant has submitted an application for the construction of a new 2,900 square foot stable, which is an “equestrian use” as defined by Sun Valley Municipal Code § 9-1C-1 [Definitions], and is more specifically an “indoor equestrian use” – a conditionally permitted use in the Recreation (REC) Zoning District in which this property is located. This structure is a proposed accessory use to the already established recreational use on the property; “accessory uses for recreational uses, other than maintenance related” are also conditionally-permitted uses in the REC zone. Approval of this design review is subject to the approval of a Conditional Use Permit. The proposed structure meets all setback and height requirements for the 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 Planning Commission 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. **The design of the stable is appropriate for a recreational equestrian facility and generally matches the appearance of the existing buildings along the private drive. A stable – an indoor equestrian use as an accessory to a recreational use – is conditionally-permitted in the Recreation Zone.**
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 proposed structure meets the setback and height requirements established in the zone. With approval of a Conditional Use permit addressing emergency access and water supply issues, the conditionally-permitted use will meet all of the city’s standards for Design Review.**
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. **No ridges or prominent terrain features exist directly on the site.**
4. The proposed design is in context and complimentary to adjacent properties. **The materials and colors are consistent with other adjacent buildings on site and with properties in the greater Sun Valley area.**
5. The proposed design is compatible with the community character and scale of the neighborhood. **The**

2,900 square foot structure is smaller than many of the structures on the existing site.

6. The proposed design adheres to standards for the protection of health, safety, and general welfare. **As conditioned in the associated Conditional Use approval, the project meets the requirements of the Sun Valley Fire Department for safety and access.**
7. The proposed design is of quality architectural character and materials. **The proposed design of the structure is a traditional barn-like style with subdued colors.**
8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City. **The proposed use/structure is a conditionally-permitted use in the Recreation Zoning District and further supported by the Recreational designation in the Comprehensive Plan's Future Land Use Map. As conditioned, the project will meet the intent of the International Fire Code, as adopted by the City of Sun Valley.**

CONDITIONS OF APPROVAL

1. Applicant and their representatives shall comply with all applicable City codes and ordinances, including those related to noise (Section 4-4D-2 and 3) and water pollution control (Section 4-4C-2).
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 and the construction management plan dated received by the City of Sun Valley on January 12, 2016.
6. Any planned permanent address lettering shall meet all applicable requirements of City Code Section 9-3G-14, including letter size and height.
7. Golf Lane shall be kept free and clear for emergency vehicle access at all times. Any significant access issues shall be brought to the attention of the City in advance.
8. No modifications to the approved plans shall be made without written permission of the Community Development Director, Building Official, and Fire Code Official.
9. Approval of this Design Review application is contingent on approval of Conditional Use Permit 2016-02, which is required to make the proposed structure and use legally conforming in the Recreation (REC) Zoning District.

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. DR2016-02.

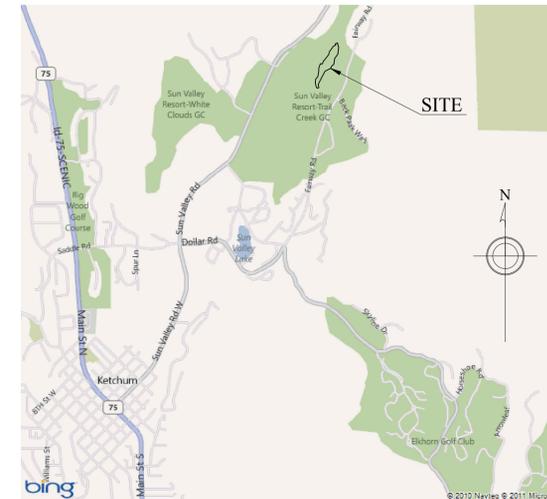
Dated this 9th day of June, 2016.

Jake Provonsha, Vice-Chairman
Sun Valley Planning and Zoning Commission

Date Findings of Fact signed _____

5GL
BARN

5 Golf Lane
Sun Valley, Idaho 8335

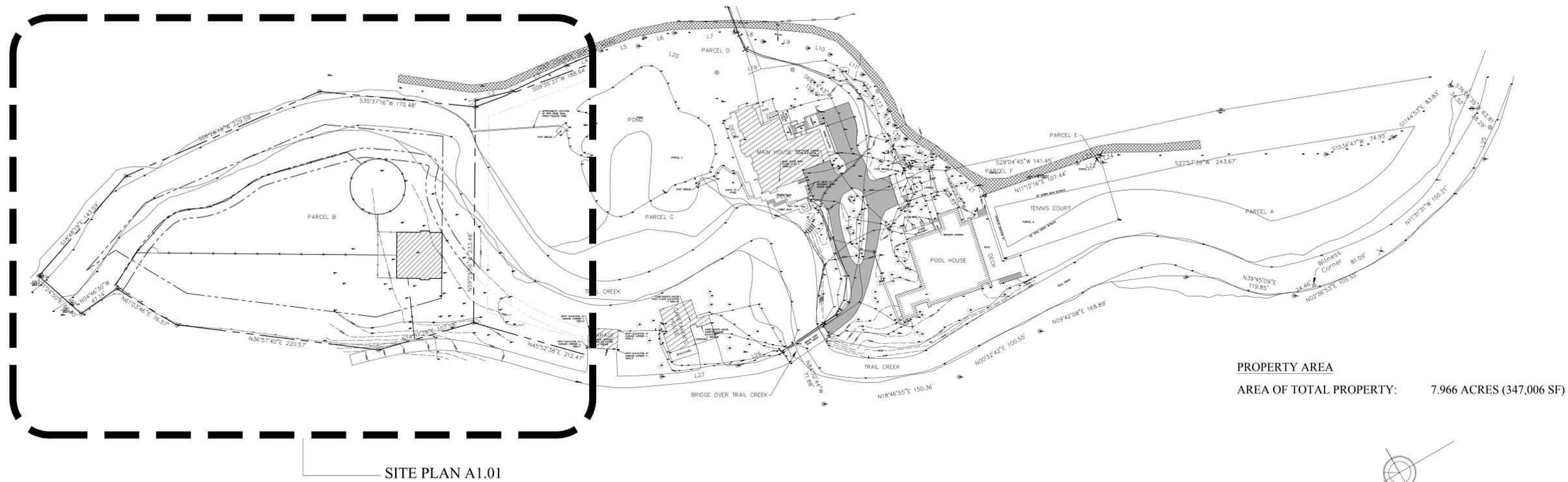


1 VICINITY MAP
NOT TO SCALE

GENERAL
INFORMATION

Scale: As Shown
Drawn:
Checked: MJA
Date: OCTOBER 21, 2015
Issue: DESIGN REVIEW SET
Revisions:

A0.01



PROPERTY AREA
AREA OF TOTAL PROPERTY: 7.966 ACRES (347,006 SF)

2 PROPERTY SITE PLAN
SCALE: 1" = 60'-0"

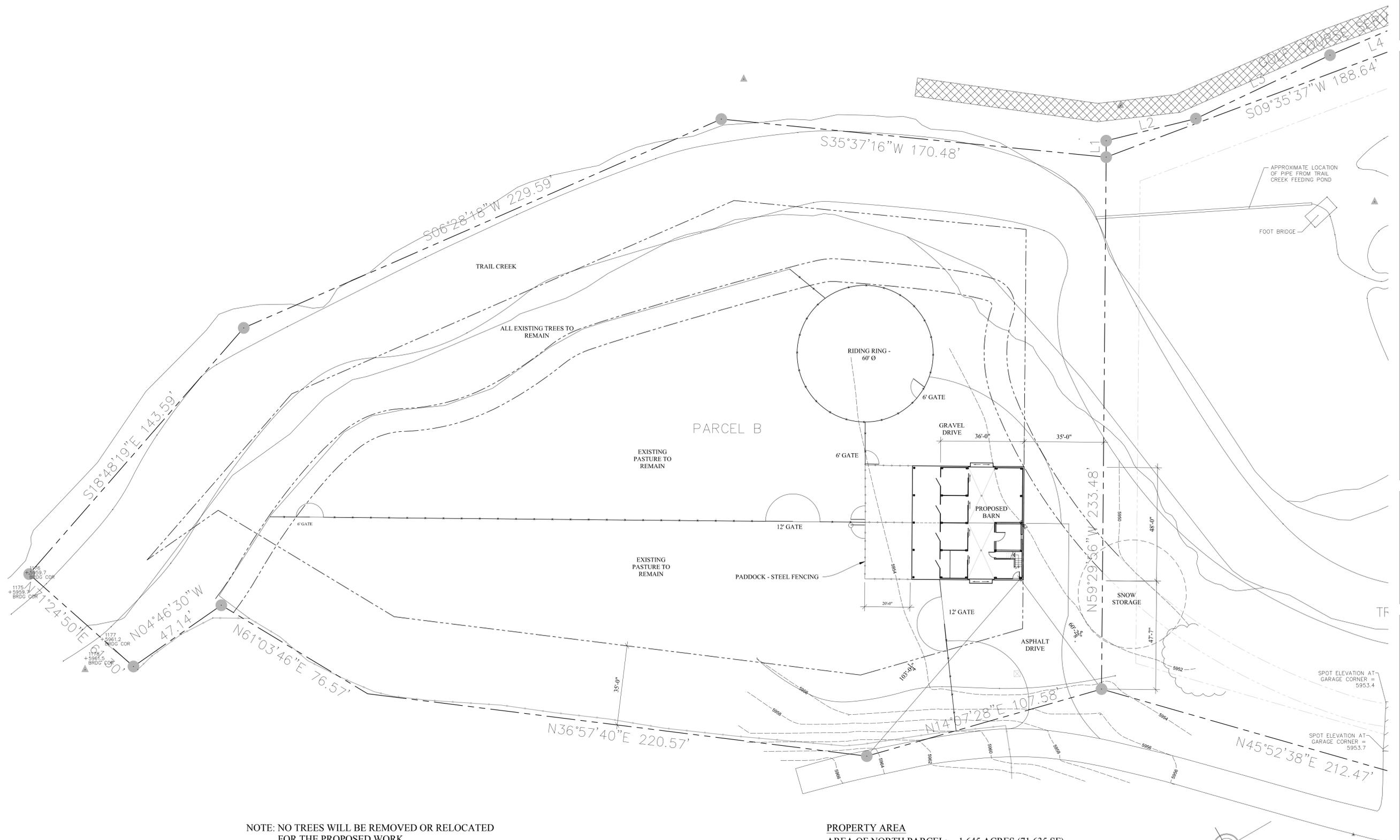
5GL
BARN

5 Golf Lane
Sun Valley, Idaho 8335

SITE PLAN

Scale: As Shown
Drawn:
Checked: MJA
Date: OCTOBER 21, 2015
Issue: DESIGN REVIEW SET
Revisions:

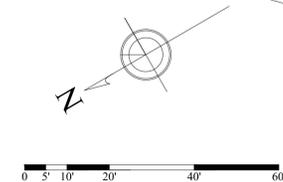
A1.01



NOTE: NO TREES WILL BE REMOVED OR RELOCATED FOR THE PROPOSED WORK

PROPERTY AREA
AREA OF NORTH PARCEL: 1.645 ACRES (71,635 SF)

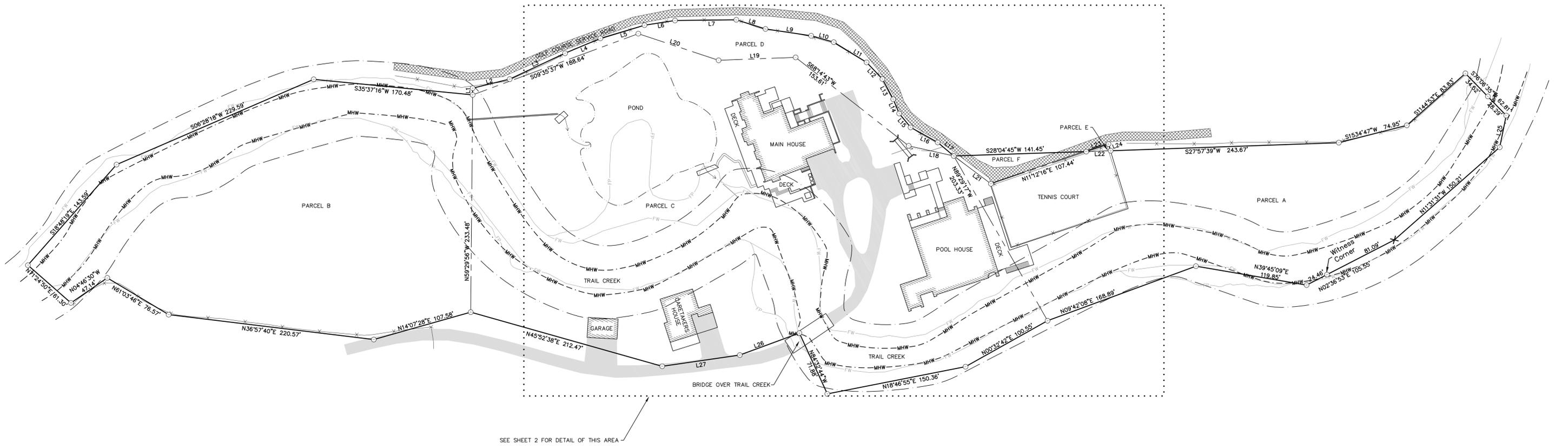
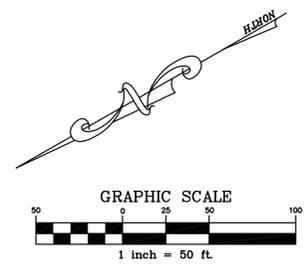
1 SITE PLAN
SCALE: 1" = 20'-0"



LINE TABLE		
LINE	LENGTH	BEARING
L1	7.20'	S 60°02'21" E
L2	40.72'	S 16°13'01" W
L3	65.36'	S 04°43'46" W
L4	40.91'	S 07°02'18" W
L5	49.16'	S 13°19'40" W
L6	32.96'	S 21°01'54" W
L7	65.40'	S 29°21'28" W
L8	32.68'	S 47°32'33" W
L9	49.35'	S 38°31'53" W
L10	25.05'	S 45°53'31" W
L11	41.24'	S 61°43'51" W
L12	24.66'	S 78°31'00" W
L13	24.60'	N 87°50'11" W
L14	16.53'	N 82°36'36" W
L15	19.25'	S 80°48'39" W
L16	33.16'	S 59°10'28" W
L17	22.53'	S 70°29'14" W
L18	49.38'	S 42°42'51" W
L19	82.34'	S 27°49'37" W
L20	90.32'	S 48°27'24" W
L21	49.65'	S 66°59'31" W
L22	26.12'	S 28°04'45" W
L23	25.15'	S 11°12'16" W
L24	7.98'	N 77°41'29" W
L25	34.77'	N 48°34'59" W
L26	67.82'	N 09°36'56" E
L27	83.74'	N 21°44'55" E

- LEGEND**
- EXTERIOR PARCEL BOUNDARY
 - - - INTERIOR PARCEL BOUNDARY
 - - - MHW MEAN HIGH WATER (8/2011)
 - - - FENCE LINE
 - - - CREEK LINE
 - - - EDGE OF WATER
 - - - 25' RIPARIAN SETBACK
 - - - FW FEMA FLOODWAY LINE
 - - - FP FEMA FLOODPLAIN LINE
 - ▨ ASPHALT
 - ▨ GOLF COURSE SERVICE ROAD
 - ▨ EXISTING BUILDING
 - FOUND 1/2" REBAR
 - + CALCULATED POINT, FALLS IN WATER

- NOTES**
- 1) This is not a Boundary Survey. Please refer to the recorded documents for boundary information.
 - 2) Utility locations are approximate and locations should be verified before any excavation.



NO	DATE	BY	REVISIONS

Galena Engineering Inc.
 Civil Engineers & Land Surveyors
 680 Second Avenue North
 P.O. Box 425
 Ketchum, Idaho 83340
 (208) 726-4729
 (208) 726-4783 fax
 email galena@galena-engineering.com

REUSE OF DRAWINGS
 These drawings, or any portion thereof, shall not be used on any Project or extensions of this Project except by agreement in writing with Galena Engineering, Inc..

11-04/21-28	FIELD BOOK
DESIGNED BY	DATE
BWH/SMF	8/24/11
DRAWN BY	DATE
BDY	8/24/11
CHECKED BY	DATE

A PARTIAL TOPOGRAPHIC SURVEY SHOWING
TAX LOT 6577
 WITHIN SECTION 5, T.4N., R.18E., B.M., CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO
 PREPARED FOR 5 GL LLC

PROJECT INFORMATION
 P:\sdsproj\6815\dwg\Topo\6815topo.dwg 8/30/2011 1:05:02 PM MDT

5GL
BARN

5 Golf Lane
Sun Valley, Idaho 8335

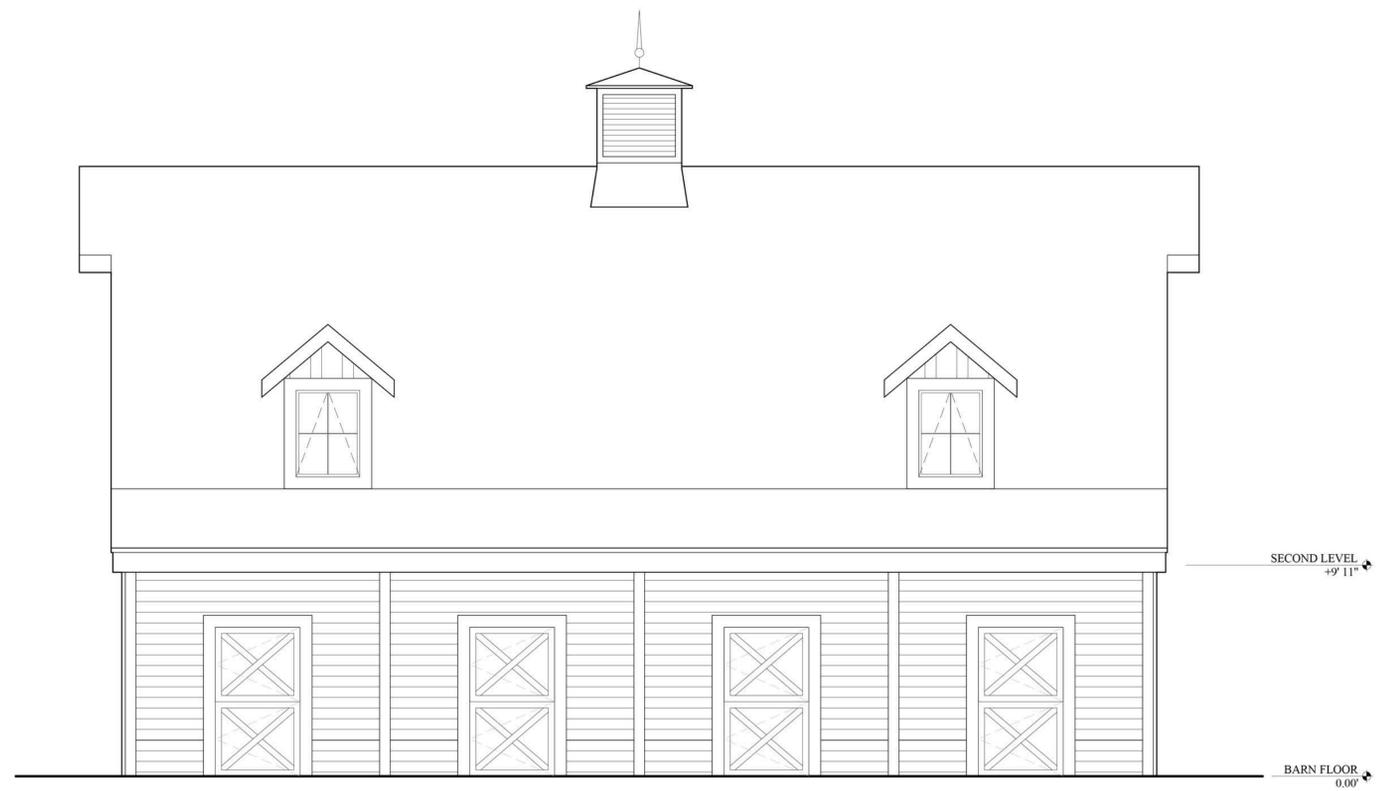
BUILDING
ELEVATIONS

Scale: As Shown
Drawn:
Checked: MJA
Date: OCTOBER 21, 2015
Issue: DESIGN REVIEW SET
Revisions:



EAST ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"

