

MEETING AGENDA
THURSDAY, SEPTEMBER 22, 2016 AT 9:00 A.M.
SUN VALLEY PLANNING AND ZONING COMMISSION
TO BE HELD IN THE COUNCIL CHAMBERS AT SUN VALLEY CITY HALL

1. Call To Order

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

2. Public Comment

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

3. Consent Agenda

- a) Draft Minutes from the Planning & Zoning Commission Meeting of August 18, 2016.
- b) Draft Minutes from the Planning & Zoning Commission Meeting of September 8, 2016.

4. New Business

- a) **Design Review (DR) 2016-48:** A request by Ruscitto Latham Blanton on behalf of Sun Valley Company for the construction of ten new townhome units, including two previously approved unit designs and one new unit design. Diamond Back Townhomes, Phase II.
- b) **Subdivision Plat Amendment (SUBPA) 2016-04:** A request by Benchmark Associates on behalf of Sun Valley Company for a lot line shift involving existing Lot 1 & Parcel B Amended, White Clouds Corrected Subdivision and Tract D (Future Sublots) of Diamond Back Townhome Subdivision. Diamond Back Townhomes, Phase II.
- c) **Zone Map Amendment (ZMA) 2016-02:** A request to rezone a portion of Tract D Amended from the Rural Estate and Ranch (RA) Zoning District to the Multiple Family Residential (RM-1) Zoning District. Diamond Back Townhomes, Phase II.

5. Continued Business

- a) **Design Review (DR) 2016-39:** Application for the proposed construction of a new trellis addition to existing single-family residence at 410 Fairway Loop. Applicant: Carmen Finegan, AIA for Michael Browne.
- b) Review of changes to Title 9, Chapter 3, Article I of the Sun Valley Municipal Code Regarding Flood Hazard Protection.

6. Discussion Items

None.

7. Adjourn

Meeting Schedule: Regular Meeting at 9:00 am on Thursday, October 20, 2016

**Minutes of the Planning and Zoning Commission
August 18, 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 August 18, 2016 at 9:00 a.m.

1. Call To Order

Chairman Ken Herich called the meeting to order in Council Chambers at 9:00 am.

Present: Chair Ken Herich, Vice Chair Jake Provonsha, Commissioner Bill Boeger, Commissioner John O'Connor

Absent: Commissioner Sherri Newland

Also Present: Community Development Director Jae Hill, Associate Planner Abby Rivin, Planning Intern McKayla Dear, City Attorney Matt Johnson, Council President Keith Saks, Doug Clemens, John Trimper, Diane Trimper, John Carson, Marlis Carson, Scott Campbell

2. Public Comment

None.

3. Consent Agenda

a) Draft Minutes from the Planning & Zoning Commission Meeting of July 14, 2016.

MOTION

Commissioner John O'Connor moved to approve the minutes from July 14, 2016, seconded by Commissioner Bill Boeger. All in favor. The motion carried unanimously.

b) Draft Minutes from the Planning & Zoning Commission Meeting of July 28, 2016.

Commissioner Boeger noted a typographical error and suggested three wording changes on page 5 of the draft minutes. On page 6 of the minutes, Commissioner Boeger requested that the word, "it," be changed to, "sprinkler system."

Vice Chair Provonsha suggested incorporating more detail to the reference regarding the two Findings of Fact that staff was unable to make on page 3 of the draft minutes. He suggested that language on page 4 of the draft minutes be added to reflect that the Commission amended the motion. He requested that a grammatical error be corrected on page 4 of the draft minutes. On page 5 of the draft minutes, Vice Chair Provonsha requested one wording change.

Commissioner Boeger suggested a wording change on page 8 of the minutes.

MOTION

Vice Chair Provonsha moved to approve the minutes from July 28, 2016, seconded by Commissioner Boeger. All in favor. The motion carried unanimously.

4. New Business

a) Adoption of Findings of Denial for Design Review #2016-02: Application for the proposed construction of a new 2,900 square foot accessory maintenance use in the Recreational (REC) zoning district at 5 Golf Lane. Applicant: Marvin Anderson Architects, PLLC, for 5GL, LLC.

City Attorney Matt Johnson corrected a statement he made in a previous meeting in response to a question from Scott Campbell, of Moffatt Thomas and representing the applicant, regarding the preparation of a meeting transcript. He explained that the statute allows the applicant to request a transcript be prepared at their own cost based on the City's recording.

Johnson provided an update of the procedural status of the application. He noted that a draft of the findings for denial had been prepared by staff, however the applicant had recently submitted a variance application that may have an impact on the design review application. Johnson stated that he had a conversation with Campbell regarding the recent actions and that legal counsel's recommendation is to table the final adoption of the findings pending the determination on the recently submitted variance application. Johnson noted the application is currently being reviewed by staff and is scheduled for the October 20, 2016 Planning & Zoning Commission Meeting.

Chairman Herich disclosed that he had a conversation regarding the history of the application with the Fire Chief following the adjournment of the last Planning & Zoning Commission meeting. He explained that the Fire Chief had noted that one solution would be to install an electric pump on the property, which would charge the stand pipe and could also be utilized to serve a sprinkler system for the barn. Chairman Herich disclosed that he had a discussion prior to the current meeting with the applicant's legal counsel, Scott Campbell, and that he seemed amenable to the option. Chairman Herich asked Fire Chief Ray Franco if he represented the conversation accurately and invited the applicant to address the Commission.

Scott Campbell, of Moffatt Thomas and representing the applicant, addressed the Commission and noted that he would correct two comments made by Chairman Herich. He explained that the source of the water is not a cistern but is a pond on the property. He also clarified that Chairman Herich's reference to counsel was directed to him and not to City Attorney Matt Johnson. Campbell explained that the conversation of an alternative option was welcome, but he did not hear Chief Franco's response to Chairman Herich's comments. He requested verbal confirmation from Chief Franco regarding Herich's characterization of their conversation. Chief Franco responded that Chairman Herich's representation of their conversation regarding the possibility of installing an electric pump on site was accurate. Campbell noted that while his client is currently unaware of this development as it just transpired prior to the meeting, he expects that his client will be pleased with this possible option. Campbell concurred with staff in the recommendation to defer review to the October meeting.

Community Development Director Jae Hill noted that as the department recently received the variance submittal materials, the application had not been certified complete or reviewed yet. Hill noted the application should be ready for review by the Planning & Zoning Commission meeting on the October 20th meeting unless it is materially deficient.

Campbell acknowledged that staff has certain timelines and restrictions but noted that the applicant would like to have the application reviewed on a meeting in September. Herich asked if staff could commit to reviewing the application in time for a September meeting agenda. Hill explained that he could not commit to that timeline as the department had received numerous applications and other agenda items were already scheduled for September. Hill explained that the department can not commit to a September meeting date as the application has not yet been certified complete.

Chairman Herich requested clarification regarding noticing procedures for tabling the adoption of the findings. City Attorney Matt Johnson responded that the noticing procedures depend upon the action

being taken. He explained that the Commission has taken a preliminary action regarding the design review, but has not finalized the action by adopting the findings. Johnson stated that if the variance application causes the Commission to consider reopening the design review application for deliberations and input, then the application would need to reopen for public comment and re-noticing would be required. He explained that the adoption of the findings could be postponed until a determination of the variance application is made without specifying a date, however if the Commission reopens deliberations and reconsiders the decision to deny the design review application, then that action will require re-notification for a public hearing.

MOTION

Commissioner O'Connor moved to table the adoption of findings of denial for Design Review #2016-02 until such time as the anticipated variance application determination is made, seconded by Commissioner Bill Boeger. All in favor. The motion carried unanimously.

b) [Appeal of Director's Determination: 103 Skyline Dr \(Amended Lot 27B, Dollar Mountain Sub\). Appellant claims that the Director's determination of curative action on Stop Work Order 2013-01 was inappropriate and that any plantings should have received design review. Appellants: John and Marlis Carson, 101 Skyline Dr.](#)

Community Development Director Jae Hill provided background information regarding the appeal of his administrative action. He explained that the owners of the property located at 103 Skyline Drive proposed planting trees as a curative measure for a stop work order after clearing the subject lot without approval. Hill approved the proposal administratively as he determined that planting four trees did not warrant a design review. He explained that the Sun Valley Municipal Code specifies that any landscape change may be reviewed by the Planning & Zoning Commission, however these projects are often reviewed internally within the department. Given the tumultuous history between the neighbors, Hill felt that screening would enhance the separation between the two properties. Hill noted that the Carson's appealed his decision to approve the planting of four trees at 103 Skyline Drive.

Hill explained that the only question before the Commission is not the merit of the project but to determine whether or not planting four trees rises to the level of design review and if the Director was within his authority to take action. He noted that if the Commission determines the Director erred in his application of the Code, then the design review application will be reviewed at a future meeting.

Chairman Herich expressed that his interpretation of the Code is that any decision made by the Director may be appealed to the Planning & Zoning Commission and asked why this appeal was different. Community Development Director Jae Hill responded that in this circumstance the Commission is reviewing the appeal of an action taken by the Director not an appeal of the Director's determination of a design review application. He noted that no formal design review application was submitted with the proposal to plant the four trees. Hill noted that staff had provided the Commission with a suggested appeal proceedings list.

Chairman Herich invited the appellant to present their case to the Commission. Marlis Carson, owner of the property at 101 Skyline Drive and the appellant, described screening issues between the two properties and how the four trees affected their view corridor. She proposed returning to the Commission with a new landscape plan that would provide screening without blocking the view in exchange for the removal of three of the trees.

John Carson, the appellant, stated that they had lived in their home at 101 Skyline Drive for 20 years and never had issues with the former owners of the adjacent property. He noted that they would pay for and maintain the new landscaping because they want to be good neighbors.

Commissioner Boeger asked if the diseased trees on the property were removed and if the four trees were already planted. Community Development Director Jae Hill responded that the diseased trees were removed years ago and that the four trees were already planted on the property.

John Carson noted that the new trees must be removed as they are blocking a view that they have enjoyed for many years. He explained that the neighbor's screening concerns may be addressed by planting smaller trees and shrubs.

Vice Chair Provonsha requested more information regarding the Trimper's reasoning for planting the four trees and their chosen location on the site. Hill responded that the owners gave several reasons for planting the trees, which included screening the view of the Carson's bedroom and hot tub. He noted that the Trimper's also wanted to make the building envelope on the lot more appealing for potential buyers by enhancing the vegetative screening.

Chairman Herich opened the meeting to public comment on behalf of the appellant. Hearing no comment, he closed the public hearing.

Chairman Herich invited John Trimper, owner of the property located at 103 and 105 Skyline Drive, to speak in favor of the Director's determination. Trimper reiterated that the question before the Commission was whether or not the planting of the four trees was improper and required a design review. He noted that he felt the Community Development Director had made the correct determination in deciding that the planting of four baby spruce trees did not warrant design review.

Trimper explained that the Director has the authority to interpret the meaning, intent, and application of the City's Development Code and the Commission should give deference to his decision. He noted that unless the Director's determination was erroneous or an abuse of discretion, then his decision should not be altered. Trimper noted that Hill provided a cogent and reasonable explanation for his decision. He stated that the proposal to plant four trees to enhance privacy did not necessitate review by the Planning & Zoning Commission as the Director has the authority to approve minor changes to existing landscaping.

Trimper presented a Google Earth image of Skyline Drive to illustrate that historically the Carson's did not enjoy a view due to the previous owner's landscape. Trimper noted that Doug Clemens, landscape designer, endeavored to plant the four trees in exactly the same location as the previously removed trees. Trimper reiterated that the only action taken was to replace the trees that previously existed on the site.

Trimper highlighted sections in the Development Code regarding the types of alterations and development that trigger a formal design review process. He discussed the significant privacy issues between the two properties and presented pictures highlighting the lack of screening and noted that his right to plant trees on his property for privacy supersedes view access.

Chairman Herich re-opened the meeting to public comment in support of the Community Development Director's decision. Hearing no comment, he returned to the appellant to speak in response.