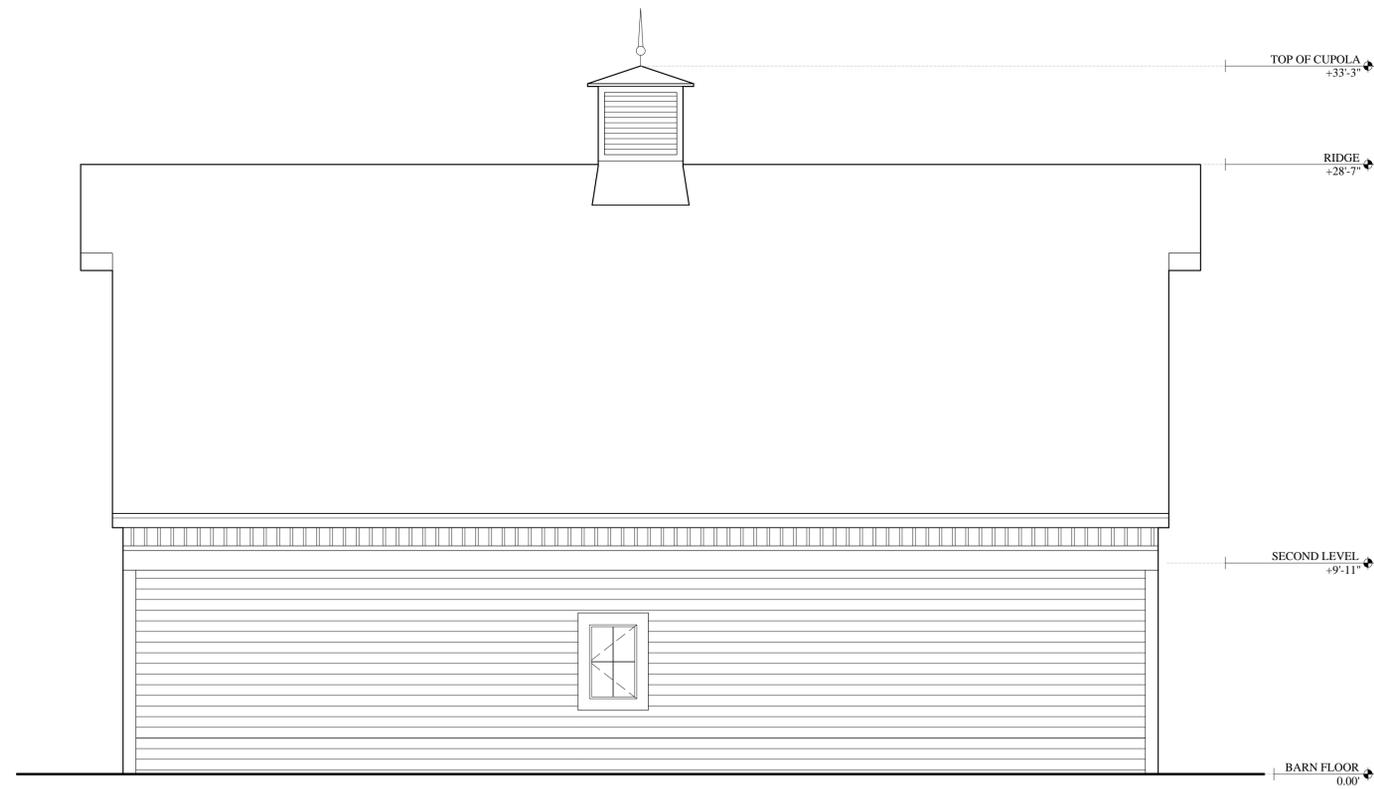
5GL
BARN

5 Golf Lane
Sun Valley, Idaho 8335



WEST ELEVATION

SCALE: 1/4" = 1'-0"



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

BUILDING
ELEVATIONS

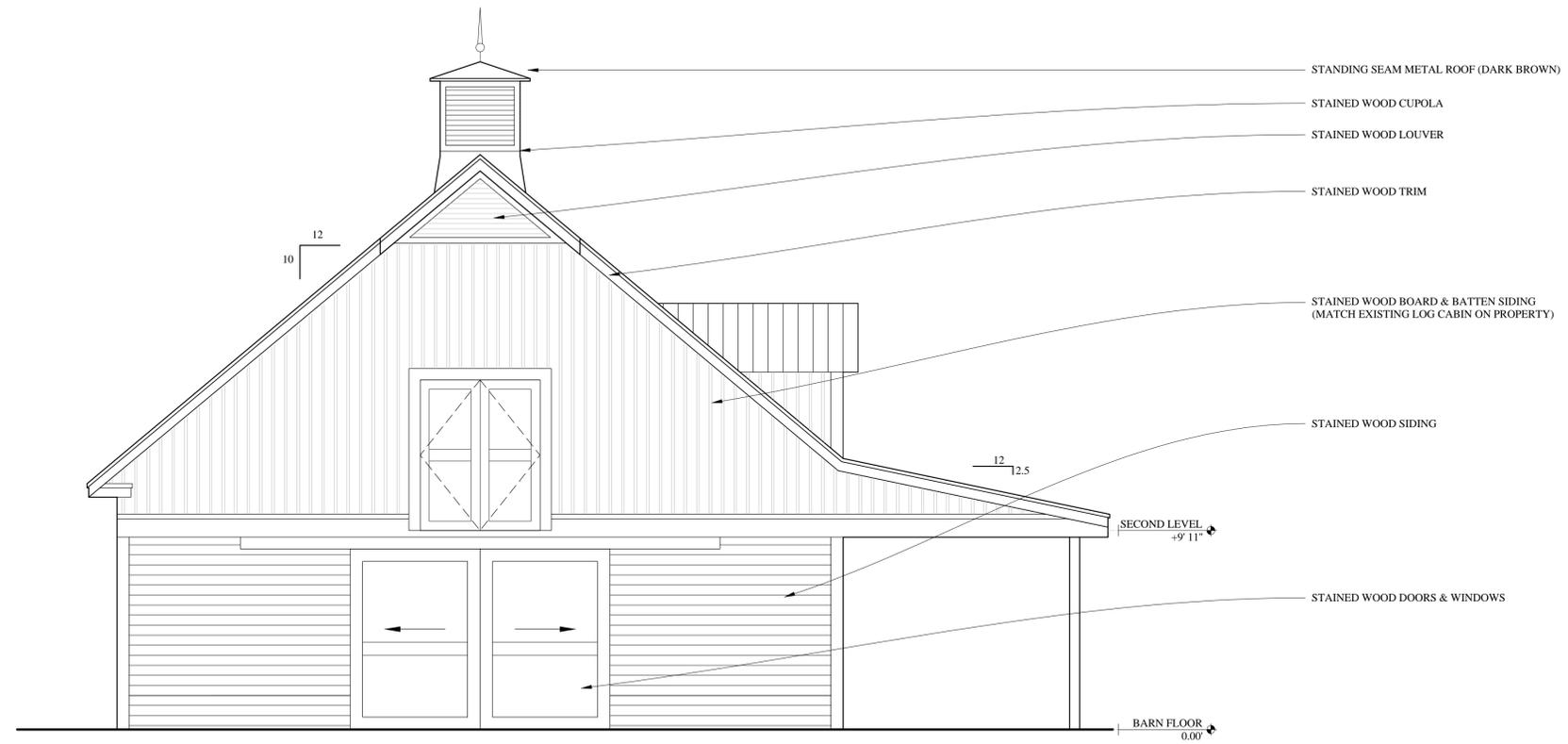
Scale: As Shown
Drawn:
Checked: MJA
Date: OCTOBER 21, 2015
Issue: DESIGN REVIEW SET
Revisions:

5GL
BARN

5 Golf Lane
Sun Valley, Idaho 8335

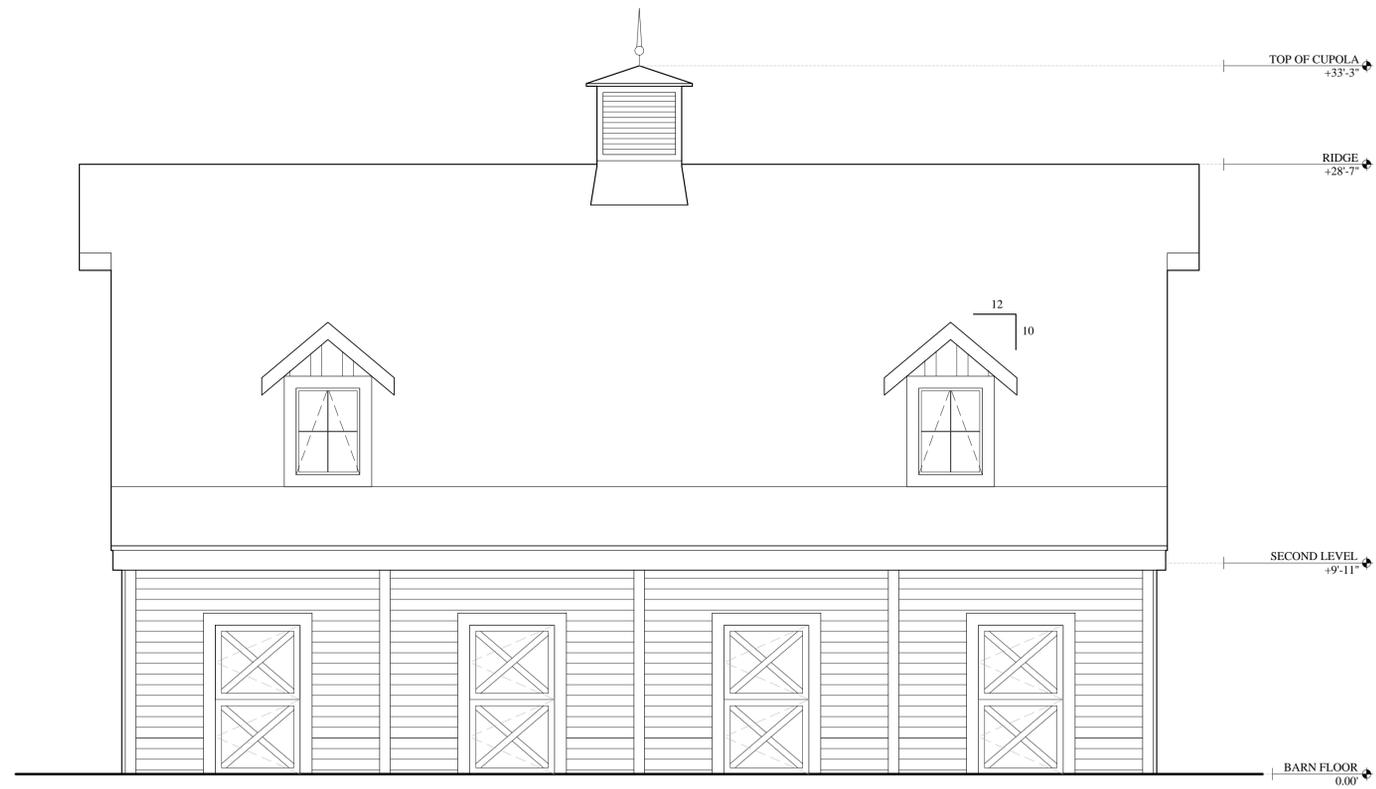
BUILDING
ELEVATIONS

Scale: As Shown
Drawn:
Checked: MJA
Date: OCTOBER 21, 2015
Issue: DESIGN REVIEW SET
Revisions:



EAST ELEVATION

SCALE: 1/4" = 1'-0"

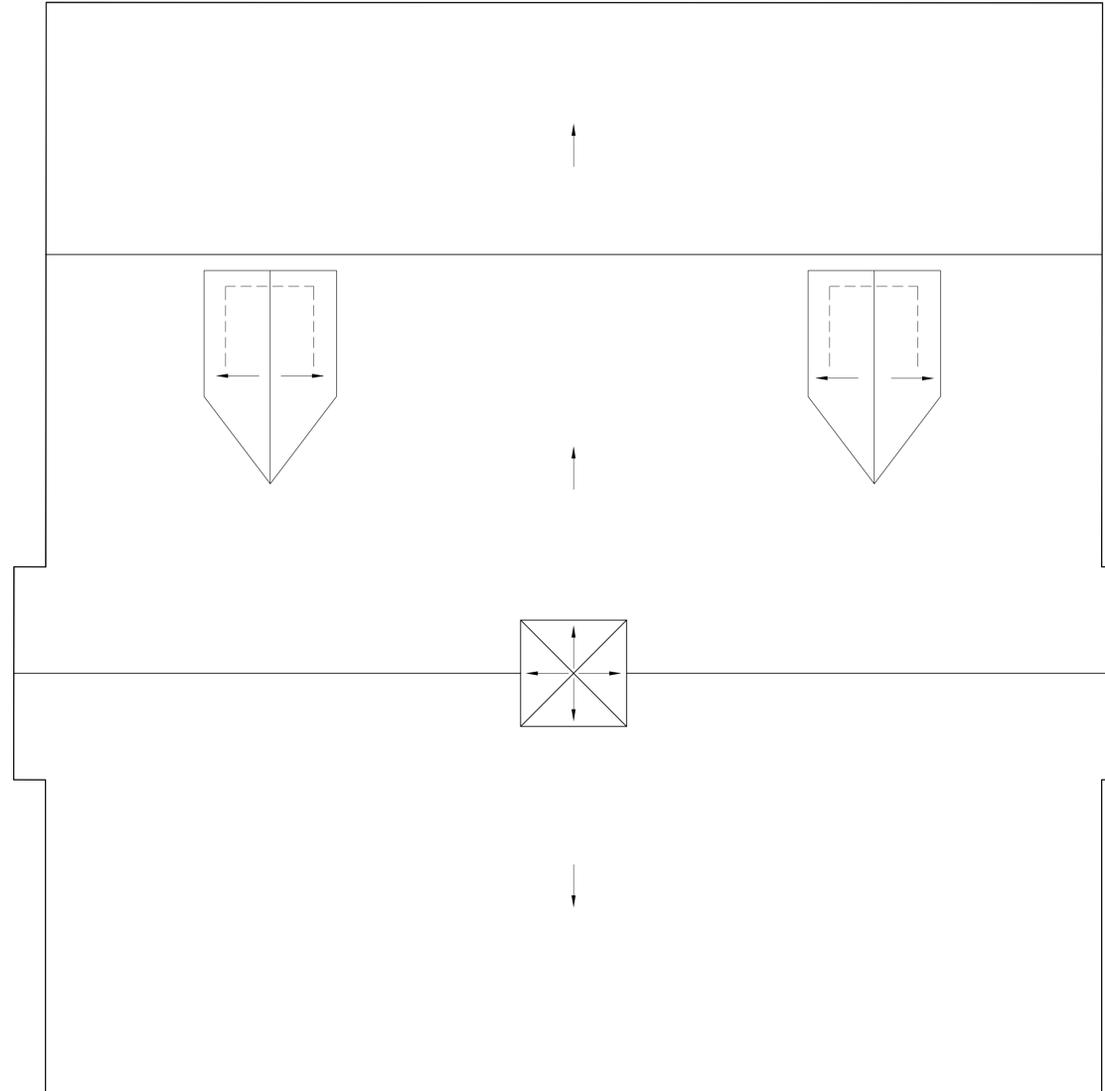


NORTH ELEVATION

SCALE: 1/4" = 1'-0"

5GL
BARN

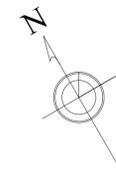
5 Golf Lane
Sun Valley, Idaho 8335



ROOF CALCULATION

TOTAL ROOF AREA: 2498 SF
ROOF AREA ABOVE 30': 25 SF
ROOF AREA ABOVE 35': 0 SF

ROOF AREA BETWEEN 30' AND 35': 25 SF
(~1% OF TOTAL ROOF AREA)



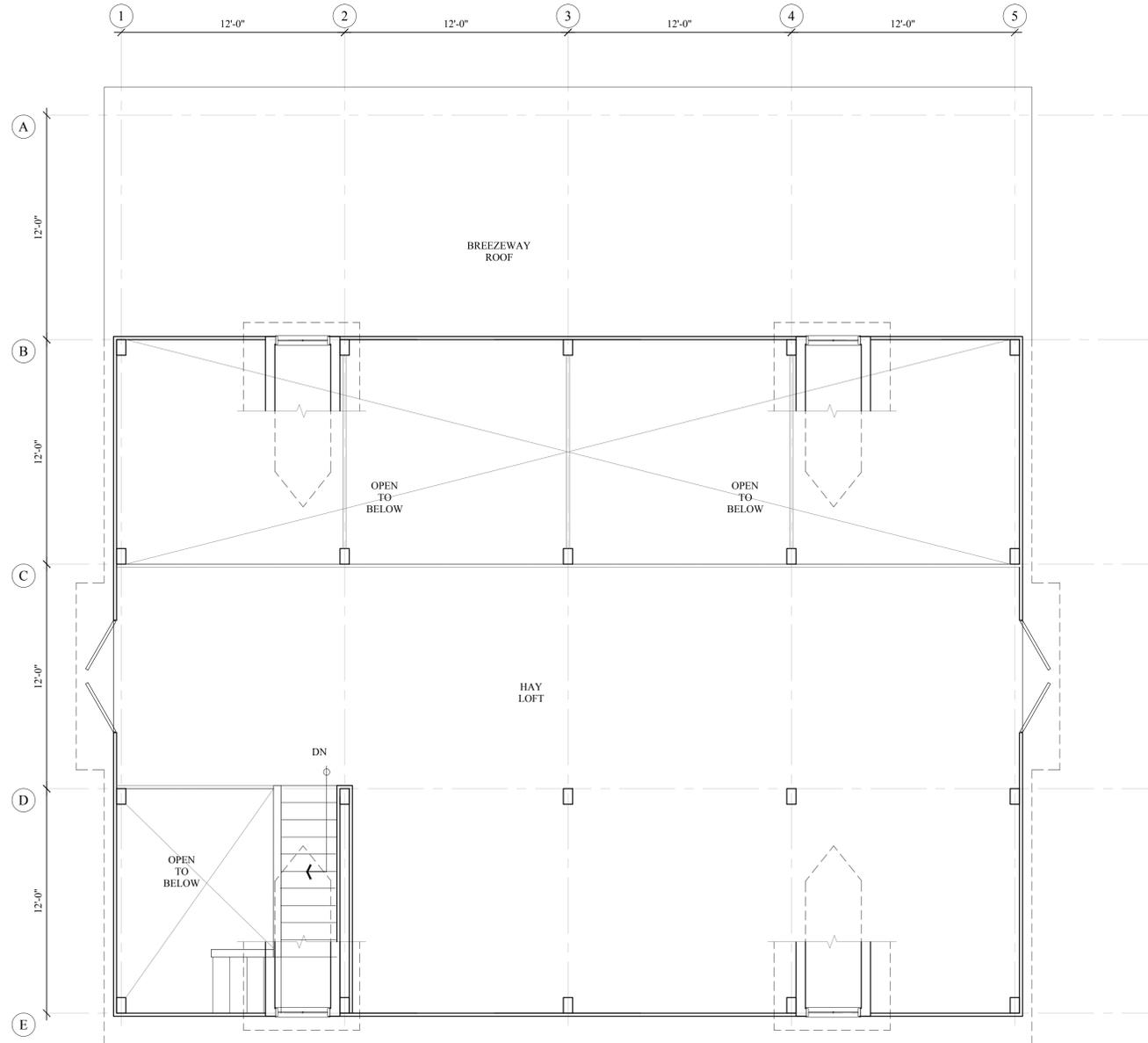
ROOF PLAN

Scale: 1/4"=1'-0"
Drawn:
Checked: MJA
Date: OCTOBER 21, 2015
Issue: DESIGN REVIEW SET
Revisions:

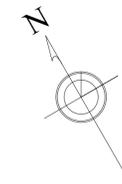
5GL
BARN

5 Golf Lane
Sun Valley, Idaho 8335

SECOND FLOOR
PLAN



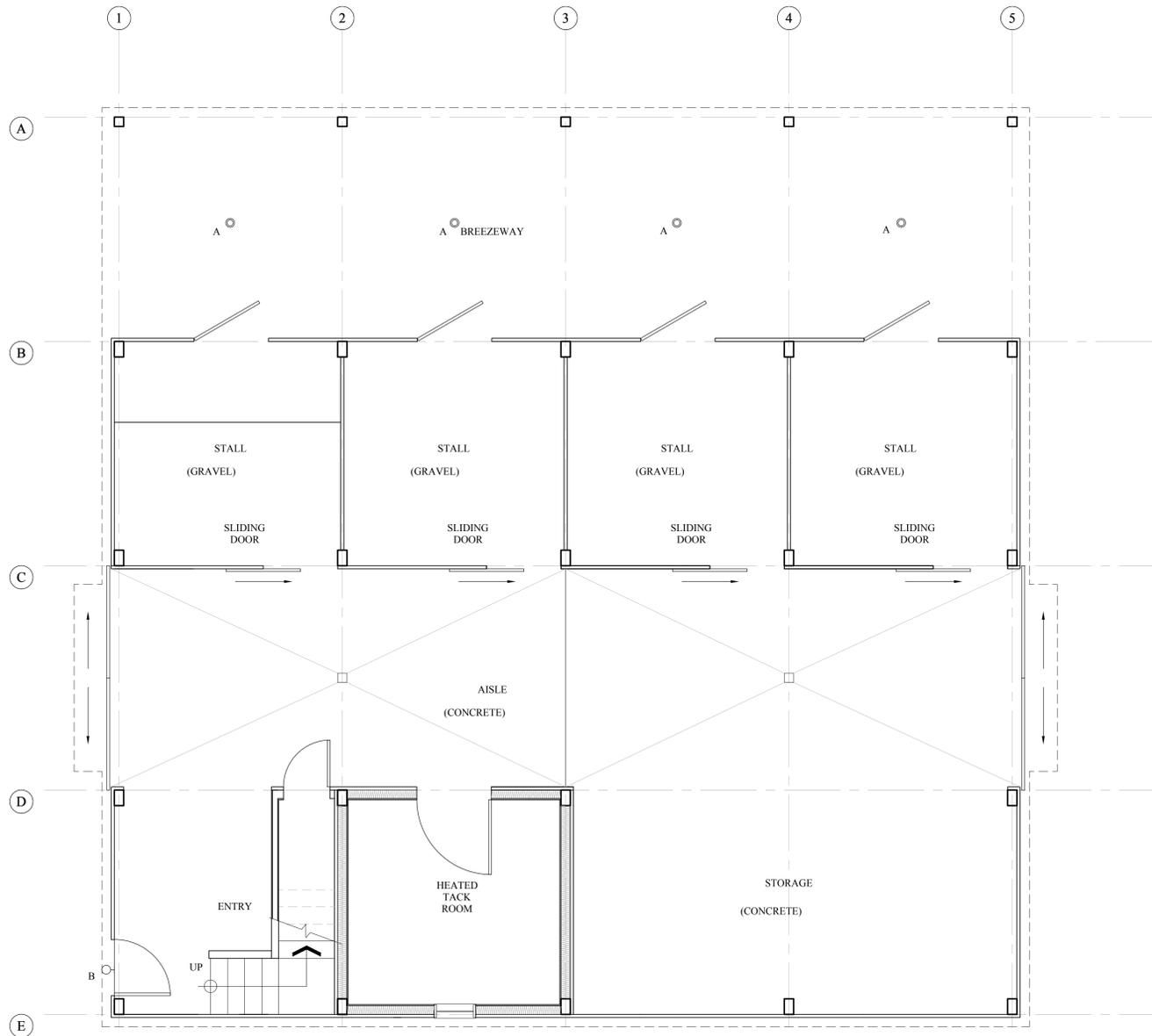
UPPER FLOOR SQ. FT. CALCULATION
LOFT AREA: 1152 SF