John Carson, the appellant, presented the Commission with a photograph of their property from many years ago and noted that no trees existed on the site. He stated that he did not agree with many of the comments made by Mr. Trimper.

Chairman Herich re-opened the meeting to public comment.

Peter Schwabe, a guest of the Carson's, noted that the four trees have an impact on his host's property and presented the Commission with a photograph taken from the living room of the Carson's home, which demonstrated the effect on their view.

Marlis Carson noted that the trees are planted so close together that they block the view. She noted that the Carson's offered to pay to move the trees and that the Trimper's responded by threatening to plant even more trees.

John Trimper noted the Commission cannot impose a view easement on the Trimper's property to the owner's detriment without any compensation.

Chairman Herich closed the public hearing and reiterated that the Commission was not requested to consider a landscape proposal. He explained that the Commission must decide whether the Director was within his authority to have made the administrative decision regarding planting four trees.

Commissioner Boeger asked whether or not the neighborhood at Skyline Drive had a homeowner's association. Trimper responded the neighborhood did not have an HOA. Commissioner Boeger requested clarification regarding Idaho law and rights to a view. Johnson clarified that in order to secure a view in Idaho an owner would need a view easement.

Vice Chair Provonsha noted that this dilemma regarding the growth of trees encroaching view corridors is occurring more frequently within the community. He noted that it is unfortunate that the landscape changes did not appeal to both parties. He stated that the Director acted within his authority.

Commissioner O'Connor agreed that the Director acted appropriately. He noted that the situation between the neighbors was unfortunate.

MOTION

Vice Chair Provonsha moved to uphold the Director's determination, seconded by Commissioner Boeger. All in favor. The motion carried unanimously.

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 10:37 a.m.

Ken Herich, Chairman

Alissa Weber, City Clerk

**Minutes of the Planning and Zoning Commission
September 8, 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 September 8, 2016 at 9:00 a.m.

1. Call To Order

The Commission reconvened in the Council Chambers following a site visit to 410 Fairway Loop. Vice Chair Provonsha called the meeting to order at 9:50 a.m.

Vice Chair Provonsha asked the Commission for disclosures on the agenda items. The Commissioners had nothing to disclose.

Present: Vice Chair Jake Provonsha, Commissioner John O'Connor, and Commissioner Sherri Newland
Absent: Chair Ken Herich, Commissioner Bill Boeger
Also Present: Community Development Director Jae Hill, Associate Planner Abby Rivin, Planning Intern McKayla Dear, Carmen Finnegan, JC Miller, Richard Lee

2. Public Comment

None.

4. New Business

a) Design Review 2016-37 and Conditional Use Permit 2016-05: Dollar Mountain Wireless Tower. An application by Verizon Wireless to replace existing equipment, and add additional antennas & related equipment to an existing tower. Applicant: Richard C. Lee for American Towers, LLC.

Richard Lee, representing the applicant American Tower Corporation and Verizon Wireless, presented the project, which included replacing three antennas and installing three additional antennas onto an existing tower. Lee noted that the replacement and installation of new equipment will increase capacity.

Vice Chair Provonsha commented that the report stated service will expand as far as Galena and requested the applicant describe how the service will improve. Lee responded that a service propagation map was included with the application material. He explained that the goal of the upgrade is to enhance capacity but the project will also increase the range of service.

Commissioner O'Connor remarked that the application was similar to the collocation application reviewed by the Commission on the June 23, 2016 meeting.

Commissioner Newland clarified the location of equipment installation. Lee noted that the pole and mounts will remain unchanged and the height will not increase with this proposal. Lee stated that the noise level and electrical requirements will also remain unchanged.

Commissioner Newland remarked that she appreciated the structural engineering information and analysis that was included in the packet. Lee commented that anytime upgrades are proposed a structural analysis is performed on the tower.

MOTION

Commissioner O'Connor moved to approve Design Review DR 2016-37, approving the collocation of new antennas on an existing wireless communication facility, pursuant to the Findings of Fact and Conditions of Approval, seconded by Commissioner Sherri Newland. All in favor. The motion carried unanimously.

MOTION

Commissioner Newland moved to approve Conditional Use Permit CUP 2016-05, allowing for the collocation of three new and three replacement antennas to the existing wireless communication facility pursuant to the Findings of Fact and Conditions of Approval, seconded by Commissioner O'Connor. All in favor. The motion carried unanimously.

- b) [Design Review 2016-39 and Variance 2016-01: Application for the proposed construction of a new 1,207 sq ft trellis as well as a new landscape plan for an existing single-family residence at 410 Fairway Loop. 94 sq ft of the proposed trellis extends into the required setback, which necessitates a variance. Applicant: Carmen Finnegan, AIA for Michael Browne.](#)

Carmen Finnegan, architect for the applicant, presented the project. She described the trellis proposal and explained that the structure is an addition to an existing nonconforming structure, which will provide weather protection and shade.

Commissioner Newland asked about the materials and color of the trellis structure. Finnegan responded that the trellis will be steel and wood with finishes to match the existing residence. Commissioner Newland commented that the plans indicate that exterior lighting is proposed and asked about the location of the fixtures. Finnegan responded that lighting is proposed outside every exterior door and that the fixtures will be downlight only.

Commissioner O'Connor clarified the location of the existing residence as well as the proposed trellis to the property lines and setbacks. Vice Chair Provonsha noted that two of the support posts encroach into the setback. Commissioner O'Connor commented that the proposed fence panels will enhance screening.

Vice Chair Provonsha expressed reservations regarding the project as it compounds an existing nonconforming use, which violates City Code. He noted that the Planning & Zoning Commission's decision may be appealed to the City Council.

Commissioner Newland stated that she shared Vice Chair Provonsha's sentiment regarding compounding a nonconforming structure. She asked Community Development Director Jae Hill if landscape plans were required to be stamped by a landscape architect.

Finnegan noted that she was aware of the risk associated with the variance request, however she felt that the proposal was unique as the trellis would not affect adjacent neighbors. She explained that encroaching into the setback enhanced the structure architecturally without affecting adjacent properties.

Hill responded to Commissioner Newland's question regarding the stamp and stated that according to Code landscape plans must be prepared by a landscape architect but do not require a stamp.

Commissioner Newland noted that the landscape plan did not enumerate quantities of plants and that discerning the existing and proposed landscaping was difficult with the submitted drawings. JC Miller,

landscape architect for the project, noted that planting plan was still being developed. He explained that all of the existing trees will remain on site and will be supplemented with more aspen and conifer trees. Miller noted that the lawn will be native meadow with more accent plantings adjacent to the structure.

Commissioner Newland asked about the proposed fire pit. Miller responded that the fire pit will be gas only feature.

Commissioner O'Connor asked if other properties along Fairway Loop encroach into the 15 foot required setback. Hill responded that it is likely that other property owners in the neighborhood have taken advantage of Sun Valley Company property and encroached into the required setback.

Commissioner Newland asked about the location of the gas and electric utilities. Miller noted on the plans the location of the utilities as well as the trash enclosure.

Vice Chair Provonsha complimented the applicant on the design and upgrades and noted that while he understands the reason for the trellis design, he cannot approve the encroachment into the setback. He asked Hill if the Commission could approve the landscape plan without approving the variance request. Hill responded that the landscape plan is not part of the variance request. He noted that the only component of the landscape plan that requires additional discretion beyond the design review standards is the screening panels, which the Commission must approve the increase in allowable height. Hill recommended that the Commission take action on the variance application first and then uncouple the landscape plan from the trellis addition proposal in the design review application. He noted that if the applicant chooses to appeal the Commission's determination to the City Council, then he would not recommend uncoupling the landscape plan from the trellis.

Finnegan presented more information supporting the trellis variance request. She explained that none of the adjacent neighbors or the public will be able to view the trellis. She noted that the applicant has removed the previously existing nonconforming landscape and playground equipment. Miller noted that the applicants have worked to design the trellis with as minimal intrusion into the setback as possible. Hill explained that making findings to support a hardship for the property is difficult and that State Code has strict standards regarding variances. He emphasized that staff could not make a finding to support hardship for the property.

Finnegan explained that the owner considered redesigning, but the nonconforming corner was deteriorating due to sun exposure and winter weather. She asked if negative impacts as a result of weather could be considered a hardship. She noted that the trellis is designed to protect the structure from exposure.

Vice Chair Provonsha commented that he could not find hardship that denies reasonable use of the property.

Commissioner O'Connor stated that as the trellis addition is a slight intrusion and as he expects many properties in the Fairway neighborhood encroach into the setback, he would vote to approve the project.

Commissioner Newland expressed concern regarding the Commission making exceptions for specific projects and setting a precedent for not following the Code. She noted that if the Commission could find a hardship for the property, then she would support the project.

Vice Chair Provonsha noted that the Commission must consider the interests of all property owners including the Sun Valley Company. While he agreed with Commissioner O'Connor that the proposal was an architectural improvement, he stated that he could not find a hardship with the property.

Finnegan stated that setting a precedence is not always negative and may instigate forward momentum as well as positive change.

Community Development Director Jae Hill reiterated the findings required to approve a variance and the difficulty in making four of the required findings for this proposal.

MOTION

Commissioner Newland moved to deny approval of Design Review DR 2016-39, pursuant to the Findings of Fact, seconded by Vice Chair Provonsha. Commissioner O'Connor opposed the motion. The motion passed 2-1.

Community Development Director Jae Hill asked if the Commission wanted to deny the entire design review or to uncouple the landscape plan from the application.

Vice Chair Provonsha responded that he did not want to deny approval of the landscape plan. He urged the applicant be vigilant regarding the property line when grading the site and installing other landscape features.

Hill suggested that the Commission direct staff to approve the landscape plan administratively.

MOTION

Commissioner O'Connor moved to direct staff to administratively review and approve the landscape plan, seconded by Commissioner Newland. All in favor. The motion carried unanimously.

Commissioner O'Connor asked the Director how he would recommend the applicants proceed with the trellis addition.

Hill responded that the applicants may appeal the Commission's decision in writing to the City Council within 10 days.

MOTION

Commissioner Newland moved to deny approval of Variance VR 2016-01, pursuant to the Findings of Fact, seconded by Vice Chair Provonsha. Commissioner O'Connor opposed the motion. The motion passed 2-1.

Hill reiterated the process for appealing the Commission's determination. Commissioner O'Connor asked about the process if the applicants choose to submit a redesign.

Hill responded that the applicants removed an existing 2 ½ foot eave feature that they could reinstall on the structure as it replaces an existing nonconformity, which could be approved through design review.

Finnegan asked whether the Commission would require review of a redesign of the trellis that conformed to setbacks. Hill responded that if the applicant chose to redesign, then a Commissioner on

the prevailing side of the denial could move to reconsider the motion for Design Review DR2016-39 and give direction that the applicant return to the Commission with a compliant redesign.

JC Miller stated that redesign is the option the applicant would like to pursue to avoid delaying progress on the home.

MOTION

Commissioner Newland moved to reconsider denial of Design Review DR2016-39, seconded by Vice Chair Provonsha. All in favor. The motion carried unanimously.

MOTION

Commissioner Newland directed staff to work with the applicant for a redesign submittal of Design Review DR 2016-39 and to continue the application to a date certain, September 22, 2016, seconded by Commissioner Provonsha. All in favor. The motion carried unanimously.

7. Adjourn

Commissioner O'Connor excused himself from the meeting. The Commission lost its quorum and the meeting adjourned at 10:59 a.m.

Jake Provonsha, Vice Chairman

Nancy Flannigan, Assistant City Clerk/Treasurer

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

From: Jae Hill, AICP, CFM, Community Development Director
Meeting Date: 22 September 2016

DESIGN REVIEW (DR2016-48)

APPLICANT: Ruscitto/Latham/Blanton Architects for Sun Valley Company

LOCATION: Parcel B and Tract D Amended; Diamond Back Townhomes PUD, White Clouds Subdivision

ZONING DISTRICTS: Multi-Family Residential (RM-1) Zoning District

REQUEST: Approve the design of a new duplex townhome; authorize construction of four new duplexes and two new single-family units.