Scale: 1/4"=1'-0"
Drawn:
Checked: MJA
Date: OCTOBER 21, 2015
Issue: DESIGN REVIEW SET
Revisions:

5GL
BARN

5 Golf Lane
Sun Valley, Idaho 8335



A. EXTERIOR BREEZEWAY LIGHT
ARK LIGHTING: STANDARD DOME (AS18)
LUMEN OUTPUT: 4500 LM



B. EXTERIOR WALL LIGHT
ARK LIGHTING: STANDARD DOME WITH GOOSENECK BRACKET
(AS18-AGB103)
LUMEN OUTPUT: 4500 LM

FIRST FLOOR SQ. FT. CALCULATION

INTERIOR AREA	1748 SF
COVERED BREEZEWAY	576 SF
TOTAL	2304 SF

OCCUPANCY CLASSIFICATION - GROUP U, BARN
TYPE OF CONSTRUCTION - TYPE V-B



FIRST FLOOR
PLAN

Scale: 1/4" = 1'-0"
Drawn:
Checked: MJA
Date: OCTOBER 21, 2015
Issue: DESIGN REVIEW SET
Revisions:

CITY OF SUN VALLEY
DESIGN REVIEW APPLICATION

File No. DR- 2016-02 Submittal Date 1 / 12 / 16 Fee \$ 225

Project Name 5GL Barn

Legal Description of Property: Lot Sun Valley TL 8239 Sec 5 AN 18E
Block See attached Subdivision

Street Address of Property: 5 Golf Lane, Sun Valley, ID 83353

Current Zoning of Property: REC

Existing Building gross sq. ft. (if applicable) _____ Proposed addition or new construction sq. ft. 2900

Name of Owner of Property: 5GL, LLC (Mary Kay McCaw, Manager)

Mailing Address: 201 Terry Ave N., Suite A City: Seattle State: WA Zip: 98109

Phone: (206) 328 - 0866 Fax: () - Cell: () -

Email Address: bill@kmmk.com

Property Owner Consent:

By signature hereon, the property owner acknowledges that City officials and/or employees may, in the performance of their functions, enter upon the property to inspect, post legal notices, and/or other standard activities in the course of processing this application, pursuant to Idaho Code §67-6507. The property owner is also hereby notified that members of the Planning and Zoning Commission and City Council are required to generally disclose the content of any *ex parte* discussion (outside the hearing) with any person, including the property owner or representative, regarding this application.

Property Owner's Signature: 

Application Contact (if different than above): Marvin J Anderson (Architect)

***Contact will be the primary point of contact for questions related to the application.*

Mailing Address: 1108 19th Ave E City: Seattle State: WA Zip: 98112

Phone: (206) 525 - 5054 Fax: () - Cell: () -

Email Address: marvin@marvinandersonarchitects.com

Description of Project Construction of new barn with associated fencing.

See reverse page for items that must be submitted in order for the application to be considered complete.

Action Taken: Approved Denied Conditionally Approved Other

Abby Rivin

From: Abby Rivin
Sent: Thursday, January 28, 2016 10:27 AM
To: 'marvin@marvinandersonarchitects.com'
Subject: 5 Golf Lane Design Review Application

Hi Marvin,

The Community Development Department has reviewed your submittal for the barn at 5 Golf Lane. In order to ensure that your project complies with City Code, the department requires two additional items detailed below.

1. The design review application requires a compliance statement ([SVMC 9-5A-4.A](#)) with an explanation of the project's compliance with the standards of review, which include ([SVMC 9-3A-3](#)):
 - Design and Siting;
 - Grading;
 - Architectural Quality
 - Pedestrian and Vehicle Circulation Design;
 - Landscaping Quality;
 - Irrigation Limits;
 - Fences, Walls, Retaining Walls, Screens and Dog Runs;
 - Sign Design; and
 - Exterior Lighting.

**Note: Some standards may not be applicable to the specific design review application.*

Please click [here](#) to view the criteria for each standard of review listed above.

2. The department requires a construction management plan indicating contractor staging, parking, and access.

Thanks in advance for providing these materials so the department can continue to process your design review application. If you have any further questions, please don't hesitate to call or email.

Best,
Abby

Abby Rivin
Associate Planner
City of Sun Valley
(208) 622-4438
arivin@svidaho.org

Abby Rivin

From: Marvin Anderson <marvin@marvinandersonarchitects.com>
Sent: Wednesday, March 02, 2016 1:56 PM
To: Abby Rivin; Jae Hill
Subject: 5 Golf Lane Barn Design Review Application

Dear Ms. Rivin and Mr. Hill,

On behalf of the owner of 5 Golf Lane, I am writing to request a 60 day postponement of Planning & Zoning review of the submitted design review package for the proposed barn at 5 Golf Lane.

I thank both of you for your attention to this project and for your efforts to facilitate this postponement. If you could, please acknowledge this postponement via return e-mail.

Please do not hesitate to contact me if you have any questions.

Sincerely,
Marvin

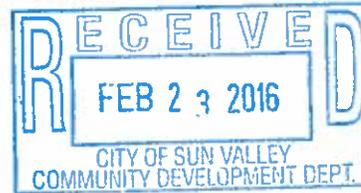
Marvin J. Anderson AIA
MARVIN ANDERSON ARCHITECTS PLLC
1108 Nineteenth Avenue East
Seattle, Washington 98112
P: 206-525-5054
C: 206-715-4567

MARVIN ANDERSON ARCHITECTS PLLC

1108 Nineteenth Avenue East • Seattle, WA 98112 • 206-525-5054 • marvinandersonarchitects.com

February 16, 2016

Ms. Abby Rivin
Associate Planner
City of Sun Valley



RE: Design Review Application
Proposed Barn
5 Golf Lane
Sun Valley, Idaho

Dear Ms. Rivin,

In accordance with Sun Valley Municipal Code 9-5A-4.A, please find below an explanation of the proposed project's compliance with standards of design review. This explanation follows SVMC 9-3A-3.

A. Design and Siting:

1. The design of proposed barn is appropriate and compatible with the lot, which is zoned REC, recreation. In this zone, outdoor equestrian uses are permitted (SVMC Table 9-2C-1): the proposed barn is to support this use. The barn has been sited toward the southern edge of this parcel adjacent to existing trees along Trail Creek rather than in the center of the parcel which is an open pasture, in order for it to better blend with the existing natural features of the property. The parcel is completely surrounded by the Sun Valley Golf Course, its eastern edge the tree-lined Trail Creek and its western edge a high bluff.

Exterior materials of the proposed barn are stained wood siding with brown metal roof, selected for the building to be architecturally compatible with existing buildings on the adjacent parcel and to blend with the natural environment instead of standing out.

2. This parcel contains no special sites of historical, natural, ecological, architectural, archaeological, and scenic value or significance. The proposed building has been set back from Trail Creek in accordance with all requirements, and preserves the existing trees lining the creek.
3. The siting of the proposed building is adjacent to the existing driveway and provides for emergency vehicle access and circulation per adopted standards of the International Fire Code.
4. The proposed improvements will utilize the existing driveway into the property.

5. The proposed improvements are sited to take into consideration and to mitigate natural hazards of seasonal flooding of Trail Creek.
6. The siting of the proposed improvements has no impact on natural drainage patterns on the parcel and has no adverse impact to other properties. No drainage is diverted onto other properties or public ways.
7. The site design provides adequate space around the building and driveway apron for snow storage.
8. Address letters will be provided for this building to match approved address letters on other buildings on the property.
9. The siting of the proposed barn is in a natural valley with no hillside visibility or skylining.
10. This parcel is served by a private water system common to the property, which draws from Sun Valley's public water system. The proposed barn has no facilities that will require connection to the sewer system.

B. Grading:

1. The proposed building is sited on existing level land and requires no grading. The approach to the building from the existing driveway will require very minimal grading; all cut and fill materials will be used onsite to blend improvements with natural existing land contours.

C. Architectural Quality:

1. The proposed barn maintains the quality of materials and design that is appropriate to the existing property and to adjacent properties.
2. Proposed improvements conform to natural landscape and minimize the degree of cuts and fills.
3. Submitted drawings include the location and type of all exterior lighting, which is directed onto the property and meets Sun Valley dark skies requirements (SVMC 9-3B).
4. All snow or snow melt from the building will fall away onto the parcel, away from pedestrian or vehicle areas.

D. Pedestrian and Vehicle Circulation Design:

1. Pedestrian and vehicle accesses are provided to the proposed barn from the existing driveway on the property.
2. The site plan provides for safe and uninhibited traffic flow within the project. Traffic flow from the property onto adjacent streets will be unchanged.
3. Parking provided adjacent to the building meets all requirements for dimension, backup space and turning radii.
4. Parking areas are located between the proposed barn and western bluff, and will have no noise, light, or visual impact on adjacent properties.

5. Unobstructed access for fire and emergency vehicles is provided to the proposed barn from the existing driveway.

E. Landscaping Quality:

1. Existing natural landscaping on the parcel will provide significant screening of the building from adjacent properties, although the building will be visible from areas of the golf course and some nearby existing residences.
2. Landscape materials on the parcel are native drought resistant and winter hardy plant materials
3. Existing trees, shrub masses, and important landscape features are preserved on the parcel.
4. Existing landscape buffer areas to adjacent properties will be maintained.

F. Irrigation Limits: N/A

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

1. Fences around the existing parcel are finished on both sides and will be maintained. New fences adjacent to the proposed barn will match existing.

H. Sign Design:

1. Other than an address letter, there are no proposed signs associated with this building.

I. Exterior Lighting:

1. All proposed lights meet Sun Valley dark skies requirements (SVMC 9-3B).

Please do not hesitate to let us know if we may answer any questions.

Sincerely,



Marvin J. Anderson, AIA
Principal

cc. Owner, 5 Golf Lane



**PLANNING AND ZONING COMMISSION
PUBLIC HEARING NOTICE
Meeting to be held on
Thursday, March 10, 2016**

The meeting will begin with a *site visit at 9:00am* at 5 Golf Lane and then adjourn to the Council Chambers of City Hall, 81 Elkhorn Road, Sun Valley, Idaho directly thereafter for the required public hearing.

The Sun Valley Planning and Zoning Commission will be holding a public hearing on the following development application:

- **Design Review #2016-02:** Application for the proposed construction of a 2,900 square foot barn in the Recreation (REC) Zoning District. Applicant: Marvin J. Anderson for 5GL, LLC. Location: 5 Golf Lane; Sun Valley TL 8239 Sec 5 4N 18E.

NOTICE IS FURTHER GIVEN that at the aforementioned time and place, all interested persons may appear and shall be given an opportunity to comment on the matter stated above. Comments and questions prior to the public meeting should be directed to the City of Sun Valley Community Development Department, (208) 622-4438, mailed to PO Box 416, Sun Valley, ID 83353, emailed to jhill@svidaho.org or arivin@svidaho.org, or faxed to (208) 622-3401. Written comments received prior to the meeting shall be made part of the public record at the meeting. **The supporting documents for the above development application are on file in the Community Development Department located in City Hall for public inspection during normal City Hall business hours.**

Any person needing special assistance to participate in the above noticed meeting should contact Sun Valley City Hall prior to the meeting at (208) 622-4438. City Hall is located at 81 Elkhorn Road, Sun Valley, Idaho.



Date: 2/17/2016
To: Jae Hill, Abby Rivin
Re: 2016-02 5 Golf Lane

The Fire Department has reviewed the submitted plans for the construction of a new 3,456 square foot barn at 5 Golf Lane.

In order for the Fire Department to approve the project, the plans will need to be resubmitted showing a revised fire apparatus access and the addition of required water supply.

A fire apparatus access road provides fire engine access from a fire station to a facility, building, or portion thereof. This is a general term inclusive of other terms such as fire lane, Public Street, Private Street, parking lot lane, and access roadway. Approved fire apparatus access roads must be provided for every facility, building, or portion of a building constructed or moved into or within the jurisdiction (503.1.1). The fire apparatus access road must extend to within 150 feet (45720mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

The existing fire apparatus access from Trail Creek Road to the proposed building lot on the property is 12 feet wide and **must be widened to 26 feet** in order to meet the *2012 International Fire Code Appendix D Fire Apparatus Access Roads* (Table D103.4) requirements. Fire apparatus access roads between 501 to 750 feet in length must have a width of 26 feet and a grade of no more than 7%.

The existing water supply on the property is an existing nonconformity. The addition of the barn increases the amount of water necessary to fight a fire in any of the structures located on 5 Golf Lane site. **The Fire Department requires the addition of a fire hydrant that is capable of supplying the required water in case of a fire emergency, which is 1,500 gallons per minute for 2 hours.**

For Fire Department Approval, the applicant must resubmit the plans showing the required fire apparatus access widened to 26 feet and a new fire hydrant.

Reid Black

City of Sun Valley Fire Department
Fire Code Official

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

Scott L. Campbell, ISB No. 2251
Matthew J. McGee, ISB No. 7979
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
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slc@moffatt.com
mjm@moffatt.com
18975.0006

Attorneys for 5 GL, LLC, Petitioner

BEFORE THE CITY OF SUN VALLEY PLANNING AND ZONING COMMISSION

5 GL, LLC, a Washington limited liability
company registered in Idaho;

APPLICANT

BRIEF IN SUPPORT OF 5 GL, LLC BARN
DESIGN REVIEW APPLICATION

I.
INTRODUCTION

On January 12, 2016, Applicant, 5 GL, LLC filed the pending Design Review Application (No. DR-2016-02 Golf Lane). The Application seeks design approval under Sun Valley City Municipal Code 9-3A-3.

On January 15, 2016, the City published notice of a March 10, 2016, Planning and Zoning Commission hearing to consider the Application.

On February 17, 2016, Reid Black, City Fire Code Official, presented a letter to Mr. Jae Hill and Ms. Abby Rivin, City Development Department officials. See Letter from

Sun Valley Fire Department, dated February 17, 2016 (Ex. A). The letter commented upon Mr. Black's review of "plans submitted for the construction of a new 3,456 square foot barn at 5 Golf Lane," the Applicant's proposal. *Id.* Apparently relying on provisions of the 2012 International Fire Code, Mr. Black stated: "In order for the Fire Department to approve the project, the plans will need to be resubmitted showing a revised fire apparatus access and the addition of required water supply." *Id.*

In addition, Mr. Black states, "The existing fire apparatus access from Trail Creek Road to the proposed building lot on the property is 12 feet wide and **must be widened to 26 feet** in order to meet the 2012 International Fire Code Appendix D Fire Apparatus Access Roads (Table D103.4) requirements." *Id.* (emphasis added).

He also states, "**The Fire Department requires the addition of a fire hydrant that is capable of supplying the required water in case of a fire emergency, which is 1,500 gallons per minute for 2 hours.**" *Id.* (emphasis added).

Apparently, Mr. Black believes that the Fire Department has full authority to demand these conditions in the City's Design Review process. Applicant disagrees and rejects these conditions for the following reasons.

II. ARGUMENT

A. **The Idaho Building Code Act (Chapter 41, Title 39, Idaho Code) Exempts Applicant's Barn From Building Code And Fire Code Regulation**

The Idaho Building Code Act, Chapter 41, Title 39, Idaho Code, sets forth the Idaho statutory framework for establishment and enforcement of building codes. *See* IDAHO CODE § 39-4101.

The City is a “local government,” as defined in Idaho Code Section 39-4105(7). As such, the City is required to “enforce all of the provisions of this chapter that govern application by local governments.” See IDAHO CODE § 39-4104.

Idaho Code Section 39-4111 confirms enforcement by the City. It states, in pertinent part:

(2) It shall be unlawful for any person to do, or cause or permit to be done, whether acting as principal, agent or employee, any construction, improvement, extension or alteration of any building, residence or structure in a local government jurisdiction enforcing building codes, without first procuring a permit in accordance with the applicable ordinance or ordinances of the local government.

Consequently, under typical circumstances, the City has full authority to impose building permit and fire code requirements for new buildings proposed for construction within the City. However, the Applicant’s proposed barn construction is not a typical circumstance.

Applicant’s proposed barn is an agricultural building for shelter of horses, feed, supplies, and ancillary equipment, tools, and tack. As such, the barn is exempt from the City’s building and fire code requirements.

This conclusion results from the application of Idaho Code Section 39-4116. It states, in pertinent part:

(1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section

* * *

(5) Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A county may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the county of issuing the permits.

Based upon these mandatory provisions, the City “shall exempt” Applicant’s barn (“agricultural building”) from the building code, fire code, and other “codes enumerated in this chapter and the rules promulgated by the board.” IDAHO CODE § 39-4116(5). Any contrary action by the City would violate state law and constitute void, “ultra vires” acts. *See Black v. Young*, 122 Idaho 302, 308, 834 P.2d 304, 310 (1991).

B. The City’s Definition of “Agriculture” Conflicts With The Applicable Definitions In The Idaho Right To Farm Act And The International Building Code And Unreasonably Restricts Applicant’s Proposed Barn Construction

In response to the December 18, 2013 letter from Applicant’s attorney (Ex. B), on January 21, 2014, Mr. Adam King, writing as the City’s attorney, stated:

At present, there is not enough information to determine if the proposed barn is an agricultural building as defined in the City and state codes. The City defines “agricultural” [sic] at 9-1C-1, and there are various state codes that contain definitions of “agriculture” and “agricultural.”

King Letter (Ex. C), p. 3.

The City’s definition of “agriculture” in Municipal Code 9-1C-1 is “the cultivation and harvesting of crops for commercial use.” This definition conflicts with the definition adopted by the City in the 2012 International Building Code. *See* Municipal Code 8-1-1:A.

Chapter 2 – Definitions of the International Building Code, states:

AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

Applicant’s proposed barn meets these definitional terms.

Moreover, the Idaho Right to Farm Act, Chapter 45, Title 22, Idaho Code, also supports this conclusion. The definitions section, Idaho Code Section 22-4502, states:

As used in this chapter: (1) **Agricultural facility** includes, without limitation, any land, **building**, ditch, drain, pond, impoundment, appurtenance, machinery or equipment that is used in an agricultural operation.

(2) **“Agricultural operation”** means an activity or condition that occurs in the production of agricultural products for food, fiber, fuel and other lawful uses, and includes, without limitation:

(a) **Construction, expansion, use, maintenance and repair of an agricultural facility;**

* * *

(e) **Breeding, hatching, raising, producing, feeding and keeping livestock, dairy animals**

(Emphasis added.)

These definitions clearly include use of Applicant’s property for “construction . . . use, maintenance and repair of an agricultural facility.” Applicant’s proposed barn for horses would definitely fall within this definition of an “agricultural facility.” Because it is a “building, structure . . . used in an agricultural operation” and would be used for “feeding and keeping livestock,” it should be protected by the other sections of the Right to Farm Act.

Idaho Code Section 22-4504 contains language that also limits the City’s power to impose design review or zoning ordinance restrictions upon Applicant’s proposed barn construction. In pertinent part, the section states:

No city . . . shall adopt any ordinance or resolution that declares any agricultural operation, agricultural facility or expansion thereof that is operated in accordance with generally recognized agricultural practices to be a nuisance, **nor shall any zoning ordinance that requires abatement as a nuisance or forces the closure of any such agricultural operation or agricultural**

facility be adopted. Any such ordinance or resolution shall be void and shall have no force or effect. . . .

Because of this provision, Applicant's construction of a barn would be protected against City legal proceedings to deem it a nuisance and require abatement. This conclusion results, because City Code Section 9-5A-11: **ENFORCEMENT**: states, in part:

A. **Violations a Nuisance:** No land in the city may be used for a purpose not permitted under this title. Any use of land or structure contrary to this provision is unlawful and a public nuisance. On order of the city council, the city attorney shall commence an action for the abatement and removal of the nuisance and for an injunction preventing the further unlawful use.

Any enforcement action by the City would conflict with the statutory protections for the barn under Idaho Code Section 22-4504.

C. Applicant's Design Review Application Satisfies The Purposes Of Design Review Standards As Established By Municipal Code 9-3A-1

Municipal Code 9-3A-1 sets forth the City's articulation of the purposes of the design review standards:

The purpose of the design review standards is to ensure that development is designed and built in a manner that is context sensitive, complementary to adjacent property, protects the natural landscape, is of high design quality, and is compatible with the character and scale of the neighborhood. These standards are intended to prohibit buildings and related improvements that significantly impact aesthetic value of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits in the city.

Applicant's barn proposal should be evaluated with these purposes in mind, because they circumscribe the extent of the City's design review powers. Applicant's barn proposal meets or exceeds these purposes and adopted standards.

Municipal Code 9-3A-3 specifies the criteria that must be used:

The following criteria shall be used in evaluating proposed developments seeking design review approval and shall be the basis for the findings set forth in chapter 5 of this title.

(Emphasis added.)

Following this mandatory admonition, Municipal Code 9-3A-3A, captioned “Design and Siting,” describes the only Code provision that potentially could form the basis for imposing fire code restrictions in the design review process. Municipal Code 9-3A-3A.3 states:

The siting of the proposed improvements complies with the adopted uniform fire code and any other applicable regulations regarding emergency vehicle access and circulation as set forth in Title 7 of this Code.

(Emphasis added.)

As discussed above, Idaho Code Section 39-4116(5) prohibits the City from requiring the Applicant to meet building or uniform fire code requirements. However, if the City construes Municipal Code 9-3A-3A.3 to allow it to impose fire code requirements, the language specifically limits any restrictions to “siting” of the barn, nothing else. Water flows, fire hydrants, and a new access road clearly do not fall within the meaning of “siting” for the barn.

Additionally, the Title 7 reference to emergency vehicle access cannot be construed to grant fire code authority, because Title 7 standards apply to:

[N]ew construction, reconstruction operation, or maintenance of public or private streets and driveways

Municipal Code 7-1-3.A.

Here, Applicant’s lane (5 Golf Lane) is a private driveway that has existed for approximately 46 years. No modifications are necessary or proposed for Applicant’s barn, despite the Fire Department’s attempt to impose unrealistic and infeasible access road construction requirements as conditions of approval.

D. The City Should Not Delegate Its Design Review Authority, Or Otherwise Act As The Instrumentality To Extract Private Funding For A Public Utility

Even if the City's design review authority included the ability to impose restrictions other than siting of the barn, the facts tend to demonstrate that the City has improperly allowed for, and participated in, the use of such limited design review authority to attempt to extract off-site system improvements for the benefit of the Sun Valley Water and Sewer District (the "District"). At best, a denial by the City in reliance upon fire flow inadequacies improperly delegates or abdicates the City's unworkable design review authority to the District. After all, the City has effectively rejected any fire flow proposals by Applicant other than Applicant funding District improvements. At worst, a denial by the City reflects an unconscionable joint attempt by the City and the District to extract system improvements from a private citizen.

Some additional factual background is helpful to explain this improper delegation. On February 5, 2013, Applicant met with certain principals of Sun Valley Water and Sewer District, as well as principals representing the City and the Fire Department. *See Memorandum to File re Fire Department Access (Ex. D)* at 2. The purpose of the meeting was the discussion of forthcoming proposed onsite utility replacement by Applicant as part of Applicant's pool house renovation. The parties discussed permits and timing, and Mr. Reid Black of the Fire Department requested the installation of a second hydrant "that works." The parties did not discuss the adequacy of fire flows provided by the District.

On March 7, 2013, Applicant met with Mr. Black to discuss site improvements. *See id.* The parties reviewed the site plan, the proposed hydrant locations, including the addition of a third dry hydrant/standpipe, bridge capacity and signage, and the width of the driveway

where a pumper would park at the hydrant. Mr. Black was pleased with the addition of the dry standpipe. The parties did not discuss the adequacy of fire flows provided by the District.

In June of 2013, a fire flow analysis was requested from the Applicant relating to the on-site system improvements. *See* 5 Golf Lane E-mail Chain (Ex. E) at 5. At the request of the Applicant, the District sought flow rate modeling from its engineer for the on-site improvement, but also took the opportunity to request additional modeling that incorporated a “looping addition” improvement to the District’s system. *See id.* On August 13, 2013, Mr. Pat McMahon, the District’s Manager, e-mailed the District’s engineer and stated as follows: “If we can demonstrate that the minimum fire flow can be met with the looping addition, I think we can leverage with the City to require the homeowner [sic] to fund these improvements.” *Id.* at 4.

In a follow-up e-mail on the same day describing the requested additional modeling, Mr. McMahon stated as follows: “I am using city muscle to bring these folks [the Applicant] to the negotiation table.” *Id.* Indeed, Mr. McMahon pressed for improvement of the District’s system by the Applicant. *See* September 17, 2013 Meeting Notes (Ex. F) at 2.

The additional modeling requested by Mr. McMahon revealed that substantial off-site improvements to District infrastructure, including a “looping addition” that is part of the District’s long-term plan, would significantly improve fire flows to the Applicant’s property. *See* October 23, 2013 Meeting Notes (Ex. G) at 1, 2; *see also* Hydraulic Evaluation for the 5 Golf Lane Property (Ex. H). To that end, and in response to several fire suppression alternatives proposed by the Applicant (including the use of one or more cisterns or the existing pond), the Fire Department expressed a strong preference for the use of municipal water, i.e., the substantial and expensive off-site improvements modeled at Mr. McMahon’s request by the District’s engineer. *See* October 23, 2013 Meeting Notes at 2.

On November 27, 2013, Mr. Black stated as follows with respect to certain utility improvements on the property:

The Sun Valley fire department has reviewed the plans submitted for the 5 Golf Lane utility improvements. The plans appear to meet the intent of the fire code for the property.

What is not included in the plans is the information on the improvements to the 8" water main servicing the 5 Golf Lane property.

The fire department is requesting that the water main improvement information be submitted before giving a final review of the plans.

November 27, 2013 E-mail from Reid Black (Ex. I).

Based on Mr. Black's letter of February 17, 2016, the Fire Department's position that the Applicant must fund the District's water main improvement has not changed. Under the circumstances, that position is unreasonable, unworkable, and legally deficient.

1. A Denial Of The Application Based On Fire Flow Issues Resulting From The Inadequacies Of The District's System Improperly Delegates The City's Design Review Authority To The District

The City has design review authority (although, as set forth *supra*, the scope and extent of that authority are among the issues that are in dispute), but does not have jurisdiction over the District's waterworks. The District, on the other hand, has the authority and jurisdiction to maintain and improve its waterworks and assess District customers within the City for the use thereof, but does not have the City's design review authority. Importantly, the Applicant can only comply with the City's design review requirements insofar as it can propose design improvements to *the Applicant's* property. The Applicant has neither the right nor the obligation

to improve or maintain the District's public water works. *See Pocatello Water Co. v. Standley*, 7 Idaho 155, 160-61 (1900)¹; *see also* IDAHO CODE § 42-3212.

Should the City interpret its design review authority as dependent, in whole or in part, upon the District's provision of adequate fire flows to patron City residents in compliance with Idaho law, such interpretation delegates the City's exclusive design review authority relating to construction of agricultural buildings to the District. In essence, the Applicant will be deprived of the right to utilize its property without regard to an otherwise compliant Application until, if at all, the District (not the City or the Applicant) decides to provide fire flows in conformance with Idaho law. "The city council, like the legislature, cannot delegate its legislative power to any other authority." *Local Union 283, Intern. Broth. of Elec. Workers v. Robison*, 91 Idaho 445 (1967) (Taylor, C.J. concurring). "Municipal officers, acting within the authority given them, are in the exercise of a portion of the sovereign power of the state; it is not theirs to deal with as they see fit. Any attempt on their part, by contract or otherwise, to alienate or dilute their official authority is void." *Id.* Clearly, a denial based on the District's inaction to provide adequate water flows delegates authority over the Application's approval to the District, in violation of well-established principals of municipal law.

¹[The water company] cannot compel the user of water to pay for such work or pipes, but it may require him to pay reasonable compensation for furnishing him the water. In other words, the company cannot compel the citizen to pay for a part of the system of waterworks it has agreed to construct but must construct its own system within its franchise limits, at its own expense. It cannot compel the user of water to pay for any part of such system. Beyond the franchise limits, the user of water must lay his own water pipes at his expense, and within such limits the company must lay all pipes at its expense.

Id.

By the same token, guidelines for design review should be “workable.” *Anderson v. City of Issaquah*, 851 P.2d 744, 754 (Wash. App. 1993) (citing *Morristown Rd. Assocs. v. Mayor and Common Council and Planning Bd. of Borough of Bernardsville*, 394 A.2d 157, 163 (N.J. 1978)). “Too broad a discretion permits determinations based upon whim, caprice, or subjective considerations.” *Id.* A valid design review ordinance should impose standards capable of reasonable application and that effectively limit discretion. *See* 83 AM. JUR. 2D *Zoning and Planning* § 155 (2003).

In this case, it is clearly not “workable” to impose design review requirements that rely exclusively upon the District’s provision of adequate municipal fire flows. The District has made clear it does not intend to complete system improvements necessary to provide fire flows to the Applicant’s property that are consistent with its legal obligations at any point in the next several years. Accordingly, the Applicant proposed and constructed an alternative workable fire suppression option involving improvements to the Applicant’s own property and onsite systems.² The Fire Department has nonetheless expressed a strong preference to have access to the municipal water the District is obligated to provide. Under the circumstances, such a preference is not grounds to deny the Application. The District, not the Applicant, fails to deliver the necessary municipal fire flows within its jurisdiction, and again, the Applicant has neither the right nor the responsibility to improve the District’s system.

² These improvements consist of an engineered intake structure in the Applicant’s pond, standpipe connected to the structure, and proper connection devices and control equipment. This was all designed and constructed with full communication with Fire Department officials. Despite investing over \$750,000 in design and construction of this alternative firefighting water system, the City rejects it.

“Justice delayed is justice denied, the saying goes; and at some point delay must ripen into deprivation. . . .” *Schroeder v. City of Chicago*, 927 F.2d 957, 960 (7th Cir. 1991). Denying and/or delaying City approval of the Application in reliance upon the District’s continuing inaction will eventually ripen into a deprivation of the Applicant’s valuable property rights. For the reasons articulated in Sections A-C *supra*, and because design review in this case both improperly delegates authority to the District and sets forth unworkable requirements, the City should **not** deny the Application based on inadequate municipal fire flows.

2. The Attempt To Extract District Improvements From A Private Citizen Is Unconscionable Conduct

The City, like the Applicant, prefers that the Applicant’s property receive better fire flows. As the City has experienced rapid development and growth in recent years, there can be little dispute that the District’s system has been increasingly burdened. Among the improvements that might alleviate such additional burdens on the District’s system is what Mr. McMahon described as the “looping addition.” Although not on the immediate horizon, the District’s long-term plan clearly contemplates implementation of the “looping addition” to the District’s main line.

The District clearly seized upon its own diminishing fire flows, and the Applicant’s desire to update and improve its property, including the improvement that is the subject of this Application, to attempt to “leverage” the City’s fire code enforcement authority (which existence Applicant disputes in the case of this design review) to bring the Applicant “to the negotiating table” to fund a “looping addition” ahead of the District’s long-term plan. Mr. McMahon’s correspondence with the District’s engineer states as much.

Unfortunately, the City, and more specifically the Fire Department, up to this point, has capitulated as the District's leverage instrument. The District and the City have been aware of the District's diminishing fire flows for some time. And, in support of its recent property improvements and updates, the Applicant designed and constructed the alternative fire suppression system for the Fire Department. However, the City has made it clear that, even for purposes of design review approval of an agricultural building (which allows Fire Department evaluation solely for siting), it expects the Applicant to privately fund substantial District improvements. The City is holding District improvements over the Applicant's head.

The conduct of both the City and the District in this regard has in the past been described by Justice Bistline as unconscionable. In *Black v. Young*, 122 Idaho 302, 834 P.2d 304 (1992), the City of Ketchum conditioned an ordinance vacating an alley upon the issuance of a building permit, including design review, and the funding from an institutional lender to pay the costs to construct a motel. In order to pass the ordinance, the applicant donated money and property to the City, and signed an estoppel affidavit providing that the conditions of the proposed ordinance were acceptable to them and would not be challenged. When neither condition was met, the applicant filed suit and sought a quitclaim deed for the vacated alley property. Ultimately, the Idaho Supreme Court held that imposing such conditions in the ordinance was *ultra vires*, and reversed the district court, which had upheld the City Council's decision not to approve the plan for construction of the motel.

In a special concurrence, Justice Bistline stated as follows:

In his presentation of the background which led up to legal action in district court, Justice McDevitt has stated as to the meeting on December 29, 1987, "the Blacks offered the City of Ketchum \$5,000.00, an old log cabin on the property, and any salvageable material from the service station." At 303, 834 P.2d at 305. He

also illustrates that on April 4, 1988, the “City Council unanimously adopted Ordinance 471, and that, on the same day, the Blacks signed the Estoppel Affidavit which provided that the conditions of the ordinance were acceptable to them and would not be challenged by them.” At 304, 834 P.2d at 306. To the average person the foregoing recapitulation of those events may not raise an eyebrow. *Be that as it may, experienced lawyers will readily see that exchange for what it was: in return for the beneficence of the city officials in providing an ordinance vacating an alley, which is part and parcel of their official duty, the Blacks were required to “donate” the aforementioned items, including an estoppel affidavit. It was clearly a situation of no donations and no estoppel affidavit, no ordinance. True, that extortion did not put so much as an ounce of silver in any officials’ pocket, but, putting that aside, it was, nevertheless, on the part of Ketchum’s governing officialdom, not a legitimate function. Moreover, it was unconscionable conduct. The Blacks had no alternative but to accede to the official voices who wanted to know: “What is in it for the City?”*

Id. at 315, 834 P.2d at 317 (emphasis added).

Likewise, in this case, without a private donation of significant improvements to the District’s waterworks (which in turn may allow for continued development of City tax base), the Applicant will not be permitted to build a barn, notwithstanding the fact that it otherwise complies with the City’s design requirements. That is not a legitimate governmental function. It is unconscionable conduct. As it stands with the Fire Department, to build a barn, the Applicant has no alternative but to fund significant District improvements. For that reason, the Applicant respectfully request that the City decline to act as the District’s leverage for private funding of District facilities, and approve the Application.

**III.
CONCLUSION**

For the foregoing reasons, and because the submitted Application complies in all respects with the City's design review requirements, the Applicant respectfully requests that the Commission approve the Application.

DATED this 18th day of April, 2016.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By 
Scott L. Campbell – Of the Firm
Attorneys for Attorneys for 5 GL, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April, 2016, I caused a true and correct copy of the foregoing **BRIEF IN SUPPORT OF 5 GL, LLC BARN DESIGN REVIEW APPLICATION** to be served by the method indicated below, and addressed to the following:

Ken Herich, Chairman
Sun Valley Planning and Zoning Commission
City of Sun Valley
P.O. Box 416
81 Elkhorn Road
Sun Valley, ID 83353
Facsimile: 208-622-3401

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile

Frederick C. Allington
Interim City Attorney – City of Sun Valley
115 2nd Avenue South
Hailey, ID 83333
Facsimile: 208-788-7901

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile



Scott L. Campbell

EXHIBIT A



CITY of SUN VALLEY
FIRE DEPARTMENT

Date: 2/17/2016
To: Jae Hill, Abby Rivin
Re: 2016-02 5 Golf Lane

The Fire Department has reviewed the submitted plans for the construction of a new 3,456 square foot barn at 5 Golf Lane.

In order for the Fire Department to approve the project, the plans will need to be resubmitted showing a revised fire apparatus access and the addition of required water supply.

A fire apparatus access road provides fire engine access from a fire station to a facility, building, or portion thereof. This is a general term inclusive of other terms such as fire lane, Public Street, Private Street, parking lot lane, and access roadway. Approved fire apparatus access roads must be provided for every facility, building, or portion of a building constructed or moved into or within the jurisdiction (503.1.1). The fire apparatus access road must extend to within 150 feet (45720mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

The existing fire apparatus access from Trail Creek Road to the proposed building lot on the property is 12 feet wide and must be widened to 26 feet in order to meet the *2012 International Fire Code Appendix D Fire Apparatus Access Roads* (Table D103.4) requirements. Fire apparatus access roads between 501 to 750 feet in length must have a width of 26 feet and a grade of no more than 7%.

The existing water supply on the property is an existing nonconformity. The addition of the barn increases the amount of water necessary to fight a fire in any of the structures located on 5 Golf Lane site. **The Fire Department requires the addition of a fire hydrant that is capable of supplying the required water in case of a fire emergency, which is 1,500 gallons per minute for 2 hours.**

For Fire Department Approval, the applicant must resubmit the plans showing the required fire apparatus access widened to 26 feet and a new fire hydrant.

Reid Black

**City of Sun Valley Fire Department
Fire Code Official**

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

EXHIBIT B

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello

Richard C. Fields
John S. Simko
John C. Ward
David B. Lincoln
Gary T. Duncos
Larry C. Hunter
Randall A. Petersman
Mark S. Przynski
Stephen R. Thomas
Gerald T. Husch
Scott L. Campbell
Robert B. Burns
Patricia M. Olson
Christine E. Nicholas
Bradley J. Williams

Ler Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGraham
David P. Gardner
Julian E. Gabiola
Kimberly D. Evans Ross
Jon A. Srenquist
Mark C. Peterson
Tyler J. Anderson
Andrew J. Waldern
Dylan B. Lawrence
C. Edward Cather III

Benjamin C. Ritchie
Noah G. Hillen
Matthew J. McGee
Mindy M. Willman
Jetta Hatch Mathews
Andres J. Rosholt
Marie O. Hart

Noemio M. Semanko, of counsel
Terri L. Ackerman, of counsel

Willis C. Moffatt, 1907-1980
Eugene C. Thomas, 1931-2010
John W. Barrett, 1931-2011
Kirk R. Helvic, 1956-2003

December 18, 2013

Mailing Address
PO Box 829
Boise ID 83701-0829

Physical Address
US Bank Plaza
101 S Capitol Blvd 10th Fl
Boise ID 83702-7710

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Eric Adams
Building Official
City of Sun Valley
P.O. Box 416
Sun Valley, ID 83353

Re: 5 Golf Lane, Sun Valley, Idaho
MTBR&F File No. 18975.0006

Dear Mr. Adams:

My firm has been retained by Newfoundland Partners, the owner of the property at 5 Golf Lane in Sun Valley, to communicate with the City of Sun Valley regarding the status of the proposed improvements to that property. I am writing in order to initiate a dialogue with the City that I hope will lead to a timely resolution of the issues, without the need for legal action or further unnecessary delay. At the suggestion of the City's outside counsel Adam King, I am sending this letter to you. While I believe you are already familiar with this project, I will begin by describing my understanding of the background and significant events that have led up to my writing this letter. This is a complex matter, and I do not intend for this letter to be exhaustive, but I believe this will help to ensure we are on the same page.

More than two years ago, our client elected to renovate the poolhouse, and retained the services of an architect (Marvin Anderson) and a civil engineer (Rick Tomkins), among others, for that purpose. In the course of investigating the utility work that would be necessary to complement those renovations, our client and her representatives discovered that much of the underground utility infrastructure within her property was in need of significant rehabilitation. For one thing, many of the utility lines were simply in need of replacement due to their size or condition. In addition, the utility lines had been installed in an overlapping fashion that would complicate any future utility repairs. Therefore, our client elected to completely replace and relocate all of the utility lines within her property. This includes the replacement of all water lines on the property, relocation and improvement of an existing fire hydrant on the property, and installation of a dry standpipe on the property. These are improvements that our client is voluntarily making at her own expense.

Client:3126322.4

SCANNED

Eric Adams
December 18, 2013
Page 2

In connection with this decision, our client has also agreed with the various utility companies that, after the utility work is complete, their responsibilities will end at her property line, and that she will thereafter be responsible for all utility work within her property. This is in contrast to the typical situation, in which the utility provider is often responsible for repairs up to the building or meter. In addition, Rick Tomkins, at our client's expense, has coordinated the preparation of a written easement agreement across the Sun Valley Company golf course for all of the utility lines that serve her property. While that was not our client's responsibility, she was willing to coordinate and fund that effort. In short, our client's actions in connection with her utility work have already had significant benefits for her utility providers.

While the utility work associated with the poolhouse renovations was originally scheduled to take place in the summer of 2012, that timing was no longer feasible once our client chose to completely overhaul her underground utilities, because it is more efficient to perform all of the utility work at the same time. In order to allow adequate time for planning and communication with local officials, our client then targeted the spring of 2014 as the time to break ground on the utility work, to ensure completion prior to freeze-up later that year.

In order to provide adequate time for City review of the utility plans, our client's representatives met with City representatives on February 5 and March 7, 2013, and followed up by submitting preliminary drawings of the improvements to the City in March 2013. Since that time, there have been several meetings and discussions regarding those plans between representatives of the City and our client, without any formal decision from the City.

Becoming concerned about the approaching 2014 construction season, our client, through her representatives, met with City representatives on November 13, 2013, and formally requested a decision on the construction plans via letters dated November 12 and 15, 2013, requesting a response by November 26, 2013. On November 27, 2013, Reid Black responded to Mr. Anderson via e-mail. For your reference and convenience, I have enclosed copies of these correspondences with this letter.

As you can see, Mr. Black's e-mail states that the plans "appear to meet the intent of the fire code for the property." However, it then proceeds to state that, "[w]hat is not included in the plans is the information on the improvements to the 8" water main servicing the 5 Golf Lane property," and that "[t]he fire department is requesting that the water main improvement information be submitted before giving a final review of the plans."