ANALYSIS: Thirty-six townhomes were originally approved in Design Review DR2014-05 in a combination of duplex and four-plex configurations. In MPD2015-01, the applicant applied for a range of permissible units (26-36) on the site. In DR2015-33, the applicant amended their proposal for a total of thirty-one units on the site, in a mix of single, duplex, and four-plex configurations.

The subject application would result in 33 units on the expanded property, which – per SUBPA2016-04 – will also include a portion of Lot 31, White Clouds Subdivision into the newly amended Parcel B.

This application also increases the open site area provided from 37% of gross acreage in the last approval to nearly 60%, reducing development impacts in the area.

| | Approved | Proposed |
|------------------------------------|---|---|
| Parcel Area: | 6.48 ac (282,674 sf) | 6.96 ac (303,376 sf) |
| Building Envelope: | N/A | N/A |
| Units: | 31 | 33 |
| Open Site Area Required: | 25% of gross acreage (70,668 sf) | 25% of gross acreage (75,844 sf) |
| Open Site Area Provided: | 37% of gross acreage (104,950 sf) | 51% of gross acreage (155,509 sf) |
| RM-1 Zone Allowable Height: | 44' max. | 44' max. |
| Proposed Height of Townhome Units: | No portion exceeds 44' above existing record grade. | No portion exceeds 44' above existing record grade. |
| Setbacks: | 15' from public right-of-way | 35'+ from public ROW |
| Min/Max Density: | 4/14 units per acre | 4/14 units per acre |
| Density: | 4.8 units/acre | 4.74 units/acre |

The “small duplex” unit is a new configuration, while the “single-family” and “large duplex” unit layouts were originally approved in DR2015-33, but are increasing in size with this application.

The floor area (sf) for the proposed designs are as follows:

| | Single-Family* | Small Duplex* | Large Duplex* |
|--------------------------------|----------------|---------------|---------------|
| Upper Level | 1091 | 872 | 1229 |
| Main Level | 2661 | 1395 | 1602 |
| Lower Level | 1772 | 1585 | 1792 |
| Total Floor Area | 5524 | 3852 | 4623 |
| Total Footprint | 3742 | 2377 | 3566 |
| Height | 31’10" | 39’6" | 37’3" |
| Floor Area Change (+/-, in sf) | +269 | | +547 |
| *indicates new or modified | | | |

Phase 2 of the project initially included eight units in four buildings – two large duplexes and two of the original “small” duplexes. This new reconfiguration results in three large duplexes, two single-family units, and one of the new “small” duplexes for a total of ten units in six buildings. With the corresponding expansion of the development parcel, the density actually decreases despite the increase in total units.

Applications for design review are subject to standards in SVMC § 9-3A-3. Many of the standards are not applicable as the buildings are simply replacing previously approved building locations with new floorplans.

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. **This has been reviewed and approved by the City Engineer for compliance.***

*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.***

*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. **The Fire Department previously approved this subdivision.***

*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. **This has been approved by the City Engineer.***

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.* **Not applicable.**

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.* **Drainage was previously approved by other subdivision and design review applications.**

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 13,925 sf of snow storage area in Phase 2 – 1,075 sf more than required by code.**

8. *Appropriate address numbers and monuments are shown in accordance with the requirements as set forth in article G of this chapter.* **The Fire Department has previously approved numbering on the project.**

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.* **The development is tucked against the base of the adjoining hill.**

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.* **Every lot is/will be connected to Sun Valley Water & Sewer District's utilities.**

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.* **Grading has been rounded and leveled.**

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.* **Not applicable.**

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 project is no longer subject to Hillside Standards, post-grading, per the original PUD approval.**

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 new buildings will use similar materials to the previously approved units.**

2. *The proposed improvements conform to natural landscape features by minimizing the degree of cuts and fills. **The project has substantial cuts on the hillside area.***

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. **The plan includes the location of all new lighting fixtures, which are the same as the existing fully-shielded fixtures on the other buildings.***

4. *Building design includes weather protection that prevents water from dripping or snow from sliding onto pedestrian or vehicle areas or onto adjacent properties. **The building's roof includes snow clips and gutters.***

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). **Not applicable.***

6. *All improvements are designed to minimize light and sound emanating to other properties as set forth in article B of this chapter. **The project appears to be compliant with the exterior lighting ordinance.***

7. *Rooftop chimneys and utilities are enclosed and design is consistent with the primary structure. **Condition is met, see plans for details.***

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. **Access was previously approved in the subdivision application.***

2. *The site plan provides for safe and uninhibited traffic flow both within the project and onto adjacent streets. Site distances and proper signage are in accordance with title 7 of this code. **Access was previously approved in the subdivision application.***

3. *Parking areas meet aisle dimensions, backup space and turning radius requirements in accordance with title 7 of this code. **Access was previously approved in the subdivision application.***

4. *Parking areas are designed to minimize adverse impacts upon living areas and upon adjacent properties with regard to noise, light, and visual impact. **Access was previously approved in the subdivision application.***

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. **Access was previously approved in the subdivision application.***

E. Landscaping Quality:

1. Landscaping provides relief from and screens building surface areas and street frontage. "Landscaping" is defined as trees, shrubs, planters, hanging plants, ground cover, and other living vegetation. **Provided.**

2. Landscape materials and vegetation types and sizes specified are appropriate and readily adaptable to the microclimate and soil conditions of the project location. Native drought resistant and winter hardy plant materials are encouraged. **Provided.**

3. Existing trees, shrub masses, and important landscape features are preserved where reasonable. The removal of trees, shrubs, and nonhazardous plant materials is generally limited to those essential for a sensitive development of the site. **The site was scraped clean, no vegetation was retained.**

4. Significant landscape buffer areas between adjacent properties, different land use zones, and between streets and off street parking lots are provided. Street trees, public courtyards and appropriate pedestrian and bicycle path linkages are encouraged. **Numerous trees and vegetative screenings have been planted to reduce the visual impacts of buildings, provide a natural feel, and separate uses.**

F. Irrigation Limits:

1. In order to fairly distribute available domestic irrigation water to all residential lots and parcels served by the Sun Valley water and sewer district, the total area of any lot or parcel irrigated with Sun Valley water and sewer district water shall not exceed the following:

a. For RA and RS-1 single-family lots, the total area of all irrigated portions of the lot or parcel shall not exceed twenty two thousand (22,000) square feet (approximately 1/2 acre). **Not applicable.**

b. For RS-2 cluster single-family development parcels, and for RM-1 and RM-2 multiple-family development parcels, the total area of all irrigated portions of the development parcel shall not exceed fifty percent (50%) of the total development parcel size or one-half (1/2) acre of irrigated area per acre of development parcel. **40,100 square feet of the lot is proposed to be irrigated at varying levels, but 27,000 square feet of that vegetation is "low-maintenance" which will require minimal irrigation after it's established. Approximately 9,100sf will be drip irrigated and 31,000sf will be sprinklered.**

c. Temporary irrigation for revegetation of areas that were disturbed during construction and that when included exceed the maximum allowable irrigated area set forth herein, may be allowed up to two (2) growing seasons after landscape completion to irrigate and revegetate the disturbed areas. **Will be enforced after construction is complete and landscaping is installed.**

d. When trees are approved in "natural grass areas" where there is little or no irrigation planned or installed, a subsurface drip system that does not irrigate beyond the "drip line" of the tree or trees may be installed to water just the trees and as such, will not count as part of the irrigation limits set forth above. **Not applicable.**

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

- 1. Fences, screens, and dog runs are designed to be consistent with the architectural character of the structures on the property. **None proposed.***
- 2. Fencing and screening materials are finished on both sides. **None proposed.***
- 3. Fences, walls, retaining walls, screens, and dog runs are in accordance with the requirements set forth in article G, "Standard Regulations", of this chapter, including the provision that in all zoning districts, fences, screens, retaining walls, and freestanding walls may be approved in excess of the maximum height limit through the design review process. (Ord. 455, 12-6-2012) **None proposed.***

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

I. Exterior Lighting:

- 1. All light sources shall comply with an approved exterior lighting plan as set forth in article B of this chapter. **See Sheet 5.0 for a lighting example; see the floor plans for light locations.***
- 2. All nonresidential luminaries that deviate from the requirements of article B of this chapter shall demonstrate that:*
 - a. The proposed deviation is appropriate to the location of the lighting and the surrounding neighborhood; **Not-applicable.***
 - b. The proposed deviation will not unreasonably diminish either the health, safety, or welfare of the surrounding neighborhood uses; **Not-applicable.***
 - c. The proposed deviation will not unreasonably conflict with the general intent of article B of this chapter. **Not-applicable.***

J. Additional Evaluation Standards For Commercial, Public, And Multiple-Unit Projects (PUDs, RM-1, RM-2, SC, CC And OS-1 Zones, And Condominium And Townhouse Projects):

- 1. Proposed improvements are designed to maximize usable public/common space throughout the project. **Common space throughout the development, other than roads and parking areas, is not usable by the public, and instead reserved as private yard.***
- 2. Building walls that are exposed to street(s) are designed proportionally to human scale through the use of stepped building walls; undulating building walls; windows; balconies; mixture of materials, textures, and colors; and other architectural means. **The project is undulating in step with the natural terrain and articulated to break up building massing.***
- 3. Exterior circulation to public sidewalks and streets is provided. Sidewalks and thoroughfares that are covered by awnings, arcades, or other canopies for weather protection are encouraged. **The***

private streets connect to the public streets of Diamond Back Road; the interior private walkways connect to the public path/trail system along Trail Creek Road.

*4. Service and delivery vehicle (garbage, supplies, laundry, etc.) access, circulation, and areas are appropriate for the size of the development. Access, circulation, snow storage, and screened trash and storage areas are depicted on the plans using flow diagrams. **The project doesn't have trash or storage areas. Snow storage is depicted on Sheet L-1.***

RECOMMENDATION: Staff recommends approval of DR2016-48.

RECOMMENDED MOTION: "I move to approve DR2016-48 to allow for construction of ten new units, and approve the design styles for future units, 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

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

Project Name: **Design Review Application DR2016-48**

Applicant: **RLB Architectura for Sun Valley Company**

Location: **Diamond Back Townhomes, Tract D Amended, White Clouds Sub.**

Zoning District: **Multi-Family Residential (RM-1) Zoning District**

Project Description: Application for the proposed construction of four duplexes and two single-family units (Sublots 24 thru 33).

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

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district. **No dimensional standard of the RM-1 Zone is exceeded, and the project conforms to the zoning district when amended by the Planned Unit Development standards for the approval.**
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 project complies with the more than forty evaluation standards identified in the code for design review approval, including those for snow storage, access, emergency services, irrigated area, sensitivity to views, and water/sewer provision.**
3. The proposed design does not significantly impact the natural, scenic character and aesthetic value of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits in the City. **The proposed development will occur at the base of the adjacent hill.**
4. The proposed design is in context and complimentary to adjacent properties. **The proposed design is very similar in styling, color, and materials to the other existing buildings in the development.**
5. The proposed design is compatible with the community character and scale of the neighborhood. **The proposed structures are similar in size and styling to the other existing buildings in the development, and the design is similar to other projects throughout the City and adjoining communities.**
6. The proposed design adheres to standards for the protection of health, safety, and general welfare. **The designs have adequate snow protection, snow storage areas, fire and rescue access, connection to public utilities, and other characteristics which protect the health and safety of the neighborhood.**
7. The proposed design is of quality architectural character and materials. **The structures are mountain**

contemporary style and make use of natural looking materials like rock and wood, stepped forms, and articulation.

8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City. **The Comprehensive Plan identifies the area as Medium-Density Residential with a maximum of 14 units per acre. The White Clouds PUD allows for relaxed standards in permissible slope and provides for a range of uses and densities.**

CONDITIONS OF APPROVAL

1. **This application is conditioned upon approval of Zone Map Amendment 2016-02 and Subdivision Plat Amendment 2016-04.**
2. **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).**
3. **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.**
4. **Any requirements and/or approvals of private associations or other entities are the sole responsibility of the property owner.**
5. **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.**
6. **Approval is specific to the project drawings dated received by the City of Sun Valley on August 15, 2016.**
7. **Diamond Back Road and the private drives serving the townhome development 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 and project neighbors in advance.**
8. **No modifications to the approved plans shall be made without written permission of the Building Official and/or Fire Chief.**

CONCLUSIONS OF LAW

Therefore, this project does meet the standards for approval under Title 9, Chapter 3A, City of Sun Valley Municipal Code provided the conditions of approval are met. Design Review approval shall expire 365 days from the date of approval, unless extended as per Municipal Code Section 9-5A-8.