I believe this reference to "improvements to the 8" water main servicing the 5 Golf Lane property" relates to a previous verbal proposal by the Sun Valley Water & Sewer District to construct a new 8" water line "loop" through our client's property in order to connect the water main currently serving her property with a 12" water main that crosses the Sun Valley Company golf course to the south of our client's property. As you know, our client's property is currently served by a 4"-6" dead-end mainline for water, and for years, it has been common knowledge that the District has not been meeting its duties to provide adequate fire flow to our client's property under authorities such as Rules 003.51 and 501.18(a) of the Idaho Rules for

Eric Adams
December 18, 2013
Page 3

Public Drinking Water Systems. This is a systemic problem that affects properties other than just our client's; indeed, we are aware of the City's approval of other nearby construction projects, despite low fire flows to those residences.

Modeling conducted recently by the District indicates that upsizing and connecting the line currently servicing our client's property with the 12" line to the south will improve fire flows, though they will still be below fire code guidelines. However, as recent correspondence from the District confirms, the District has no definite timeline for constructing these improvements. In our opinion, it is inappropriate to delay the approval of our client's onsite utility work when it is the District's responsibility to provide adequate fire flow.

As I am sure you can appreciate, our client has legitimate concerns regarding the construction of a portion of a regulated public water system through her property. However, even if our client were to agree to the concept generally, it is nothing more than that—a concept—at this time. Such an arrangement would have many details to work out, and to this date, the District has not provided our client with any written proposals or agreements to consider.

Given how much time would be necessary to resolve those details, these two projects—the utility work within our client's property that has already been proposed in detail to the City, and the proposal to construct a connecting "loop" through our client's property—must be dealt with separately.

In this regard, I have enclosed a copy of December 13, 2013 correspondence from Evan Robertson, attorney for the District. As you can see, the District has no immediate plans for construction of the potential "loop."¹ The District's potential future improvements should not further delay the approval of the utility work that is to be conducted entirely within our client's property, that has now been pending since March 2013.

Therefore, our client is again requesting a formal, final decision by the City regarding the onsite utility plans that she has already submitted. Given the length of time that this matter has already been pending, and Mr. Black's acknowledgment that the utility plans "appear to meet the intent of the fire code for the property," I expect the City can render such a decision in relatively short order.

Another issue that has arisen with the City is our client's proposed construction of a barn on the northern portion of her property, which is already zoned for agricultural use. Our client has not formally submitted any construction plans to the City, but her representatives have discussed this project with City officials on multiple occasions. In these prior meetings, City representatives have indicated their belief that the City has jurisdiction over fire safety with respect to the construction of the barn. While it is certainly our client's intent to construct a fire-safe barn, the City's assertion of jurisdiction over construction of the barn seems inconsistent

¹ Please note, however, that we have corrected Mr. Robertson's misunderstanding that our client is planning to replace the 4"-6" line serving her property with an 8" line. All of the work currently proposed is within the property boundaries of 5 Golf Lane.

Eric Adams
December 18, 2013
Page 4

with the building code exemption for agricultural buildings in Idaho Code Section 39-4116(5). And, even if one were to conclude that Section 39-4116(5) does not exempt agricultural buildings from fire code requirements, the City's own design review ordinances only apply the fire code to the "siting" of proposed improvements. Sun Valley City Code § 9-3A-3(A)(1). This use of the term "siting" demonstrates that the City's jurisdiction to determine compliance with the fire code, to the extent it is not already preempted entirely by Section 39-4116(5), is limited to approving the location of the barn within our client's property. This is consistent with the overall purpose of the design review ordinances, which is "to ensure that development is designed and built in a manner that is context sensitive, complementary to adjacent property, protects the natural landscape, is of high design quality, and is compatible with the character and scale of the neighborhood." Sun Valley City Code § 9-3A-1. Therefore, in addition to requesting the City's formal approval of the onsite utility plans, I am also requesting the City's concurrence that our client does not need any building code or fire code approvals for the construction of the barn.

Please review this letter and respond at your earliest convenience. My client still awaits a final decision from the City before finalizing arrangements to break ground on the improvements this spring, so we would appreciate your prompt attention to this matter. To the extent you disagree with my analysis, conclusions, or description of the factual background, please provide a detailed explanation for the basis of your position. I believe open, clear, and thorough communication between us will help ensure an expeditious and favorable resolution of these matters.

Thank you for your cooperation.

Very truly yours,


Scott L. Campbell

SLC/kam
Enclosures

EXHIBIT C

E-MAIL: ABK@KETCHUMLEGAL.COM
Fax 208.726.8116
WWW.KETCHUMLEGAL.COM

ADAM B. KING
ATTORNEY AT LAW, PC
371 NORTH WALNUT AVE., SUITE A
P.O. BOX 4962
KETCHUM, IDAHO 83340
208.721.7859

IDAHO BAR NO. 5565
MEMBER, AMERICAN
IMMIGRATION LAWYERS
ASSOCIATION

January 21, 2014

Via e-mail
Scott L. Campbell, Esq.
Moffatt Thomas
P.O. Box 829
101 S. Capitol Blvd., 10th Fl.
Boise, ID 83702-7710

Re: 5 Golf Lane

Dear Scott:

I am in receipt of your December 18, 2013 letter to Building Official Eric Adams, and I have been authorized to respond with the City of Sun Valley's position and views.

Water Line Issues

The first important issue to address is Reid Black's e-mail of November 27, 2013. While clearly not an approval of the entire water scheme, the e-mail basically states that the plans for the utility improvements on the property are adequate, but questions how the 8" water main will be adequately served. That remains the issue: the plans appear to attempt to serve an 8" water line on the property with a 4" supply. [Because water pressure is roughly a function of the square of the radius of a line, a 4" line is only about one quarter the volume of an 8" line.]

The main issue surrounds concerns that as development of the property has proceeded over the years in piecemeal fashion under prior administrations and the former Fire Chief, the water volume needs for the property have increased substantially, while the water supply simply has not. Any further structures on the property would push the firefighting water needs not to, but rather past, the breaking point. Further construction on the property will not be permitted until the property can be

ADAM B. KING, ATTORNEY AT LAW, PC

JANUARY 21, 2014

PAGE 2

served with adequate water to properly pressurize the 8" line planned - and tentatively approved - on the property, or until other adequate code-compliant plans are provided for such a supply.

I am not suggesting, and the City is not contending at this time, that any condemnation or corrective action will be taken vis-à-vis existing conditions or already-issued permits, as to a certain extent those rights are vested. It is the case, however, that under IFC 110.1, the fire department can order the abatement of any condition on the premises which constitutes a threat to human life. [See Code provisions attached.]

This determination is based on the discretion afforded the Fire Chief in Section 110.1.1, and the parameters of Section 507.1 and 507.2.

Section 110.1.1 states:

110.1.1 Unsafe Conditions.- Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by section 311 shall be deemed unsafe.

Section 507.1 states:

507.1 Required water supply: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

Section 507.2 states:

507.2 Type of water supply.- A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

ADAM B. KING, ATTORNEY AT LAW, PC

JANUARY 21, 2014

PAGE 3

Also pertinent is Section 507.3:

507.3 Fire flow. - Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.

Consequently, under applicable City Codes, in particular Section 110.1.1, Unsafe Conditions, the Fire Chief, working in concert with Code Officials, has determined that any additional structures on the property will not be permitted until the water supply issues are resolved to the Fire Department's satisfaction.

As you are aware, the City of Sun Valley does not provide water service, but has the power, in the interest of public safety and preservation of property, to determine that a property is or would be inadequately served. It appears that your client's concerns about water service and water volumes are more properly addressed to the Sun Valley Water and Sewer District, a separate entity from the City.

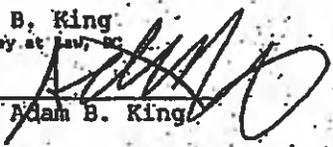
The Barn

At present, there is not enough information to determine if the proposed barn is an agricultural building as defined in the City and State codes. The City defines "agricultural" at 9-1C-1, and there are various state codes that contain definitions of "agriculture" and "agricultural"¹. Please furnish additional information on the proposed uses for the barn so that a determination on the applicability of the fire code can be made.

Thank you very much for your inquiry, its detail has been very useful in outlining the pertinent issues. Please direct all further correspondence to my office.

Very truly yours,

Adam B. King
Attorney at Law, PC

By: 

Adam B. King

¹ See, e.g. Idaho Code Sections 18-7040, 22-2005, 22-4502, 25-3083, 28-41-381, 39-7403, and 44-1601.

Attachment:

City of Sun Valley Code Provisions. Please note that the City of Sun Valley will shortly adopt the applicable 2012 International Codes. While the substance of the International Codes germane to these sections has not changed in the 2006, 2009 and 2012 versions, there are slight numbering differences. The numbering differences do not affect the present analysis.

Excerpts from City of Sun Valley Code:

101.3 Intent. – The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing building, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Severability. – If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this code.

101.5 Validity. – In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provision hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provision.

102.5 Application of residential code. – Where structures are designed and constructed in accordance with the *International Residential Code*, the provision of this code shall apply as follows:

1. Construction and design provisions: provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits require by section 105.7 of the code shall also apply.

2. Administrative, operational and maintenance provision: All such provisions of this code shall apply.

110.1 General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and imminent threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

110.1.1 Unsafe Conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A Vacant structure which is not secured against unauthorized entry as required by section 311 shall be deemed unsafe.

Section 507.

507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

507.2 Type of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.

507.5 Fire hydrant system. Fire hydrant system shall comply with section 507.5.1 through 507.5.6.

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrant and mains shall be provided where required by the fire code official.

Exceptions:

1. For group R-3 and group U occupancies, the distance requirements shall be 600 feet (183 m).

ADAM B. KING, ATTORNEY AT LAW, PC
JANUARY 21, 2014
PAGE 6

2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1 or 903.3.1.2, the distance requirements shall be 600 feet (183 m).

EXHIBIT D

MARVIN ANDERSON ARCHITECTS PLLC

1108 Nineteenth Avenue East • Seattle, Washington 98112 • 206-525-5054 • marvinandersonarchitects.com

MEMO

DATE: March 25, 2014

FROM: Marvin Anderson

RE: 5 Golf Lane
Fire Department Access

Below is a timeline of discussions regarding fire department access to 5 Golf Lane compiled from e-mail, meeting notes, and other correspondence.

December 5, 2011 Meeting in Sun Valley with Eric Adams (Sun Valley Building Official) and Reid Black (Sun Valley Fire Department) to discuss poolhouse renovation. The project scope of work was reviewed, and all agreed this is a renovation rather than new construction for the purposes of code compliance. A sprinkler system is not required for renovation, but Reid urged the Owner to consider installing one for added fire protection. Reid stated that addition of a fire truck turnaround would be required as per the code. There was no discussion of fire flow or water availability on the property.

January 17, 2012 Phone call between Marvin Anderson and Reid Black followed by e-mail to Reid with Eric Adams and Bill Beck copied.

"As we discussed on the phone a few minutes ago, with your approval we would like to defer construction of the turnaround until the summer of 2013 when utilities are replaced. This is for two reasons: first, to construct the turnaround we will have to locate the existing hydrant near the poolhouse, and would rather do this in conjunction with other utility work than as a separate project. Second, replacement of utilities will involve trenching and resurfacing; we would rather not tear up in 2013 a turnaround we have constructed in 2012."

Reid Black and Eric Adams both approved deferred construction of the fire turnaround; drawings approved for the building permit show this as "future turnaround."

March 30, 2012 E-mail from Reid Black to Marvin Anderson. Reid was reviewing drawings submitted for the building permit and sought clarification about the driveway:

"The driveway will be brought up to the IFC 2009 503.2.1 Dimensions. *Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders, except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.* The plans show the acceptable alternative to 120" Hammerhead but do not show the driveway width change to 20 feet from the property line as we discussed."

Reid continued:

"I also strongly suggest that the owner install a automatic fire suppression system. It would be required if this was a new building because of the following. The ridge line of the structure is over 30 feet and would trigger a 26 foot driveway (*IFC appendix D D105.1*), and the building exceeds the requirements in 503.1.1 Buildings and Facilities. *Approved fire apparatus access roads shall be provide for every facility, building or portion of a building hereafter constructed*

or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 Feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the Building or facility"

"If the building is protected by an Automatic fire suppression system then I would give you an exception to both the driveway and increase the dimensions in 503.1.1."

"Let me know about the Driveway width and good luck in the remodel."

March 30, 2012 Building permit issued for poolhouse renovation.

April 2, 2012 E-mail correspondence from Marvin Anderson to Reid Black.

"Thanks for your e-mail. I have one question related to widening the driveway, and that has to do with where we consider the property line. As the property map (A0.D1) and site survey in the permit application drawings indicate, access to the property from Trail Creek Road is through an easement on property of the Sun Valley Company. The driveway first crosses the property line at the north end of the bridge. Does the change in driveway width to 20' occur at the south end of the bridge?"

April 2, 2012 E-mail response from Reid Black to Marvin Anderson.

"The driveway shall be brought up to code after the bridge."

April 5, 2012 E-mail from Marvin Anderson to Eric Adams. Marvin noted that Reid Black requested modification of the driveway width and asked if that could be added in red onto the permit drawings. Eric responded it could be either marked on the drawings or a new sheet could be added. [A new sheet was added to the set of drawings and included with other additional permit information in a submittal to the City.]

February 5, 2013 Meeting at Sun Valley Water and Sewer District to discuss onsite utility replacement. Attending: Pat McMahon, SVWSD; Chris Benson, SVWSD, Mark Hofman, City of Sun Valley; Eric Adams, City of Sun Valley; Reid Black, SVFD; Ray Franco, SVFD; Bill Beck; Rick Tomkins, Marvin Anderson. Intent of meeting to introduce onsite utility replacement project, gather rules and regulations, discuss permits, and discuss timing. Reid requested second hydrant "that works."

March 7, 2013 Meeting with Bill Beck, Marvin Anderson, and Reid Black in Sun Valley to discuss site improvements. In that meeting a site plan with proposed hydrant locations was reviewed, and the owner / design team also proposed adding a dry hydrant to the north side of the bridge. (Note that this was not a request or requirement by SVFD.) According to my notes e-mailed to Rick Tomkins, Reid approved the fire truck turnaround, the two proposed hydrant locations, and was pleased by addition of the dry standpipe. He questioned if the bridge was built with a permit and if it could support a fire truck. He made three further comments:

1) At the hydrant in the island, the driveway needs to be 26 feet wide per IFC D103.1 so there is sufficient room for a vehicle to pass when a pumper is parked at the hydrant.

2) The second hydrant - the currently east of the house - should be replaced with a hydrant brand that "works."

3) A sign should be posted at the bridge listing the load limit.

Site drawings were left with Reid, at his request, for review and comment.

- March 11, 2013 E-mail Marvin Anderson to Reid Black providing information on the bridge width and weight capacity from the original engineering drawings. Also included was the building permit number for the bridge and a photograph of the bridge supporting a truck from the Sun Valley Fire Department.
- March 15, 2013 E-mail from Bill Sherrerd (Superintendent, Krekow Jennings Construction) to Marvin Anderson regarding construction of the fire truck turnaround.
"I spoke to Eric Adams and the permit is good for 2 years. he does not have any issue with giving us a C of O on the pool house prior to the Fire access issues being completed as he knows they are in process."
A temporary certificate of occupancy was subsequently issued for the poolhouse pending completion of the fire truck turnaround and landscaping.
- September 17, 2013 Meeting at Sun Valley City Hall. Attending: Mark Hofman, Eric Adams, Reid Black, Ray Franco, Pat McMahon, Bill Beck, Marvin Anderson. Rick Tomkins joined by conference call. Later that afternoon, Rick e-mailed onsite water improvement drawings to Reid Black per his request at the meeting.
- September 25, 2013 E-mail from Marvin Anderson to Reid Black regarding the strength of the bridge:
"Following up on that meeting i talked earlier today with Paul Gilham of Western Wood Structures, who was the structural engineer for the bridge over Trail Creek when it was designed in the summer of 1993. He told me the weight limit for the bridge is 20 tons for a two axle vehicle and 36 tons for a three axle vehicle. If acceptable to you, we propose to have a wooden sign made with these weight limits, one with routed and painted letters, rather than purchasing a "typical" highway sign which would appear quite out of place on that bridge."
- September 26, 2013 E-mail from Reid Black to Marvin Anderson:
"And I agree that the making a sign would look better than a manufactured highway sign. I am trying to find in the codes anything that would prevent you from making the sign and requiring you to have a manufactured sign."
- November 13, 2013 Letter from Marvin Anderson to Reid Black requesting approval of onsite utility improvement drawings. Letter and drawings were hand delivered to Sun Valley City Hall.
- November 27, 2013 E-mail from Reid Black to Marvin Anderson:
"The Sun Valley fire department has reviewed the plans submitted for the 5 Golf Lane utility improvements. The plans appear to meet the intent of the fire code for the property. What is not included in the plans is the information on the improvements to the 8" water main servicing the 5 Golf Lane property."
"The fire department is requesting that the water main improvement information be submitted before giving a final review of the plans."
"The Load limit sign for the bridge appears to meet the intent of the code and you have approval to proceed with the manufacture of the sign."
- March 2014 Bridge sign has been fabricated and will be installed within the next month.

EXHIBIT E

REDACTED

REDACTED

From: Pat McMahon [<mailto:pat@svwsd.com>]
Sent: Tuesday, August 13, 2013 1:18 PM
To: Rick Tomkins
Cc: eadams@svdaho.org; Bill Beck; mhofman@svdaho.org; rblack@svdaho.org; Marvin Anderson
Subject: Re: District approval of onsite water and sewer improvements

I have stirred the modeling fire, that information will drive the wording on the "will serve".
On Aug 13, 2013, at 11:44 AM, Rick Tomkins <rtomkins@triadassociates.net> wrote:

Hi Pat -

Thank you for facilitating our discussion today and for confirming that our latest (6/21/13) water and sewer improvement drawings are acceptable to the District. Please go ahead and issue the offered approval letter, attention myself and copied to Bill Beck.

Best,

- Rick

Richard A. Tomkins, P.E. | Vice President
Director of Engineering

Triad Associates
12112 115th Ave NE
Kirkland, WA 98034

D: 425.216.2149
C: 206.794.9265
F: 425.821.3481
E: rtomkins@triadassociates.net
W: www.triadassociates.net

Civil Engineers | Surveyors | Planners | Landscape Architects

From: Pat McMahon [<mailto:pat@svwsd.com>]
Sent: Friday, August 16, 2013 8:47 AM
To: Rick Tomkins
Subject: Fwd: 5 golf lane

Rick,
Do you have a better illustration for Jennifer?
Pat

Begin forwarded message:

From: <Jennifer.Henke@CH2M.com>
Subject: RE: 5 golf lane
Date: August 15, 2013 11:08:44 PM MDT
To: <pat@svwsd.com>
Cc: <John.Wiskus@CH2M.com>

Hi Pat-

John forwarded me this information. I think that my email address was incorrect (no "l" in "my" Henke☺), so I apologize for not connecting earlier. I've inserted a figure below that shows the existing piping to this area (4-inch) that we have in the model. Can you mark up the attached figure to indicate what other piping we should consider, and we'll work to get this back to you for Monday. Please feel free to contact me to talk real time:

Office: 425-233-3639

Cell: 425-241-6318

Thanks,

Jennifer



From: Wiskus, John/BOI
Sent: Wednesday, August 14, 2013 5:44 PM
To: Henke, Jennifer/SEA
Subject: Fw: 5 golf lane

Sent from my BlackBerry Wireless Handheld

From: Pat McMahon [mailto:pat@swwsd.com]
Sent: Tuesday, August 13, 2013 04:14 PM Mountain Standard Time
To: Wiskus, John/BOI

Cc: jennifer.heinke@ch2m.com <jennifer.heinke@ch2m.com>
Subject: Re: 5 golf lane

Hi John and Jennifer,

This is a self imposed deadline. I am using city muscle to bring these folks to the negotiation table. The minimum fire flow requirement is also a work in progress at this time. The improvement scenario that I would like to see modeled is;

Connecting an 8" or 10" watermain from the 5 Golf Lane property approximately 220' south to connect with the 12" main installed from Fairway Road to the Golf Clubhouse across the SV golf course. There is a "T" in place to facilitate connection, with a fire hydrant currently attached to this "T". We can flow this hydrant and one at 5GL to provide baseline #'s. This flowtest will be accomplished this week. If we get the data to you, can you run it to ballpark available flows. If we can demonstrate a significant increase the home owner is willing to pay. This is the best case for all if you can assist.

Pat

On Aug 13, 2013, at 3:19 PM, John.Wiskus@CH2M.com wrote:

Pat,

We will need to know the minimum fire flow requirement. Also as I recall the line into the home site is a deadend. Are we suggesting a loop and if so from what location off of Fairway Road?

Will need to hear from Jennifer on her availability. What is Plan B if we cannot get something by the 19th? Is this a P&Z meeting?

Thanks,

John

From: Pat McMahon [<mailto:pat@svwsd.com>]

Sent: Tuesday, August 13, 2013 2:07 PM

To: Wiskus, John/BOI

Cc: jennifer.heinke@ch2m.com

Subject: Re: 5 golf lane

Hi John,

This came up again today. If we can demonstrate that the minimum fire flow can be met with the looping addition, I think we can leverage with the City to require the homeowner to fund these improvements. The catch being that I need some numbers by 8/19. Jennifer, I am forwarding this to you because John is on vacation. Let me know if you can help.

Pat

On Jun 13, 2013, at 3:51 PM, John.Wiskus@CH2M.com wrote:

Pat,

I do not have modeling available at this point although Jennifer and I discussed. She is out until next week so I would agree let's get a hydrant flow test if we need to respond quickly.

John

From: Pat McMahon [<mailto:pat@svwsd.com>]

Sent: Thursday, June 13, 2013 2:20 PM

To: Wiskus, John/BOI

Subject: Fwd: 5 golf lane

John,

I think we are down to the "one new wrinkle"

We could insist on them testing if modeling is not available.

Pat

Begin forwarded message:

From: "Rick Tomkins" <rtonkins@triadassociates.net>

Subject: 5 golf lane

Date: June 13, 2013 11:34:44 AM MDT

To: "Pat McMahon" <pat@svwsd.com>

Cc: "Marvin Anderson" <marvin@marvinandersonarchitects.com>, <Bill@kmmk.com>

Pat-

Thank you Pat for responding to my questions in the attached pdf. I have followed-up with IDEQ and the Plumbing Bureau and received further direction/clarification with respect to pipe separation, and submittal requirements.

According to Brian Reed (IDEQ review engineer), IDEQ has no jurisdiction beyond the mainline sewer and water systems. Service lines, including the discharge line from the private grinder pump station, fall under the jurisdiction of the Plumbing Bureau. Per John Nielson (Plumbing Bureau program manager) we can carry the domestic, sanitary, and irrigation service lines all within the same heated carrier pipe under the bridge and within common trenches so long as each line is constructed of pressure class pipe suitable for use inside of a foundation, and each non-potable pipe is marked accordingly.

As you indicated, IDEQ requires that we provide 10' separation between mainline water and irrigation lines - I will revise our plan accordingly.

One new wrinkle:

Brian Reed is requiring that we submit a fire flow analysis with our submittal to them. Can you have your engineer update your flow model with our proposed improvements to obtain calculated fire flow available at the new hydrant? Alternatively, we will need to request a flow test.

Regarding easements/ownership:

Our client is unwilling to further encumber her property with additional easements. She prefers to maintain the current arrangement with the District:

District responsibility for mainline water ends at/near the property line. With the proposed improvements we have provided a valve at the point of connection, which we suggest should be the terminus of District ownership.

District responsibility for mainline sewer ends at the existing manhole. We will revise our side sewer and forcemain connections to terminate at this existing manhole, rather than extend new main and install a new manhole.

I think these were the remaining outstanding issues resulting from plans review. I will call you this afternoon to address any further concerns you may have, prior to resubmittal for final approval.

Thank you,

Rick

Sheet Number 2 of 5

1. The limit of the Districts system needs to be defined on the drawings. *Will SVWSD own, operate, maintain the new main up to the new hydrant? Typically yes and including the new fire hydrant.*

Richard A. Tomkins, P.E. | Vice President
Director of Engineering

Triad Associates
12112 115th Ave NE
Kirkland, WA 98034

D: 425.216.2149
C: 206.794.9265
F: 425.821.3481

E: rtomkins@triadassociates.net
W: www.triadassociates.net

Civil Engineers | Surveyors | Planners | Landscape Architects

EXHIBIT F

MARVIN ANDERSON ARCHITECTS PLLC

1108 Nineteenth Avenue East • Seattle, Washington 98112 • 206-525-5054 • marvinandersonarchitects.com

MEETING NOTES

TOPIC: 5 Golf Lane Fire Flow and Water Service

DATE: September 17, 2013

LOCATION: Sun Valley City Hall

ATTENDING: Mark Hofman, Community Development Director, City of Sun Valley
Eric Adams, Building Official, City of Sun Valley
Reid Black, Fire Code Official, City of Sun Valley
Ray Franco, Fire Chief, City of Sun Valley
Pat McMahon, Manager, Sun Valley Water & Sewer District
Bill Beck, Owner's Representative
Marvin Anderson, Architect
Rick Tomkins, Civil Engineer, Triad Associates (by phone)

Water supply to the 5 Golf Lane property does not meet current IFC fire flow requirements. This has been known for some time and has been confirmed by recent flow tests at the property.

Eric Adams reviewed the IFC and found that fire flow requirements therein apply to the property and its buildings in two regards. First, both the poolhouse and Kinderhouse have been increased in size by renovation and remodeling. Second, if the Fire Code Official determines a hazardous condition exists, there is a provision requiring compliance with current IFC requirements. The Sun Valley Fire Department has determined there is a hazard on the property.

Current flow to the property is approx. 600 gpm which is approx.. 24% of the required flow of 2500 gpm.

Reid Black mentioned fire flow requirements are often less if buildings on a property are sprinklered. Marvin noted that adding a sprinkler system to the poolhouse was reviewed prior to issuance of the building permit and that the proposed work did not trigger the requirement for adding a sprinkler system. It is unknown if current water service to the property is sufficient to meet requirements of a sprinkler system, should one have been installed.

Given current conditions, discussion to ways to bring more water to the property:

- Pat suggested installation of a new 8" line from the property southward to the 12" line that currently crosses the golf course and serves the clubhouse. At the tee, this line has approximately 4400 gpm at 20%. He further suggested maintaining the existing supply from Fairway Road to the east side of the property, tying it to the new line and

thereby creating a loop through new piping to be installed on the property. In a fire situation this loop would provide water to the property from two directions. During other times it would improve water quality on the property and to Fairway Road, which would draw water through the loop.

- Pat suggested that this new line as well as piping on the property be paid for by the Owner of 5 Golf Lane.
- The Owner of 5 Golf lane is currently proposing to replace – and upsize - all water lines on the property, to relocate and improve the existing hydrant now buried in the landscape east of the main house, to install a dry standpipe to the north side of the bridge, and to pay for these improvements to what are now municipal systems. Bill and Marvin stated that the Owner is not interested in voluntarily paying for offsite improvements to the municipal water system as well. Nor is the Owner interested in having the municipal water system cross the property.
- Discussion went to alternative means of providing sufficient water to the property. A cistern, for example, could be built to augment fireflow through the existing service. During a fire situation, a pump could be temporarily placed in either the pond or the creek. While these options will be looked at further – especially the cistern – discussion then shifted to means of improving municipal water supply to the property.
- The distance from the property south to the 12" line serving the clubhouse is approximately 1500 ft, greater than the distance to Fairway Road. The line in Fairway is currently 8", and service from Fairway to the property appears to be a combination of 8" and 4" pipe. (Pat did not know and could not locate this information before the meeting. This should be verified.) According to Reid, the 8" in Fairway has sufficient gpm just south of the tee to 5 Golf Lane; modeling would determine how much of this flow and pressure could be maintained with a consistent 8" line to 5 Golf Lane.
- In the long term, the Water District plans to loop the Fairway line to the Trail Creek Road line, which would improve flows to the tee serving 5 Golf Lane. Timing for this improvement is undetermined (5-10 years?) as is the effect on service to 5 Golf Lane.
- It was decided that modeling should be done to determine how much water could be provided to 5 Golf Lane from the existing service in Fairway. If less than 2500 gpm, the Fire Department will consider if this is a situation they can approve pending looping the Fairway Road line to the Trail Creek Road line.

Discussion moved to other improvements to increase fire protection on the property:

- If it is required or recommended that fire protection water supplies on the property be made compliant with the IFC, then hydrant number and placement should be verified with code requirements.

- Reid would like the weight limit posted on the bridge. Marvin will send Reid all engineering for the bridge, and will determine load limits. [Note: Subsequent to the meeting, the original structural engineer for the bridge confirmed the load limits are 20 tons for a two axle vehicle and 36 tons for a three axle vehicle. Marvin will work with Reid on meeting signage requirements.]

Tasks:

- Water district to model 8" supply to property from Fairway Road to determine anticipated flows at the hydrant. Mark and Eric will contact Pat about modeling.
- Rick to send proposed water system improvement drawings to Fire Department. [Done.] Fire Department to review proposed hydrant improvements for IFC compliance. Marvin and Rick to also study for compliance.
- Marvin to look at cistern requirements.
- Marvin to send bridge info to Fire Department. Marvin to determine load capacity of bridge and prepare sign with load limits.

These notes represent our understanding of decisions made at the meeting.
Please notify our office of any exceptions taken.

cc. All Attending

EXHIBIT G

- Reid will review the proposed on-site improvements (hydrant types and locations, dry standpipe to the north side of the bridge) and comment.
- Marvin asked Pat for a letter approving the on-site water system as required by the Idaho Department of Environmental Quality.
- Marvin stated the Owner's desire to proceed with design and construction of a horse barn on the north parcel, work that does not require building permits or conformance with building codes per Idaho State statutes. Mark noted that design review is required by the City of Sun Valley, and that public safety is part of the design review process.

Action Items:

- Bill and Marvin will review the Water District's proposal with the Owner of 5 Golf Lane.
- Reid and Ray will review the proposal to determine if immediate improvements to fire flow would be acceptable until long term off-site improvements are made that will bring fire flow to code-required levels.

These notes represent our understanding of decisions made at the meeting.
Please notify our office of any exceptions taken.

cc. All Attending
Eric Adams, Building Official, City of Sun Valley
Ray Franco, Fire Chief, City of Sun Valley
Rick Tomkins, Triad Engineers

EXHIBIT H

Hydraulic Evaluation for the 5 Golf Lane Property

PREPARED FOR: Sun Valley Water and Sewer District
PREPARED BY: CH2M HILL
DATE: April 17, 2014
PROJECT NUMBER: 154047.A0.13

This Technical Memorandum was prepared to summarize the hydraulic evaluation for the 5 Golf Lane Property. The existing 5 Golf Lane Property project includes upgrading an existing 4-inch water line on the property to a 12-inch water line to the hydrant near the existing pool house and then an 8-inch pipeline from the pool house to the last hydrant near the existing garage. These pipelines are shown to be connected to the existing 4-inch pipeline that runs across the golf course from Fairway Road and a future pipeline across the golf course. The size of this future pipeline is not indicated on the 5 Golf Lane drawings and is assessed in this hydraulic evaluation. The general location is shown in Figure 1.

A fire flow analysis was modeled under maximum day demand conditions for 2013, and the hydraulic model predicted that the available fire flow at the proposed new fire hydrant adjacent to the pool house (refer to TRIAD Associates Sheet WS2 of 5 stamped 3-4-14) is approximately 700 gpm. This is comparable to historical fire flows observed in the field. This low fire flow is due to the headloss in the existing 4-inch pipeline across the golf course. The velocity in a 4-inch pipeline for a flow of 700 gpm is 17.8 fps, resulting in headloss and pressures less than 20 psi along Golf Lane for flows higher than 700 gpm.

We understand, based on information provided by the City of Sun Valley Fire Department, that the required target fire flow for the 5 Golf Lane Property, using the largest structure (Pool House), is 2750 gpm for a two hour duration. When assessing available fire flow with the hydraulic model, the model predicts fire flow available while maintaining a minimum 20 psi residual pressure at all other locations in the pressure zone where the analysis is being conducted. In several of the scenarios described below, the connection at the Gun Club is the location that limits the available fire flow along Golf Lane. The predicted residual pressure along Golf Lane, while maintaining 20 psi at the Gun Club, is greater than 20 psi. However, the available fire flow along Golf Lane is limited by the minimum 20 psi residual pressure at the Gun Club.

To obtain higher fire flow with the 5 Golf Lane Project, eight options were evaluated. Each of the options included the following components:

- Option A - 5GL Property upgrades the on-property water line from 4" to 8" and 12" and continues to be served by the existing pipeline from Fairway Road with the combination 8" from the Fairway Road which transitions to a 4" across the golf course.
- Option B - 5GL Property upgrades the on-property water line from 4" to 8" and 12" and upgrades the 4" pipeline across the golf course to an 8" pipeline.
- Option C - 5GL Property upgrades the on-property water line from 4" to 8" and 12" and upgrades the 4" pipeline across the golf course to a 12" pipeline.
- Option D - 5GL Property upgrades the on-property water line from 4" to 8" and 12" and upgrades the 4" pipeline across the golf course to a 12" pipeline and upgrades the 8" pipeline from Fairway Road to a 12-inch pipeline.
- Option E - 5GL Property upgrades the on-property water line from 4" to 8" and 12", upgrades the 4" pipeline across the golf course to an 8" pipeline, and brings a new 8" loop in from the south off of the existing 12" pipeline.

HYDRAULIC EVALUATION FOR THE 5 GOLF LANE PROPERTY

- Option F - 5GL Property upgrades the on-property water line from 4" to 8" and 12", upgrades the 4" pipeline across the golf course to an 12" pipeline, upgrades the 8" pipeline from Fairway Road to a 12-inch pipeline, and brings a new 12" loop in from the south off of the exiting 12" pipeline.
- Option G - 5GL Property upgrades the on-property water line from 4" to 8" and 12", upgrades the 4" pipeline across the golf course to an 12" pipeline, and loops the pipeline along Trail Creek Road out to the Gun Club with a 12" pipeline and adds a PRV station at the north end of Fairway Road between the two pressure zones.
- Option H - 5GL Property upgrades the on-property water line from 4" to 8" and 12", brings a new 8" loop in from the south off of the exiting 12" pipeline, and loops the pipeline along Trail Creek Road out to the Gun Club with a 12" pipeline and adds a PRV station at the north end of Fairway Road between the two pressure zones.

A summary of the fire flow results for each of these options is presented in Table 1. The results are shown for maintaining system-wide pressures above 20 psi for the fire flow condition. As noted above, the higher elevation of the Gun Club is often the limiting location for providing fire flow to Golf Lane.

TABLE 1
Summary of Fire Flow Results for 5GL Evaluation

Option	Available Fire Flow for System-wide minimum Residual Pressure of 20 psi (gpm)	Limiting Location
A	700	5 Golf Lane
B	900	Gun Club
C	900	Gun Club
D	900	Gun Club
E	1600	Gun Club
F	1900	Gun Club
G	2500	5 Golf Lane
H	3000	5 Golf Lane

As seen in Table 1, the model predicts that the improvements outlined in Option H would need to be implemented in order to meet the required fire flow of 2,750 gpm for a two hour duration along Golf Lane.

FIGURE 1
Piping Included in 5 Golf Lane Evaluation

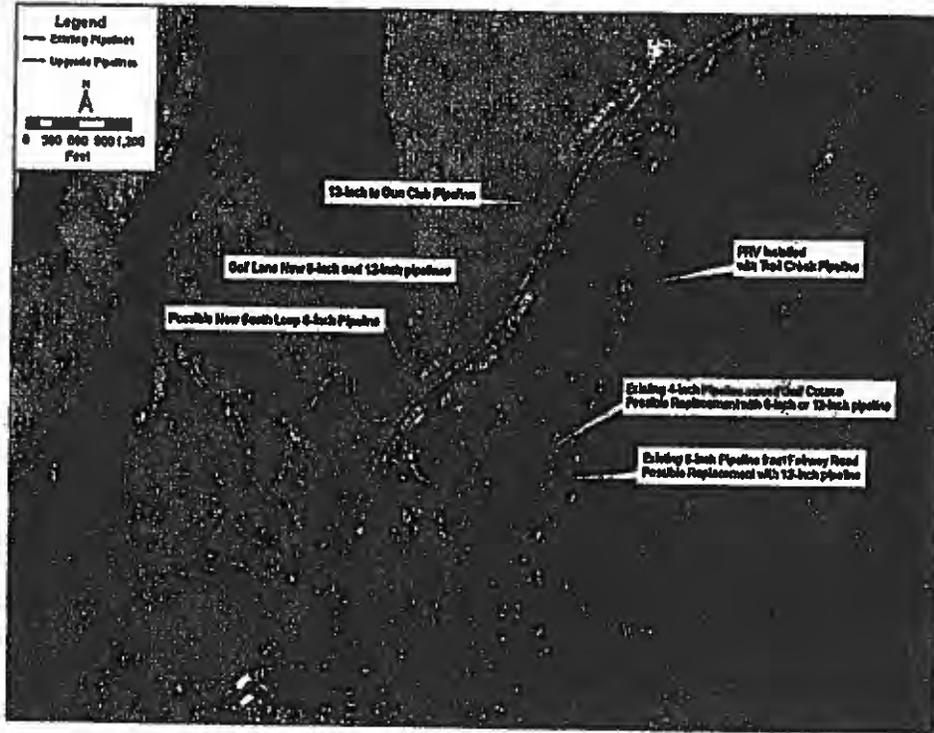


EXHIBIT I

REDACTED

From: Reid Black [mailto:rblack@svidaho.org]
Sent: Wednesday, November 27, 2013 8:57 AM
To: Marvin Anderson (marvin@marvinandersonarchitects.com)
Cc: Mark Hofman; Eric Adams; Ray Franco; Jim Bennion
Subject: 5 Golf Lane utility Improvements

Mr. Anderson,

The Sun Valley fire department has reviewed the plans submitted for the 5 Golf Lane utility improvements. The plans appear to meet the intent of the fire code for the property. What is not included in the plans is the information on the improvements to the 8" water main servicing the 5 Golf Lane property.

The fire department is requesting that the water main improvement information be submitted before giving a final review of the plans.

The Load limit sign for the bridge appears to meet the intent of the code and you have approval to proceed with the manufacture of the sign.

Feel free to call me with any questions or concerns.

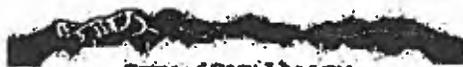
Reid Black

Reid Black

**Reid Black
Fire Code Official**

City of Sun Valley Fire Department

**Office: (208) 622-8234 Fax: (208) 622-7600 Cell: (208) 720-2318
PO Box 416 Sun Valley, ID 83353**



**CITY OF SUN VALLEY
FIRE DEPARTMENT**

Brian D. Yeager, PLS, PE
Galena Engineering, INC
317 N River St
Hailey, ID 83333

RE: Surveyor Certificate for 5 Golf Lane Design Review package

Community Development Director
City of Sun Valley
PO Box 416
Sun Valley, ID 83353

Dear Mark,

It is my understanding that Marvin Anderson of Marvin Anderson Architects, PLLC is in the process of submitting a Design Review package for 5 Golf Lane. Galena Engineering, INC performed a topographic and boundary survey on the property between the period of August 8th 2011 and August 15th 2011.

I hereby certify that I am a Registered Land Surveyor in the State of Idaho and that the topographic survey map included in the Design Review package is a true and accurate representation of a survey done under my direct supervision.

Please contact me if you have any questions or require further information. Thank you.

Sincerely,

Brian D. Yeager
Professional Land Surveyor No. 13260
State of Idaho



A LEGAL DESCRIPTION FOR TAX LOT 6577

A parcel of land located within Section 5, Township 4 North, Range 18 East, Boise Meridian, City of Sun Valley, Blaine County, Idaho, said property being described in a deed recorded as instrument number 491670, records of Blaine County Idaho and consisting of six separate parcels A through F, the exterior boundary of each parcel being more particularly described below based on a more recent survey recorded as instrument number 590815, records of Blaine County, Idaho:

PARCEL A

Commencing at a brass capped survey monument marking the north east corner of Section 5, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho; said corner falling South 28°41'35" West 3832.45 feet from a brass capped survey monument designated as Blaine County GIS point "R14"; thence South 46°29'48" West 5857.47 feet to a found ½" rebar monument, said point being the TRUE POINT OF BEGINNING;

Thence the following courses and distances to a ½" rebar monument, unless specifically described as a monument of a different type:

South 66°59'31" West 49.65 feet;
South 11°12'16" West 107.44 feet;
South 28°04'45" West 26.12 feet;
South 27°57'39" West 243.67 feet;
South 15°34'47" West 74.95 feet;
South 11°44'53" East 83.83 feet;
South 76°06'35" West 34.52 feet;
South 76°06'35" West 28.29 feet to an unmarked point;
North 48°34'50" West 34.77 feet;
North 11°31'31" West 150.21 feet to an unmarked point;
North 02°36'53" East 81.09 feet;
North 02°36'53" East 24.46 feet;
North 39°45'09" East 119.85 feet;
North 09°42'08" East 168.89 feet;
South 89°29'17" East 203.33 feet to the TRUE POINT OF BEGINNING;

Said parcel containing 1.64 Acres or 71,608 square feet, more or less.

PARCEL B

Commencing at a brass capped survey monument marking the north east corner of Section 5, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho; said corner falling South 28°41'35" West 3832.45 feet from a brass capped survey monument designated as Blaine County GIS point "R14"; thence South 51°02'38" West 4958.78 feet to a found ½" rebar monument, said point being the TRUE POINT OF BEGINNING;

Thence the following courses and distances to a ½" rebar monument:

South 18°48'19" East 143.59 feet;
South 06°28'18" West 229.59 feet;
South 35°37'16" West 170.48 feet;
North 59°29'56" West 233.48 feet;



North 14°07'28" East 107.58 feet;
North 36°57'40" East 220.57 feet;
North 61°03'46" East 76.57 feet;
North 04°46'30" West 47.14 feet;
North 71°24'50" East 61.30 feet;

Said parcel containing 2.19 Acres or 95,316 square feet, more or less.