DECISION

Therefore, the Sun Valley Planning and Zoning Commission approves this Design Review Application No. DR2016-48.

Dated this 22nd day of September, 2016.

Ken Herich, Chairman
Sun Valley Planning and Zoning Commission

Date Findings of Fact signed _____



208.726.5608
www.rlb-sv.com
sun valley, idaho



RUSCITTO LATHAM BLANTON
ARCHITECTURA P.A.

DIAMOND BACK TOWNHOMES - PHASE 2
08.15.2016
SMALL DUPLEX



208.726.5608
www.rlb-sv.com
sun valley, idaho



RUSCITTO LATHAM BLANTON
ARCHITECTURA P.A.

DIAMOND BACK TOWNHOMES - PHASE 2
08.15.2016
SINGLE FAMILY



208.726.5608
www.rlb-sv.com
sun valley, idaho



RUSCITTO LATHAM BLANTON
ARCHITECTURA P.A.

DIAMOND BACK TOWNHOMES - PHASE 2
08.15.2016
LARGE DUPLEX

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

From: Jae Hill, AICP, CFM, Community Development Director
Meeting Date: 22 September 2016

PLAT AMENDMENT (SUBPA2016-04)

APPLICANT: Benchmark Associates for Sun Valley Company

LOCATION: White Clouds Subdivision

ZONING DISTRICTS: Multi-Family Residential (RM-1) Zoning District

REQUEST: Amend the preliminary plat (SUBPP2014-04) for *Diamond Back Townhomes* and the plat of *White Clouds Corrected* to increase the number of sublots from 31 to 33 and reconfigure/renumber the sublots in the new Tract D Amended; also to remove 6,057 of area from Lot 1, *White Clouds Corrected*, and to add it to the remainder of Parcel B to create Lot 31.

ANALYSIS: The applicant is increasing the size of Tract D in the Diamond Back Townhomes by shifting the northern lot line into Parcel B. The number of sublots (dwelling units) is also increasing from 31 to 33 with this Amendment.

A 20,702 sf portion of Parcel B will be incorporated into Tract D Amended and be zoned RM-1 through application ZMA2016-02; 37,912 sf of Parcel B will remain RA-zoned, and 6,057 sf of Lot 1 *White Clouds Corrected* will be added to Parcel B to create Lot 1A and Lot 31: two conforming lots with a one-acre minimum size. No new lots are created by this application, only two new sublots within Tract D Amended.

Applications for plat amendments are subject to the following standards, or they must be reviewed as a new application.

E. Standards:

- 1. A plat amendment shall not lower the dimensions of the lot below the minimum dimensional standards prescribed by this title;*
- 2. A plat amendment shall not increase the original number of properties, and may decrease the original number of properties; and*
- 3. A plat amendment shall not change or move any public streets or publicly dedicated areas in any manner.*

The subject application DOES increase the number of sublots and would therefore trigger a new preliminary plat review *if not for* the previously approved Master Plan MPD2015-01 which approved a range of units from 26 to 36 for the subdivision and PUD with the intent of maintaining flexibility in the

design and construction process. Also, the subject application amends a preliminary plat as opposed to a recorded final plat for the subdivision.

The addition of two new units does not substantially increase the demand for water, sewer, and other public utilities as well as other public services including fire and police response. The City Engineer has reviewed the applications and recommended approval as well.

RECOMMENDATION: Staff recommends approval of SUBPA2016-04 amending the previously approved plats of *White Clouds Corrected* and *Diamond Back Townhomes*.

RECOMMENDED MOTION: "I move to recommend approval to the City Council of Plat Amendment SUBPA2016-04, amending the previously approved plat of *White Clouds Corrected* and *Diamond Back Townhomes*, 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

SUN VALLEY CITY COUNCIL

| | | |
|---|---|-------------------------------------|
| PLAT AMENDMENT |) | FINDINGS OF FACT/CONCLUSIONS |
| PARCEL B, WHITE CLOUDS CORRECTED PUD SUB & |) | OF LAW, DECISION |
| TRACT D, DIAMOND BACK TOWNHOMES |) | AND CONDITIONS |
| APPLICATION NO. SUBPA 2016-04 |) | |

This subject Plat Amendment, a revision to the Preliminary Plat, was presented to the Sun Valley City Council for consideration on October 6, 2016 as a duly noticed public hearing. The application seeks to make two conforming lots – Lots 1A and 31 – from Parcel B, White Clouds Corrected Sub, while increasing the size of Tract D, Diamond Back Townhomes; also to increase the number of sublots and dwelling units from thirty-one to thirty-three, and to reconfigure the layout of said remaining sublots, on Tract D Amended. This Plat Amendment is specific to and contingent upon City approval of associated applications including Zone Map Amendment 2016-02.

The City Council conducted a properly noticed public hearing, reviewed the Agenda Report and heard the comments of City staff, the applicant's representatives and the public. Additionally, the Council reviewed the approval recommendation document and suggested Findings of Fact, Conclusions of Law, and Conditions of Approval recommended by the Planning and Zoning Commission. Based on the evidence presented, the City Council hereby approves the plat amendment with the following Findings of Fact and Conclusions of Law and subject to specific conditions of approval.

FINDINGS OF FACT/CONCLUSIONS OF LAW

1. The applicant is Benchmark Associates, P.A. for Sun Valley Company. The subject property consists of existing Parcel B of the White Clouds Corrected PUD Subdivision Plat and Tract D of the Diamond Back Townhomes Plat. This Plat Amendment application was submitted in conjunction with Zone Map Amendment 2016-02 and Design Review DR 2016-48. The applications were submitted to reorganize the subject area for construction of thirty-three (33) new residential townhome units on Tract D Amended.
2. The adjustment is appropriate for the lot and the surrounding neighborhood; no new lots are created, two new sublots are created within Tract D as permissible in the previously approved MPD2015-01, which allowed a range of units from 26 to 36.
3. The adjustment is consistent with the goals of the city comprehensive plan; the proposed development still meets the intent and standards of the RM-1 Multi-Family Residential zone and the Medium Density Residential land use designation of the Comprehensive Plan, which prescribes a minimum of 4 dwelling units per acre.
4. The adjustment will not affect the character of the neighborhood in a materially adverse manner; the

addition of two new units and the subsequent reconfiguration of the remaining lots will result in comparable density and no additional impact on adjoining owners.

5. The adjustment will not cause undue traffic congestion, or dangerous traffic conditions. The subject request will reduce traffic demand and will not alter the previously approved road system.
6. The plat amendment will not lower the lot dimensions below the minimum standards, will not increase the number of lots beyond those permitted in the master plan, and will not alter publicly dedicated streets or areas in any manner.
7. As required by City Code, the Planning & Zoning Commission performed a properly noticed public hearing on September 22, 2016 to receive public testimony, evaluate the project design for impacts and compliance with City standards and consider the facts and findings necessary to make a recommending decision on the application. The Planning & Zoning Commission formally recommended approval of the plat amendment application to the City Council.
8. The City Council performed a properly noticed public hearing on October 6, 2016 to receive public testimony, evaluate the project design for impacts and compliance with City standards, consider the Commission's recommendation and consider the facts and findings necessary to make a decision on the application. No significant negative impacts to the area or City due to the plat amendment have been identified by staff, the Commission or the City Council. No public comment opposing the amendment was received by the City during the Commission or Council's noticed review and comment periods.

DECISION

Therefore, based upon the foregoing Findings of Fact/Conclusions of Law, the Sun Valley City Council hereby approves the plat amendment to the White Clouds Corrected PUD Subdivision Plat and to Tract D Amended of the Diamond Back Townhomes Plat, according to the plat amendment map, supporting plans, and documents submitted as part of the development application, subject to the following specific conditions of approval.

CONDITIONS OF APPROVAL

1. The plat amendment and all aspects of the project design shall conform to the project drawings stamped received by the City of Sun Valley on August 11, 2016 and reviewed by the City Council on October 6, 2015.
2. This Plat Amendment is specific to and contingent upon City approval of associated applications including Zone Map Amendment 2016-02. The applicant shall satisfy all applicable conditions and requirements of these associated application approvals in addition to the conditions contained herein.

Dated this 6th day of October, 2016

Peter Hendricks, Mayor
City of Sun Valley

Date Findings of Fact signed

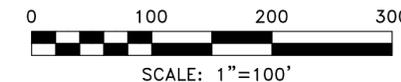
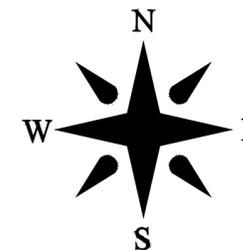
ATTEST:

Nancy Flannigan, Assistant City Clerk/Treasurer
City of Sun Valley

DIAMOND BACK TOWNHOMES: TRACT D AMENDED WHITE CLOUDS SUBDIVISION: LOT 1A & LOT 31

LOCATED WITHIN: SECTIONS 6 & 7, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M.,
CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO

WHEREIN THE BOUNDARIES COMMON TO DIAMOND BACK TOWNHOMES: TRACT D; WHITE CLOUDS,
CORRECTED: LOT 1 AND PARCEL B AMENDED ARE RELOCATED. CREATING DIAMOND BACK TOWN HOMES
TRACT D AMENDED AND WHITE CLOUDS SUBDIVISION LOTS 1A AND 31
AUGUST 2016



SCALE: 1"=100'

LINE DATA

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N11°00'31"W | 21.63' |
| L2 | N44°09'09"W | 46.73' |
| L3 | N31°07'38"W | 33.56' |
| L4 | N09°08'04"W | 38.41' |
| L5 | N29°44'09"W | 35.53' |
| L6 | N35°33'34"W | 63.34' |
| L7 | N21°27'48"W | 44.29' |
| L8 | N26°23'56"W | 50.92' |
| L9 | N04°46'02"W | 53.74' |
| L10 | N20°30'23"W | 38.29' |
| L11 | N31°43'19"W | 36.82' |
| L12 | N20°46'37"W | 61.45' |
| L13 | S45°30'17"E | 39.15' |
| L14 | N87°43'18"E | 45.28' |
| L15 | N47°33'11"W | 11.04' |
| L16 | S45°53'29"W | 28.77' |
| L17 | N44°06'31"W | 22.00' |
| L18 | N45°53'29"E | 41.35' |
| L19 | N11°00'31"W | 14.51' |
| L20 | N31°07'38"W | 10.34' |
| L21 | S45°53'29"W | 64.76' |
| L22 | N04°39'51"E | 29.00' |
| L23 | N45°34'31"W | 56.30' |
| L24 | S52°48'33"E | 93.17' |
| L25 | S52°48'33"E | 25.76' |
| L26 | N40°28'18"W | 29.95' |

CURVE DATA

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| C1 | 348.85' | 188.29' | 186.01' | S37°20'48"E | 30°55'31" |
| C2 | 344.00' | 95.96' | 95.65' | S29°52'31"E | 15°58'58" |
| C3 | 344.00' | 45.86' | 45.83' | S41°41'09"E | 07°38'18" |
| C4 | 424.53' | 156.73' | 155.84' | S56°04'53"E | 21°09'10" |
| C5 | 25.00' | 39.37' | 35.43' | S21°32'34"E | 90°13'47" |
| C6 | 25.00' | 13.86' | 13.68' | N09°47'15"E | 31°45'17" |
| C7 | 369.00' | 130.26' | 129.59' | N35°46'41"E | 20°13'36" |
| C8 | 286.00' | 80.27' | 80.01' | S38°34'29"E | 16°04'52" |
| C9 | 899.75' | 96.52' | 96.47' | N56°26'26"W | 6°08'46" |
| C10 | 899.75' | 122.85' | 122.76' | N49°27'21"W | 7°49'23" |
| C11 | 945.00' | 117.00' | 116.92' | N49°15'45"W | 7°05'37" |
| C12 | 945.00' | 195.74' | 195.39' | N39°46'54"W | 11°52'05" |

PREPARED BY: BENCHMARK ASSOCIATES, P.A.

LEGEND

| | |
|--|--|
| | PROPERTY BOUNDARY |
| | LANDSCAPE BUFFER PER PREVIOUS PLAT (SEE NOTE 8.) |
| | CULVERT EASEMENT (SEE NOTE 6.) |
| | CENTERLINE 10' ACCESS ESMT. (SEE NOTE 9.) |
| | SNOW STORAGE & UTILITY ESMT. PER PREVIOUS PLAT |
| | CENTERLINE DRAINAGE ESMT. - WIDTH VARIES (SEE NOTE 5.) |
| | CENTERLINE 10' DRAINAGE ESMT. (SEE NOTE 10.) |
| | CENTERLINE 15' WATER LINE ESMT. (SEE NOTE 11.) |
| | CENTERLINE 15' SEWER LINE ESMT. (SEE NOTE 12.) |
| | FOUND NAIL AND TAG IN PAVERS/CURB |
| | FOUND 5/8" REBAR |
| | SET 5/8" REBAR |
| | BRASS CAP |
| | EASEMENT - SEE SHEET 2 |

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

| | | |
|----------------------------------|---|---|
| | DIAMOND BACK TOWNHOMES: TRACT D AMENDED WHITE CLOUDS SUBDIVISION: LOT 1A & LOT 31 | |
| | LOCATED WITHIN: SECTIONS 6 & 7, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M., CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO | |
| PREPARED FOR: SUN VALLEY COMPANY | | |
| PROJECT NO. 16125 FINAL PLAT | BY: CPL/SWS DATE: 08/12/2016 | FILE: 16125-PH2PRE.dwg SHEET: 1 OF 3 |

**DIAMOND BACK TOWNHOMES: TRACT D AMENDED
WHITE CLOUDS SUBDIVISION: LOT 1A & LOT 31**

LOCATED WITHIN: SECTIONS 6 & 7, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M.,
CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO

WHEREIN THE BOUNDARIES COMMON TO DIAMOND BACK TOWNHOMES: TRACT D; WHITE CLOUDS, CORRECTED:
LOT 1 AND PARCEL B AMENDED ARE RELOCATED. CREATING DIAMOND BACK TOWN HOMES TRACT D AMENDED
AND WHITE CLOUDS SUBDIVISION LOTS 1A AND 31

AUGUST 2016

NOTES:

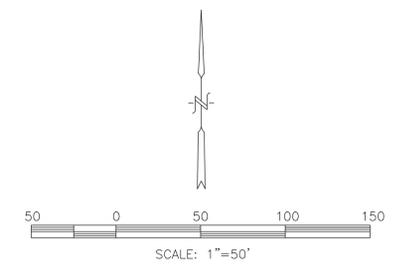
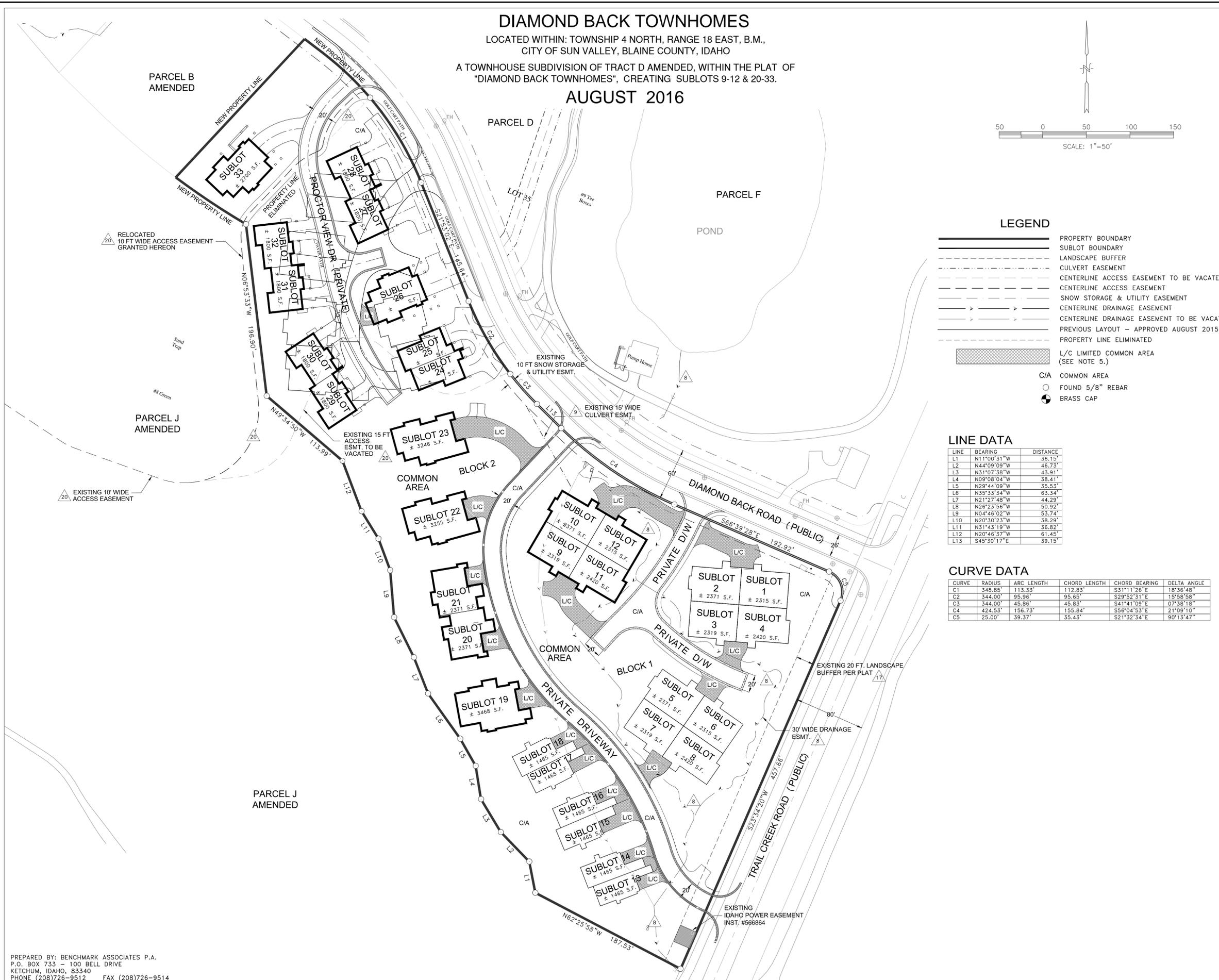
1. BASIS OF BEARINGS IS PER THE PLAT OF "WHITE CLOUDS CORRECTED: PARCELS A, B & J AMENDED", RECORDED AS INST. NO. 620423. REFER TO SAID PLAT & PLAT NOTES AND TO THE ORIGINAL PLAT AND CC&R'S OF "WHITE CLOUDS, CORRECTED" AND TO THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF DIAMOND BACK TOWNHOMES: SUBLOTS 13-14, 17-18 AND TRACT D", RECORDED AS INST. NO. _____, AND AS MAY BE AMENDED, FOR CONDITIONS AND/OR RESTRICTIONS GOVERNING THIS PROPERTY.
2. BUILDING SETBACKS SHALL COMPLY WITH APPLICABLE ZONING REGULATIONS.
3. ALL TOWNHOUSE OWNERS SHALL HAVE MUTUAL RECIPROCAL EASEMENTS FOR EXISTING AND FUTURE PUBLIC AND PRIVATE UTILITIES INCLUDING, BUT NOT LIMITED TO, WATER, CABLE TV, SEWER, NATURAL GAS, TELEPHONE, AND ELECTRIC LINES OVER, UNDER AND ACROSS THEIR TOWNHOUSE SUBLOTS AND COMMON AREA FOR THE REPAIR, MAINTENANCE AND REPLACEMENT THEREOF.
4. EACH LIMITED COMMON AREA IDENTIFIED HEREON IS FOR THE EXCLUSIVE USE OF SAID AREA FOR ACCESS AND PARKING FOR THE DESIGNATED SUBLOTS AS SHOWN HEREON. CONSULT THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE DEFINITION OF COMMON AREA AND LIMITED COMMON AREA.
5. A DRAINAGE EASEMENT, NOT LESS THAN 10 FEET IN WIDTH, EXISTS TO BENEFIT THE DIAMOND BACK TOWNHOMES OWNERS ASSOCIATION AND SUN VALLEY COMPANY, AND ITS SUCCESSORS AND ASSIGNS FOR DRAINAGE AND MAINTENANCE OF THE AS CONSTRUCTED STREAM AND POND AREAS, PER PREVIOUS PLAT.
6. A 15 FOOT WIDE CULVERT EASEMENT EXISTS TO BENEFIT SUN VALLEY COMPANY, AND ITS SUCCESSORS AND ASSIGNS, PER PREVIOUS PLAT.
7. A 10 FOOT WIDE UTILITY, DRAINAGE AND IRRIGATION EASEMENT EXISTS ADJACENT TO ALL STREET BOUNDARIES AND CENTERED ON THE BOUNDARIES COMMON TO DIAMOND BACK TOWNHOMES AND PARCELS B AND J AMENDED, PER PREVIOUS PLAT.
8. A 20 FOOT WIDE LANDSCAPE BUFFER IS RESERVED FOR TRAILS, HARDSCAPE, SIGNAGE, MONUMENT SIGNAGE, PLANTINGS OR SIMILAR USAGE, PER PREVIOUS PLAT.
9. A 10 FOOT WIDE PEDESTRIAN & VEHICULAR ACCESS EASEMENT EXISTS TO BENEFIT SUN VALLEY COMPANY, AND ITS SUCCESSORS & ASSIGNS, FOR GOLF COURSE PURPOSES AND TO THE SUN VALLEY WATER AND SEWER DISTRICT, AND ITS SUCCESSORS AND ASSIGNS, PER PREVIOUS PLAT. SAID EASEMENT SHALL FOLLOW THE GOLF CART PATH ALIGNMENT.
10. TEN (10) FOOT WIDE DRAINAGE EASEMENTS EXIST TO BENEFIT SUN VALLEY COMPANY AND ITS SUCCESSORS AND ASSIGNS TO ACCOMMODATE GOLF COURSE AND OTHER DRAINAGE ALONG THE AS CONSTRUCTED LOCATIONS OF THE OVERFLOW AND OTHER DRAINAGE PIPES, PER PREVIOUS PLAT.
11. A 15 FOOT WIDE WATER LINE EASEMENT EXISTS TO BENEFIT THE SUN VALLEY WATER & SEWER DISTRICT, AND ITS SUCCESSORS AND ASSIGNS, CENTERED ALONG THE EXISTING WATER LINE, PER PREVIOUS PLAT.
12. A 15 FOOT WIDE SEWER EASEMENT EXISTS TO BENEFIT THE SUN VALLEY WATER & SEWER DISTRICT, AND ITS SUCCESSORS AND ASSIGNS, CENTERED ALONG THE EXISTING SEWER LINE, PER PREVIOUS PLAT.
13. PUBLIC UTILITY EASEMENTS ARE HEREBY PROVIDED FOR ALL UTILITY LINES WHICH SERVE DIAMOND BACK TOWNHOMES WITHIN THE SUBLOT 13-14/17-18 BOUNDARY AND TRACT D, INCLUDING (1) ALL EXISTING UTILITY LINES AND (2) ALL FUTURE UTILITY LINES OVER UNDER AND ACROSS ALL SUBLOTS AND COMMON AREAS SHOWN HEREON, AND ALL FUTURE SUBLOTS AND COMMON AREAS TO BE PLATTED WITHIN TRACT D, AS REASONABLY NECESSARY TO SERVE ALL DIAMOND BACK TOWNHOMES.
14. ALL PRIVATE DRIVES SHOWN HEREON WITHIN COMMON AREA SHALL REMAIN OPEN AND UNOBSTRUCTED AND IT SHALL BE THE SOLE RESPONSIBILITY OF THE DIAMOND BACK TOWNHOMES OWNERS ASSOCIATION TO MAINTAIN SAID LANES YEAR-ROUND, INCLUDING BUT NOT LIMITED TO SNOW REMOVAL AND ENFORCEMENT OF NO VEHICULAR PARKING WITHIN SAID LANES AT ANY TIME.
15. TRACT D AMENDED IS RESERVED FOR DEVELOPMENT AND RESUBDIVISION OF FUTURE TOWNHOUSE UNITS AS APPROVED IN THE AMENDED PRELIMINARY PLAT OF DIAMOND BACK TOWNHOMES, DATED 8/12/2015, AND APPROVED 11/05/2015 OR IN ANY AMENDMENTS THAT MAY BE HEREAFTER APPROVED BY THE CITY OF SUN VALLEY.
16. COMMON AREAS, INCLUDING PRIVATE DRIVES SHOWN HEREON, ARE FOR THE BENEFIT OF ALL FUTURE PHASES OF DIAMOND BACK TOWNHOMES AS WELL AS FOR SUBLOTS 1-8 AND SUBLOTS 13-19.
17. COMMON SUBLOT BOUNDARIES ARE INTENDED TO BE THE EXISTING PHYSICAL PARTY WALLS AS CONSTRUCTED.
18. A PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT, WHICH SHALL BE AVAILABLE FOR AND BENEFIT ALL SUBLOTS WITHIN DIAMOND BACK TOWNHOMES, EXISTS AS SHOWN HEREON, AND SHALL, ON OR BEFORE THE COMPLETION OF ALL PHASES OF DIAMOND BACK TOWNHOMES, BE CONVEYED TO AND ACCEPTED BY THE DIAMOND BACK TOWNHOMES OWNERS ASSOCIATION AS COMMON AREA.