PARCEL C

Commencing at a brass capped survey monument marking the north east corner of Section 5, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho; said corner falling South 28°41'35" West 3832.45 feet from a brass capped survey monument designated as Blaine County GIS point "R14"; thence South 47°23'05" West 5347.04 feet to a found ½" rebar monument, said point being the TRUE POINT OF BEGINNING;

Thence the following courses and distances to a ½" rebar monument:

South 09°35'37" West 188.64 feet;
South 48°27'24" West 90.32 feet;
South 27°49'37" West 82.34 feet;
South 68°14'43" West 153.61 feet;
South 42°42'51" West 49.38 feet;
North 89°29'17" West 203.33 feet;
North 00°32'42" East 100.55 feet;
North 18°46'55" East 150.36 feet;
South 84°32'44" East 71.88 feet;
North 09°36'55" East 67.82 feet;
North 21°44'55" East 83.74 feet;
North 45°52'38" East 212.47 feet;
South 59°29'56" East 233.48 feet;

Said parcel containing 3.80 Acres or 165,578 square feet, more or less.

PARCEL D

Commencing at a brass capped survey monument marking the north east corner of Section 5, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho; said corner falling South 28°41'35" West 3832.45 feet from a brass capped survey monument designated as Blaine County GIS point "R14"; thence South 46°29'48" West 5857.47 feet to a found ½" rebar monument, said point being the TRUE POINT OF BEGINNING;

Thence the following courses and distances to a ½" rebar monument:

North 42°42'51" East 49.38 feet;
North 68°14'43" East 153.61 feet;
North 27°49'37" East 82.34 feet;
North 48°27'24" East 90.32 feet;
North 09°35'37" East 188.64 feet;
South 60°02'21" East 7.20 feet;



South 16°13'01" West 40.72 feet;
South 04°45'46" West 65.36 feet;
South 07°02'18" West 40.91 feet;
South 13°19'40" West 49.16 feet;
South 21°01'54" West 32.96 feet;
South 29°21'28" West 65.40 feet;
South 47°32'33" West 32.68 feet;
South 38°31'53" West 49.35 feet;
South 45°53'31" West 25.05 feet;
South 61°45'51" West 41.24 feet;
South 76°31'00" West 24.66 feet;
North 87°50'11" West 24.60 feet;
North 82°36'36" West 16.53 feet;
South 80°48'39" West 19.25 feet;
South 59°10'26" West 33.16 feet;
South 70°29'14" West 22.53 feet;

Said parcel containing 0.28 Acres or 12,169 square feet, more or less.

PARCEL E

Commencing at a brass capped survey monument marking the north east corner of Section 5, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho; said corner falling South 28°41'35" West 3832.45 feet from a brass capped survey monument designated as Blaine County GIS point "R14"; thence South 46°29'48" West 5857.47 feet to a found ½" rebar monument, thence South 28°04'45" West 141.45 feet to a found ½" rebar monument, said point being the TRUE POINT OF BEGINNING;

Thence the following courses and distances to a ½" rebar monument:

South 11°12'16" West 25.15 feet;
North 77°41'29" West 7.58 feet;
North 28°04'45" East 26.12 feet;

Said parcel containing 95 square feet, more or less.

PARCEL F

Commencing at a brass capped survey monument marking the north east corner of Section 5, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho; said corner falling South 28°41'35" West 3832.45 feet from a brass capped survey monument designated as Blaine County GIS point "R14"; thence South 46°29'48" West 5857.47 feet to a found ½" rebar monument, said point being the TRUE POINT OF BEGINNING;

Thence the following courses and distances to a ½" rebar monument:

South 28°04'45" West 141.45 feet;
North 11°12'16" East 107.44 feet;
North 66°59'31" East 49.65 feet;

Said parcel containing 0.05 Acres or 2205 square feet, more or less.



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

From: Jae Hill, AICP, CFM, Community Development Director
Meeting Date: 9 June 2016

CONDITIONAL USE PERMIT (CUP 2016-02)

APPLICANT: Marvin J. Anderson, AIA for 5GL, LLC

LOCATION: 5 Golf Lane, Sun Valley TL 8239 SEC 5 4N 18E

ZONING DISTRICTS: Recreation (REC) Zoning District

REQUEST: Construction of a new 2,900 square foot barn.

ANALYSIS: The applicant has submitted an application for the construction of a new 2,900 sf stable, which is an “equestrian use” as defined by Sun Valley Municipal Code § 9-1C-1 [Definitions], and is more specifically an “indoor equestrian use” – a conditionally permitted use in the Recreation (REC) Zoning District in which this property is located. This structure is a proposed accessory use to the already established recreational use on the property; “accessory uses for recreational uses, other than maintenance related” are also conditionally-permitted uses in the REC zone. *[The Applicant disagrees with Staff’s interpretation of the definition of “equestrian use” and has provided a letter in support of their opinion.]*

As this proposed use is conditionally permitted, approval of the associated Design Review application DR2016-02 is contingent on approval of this Conditional Use Permit (CUP) application.

The site is served by a narrow private road, measuring only twelve feet in width, which switchbacks down a steep embankment and makes a difficult dog-leg turn to the property. The Fire Code Official has reviewed this project and determined that there is not adequate access for large emergency apparatus to reach the site in event of fire or medical emergencies; moreover, the Fire Chief is concerned about the possibility of stranding equipment at the bottom of the hill if emergency personnel had to retreat from an uncontrollable conflagration, or the possibility of trapping personnel as well.

The site is only served by one 600gpm wet fire hydrant and another 1000gpm dry hydrant, neither of which meets the required 1,500gpm flow necessary to protect a structure of the size of the proposed barn, to say nothing of the 2,700gpm flow required to protect the other 22,000 square feet of large structures already developed on the site. The Fire Code Official has therefore determined that there is not sufficient water pressure to maintain adequate flow for fire suppression

In light of both insufficient access and insufficient fire flow, two recommended Conditions of Approval have been attached to the draft Conditional Use Permit to address these issues. *[The Applicant disagrees with the Fire Department's interpretation and has provided a brief in support of their opinion.]*

Per SVMC § 9-5B-2.C.4, the Commission may attach Conditions of Approval to a CUP including, but not limited to, those:

- a. Minimizing adverse impact on other development;*
- b. Controlling the sequence and timing of development;*
- c. Controlling the duration of development;*
- d. Assuring that development is maintained properly;*
- e. Designating the exact location and nature of development;*
- f. Requiring provision for on site or off site public facilities or services;***
- g. Requiring more restrictive standards than those generally required in an applicable ordinance;*
- h. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.***

The bolded conditions (above) recognize the importance of context-appropriate development by mitigating increased development on the site through requiring mitigation and/or requiring provision of essential services – either on-site or off-site as necessary.

Conditional Use Permit approval is subject to the CUP's required findings detailed in SVMC § 9-5B-2D.

- 1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;***
- 2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;***
- 3. The use will not unreasonably diminish either the health, safety or welfare of the community; and***
- 4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.*

While the use is appropriate to the neighborhood and compatible with the uses permitted in the applicable zoning district, it's not appropriate to that particular lot or location until its emergency access and fire suppression issues have been mitigated in keeping with required findings 2, 3, and 4. As such, Staff agrees that the recommended conditions by the Fire Department are necessary to mitigate adverse impacts on the provision of fire service to the property, thereby ensuring the health and safety of the community and of our City's first responders.

RELEVANT DEFINITIONS:

9-1C-1 EQUESTRIAN USES: The use of a site for the keeping of horses, including **stables** and paddocks.

RECOMMENDATION: Staff recommends approval of CUP2016-02, as conditioned.

RECOMMENDED MOTION: "I move to approve CUP2016-02 to allow for construction of a 2,900 square foot stable, pursuant to the Findings of Fact and Conditions of Approval."

ALTERNATIVE ACTIONS: Move denial of the application and draft findings supporting denial.

ATTACHMENTS:

1. Findings of Fact
2. Letter and Supplemental Materials from Fire Department
3. Project Timeline and Analysis of Additional Materials
4. Application Materials

DRAFT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
CITY OF SUN VALLEY PLANNING & ZONING COMMISSION
CONDITIONAL USE PERMIT

Project Name: **5 Golf Lane Stable**

Applicant: **Marvin J. Anderson, AIA for 5GL, LLC**

Location: **5 Golf Lane, Sun Valley TL 8239 SEC 5 4N 18E**

Zoning District: **Recreation (REC) Zoning District**

Project Description: The applicant has submitted an application for the construction of a new 2,900 square foot stable, which is an “equestrian use” as defined by Sun Valley Municipal Code § 9-1C-1 [Definitions], and is more specifically an “indoor equestrian use” – a conditionally permitted use in the Recreation (REC) Zoning District in which this property is located. This structure is a proposed accessory use to the already established recreational use on the property; “accessory uses for recreational uses, other than maintenance related” are also conditionally-permitted uses in the REC zone. This approval is also subject to the associated Design Review Application 2016-02, which is contingent on approval of this Conditional Use Permit.

The site is served by a narrow private road, measuring only twelve feet in width, which switchbacks down a steep embankment and makes a difficult dog-leg turn to the property. The Fire Code Official has reviewed this project and determined that there is not adequate access for large emergency apparatus to reach the site in event of fire or medical emergencies.

The site is only served by one 600gpm wet fire hydrant and another 1000gpm dry hydrant, neither of which meets the required 1,500gpm flow necessary to protect a structure of the size of the proposed barn, to say nothing of the 2,700gpm flow required to protect the other 22,000 square feet of large structures already developed on the site. The Fire Code Official has therefore determined that there is not sufficient water pressure to maintain adequate flow for fire suppression

In light of both insufficient access and insufficient fire flow, two recommended Conditions of Approval have been attached to the draft Conditional Use Permit to address these issues.

Per SVMC § 9-5B-2.C.4, the Commission may attach Conditions of Approval to a CUP including, but not limited to, those requiring the provision of on-site (or off-site) public services and those requiring the mitigation of effects of the proposed development on delivery of fire service to the site.

Required Findings: In order to approve a conditional use permit application and based on the standards set forth in **Sun Valley Municipal Code, Title 9, Chapter 5B-2 (CONDITIONAL USE)**, the Planning and Zoning Commission shall make the following findings:

1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district. **The proposed use and structure are a conditionally-permitted use in the Recreation Zoning District and surrounded by the large recreational Sun Valley Trail Creek Golf Course,**

and not adjacent to any residentially-zone properties other than the appurtenant primary residence and accessory structures on the same lot. The use will be appropriate to the location when the emergency access and fire suppression issues have been resolved through the Conditions of Approval associated with this Conditional Use Permit.

2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts. **As conditioned, the current difficulties of the Sun Valley Fire Department to adequately access and defend the property will be mitigated.**

3. The use will not unreasonably diminish either the health, safety or welfare of the community. **As conditioned, the use will provide enhanced fire access, protection, and suppression abilities which will protect the subject property and a large region of the community.**

4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city. **With receipt of the Conditional Use Permit, the subject proposal will constitute a legally-conforming and permitted use, supported by the Recreation Zoning District and the Recreational Designation of the Comprehensive Plan's Future Land Use Map. As conditioned, the subject property will conform to the International Fire Code's requirements for access and structure protection.**

CONDITIONS OF APPROVAL

1. The applicant shall increase the width of the access road (Golf Lane) from a width of 12 feet to a minimum of 26 feet, or to the satisfaction of the Fire Code Official, whichever is the lesser.
2. The applicant shall provide a fire hydrant on the property which can provide a minimum of 1,500 gallons of water per minute for 2 hours, or alternative fire suppression capacity to the satisfaction of the Fire Code Official, whichever is lesser.
3. Prior to any new construction activity, the applicant shall receive City approval for the associated Design Review Application No. 2016-02 and any necessary building permit applications.

CONCLUSIONS OF LAW

The Sun Valley Planning & Zoning Commission concludes that the proposed “indoor equestrian facility” – an accessory use to the existing recreational use at 5 Golf Lane – meets the standards for approval under Title 9, Chapter 5, City of Sun Valley Municipal Code provided the above Conditions of Approval are met.

DECISION

Therefore, the Sun Valley Planning & Zoning Commission **approves** the subject Conditional Use Permit Application No. CUP 2016-02 for the proposed accessory structure subject to the Conditions of Approval above.

Dated this 9th day of June, 2016.

Ken Herich, Chairman
Sun Valley Planning & Zoning Commission

Date Findings of Fact signed

CITY OF SUN VALLEY
CONDITIONAL USE PERMIT APPLICATION

File No. CUP- 2016-02

Submittal Date 5/2/16

Project Name 5GL Barn

Legal Description of Property: Lot _____ Block _____ Subdivision See attached

Street Address of Property: 5 Golf Lane, Sun Valley, ID 83353

Current Zoning of Property: REC

Proposed Use: Outdoor equestrian use with barn.

Application Fee: \$450 Public Notice Fee: _____ Total Fee: _____

Name of Owner of Property: 5 GL LLC (Mary Kay McCaw, Manager)

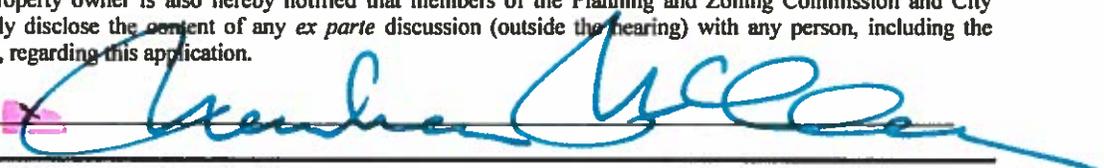
Mailing Address: 201 Terry Ave N, Suite A City: Seattle State: WA Zip: 98109

Phone: 206-328-0866 Fax: _____ Cell: _____

Email Address: bill@kmmk.com

Property Owner Consent:

By signature hereon, the property owner acknowledges that City officials and/or employees may, in the performance of their functions, enter upon the property to inspect, post legal notices, and/or other standard activities in the course of processing this application, pursuant to Idaho Code §67-6507. The property owner is also hereby notified that members of the Planning and Zoning Commission and City Council are required to generally disclose the content of any *ex parte* discussion (outside the hearing) with any person, including the property owner or representative, regarding this application.

Property Owner's Signature: 

Application Contact (if different than above): Marvin J Anderson (Architect)

***Contact will be the primary point of contact for questions related to the application.*

Mailing Address: 1108 19th Ave E City: Seattle State: WA Zip: 98112

Phone: 206-525-5054 Fax: _____ Cell: _____

Email Address: marvin@marvinandersonarchitects.com

Project Description:

Construction of an accessory facility for recreation maintenance; namely an accessory structure incidental to outdoor equestrian use.

MARVIN ANDERSON ARCHITECTS PLLC

1108 Nineteenth Avenue East • Seattle, Washington 98112 • 206-525-5054 • marvinandersonarchitects.com

LETTER OF TRANSMITTAL

DATE: April 28, 2016

PROJECT: 5GL Barn

TO: Mr. Jae Hill
Community Development Director
City of Sun Valley
Sun Valley, Idaho

FROM: Marvin Anderson
MARVIN ANDERSON ARCHITECTS
1108 Nineteenth Avenue East
Seattle, Washington 98112

DATE	COPIES	DESCRIPTION
	1	Conditional Use Permit Application
	1	Legal Description, 5 Golf Lane
	1	Surveyor Certificate of Qualifications
	1 ea	Envelopes to Neighbors, List of Neighbors
2/16/16	1	Statement of effects, surrounding land use, and relationship to comprehensive plan
	1 set	Full size drawings
	6 sets	Drawings at 11" x 17"
	1	CD with all documents listed above

COMMENTS

Mr. Hill,

Please find enclosed a Conditional Use Permit application for the 5 Golf Lane Barn in accordance with your letter of April 19, 2016. Please also be advised that this submission is intended to be considered contemporaneously with the letter from counsel for 5GL LLC of even date herewith, to be posted and delivered separately.

Please do not hesitate to contact me with any questions or if you would like any further information.





Marvin J. Anderson AIA
MARVIN ANDERSON ARCHITECTS PLLC
1108 Nineteenth Avenue East
Seattle, Washington 98112

April 19, 2016

RE: DR2016-02, Application for Design Review approval of a new "indoor equestrian use" at 5 Golf Lane

On January 12, 2016, the City of Sun Valley received Design Review application (DR2016-02) for a "barn" at 5 Golf Lane, a lot with the Assessor's Parcel ID of RPS0000000024A.

On January 28, the City notified you that your Design Review application was facially incomplete, missing both the required compliance statement and a construction management plan, which we later received on February 16 via email and February 23 via hardcopy.

On February 17, the City informed you that the Sun Valley Fire Department's Fire Code Official had completed his review of the application and had suggested conditions of approval.

On March 2, the City received a request to postpone review of the application for 60 days.

On March 29, you requested that the application be placed on the June 9 Planning and Zoning Commission Agenda, and then asserted that all materials would be received by April 19.

The proposed application meets the definition of "Equestrian Uses" as defined in Sun Valley Municipal Code Section 9-1C-1 as "the use of a site for the keeping of horses, including stables and paddocks."

Parcel RPS0000000024A is split-zoned: the southern portion containing the home and pool house is zoned Single-Family Residential (RS-1), while the northern portion containing the pasture is zoned Recreation (REC).

Per Table 9-2C-1, in SVMC § 9-2C-2, "Equestrian Uses, Indoor" in the REC zone are Conditionally Permitted and subject to review by the Planning & Zoning Commission pursuant to an application for a Conditional Use. The Design Review application can not proceed until Conditional Use approval is granted by the City's Planning & Zoning Commission.

As such, please submit an application for Conditional Use Permit and the required \$450 application fee. The Conditional Use requirements of our Municipal Code are attached to this letter. Should you have any further questions about the processing of this application, please contact our department at 208-622-4438. Abby Rivin is the staff planner assigned to this case, but I'm also available as needed.

Sincerely,

A handwritten signature in blue ink that reads "Jae Hill".

Jae Hill, AICP, CFM
Community Development Director
City of Sun Valley

9-5B-2: CONDITIONAL USE

A. Purpose: The purpose of this section is to establish procedures that allow for a particular use on a particular property subject to specific terms and conditions of approval.

B. Applicability: The provisions of this section apply to all conditional uses identified throughout this title.

C. General Provisions:

1. Commission Approval Required: Conditional uses, as have been designated throughout this title, shall be allowed only upon the approval of an application by the commission, subject to the requirements of this chapter 5 and such conditions as the commission may attach. Such approval shall be in the form of a written permit.

2. Precedent Not Created: A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits.

3. Transferability: Conditional use permits shall not be transferable from one parcel of land to another. Unless otherwise stated in the conditions attached to a permit, the permit shall be granted to the applicant and successors in interest to the premises for which it was approved.

4. Conditions Of Approval: Upon the granting of a conditional use permit, the commission may attach conditions to said permit including, but not limited to, those:

- a. Minimizing adverse impact on other development;
- b. Controlling the sequence and timing of development;
- c. Controlling the duration of development;
- d. Assuring that development is maintained properly;
- e. Designating the exact location and nature of development;
- f. Requiring provision for on site or off site public facilities or services;
- g. Requiring more restrictive standards than those generally required in an applicable ordinance;
- h. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

5. Terms Of Permits:

a. At the discretion of the commission, a conditional use permit may contain an expiration date. If no extension is requested pursuant to this section, the original permit shall expire at the end of its stated term.

b. A conditional use permit is deemed void within one year after the permit is granted if the use has not been utilized.

c. Upon written request submitted by the applicant or successor in interest prior to the expiration date of a conditional use permit, the commission may extend the term of said permit. The commission shall hold a public hearing and give notice in the same manner as notice of an original hearing for an application for a conditional use permit.

d. A conditional use permit is deemed void if the use has ceased for a continuous period of one year or more.

6. Revocation:

a. The commission shall have the authority to review any conditional use permit based upon a written complaint; a change in any applicable city ordinances; or the conditions attached to the permit by the commission.

b. If the commission finds that there is a probable cause for revoking a conditional use permit, the commission shall give notice of a hearing to the applicant and the public in the same manner as a notice of a hearing for an application for a conditional use permit. The commission shall hold a hearing on the question of revoking the permit and, if it finds that grounds for revocation exist, it may revoke the permit.

c. The commission may revoke a conditional use permit for any of the following grounds:

(1) Violation of this code;

(2) Violation of the conditions of the permit after written notice of the violations and a ten (10) day period to correct said violations; or

(3) Causing or allowing a nuisance, as determined in title 4, chapter 1 of this code, in connection with the use for which the permit was granted.

D. Required Findings: In order to grant a conditional use permit, the commission shall make the following findings:

1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;

2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;

3. The use will not unreasonably diminish either the health, safety or welfare of the community; and

4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city. (Ord. 382, 10-25-2006)

Jae Hill

From: Frederick Allington <fcallington@gmail.com>
Sent: Wednesday, April 20, 2016 3:05 PM
To: Jae Hill
Subject: Fwd: City of Sun Valley DR2016-02 Application for Design Review Approval of 5GL Barn

----- Forwarded message -----

From: Scott Campbell <SLC@moffatt.com>
Date: Wed, Apr 20, 2016 at 2:34 PM
Subject: Re: City of Sun Valley DR2016-02 Application for Design Review Approval of 5GL Barn
To: "fcallington@gmail.com" <fcallington@gmail.com>

Good afternoon Mr. Allington,

We have not met, so let me introduce myself. I represent 5GL. Yesterday, I delivered a copy to your office of the Brief our firm prepared in support of the Design Review Application for the 5GL Barn. Late yesterday, Mr. Marvin Anderson, applicant's architect and representative in the process with the City of Sun Valley, received a letter from Mr. Jae Hill, Community Development Director, City of Sun Valley. His letter states that now the applicant must submit a conditional use permit application for the project.