| | | |
|---|--|---------------------------------------|
|  | DIAMOND BACK TOWNHOMES: TRACT D AMENDED WHITE CLOUDS SUBDIVISION: LOT 1A & LOT 31 | |
| | <small>LOCATED WITHIN: SECTIONS 6 & 7, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M., CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO</small> | |
| <small>PREPARED FOR: SUN VALLEY COMPANY</small> | | |
| <small>PROJECT NO. 16125</small> | <small>BY: CPL/SWS</small> | <small>FILE: 16125-PH2PRE-PG2</small> |
| <small>FINAL PLAT</small> | <small>DATE: 08/12/2016</small> | <small>SHEET: 2 OF 3</small> |

DIAMOND BACK TOWNHOMES

LOCATED WITHIN: TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M.,
CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO
A TOWNHOUSE SUBDIVISION OF TRACT D AMENDED, WITHIN THE PLAT OF
"DIAMOND BACK TOWNHOMES", CREATING SUBLOTS 9-12 & 20-33.

AUGUST 2016



LEGEND

- PROPERTY BOUNDARY
- SUBLOT BOUNDARY
- LANDSCAPE BUFFER
- CULVERT EASEMENT
- CENTERLINE ACCESS EASEMENT
- SNOW STORAGE & UTILITY EASEMENT
- CENTERLINE DRAINAGE EASEMENT
- CENTERLINE DRAINAGE EASEMENT TO BE VACATED
- PREVIOUS LAYOUT - APPROVED AUGUST 2015
- PROPERTY LINE ELIMINATED
- L/C LIMITED COMMON AREA (SEE NOTE 5.)
- C/A COMMON AREA
- FOUND 5/8" REBAR
- BRASS CAP

LINE DATA

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N11°00'31"W | 36.15' |
| L2 | N44°09'09"W | 46.73' |
| L3 | N31°07'38"W | 43.91' |
| L4 | N09°08'04"W | 38.41' |
| L5 | N29°44'09"W | 35.53' |
| L6 | N35°33'34"W | 63.34' |
| L7 | N21°27'48"W | 44.29' |
| L8 | N26°23'56"W | 50.92' |
| L9 | N04°48'02"W | 53.74' |
| L10 | N20°50'23"W | 38.29' |
| L11 | N31°43'19"W | 36.82' |
| L12 | N20°46'37"W | 61.45' |
| L13 | S45°30'17"E | 39.15' |

CURVE DATA

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| C1 | 348.85' | 113.33' | 112.83' | S31°11'26"E | 18°36'48" |
| C2 | 344.00' | 95.96' | 95.65' | S29°52'31"E | 15°58'58" |
| C3 | 344.00' | 45.86' | 45.83' | S41°41'09"E | 07°58'18" |
| C4 | 424.53' | 156.73' | 155.84' | S58°04'53"E | 21°09'10" |
| C5 | 25.00' | 39.37' | 35.43' | S21°32'34"E | 90°13'47" |

- ### NOTES:
- BASIS OF BEARINGS IS PER THE ORIGINAL PLAT OF THE WHITE CLOUDS CORRECTED P.U.D. (INST. NO. 571308). BOUNDARY LINES AND CERTAIN EASEMENTS SHOWN HEREON ARE PER SAID PLAT. REFER TO SAID PLAT, PLAT NOTES & CC&R'S AND TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF DIAMOND BACK TOWNHOMES, RECORDED AS INST. NO. 571308 FOR CONDITIONS AND/OR RESTRICTIONS REGARDING THIS PROPERTY.
 - BUILDING SETBACKS SHALL COMPLY WITH APPLICABLE ZONING REGULATIONS.
 - ALL TOWNHOUSE OWNERS SHALL HAVE MUTUAL RECIPROCAL EASEMENTS FOR EXISTING AND FUTURE PUBLIC AND PRIVATE UTILITIES INCLUDING, BUT NOT LIMITED TO, WATER, CABLE TV, SEWER, NATURAL GAS, TELEPHONE, AND ELECTRIC LINES OVER, UNDER AND ACROSS THEIR TOWNHOUSE SUBLOTS AND COMMON AREA FOR THE REPAIR, MAINTENANCE AND REPLACEMENT THEREOF.
 - SUBLOT BOUNDARIES REFLECT BUILDING ROOF LINE PER ARCHITECT'S PLAN.
 - LIMITED COMMON AREA FOR DRIVEWAY ACCESS TO RESPECTIVE SUBLOTS.
 - A 30 FOOT WIDE DRAINAGE EASEMENT CENTERED ON THE REROUTED DRAINAGE DITCH IS GRANTED AS SHOWN HEREON.
 - A 15 FOOT WIDE CULVERT EASEMENT EXISTS WITHIN PARCEL A AMENDED, AS SHOWN HEREON.
 - THERE SHALL BE A 10 FOOT WIDE UTILITY, DRAINAGE AND IRRIGATION EASEMENT CENTERED ON ALL LOT LINES AND ADJACENT TO ALL STREET AND SUBDIVISION BOUNDARIES.
 - ALL REQUIRED EMERGENCY ACCESS LANES SHALL REMAIN OPEN AND UNOBSTRUCTED AND IT SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN SAID LANES YEAR-ROUND, INCLUDING BUT NOT LIMITED TO SNOW REMOVAL AND ENFORCEMENT OF NO VEHICULAR PARKING WITHIN SAID LANES AT ANY TIME.
 - THE 20 FOOT WIDE LANDSCAPE BUFFER WITHIN PARCEL A AMENDED IS RESERVED FOR TRAILS, HARDSCAPE, SIGNAGE, MONUMENT SIGNAGE, PLANTINGS OR SIMILAR USAGE.
 - A 10' WIDE ACCESS EASEMENT EXISTS ALONG THE GOLF CART PATH, TO BENEFIT THE SUN VALLEY WATER & SEWER DISTRICT FOR ACCESS TO WATER TANK AND SAID EASEMENT SHALL FOLLOW ANY REALIGNMENT OF SAID GOLF CART PATH.
 - ELEVATIONS BASED ON WHITE CLOUDS CONSTRUCTION DATUM.

P1 PRELIMINARY PLAT

PREPARED BY: BENCHMARK ASSOCIATES P.A.
P.O. BOX 733 - 100 BELL DRIVE
KETCHUM, IDAHO, 83340
PHONE (208)726-9512 FAX (208)726-9514

**DIAMOND BACK TOWNHOMES
PHASE 2**
LOCATED WITHIN
SECTION 6 & 7, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M.,
CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO

PREPARED FOR: SUN VALLEY COMPANY

| | | |
|-------------------|------------------|--------------------|
| PROJECT NO. 16125 | DWG BY: JPG/CPL | FILE: 16125PRE.DWG |
| PRELIMINARY PLAT | DATE: 08/12/2016 | SHEET: 1 OF 1 |

PLAT CHECK LIST

| | | |
|----|----------------------------------|---|
| 1 | Subdivision Name: | Diamond Back Townhomes, White Cloud Subdivision |
| 2 | Reviewer: | Betsy Roberts |
| 3 | Date: | August 30, 2016 |
| 4 | Sheet Title and Preamble: | Diamond Back Townhomes: Tract D Amended White Clouds Subdivision: Lot 1A & Lot 31 Located within: Sections 6 & 7, Township 4 North, Range 18 East, B.M., City of Sun Valley, Blaine County, Idaho Wherein the Boundaries Common to Diamond Back Townhomes: Tract D; White Clouds, Corrected: Lot 1 and Parcel B Amended are Relocated. Creating Diamond Back Townhomes Tract D Amended and White Clouds Subdivision, Lots 1A & 31. |
| 5 | Basis of Bearing: | OK. Basis of Bearing is identified on sheet 1 of 3 and in Note 1 of sheet 2 of 3 and refers the plat "White Clouds Corrected: Parcels A, B, & J Amended", recorded as Inst. No. 620423. |
| 6 | North Arrow: | OK |
| 7 | Scale and Legend: | Scale OK. Legend: Can't see the Landscape buffer line symbol except in a spot that seems to indicate that it is a "Boundary Line Eliminated" Drainage Easement: There are 2 line symbols in the legend but only one on the drawing that I can see. One is specifically called out on the drawing as the 10' wide drainage. Other part is not specifically identified. |
| 8 | Plat Closure: | Will review at Final Plat. |
| 9 | Total Area: | OK. Identified - will review at Final Plat with closure information. |
| 10 | Monuments: | OK |
| 11 | Land Corners: | OK |
| 12 | Initial Point: | Not Shown. Referred to in White Clouds Corrected Plat. |
| 13 | Street Names & Width: | OK |
| 14 | Easements: | OK |
| 15 | Lot & Block Numbers: | OK |
| 16 | Lot Dimensions: | Will review at final with closure |
| 17 | Curve & Line Tables: | Will review at final with closure |
| 18 | Certifications: | Shown |
| 19 | Certificate of Owner: | Shown |

| | | |
|----|---------------------------------|---|
| 20 | Certificate of Surveyor: | None |
| 21 | Sanitary Restriction: | None |
| 22 | Agency Approvals: | None |
| 23 | Public Dedication: | None (Standard public easement for utilities; nothing else new) |
| 24 | Common Areas: | OK per notes |

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

From: Jae Hill, AICP, CFM, Community Development Director
Meeting Date: 22 September 2016

ZONE MAP AMENDMENT (ZMA 2016-02)

APPLICANT: Ruscitto/Latham/Blanton Architects for Sun Valley Company
LOCATION: Parcel B Amended; Diamond Back Townhomes PUD, White Clouds Subdivision
ZONING DISTRICTS: Multi-Family Residential (RM-1) Zoning District

REQUEST: Approve the rezone of a portion of Parcel B (Tract D Amended after SUBPA2016-04) from the Rural Estate and Ranch (RA) Zoning District to the Multiple-Family Residential 1 (RM-1) Zoning District.

ANALYSIS: Tract D is the location of the current Diamond Back Townhome development, while Parcel B consists of single-family residential zoned parcels to the north. For the owner to expand the Diamond Back Townhomes project in accordance with the plans in DR2016-48, a replat of portions of Parcel B and Tract D (SUBPA2016-04) must occur, along with a rezone to allow for townhome-style development.

The Multiple-Family Residential Zoning District provides for medium density, residential apartment, condominium and/or townhouse dwellings, and incidental uses. The minimum lot size for a RM-1 lot is 20,000 square feet; the subject area to be rezoned is 20,702 square feet, so Parcel B could stand alone as an RM-1 parcel if the Subdivision Plat were to fail. 37,912 square feet of Parcel B will remain RA-zoned, and then will have some additional area from Lot 1 to become Lot 1A and Lot 31, two conforming lots with a one-acre minimum size.

The parcel is currently undeveloped and consists primarily of native vegetation. The difference between the permitted and conditionally-permitted uses in the current and proposed zoning districts are as follows:

| Use | RA | RM-1 |
|------------------------------------|-----|------|
| Accessory uses | C | P |
| Dwellings, accessory | P | - |
| Dwellings, clustered single-family | - | - |
| Dwellings, multiple-family | - | P |
| Dwellings, single-family | P | - |
| Dwellings, townhouse | - | P |
| Equestrian uses | C | - |
| Home occupations ¹ | P/C | P/C |
| Planned unit developments | C | C |
| Public service uses | C | C |
| Temporary uses | P | P |
| Timeshare units | - | C |

In order to approve a zone map amendment 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 Parcel B is designated as Medium Density Residential on the City's Future Land Use Map. Any future development proposals will be subject to the City's Design Review and/or Conditional Use Permit processes.**

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 Multiple-Family Residential (RM-1) Zoning District is intended for densities between 4 and 14 units per acre, and the proposed development is around 5 units per acre.**

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 zone map amendment will not materially increase the density of development in the subdivision. 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 proposed zoning action will allow for additional residential development in a neighborhood already zoned for residential development. Any development impacts can be mitigated through the Design Review or Conditional Use Permit processes.**

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. **No additional public services or facilities are necessary to support this rezone.**

RECOMMENDATION: Staff recommends approval of ZMA 2016-02 rezoning a portion of Parcel B Amended from the RA Zoning District to the RM-1 Zoning District.

RECOMMENDED MOTION: "I move to recommend approval to the City Council of Zone Map Amendment Application No. 2016-02."

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

ATTACHMENTS:

1. Draft Ordinance
2. Application Materials

31 property rights, is sensitive and complementary to adjacent properties, and respects the natural scenic
32 setting and views”; and

33
34 WHEREAS, the City Council finds that the zone map amendment will provide for construction of multi-family
35 residential uses which are permitted in, and appropriate for, the proposed RM-1 Zoning District; and

36
37 WHEREAS, the City Council finds that the proposed development will have minimal impacts on the natural
38 environment, as the site is already disturbed, lightly vegetated, and not in proximity to any riparian habitat
39 or hillsides; and

40
41 WHEREAS, the City finds that the proposed amendment to the official zoning map will not detrimentally
42 impact the health, safety, or welfare of the community as the change in zoning district will result in a net
43 decrease in density on the development and reduce the potential for services required on permitted
44 residential uses; and

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

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

51
52 WHEREAS, the request to amend the zoning map has been considered at a duly-noticed public hearing by the
53 Planning Commission on September 22, 2016, and such rezone was unanimously recommended to the
54 Council by the Commission;

55
56 NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sun Valley, Idaho, as follows:

57
58 The Official Zoning Map of the City of Sun Valley shall be amended to show a change in zoning
59 designation from the Rural Estate and Ranch (RA) Zoning District to the Multiple-Family Residential
60 1 (RM-1) Zoning District for portions of Parcel B Amended, White Clouds Corrected, as also shown

61 on Exhibit A, a map attached to this ordinance.

62

63 APPROVED BY THE SUN VALLEY CITY COUNCIL THIS 6th DAY OF OCTOBER, 2016.

64

65

APPROVED:

66

67

68 ATTEST:

Peter Hendricks, Mayor

69

City of Sun Valley

70

71

72 Nancy Flannigan, Assistant City Clerk/Treasurer

73 City of Sun Valley

DRAFT

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

From: Abby Rivin, CFM, Associate Planner
Meeting Date: 22 September 2016

DESIGN REVIEW (DR 2016-39)

APPLICANT: Carmen Finegan, AIA, Architectural Resources for Michael & Kelly Browne

LOCATION: 410 Fairway Loop, Fairway Subdivision Lot 8

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

REQUEST: Approve the design of a new 993 sq ft trellis addition to an existing, nonconforming single-family residence on Lot 8 in the Fairway Subdivision.

ANALYSIS: The applicant originally submitted an application for design review approval in conjunction with a variance request for a new 1,207 sq ft trellis addition, which encroached into the 15 ft required setback. A significant portion, 73.6 sq ft, of the previously proposed trellis extended 13'-3" into the setback and 20.7 sq ft extended 4'-5 1/4" into the setback. The Planning & Zoning Commission reviewed the project proposal at the September 8, 2016 meeting. A motion to deny the variance request was approved (2-1). The Commission directed staff to work with the applicant for a compliant redesign and continued the design review application to the September 22, 2016 meeting.

The applicant submitted the redesign drawings for the trellis addition on September 19, 2016. The majority of the trellis addition, 918 sq ft, is located on the east elevation of the structure over the backyard patio. While the home lies adjacent to residences to the north, south, and west, the backyard is adjacent to the Sun Valley golf course. Replacing a previously existing nonconforming eave, a 30" wide section of trellis extends across the building at the nonconforming corner. Sun Valley Municipal Code §9-1B-2A allows for the continuance of a nonconforming structure. While the south corner of the trellis extends 3.5' into the setback, the encroachment does not exceed the maximum of four feet allowed in Municipal Code §9-2A-3.E.2. None of the support posts for the trellis structure extend into the required setback. A small section of trellis, 75 sq ft, is proposed on the north elevation of the structure, which complies with the setback requirements. The trellis materials include steel and wood and the finishes will match the exterior of the structure.

The subject home has been a nonconforming structure since it was built in 1968, prior to the adoption of both the current 15 foot setback requirement and the maximum footprint allowed pursuant to City Code §9-2A-3. While the home is nonconforming, the trellis redesign does not intensify the existing nonconformities. The project drawings stamped received by the City of Sun Valley on September 19, 2016 detail all proposed changes and alterations to the existing structure.

RECOMMENDATION: Staff recommends approval of DR2016-39.

RECOMMENDED MOTION: "I move to approve Design Review DR2016-39 to allow for the construction of a 993 sq ft trellis addition, 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

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

Project Name: **Design Review Application DR2016-39**

Applicant: **Carmen Finegan, AIA, Architectural Resources for Michael & Kelly Browne**

Location: **410 Fairway Loop, Fairway Subdivision Lot 8**

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

Project Description: The applicant submitted an application for design review approval for a new 993 sq ft trellis addition to a, existing single-family dwelling on Lot 8 in the Fairway Subdivision. The majority of the trellis addition, 918 sq ft, is located on the east elevation of the structure over the backyard patio. While the home lies adjacent to residences to the north, south, and west, the backyard is adjacent to the Sun Valley golf course. A small section of trellis, 75 sq ft, is proposed on the north elevation of the structure. The trellis materials include steel and wood and the finishes will match the exterior of the structure.

Replacing a previously existing nonconforming eave, a 30" wide section of trellis extends across the building at the nonconforming corner. Sun Valley Municipal Code §9-1B-2A allows for the continuance of a nonconforming structure. While the south corner of the trellis extends 3.5' into the setback, the encroachment does not exceed the maximum of four feet allowed in Municipal Code § 9-2A-3.E.2. None of the support posts for the trellis structure extend into the required setback.

The subject home has been a nonconforming structure since it was built in 1968, prior to the adoption of both the current 15 foot setback requirement and the maximum footprint allowed pursuant to City Code §9-2A-3. While the home is nonconforming, the trellis redesign does not intensify the existing nonconformities. The project drawings stamped received by the City of Sun Valley on September 19, 2016 detail all proposed changes and alterations to the existing structure.

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

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district. **The subject trellis addition will not exceed the height, setback, nor any other dimensional regulation of the Single-Family Residential (RS-1) Zoning District set forth in Title 9, Chapter 2A. The existing development consists of a single-story, detached single-family dwelling with associated landscaping, vehicular access, and other site improvements. The existing structure is legally nonconforming with regards to setbacks and maximum footprint in the RS-1 District due to Code Section 9-1B-2A.**

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 structure is in conformance with all applicable standards**

for design review because it is appropriately and sensitively located on the existing platted lot. The trellis addition will provide shade and weather protection to the existing residence. The materials and colors will match the existing structure.

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 proposed trellis design is similar to other outdoor spaces in the neighborhood. The trellis structure does not extend any higher than the existing structure's height and doesn't pose any view issue to or from other adjacent residential properties.**
5. The proposed design is compatible with the community character and scale of the neighborhood. **The structure's styling is consistent with the design of the single-family dwelling and is consistent with other outdoor spaces in the area. No complaints or concerns about the proposal were received from adjacent property owners.**
6. The proposed design adheres to standards for the protection of health, safety, and general welfare. **No activity or development is proposed that adversely affects any aspect of access or other public safety design element.**
7. The proposed design is of quality architectural character and materials. **The proposed design of the structure is modern and utilizes high quality materials.**
8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City. **No land use change is involved with this trellis addition project. The existing single-family residential land use is consistent with the Low Density Residential Land Use Designation of the City's Future Land Use Map.**

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 dated received by the City of Sun Valley on September 19, 2016.
6. Fairway Loop 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 and project neighbors in advance.
7. No modifications to the approved plans shall be made without written permission of the Building Official and/or Fire Chief.

CONCLUSIONS OF LAW

Therefore, this project does meet the standards for approval under Title 9, Chapter 3A, City of Sun Valley Municipal Code provided the conditions of approval are met. Design Review approval shall expire 365 days from the date of approval, unless extended as per Municipal Code Section 9-5A-8.

DECISION

Therefore, the Sun Valley Planning and Zoning Commission approves this Design Review Application No. DR2016-39.

Dated this 22nd day of September, 2016.

Ken Herich, Chairman
Sun Valley Planning and Zoning Commission

Date Findings of Fact signed _____

410 FAIRWAY LOOP
BROWNE RESIDENCE

The application for Design Review is for a revised overhead trellis on the southeast (non public) side of the house. The trellis design has been revised in response to comments and feedback provided at the September 8, 2016 meeting of the Planning Commission. The trellis is desired to provide shade and a degree of weather protection. A steel frame structure with wood louvers for shade, the trellis extends the roof line, but does not extend beyond it. At its southern corner the trellis extends 42" into the 15' rear yard setback as a roof extension. This is the only encroachment into the setback and no posts are required to support this section of the trellis. The section of the trellis that extends into the set back is approximately 18' above the ground.

The revised design stops the trellis short of the setback line at the northeast corner where the master bedroom is located. The necessary support post for this part of the trellis has been shifted toward the house and away from the setback line. Historically this corner of the building is non conforming and extends into the rear yard setback. A 30" section of trellis attached to the building and requiring no support posts extends across the face of the building at the nonconforming corner. This section of the trellis replicates a roof extension that had previously existed. Not posts are required to support this section of trellis. The trellis extension into the setback occurs between 10' and 14' above the ground.