Needless to say, 5GL is very concerned. This latest change in the rules for treatment of the Application for Design Review for the 5GL Barn is transparently a reaction to the issues we raised in the Brief that we filed with the City and served on your office. In view of these facts, I am reluctant to contact Jae Hill without your permission or joint participation. Please specify the City's and your preferences in this regard.

I will be discussing this latest development with my client soon. Consequently, your earliest attention to this request will be appreciated.

Thank you for your anticipated cooperation.

SCOTT L. CAMPBELL
Attorney

Direct [208 385 5432](tel:2083855432)

Main [208 345 2000](tel:2083452000)

Fax [208 385 5384](tel:2083855384)



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April 28, 2016
via FedEx Overnight

Alissa Weber
Sun Valley City Clerk
P.O. Box 416
81 Elkhorn Rd.
Sun Valley, ID 83353

Jae Hill
Community Development Director
City of Sun Valley
P.O. Box 416
81 Elkhorn Rd.
Sun Valley, ID 83353

**Re: 5GL, LLC Submission of Conditional Use Permit Application UNDER PROTEST
MTBR&F File No. 18975.0006**

Dear Ms. Weber and Mr. Hill:

The purpose of this letter is to notify the City of Sun Valley (the "City") that the Conditional Use Permit Application filed contemporaneously herewith by Marvin J. Anderson on behalf of property owner 5GL, LLC ("5GL") relating to certain property at 5 Golf Lane, Sun Valley, Idaho 83353 that is currently zoned REC (the "Property") is being filed UNDER PROTEST, and exclusively as a result of a letter from Jae Hill to Marvin J. Anderson dated April 19, 2016 (the "Letter"). Contrary to Mr. Hill's assertion in the Letter, the contemplated project does not require conditional use permission, as the following illustrates.

At the outset, 5GL must clarify a couple of matters missing from Mr. Hill's timeline:

First, on January 15, 2016, and in accordance with Sun Valley Municipal Code ("Code") Section 9-5A-3(C)(5), the City gave public notice of the pending public hearing or action on the application. Such public notice evidenced the completeness of the application submitted on January 12, 2016, for design approval and allowance of construction of the contemplated project on the Property. ("The director shall issue a notice of application acceptance and completion either by letter to the applicant or by public notice of the pending public hearing or action on the application.") The application contained the required information, including a "[s]tatement of project intent for making the application." See Code § 9-5A-3(B)(3)(c). Importantly, the Code provides that within 30 days of the application, but during a time period not to exceed 60 days, the director must find the application as complete for review "or require

additional information to be submitted.” See Code § 9-5A-3(C)(2). In short, with complete knowledge of the project intent, the director deemed the application complete. He did not demand additional information relating to a conditional use permit application.

Second, Mr. Hill notes that on February 17, 2016, the City informed 5GL that a fire code official had completed his review of the application and had “suggested conditions of approval.” What is not included in Mr. Hill’s communication is the statement that the fire department **required** certain unreasonable and untenable “access road alterations” as well as “enhancements to the hydrant system serving the property,” which enhancements included the private contribution of an extremely expensive capital project involving the public property of a taxpayer-funded municipal agency—the Sun Valley Water and Sewer District. This was the first indication that the City intended to use its limited design review authority inappropriately. Notwithstanding that fact, and more than a month after the application was submitted and deemed complete, the director failed to notify 5GL of any conditional use permit issues.

Third, and perhaps most jarring, is the omission from Mr. Hill’s timeline of 5GL’s filing a brief in support of its design review application. Consistent with the City’s alleged requirement that any supporting argument or information be submitted seven weeks in advance of the public hearing (a requirement for which 5GL never located, and was never provided, any authority), that brief was filed with the City on April 19, 2016. The brief addressed, among other issues, the plain language of the City’s ordinances in the context of certain legislative enactments. The brief demonstrates that the contemplated project is exempt from the City’s building and fire code regulations, and that denial of the application based on inadequate fire flows resulting from the deficiencies of a separate municipal entity is not an appropriate exercise of the City’s design review authority. (5GL incorporates by reference herein the brief in its entirety.) Transparently, Mr. Hill sent his letter to 5GL stating that a conditional use permit would be required for the contemplated project **immediately after the City’s receipt of the brief**, on April 19, 2016.

In summary, the City has waived its conditional use requirements relating to a decision on the contemplated project because it failed to timely request the additional information related thereto. What is more, the tortured interpretation of the ordinances utilized to manufacture a conditional use requiring a permit was very obviously a knee-jerk reaction to legal authority, illustrating that the City may not misuse its design review authority to extract unreasonable concessions from a private landowner—a landowner that has at every turn attempted to comply with the City’s requirements.

As to Mr. Hill’s interpretation of the ordinances, a plain and reasonable reading thereof illustrates that a conditional use permit is not required in this instance. Accordingly, even assuming the director’s efforts to require a conditional use permit were timely (which they were not), the City should ignore such requirement and approve the design review application for a permitted use appropriately submitted by 5GL.

An explanation of the contemplated project will be useful. As Mr. Hill notes, the Property at issue is zoned Recreational (REC). It is 1.645 acres, or 71,635 square feet. The proposed fenced pasture area on the Property is 47,710 square feet, or 65.8% of the total area of the Property at issue. The proposed accessory barn is 1,748 square feet, or 2.4% of the total Property area. The remainder of the Property area includes Trail Creek, riparian setback areas, parking, etc. 5GL proposes to use the Property for private recreation and equestrian activities, and to construct an accessory facility for recreation maintenance and, more specifically as an accessory structure incidental to the outdoor equestrian and recreational use. Under the Code, the contemplated use of the Property does not require a conditional use permit.

Section 9-2C-2 of the Code sets forth the permitted and conditional uses in a table, identified as Table 9-2C-1. Each of the following uses is permitted, and does not require a conditional use permit:

- (1) Recreation uses, outdoors;
- (2) Equestrian uses, outdoors;
- (3) Accessory maintenance uses for recreation uses.

In his Letter, Mr. Hill ignores each such use, which uses are collectively very clearly the uses on the Property, in favor of the conditional use “Equestrian uses, indoors.” The Property is not an indoor riding arena. The Property comprises nearly an acre of fenced pasture area—an outdoor equestrian and recreation area—that includes a modest accessory barn adjacent to those outdoor uses, which barn will comprise only 2.4% of the Property’s physical area. Application of common sense to the use description of the contemplated project alone illustrates Mr. Hill’s mistaken result-oriented approach. However, a careful evaluation of the applicable definitions provides even more authority for the proposition that the Property’s use is permitted and not conditional.

A recreation use is “[t]he use of a site for leisure activities, conducted indoors, outdoors, or in a partially enclosed space.” *See* Code § 9-1C-1. Clearly, horseback riding is the contemplated leisure activity that will take place on the Property, but it will not be conducted indoors in the accessory barn. It will be conducted in the large outdoor space. An equestrian use is “[t]he use of a site for the keeping of horses, including stables and paddocks.” *See id.* Again, the Property will be used for the keeping of horses, and the actual equestrian use will take place outdoors. Random House Webster’s College Dictionary defines “equestrian” as “of or pertaining to horseback riding or horseback riders; mounted on horseback; a person who rides horses.”¹ The Property on which the proposed construction will take place is very clearly to be used for outdoor recreation and equestrian uses.

¹ The City Code does not define “equestrian.”

Alissa Weber
Jae Hill
April 28, 2016
Page 4

“Accessory facilities for recreation maintenance,” which appears roughly equivalent to “accessory maintenance uses for recreation uses,” a permitted use, means “[a]ccessory maintenance facilities specifically and directly related to outdoor recreation uses, including, but not limited to, pump houses, service facilities and yards.” *See* Code § 9-1C-1. The definitions of “accessory structure” and “accessory use” add further meaning to that definition. An “accessory structure” is:

A building or structure, which is incidental or subordinate to the main building, principal dwelling unit, or use on the same building site, i.e., garage, barn, storage buildings, gazebo, artist studio and the like, and has no kitchen facilities.

See Code § 9-1C-1 (emphasis added). An “accessory use” is:

A use naturally and customarily incidental to, and subordinate to, and devoted exclusively to the main use of the premises.

See id. The proposed barn that Mr. Hill used to characterize the Property’s use as “equestrian uses, indoors,” is incidental and subordinate to the main use on the Property—horseback riding. It is a barn, which is also naturally and customarily incidental to, subordinate to, and devoted exclusively to that main use. Once again, while Mr. Hill would have the City ignore 97% of the Property at issue and determine that the Property’s use is actually comprised entirely of an over-expansive interpretation of the barn’s accessory use, there can be little dispute that the Property as a whole is for outdoor recreation and equestrian uses, including a permitted accessory maintenance use comprising a mere 2.4% of the Property’s physical area. The City must reject Mr. Hill’s conclusion that a conditional use permit is required in this case.

I must reiterate that the conditional use permit filed by Mr. Anderson on behalf of 5GL, LLC, and received concurrently herewith, is filed UNDER PROTEST, and is filed without waiving any argument that the contemplated use is permitted, including, but not limited to, the arguments set forth above. 5GL submits the application at this time solely to ensure that any and all issues related to the City staff’s various and inconsistent positions relating to the Property are appropriately consolidated and before the City for decision.

Sincerely,



Scott L. Campbell

SLC/bem

cc: Ken Herich

5 GOLF LANE – TIMELINE FOR APPLICATION REVIEW AND RESPONSE TO APPLICANT’S CLAIMS

January 12, 2016: the City of Sun Valley received Design Review application (DR2016-02) for a “barn” at 5 Golf Lane, a lot with the Assessor’s Parcel ID of RPS0000000024A. The parcel is split-zoned: the northern portion containing the pasture is zoned Recreational (REC) while the southern portion is zoned Single-Family Residential (RS-1) and contains the home and pool house. The application was assigned to Abby Rivin, Associate Planner, for review.

January 28: the City notified the applicant Design Review application was facially incomplete, missing both the required compliance statement and a construction management plan, which were later received on February 16 via email and February 23 via hardcopy.

February 16: the Design Review application was determined to be complete. During this completeness review, Staff concluded that the application materials met the requirements on the application checklist, but made no judgment or evaluation to the validity of the project or the compliance with other existing codes. An application can not be reviewed for compliance with the code without all required and necessary submittal materials.

February 17: the City informed the applicant that the Sun Valley Fire Department’s Fire Code Official had completed his review of the application and had suggested conditions of approval for the Planning and Zoning Commission approval, which included upgrades to access and water service (to meet fire flow standards) to the property. City staff gave the applicant the option to either redesign to accommodate the suggested changes, or the alternative to include them with the Staff Report and Findings of Fact as Conditions of Approval.

February 24: initial public notice was posted on-site and in the Idaho Mountain Express. No staff report or detailed review had yet been completed. Notice is sent to the newspaper twenty-one days before the hearing for publication. The project was agendaized for the March 10 Planning & Zoning Commission hearing. Staff reports are now available one week before the hearing, an increase from the previous four days headway.

March 2: the City received a request from Marvin Anderson Architects to postpone review of the application for 60 days.

March 29: the applicant requested that the application be placed on the June 9 Planning and Zoning Commission Agenda, and then asserted that all additional materials in response to the Fire Department’s requests would be received by April 19.

April 19: the City received a legal brief from Scott Campbell – with the law firm Moffatt Thomas, representing the applicant and owner – objecting to the Fire Department’s proposed conditions. No substantive changes to the application materials were provided with this brief. The brief included a series of claims, including:

II.A – That the building is exempt from building and fire code regulations because it is agricultural in nature. The property is not zoned for “agriculture” as a use, as no zoning districts within the City of Sun Valley allow for “agriculture” as a permitted or conditionally-permitted use. If the applicant is claiming that the proposed equestrian uses are “agricultural” in nature and definition, then the applicant is proposing a use which is neither permitted nor conditionally-

permitted in the Recreation (REC) Zoning District: the district allows only for equestrian uses, when conditionally permitted. Agriculture, as a commercial operation, is prohibited in the zone.

The structure itself *may* be exempt from the International Fire Code and International Building Code requirements due to meeting the definition of an agricultural building, and is therefore not required to be sprinklered or engineered for fire ratings, but the intensification of use (and creation of a new accessory use) triggers review on a property that is already underserved by Fire Department access and water pressure for fire suppression.

The Idaho “Right to Farm Act” (Idaho Code Title 22, Chapter 45) states that neither agricultural operations nor facilities shall be considered a nuisance if in constant and responsible operations. This structure is proposed and an intensification of use. Nothing on the property has been declared a nuisance, in this case, and Mr. Campbell is taking this section out of context.

Idaho Code § 50-1301 identifies agricultural lands as a minimum subdivided area of five acres, which further makes the case against the 1.7 acre portion of the property currently-zoned REC being used for agricultural operations.

II.B – That the city’s Title 9 definition of “agriculture” doesn’t comply with the 2012 International Building Code or the State code. The city’s definition relates to city approvals only and doesn’t conflict with the other applicable codes when reviewing those codes independently. The City code defers conflicting municipal standards to the stricter of the two, and City code can not conflict with State or Federal regulations, so an interpretation must be made that reconciles the two – or the City will defer in relevant instances to the State and Federal regulations.

II.C – That the Design Review Application, as submitted, satisfies the City’s requirements in 9-3A-1. The applicant’s attorney claims here that the barn is exempt from Fire Department review by state law, and therefore not subject to our own requirements for Fire Department access and fire code compliance detailed in 9-3A-3.A.3. SVMC Title 7, Chapter 5, clearly expresses that private streets and driveways are permitted, but that the city retains a prescriptive easement for entry and access for emergency vehicles (§ 7-5-3) and that those streets shall be maintained in such a manner to permit such access (§ 7-5-4, § 7-5-5). The city has documented concerns about emergency access and fire flow to this property since at least 2005.

II.D – “That the City Should Not Delegate Its Design Review Authority, Or Otherwise Act As the Instrumentality to Extract Private Funding for a Public Utility.” The Community Development Department, in reviewing this application, has neither delegated any authority nor attempted to “extract” funding. The Sun Valley Water and Sewer District, whom the attorney references for several pages, was not consulted by the Community Development Department in this particular application for Design Review.

April 19: the review period had been postponed by the Applicant since March 2nd, but with the new submittal items, the review period recommenced at this time. As now the application appeared to be heading toward litigation (due to the reply coming from an attorney instead of the original applicant), the Community Development Director, Jae Hill, assumed review authority for the project. A thorough review of the project was completed to develop the necessary analysis required for the completion of a staff report and recommendation. During analysis, the Director found that the proposed stable, located in the

REC zone, meets the definition of “Equestrian Uses” as defined in Sun Valley Municipal Code (SVMC) Section 9-1C-1: “the use of a site for the keeping of horses, including stables and paddocks.” Per Table 9-2C-1, in SVMC § 9-2C-2, “Equestrian Uses, Indoor” in the REC zone are Conditionally Permitted.

Note: the code definition of “equestrian use” does not specifically delineate the difference between indoor and outdoor equestrian uses though stables and paddocks are clearly indoor uses and outdoor uses, respectively.

The Director sent a letter to Marvin Anderson restating the timeline of approvals, postponements, and review periods; this letter also instructed the applicant that a Conditional Use Permit would be required and that the City required further input to proceed.

April 20: Scott Campbell sent an email to Frederick Allington, Interim City Attorney, in response to the City’s request for Conditional Use approval. The letter stated that “This latest change in the rules for treatment of the Application for Design Review for the 5GL Barn is transparently a reaction to the issues we raised in the Brief that we filed with the City and served on your office.” There was no change in the rules, as the requirements for review of conditionally-permitted uses in the REC zone has been established since before 2006. The only “reaction” from the City is that now the application was back in review, and that the Director was reviewing it personally and thoroughly.

Mr. Campbell then said “In view of these facts, I am reluctant to contact Jae Hill without your permission or joint participation” – a clear indication that the applicants are solely interested in pursuing litigation as opposed to cordially navigating the legally-established processes established by the city.

April 20: Community Development Director Jae Hill contacted Scott Campbell by phone and had a lengthy discussion. Mr. Campbell accused the city of being prejudicial in their review of this application due to some lengthy history of approvals with the owners. Mr. Hill has only been an employee of the City since June 2015 and Ms. Rivin since December 2014, with no prior history regarding the 5 Golf Lane property, the owners, the applicant, or their attorney. Mr. Hill stated that he was simply reviewing the application through the lens of the code as written and wanted to resolve the situation through the Planning & Zoning Commission review without simply gearing up for needless litigation. Mr. Campbell indicated, at that time, that he also wanted an amicable resolution to the situation and discuss options with the property owners.

April 28: staff received both a CUP submittal from Marvin Anderson and another letter from Scott Campbell of Moffatt Thomas. The letter repeatedly states that the application is being filed “under protest” (though requests for additional land use entitlements can not be filed under protest) and then makes another series of fallacious claims against Mr. Hill and the City’s review.

1. **That the Design Review application was determined to be complete on January 15, 2016 because of public notice of the pending hearing.** Notice was neither published nor posted on-site until February 24th. The Application for Design Review was determined to be complete on February 16th. A complete application simply means that the required items from the checklist are present and that review can subsequently proceed. That review period was postponed – at the applicant’s request – until April 19th, at which time the application was reviewed for compliance with the code and the need for a Conditional Use approval was discovered. This is akin to an applicant submitting a complete application for a subdivision with an undisclosed

substandard lot requiring a variance; though a complete application may have been submitted, an additional application for further review was discovered during processing.

2. **That the Director, on February 17th, had forwarded recommended Conditions of Approval from the Fire Code Official to the applicants, but had failed to state that such requirements were “unreasonable and untenable.”** There is no responsibility of the Director to make such bizarrely-slanted or inaccurate claims.
3. **That the Director didn’t reference the Brief (provided April 19) in his letter dated April 19.** Any additional materials submitted after receipt of the application of the initial application are added to the file and provided to the Planning and Zoning Commission for their review. Receipt of the brief had no bearing on review of the application other than receipt of said brief allowed project review to commence. The Director is not obligated to respond directly to claims submitted by the applicant or their counsel except in providing analysis and advice to the P&Z Commission; final approval authority rests with the Commission, not with the Director.
4. **That the Director erred in his interpretation of the Conditional Use requirements because Mr. Campbell believes that “Indoor Equestrian Uses” are only riding arenas.** From SVMC § 9-5A-2.C [Duties and Authority], the Community Development Director “shall be the administrative official for the development code” and his or her duties include the responsibility to “interpret provisions in the enforcement and administration of this title.” If Mr. Campbell disagrees with Staff’s interpretation, he may formally appeal such interpretation to the Planning Commission (SVMC § 9-5A-2.B.5) but he has not made such an appeal, except informally through his letters. Mr. Campbell instead believes that this is an “accessory use” and states such an opinion throughout his correspondence; in fact “accessory uses for recreation uses, other than maintenance related” is also a expressly-listed, Conditionally-Permitted Use in the REC zone.
5. **That the Director has required this CUP approval as a “knee-jerk reaction” and “transparently” in response to the submission of the legal brief.** Once again, no thorough review of the merits of the project occurred until the review period was allowed to recommence, which occurred after submission of the legal brief on April 19. Mr. Campbell is attempting to concoct a false narrative – on the record – which may be used for future and probable litigation against the City should the Commission and Council fail to agree with the Applicant’s interpretation of City and State codes.
6. **That because the proposed use (barn) is only 2.4% of the property’s area, it shouldn’t be reviewed because it’s only an accessory use to the primary “outdoor equestrian use.”** Mr. Campbell starts making desperate accusations, stating that “Mr. Hill would have the City ignore 97% of the Property at issue and determine that the Property’s use is actually comprised entirely of an over-expansive interpretation of the barn’s accessory use...” This is ludicrous hyperbole, and unsupported by any statements or correspondence on the record by Mr. Hill. And once again, Mr. Campbell – in his own words – calls this an accessory use to the recreational use, which requires a Conditional Use approval in the REC zone.

May 6: the City informed the Applicant, Marvin Anderson, that the application materials had been received and would proceed to the June 9th agenda of the Planning and Zoning Commission.

CONCLUSION

The City of Sun Valley's Community Development Department would genuinely like to reach an amicable resolution and satisfactory approval by the Commission with the property owners, their applicant & attorney, and the Sun Valley Fire Department. The Community Development Department has reached out to the applicant, Marvin Anderson, for redesign or alternative compliance, and the only responses have been from the property owners' attorney, Scott Campbell.

Mr. Campbell, by his own words on the phone on April 20 and twice in writing on April 28, admits that this project is an "accessory use to the recreational use", which requires a Conditional Use Permit, even if he doesn't agree that this is an "indoor equestrian use" under the code – also requiring Conditional Use approval.

Mr. Campbell's assertions regarding the actions of Staff as prejudicial or reactive (circumferentially because of the abrasiveness of Mr. Campbell's actions) are fallacious, and seemingly indicate that he's actively trying to precipitate the conditions required to create an inharmonious environment in which litigation would be ripe. Nothing could be further from the truth, as Community Development Department Staff has no *opinion* or *feelings* regarding the project; Staff is, in fact, recommending approval, with reasonable conditions, of the associated applications. Mr. Campbell's concocted narrative – even after supposedly agreeing that he wanted an amicable resolution – serves only to establish a false record with which to begin litigation under specious pretenses.

And finally, Mr. Campbell appears to be distorting both the status and reality of the project: no conditions have yet been formally required or imposed, the City has not delegated its authority for design review or land use approvals, there's been no collusion on the part of City staff and the Water District to injure his client, and no final action on the applications has yet been taken.