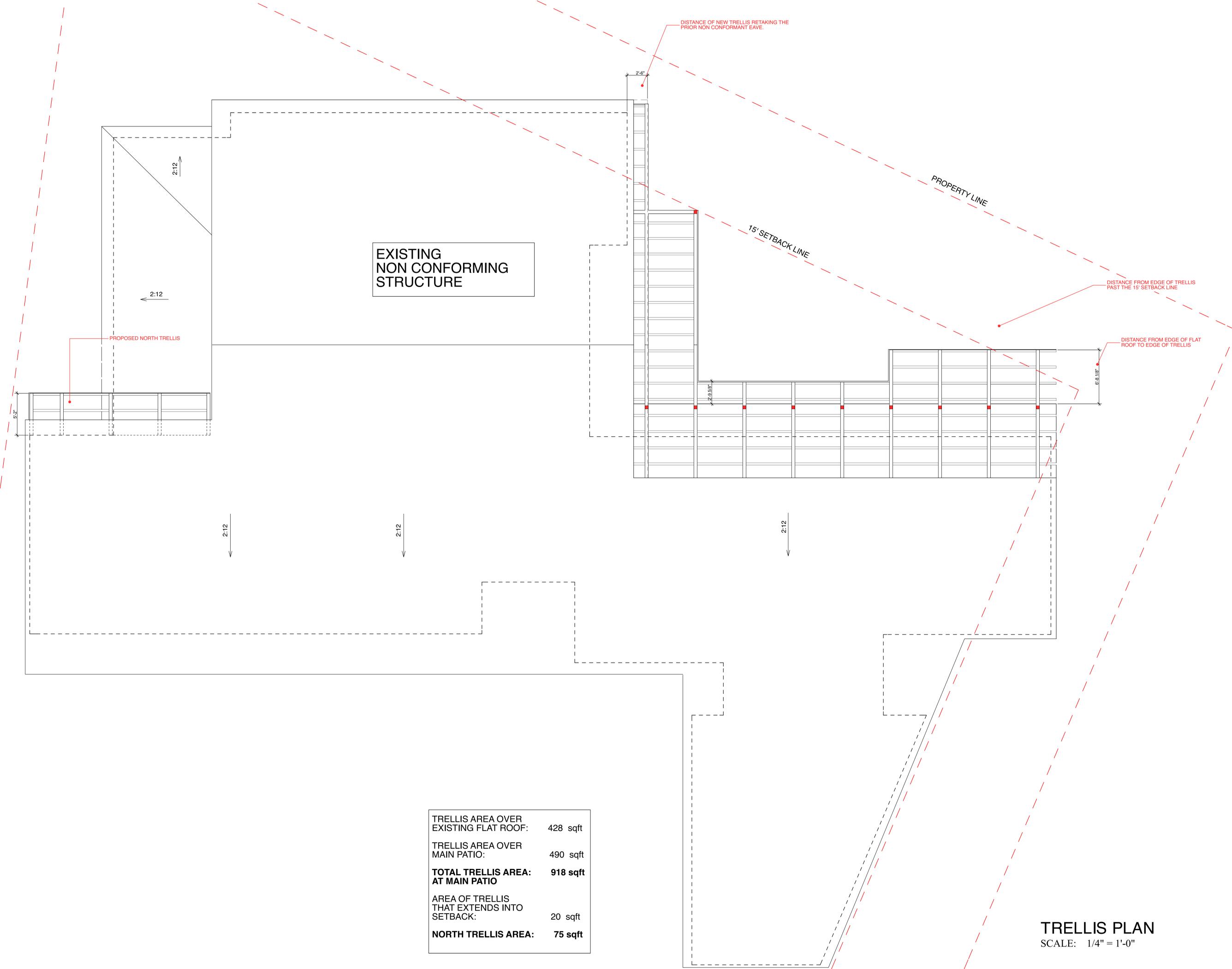


BROWNE RESIDENCE
 410 Fairway Loop, Sun Valley ID 83353

| REVISIONS |
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PROJECT: **0415**

A2.2



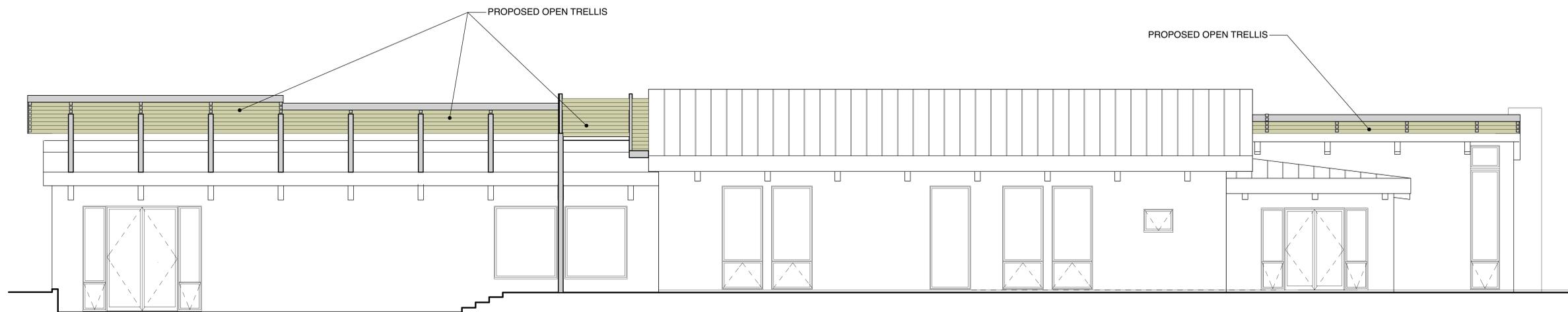
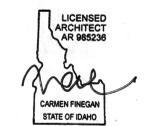
| | |
|--|-----------------|
| TRELLIS AREA OVER EXISTING FLAT ROOF: | 428 sqft |
| TRELLIS AREA OVER MAIN PATIO: | 490 sqft |
| TOTAL TRELLIS AREA: AT MAIN PATIO | 918 sqft |
| AREA OF TRELLIS THAT EXTENDS INTO SETBACK: | 20 sqft |
| NORTH TRELLIS AREA: | 75 sqft |

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

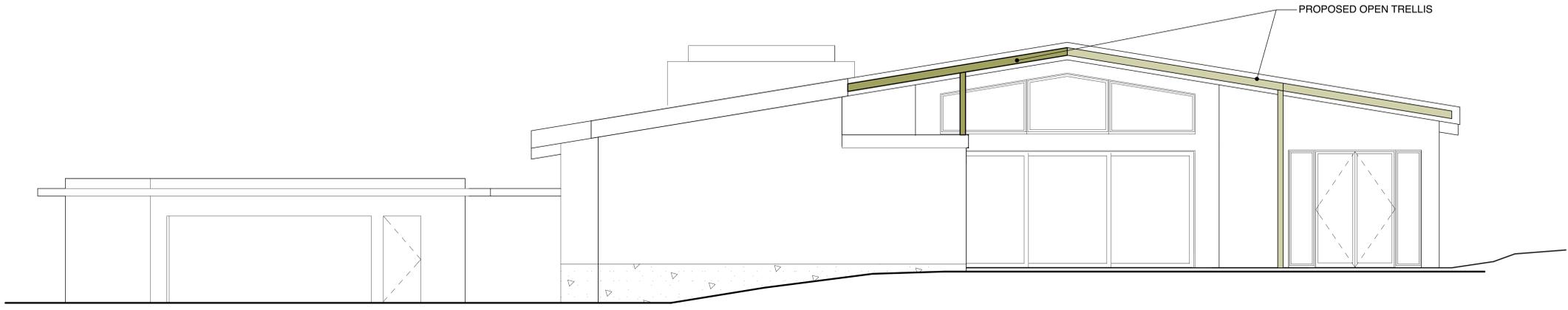
350 WALNUT AVE. KETCHUM ID 83340
P. BOX 3435 SUN VALLEY, ID. 83353
WWW.ARSUNVALLEY.COM

ar architectural resources
350 WALNUT AVE. KETCHUM ID 83340
P. BOX 3435 SUN VALLEY, ID. 83353
WWW.ARSUNVALLEY.COM

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EAST ELEVATION



SOUTH ELEVATION

BROWNE RESIDENCE
410 Fairway Loop, Sun Valley ID 83353

| REVISIONS |
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PROJECT: **0415**

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

A3.0

PRINT DATE: Monday, September 19, 2016



LEGEND

| | |
|--|-------------------------|
| | EXISTING PROPERTY LINE |
| | PROPOSED PROPERTY LINE |
| | EXISTING RM-1 ZONING |
| | PROPOSED RM-1 RE-ZONING |
| | EXISTING REC ZONING |
| | EXISTING RA ZONING |
| | EXISTING RS-1 |

**ZONING MAP AMENDMENT
WHITE CLOUDS SUBDIVISION**

- TRACT D
- PARCEL B AMENDED

PREPARED BY:
BENCHMARK ASSOCIATES, P.A.
P.O. BOX 733 - 100 BELL DRIVE, KETCHUM, IDAHO, 83340
PHONE (208)726-9512 FAX (208)726-9514 EMAIL: mail@bma5b.com
WEB: <http://benchmark-associates.com/>
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ZONING EXHIBIT

LOCATED WITHIN
SECTION 6 & 7, TOWNSHIP 4 NORTH, RANGE 18 EAST, B.M.,
CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO

PREPARED FOR : SUN VALLEY COMPANY

| | | | |
|-------------------|-------------------|------|---------------|
| PROJECT NO. 16125 | DWG BY: JPG | CRD: | ZONING.DWG |
| A ZONING EXHIBIT | DATE: AUGUST 2016 | | SHEET: 1 OF 1 |

41 of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry
42 land areas, as when earth is carried by a current of water and deposited along the path of the
43 current.

44 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion
45 or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly
46 caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by
47 an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual
48 and unforeseeable event which results in flooding as defined in paragraph 1.a. of this definition.

49
50 FLOOD INSURANCE RATE MAP (FIRM): The official map on which the federal insurance administration has
51 delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
52 A FIRM that has been available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

53
54 ~~FLOOD INSURANCE STUDY: The official report provided by the federal insurance administration that~~
55 ~~includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base~~
56 ~~flood. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding~~
57 ~~water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow)~~
58 ~~and/or flood-related erosion hazards.~~

59
60 ~~FLOOD PROTECTION ELEVATION (FPE): An elevation that corresponds to the elevation of the one percent~~
61 ~~(1%) chance annual flood (base flood), plus any increase in flood elevation due to floodway encroachment,~~
62 ~~plus one foot (1') of freeboard. Therefore the FPE for Sun Valley is equal to BFE plus floodway elevation (if~~
63 ~~present) plus freeboard. The Base Flood Elevation plus the Freeboard.~~

64 a. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined,
65 this elevation shall be the BFE plus 2 feet of freeboard; and

66 b. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be
67 at least 2 feet above the highest adjacent grade.

68
69 STRUCTURE: Includes buildings, signs, fences, and other improvements, or any portion thereof,
70 constructed, erected, built, installed or placed upon any real property. A walled and roofed building,
71 including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

72
73 ~~SUBSTANTIAL IMPROVEMENT: A. Any repair, reconstruction or improvement of a structure, the cost of~~
74 ~~which equals or exceeds fifty percent (50%) of the market value of the structure either:~~

75 ~~1. Before the improvement or repair is started; or~~

76 ~~2. If the structure has been damaged and is being restored, before the damage occurred.~~

77 ~~B. For the purposes of this definition, substantial improvement is considered to occur when the first~~
78 ~~alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that~~
79 ~~alteration affects the external dimensions of the structure.~~

80 ~~C. The term does not, however, include either:~~

- 81 ~~1. Any project for improvement of a structure to comply with existing state or local health, sanitary~~
82 ~~or safety code specifications which are solely necessary to assure safe living conditions; or~~
83 ~~2. Any alteration of a structure listed on the national register of historic places or a state inventory~~
84 ~~of historic places.~~

85 before the “start of construction” of the improvement. This term includes structures which have incurred
86 “substantial damage”, regardless of the actual repair work performed. The term does not, however, include
87 either:

- 88 1. Any project for improvement of a structure to correct existing violations of state or local
89 health, sanitary, or safety code specifications which have been identified by the local code
90 enforcement official and which are the minimum necessary to assure safe living conditions; or
91 2. Any alteration of a “historic structure”, provided that the alteration will not preclude the
92 structure's continued designation as a “historic structure” and the alteration is approved by
93 variance issued pursuant to this ordinance.

94
95 SECTION 2. The following definitions will be added to Title 9, Chapter 1, Article C, Section 1:

96
97 ADDITION (to an existing building): An extension or increase in the floor area or height of a building or
98 structure.

99
100 APPEAL: A request for review of the Floodplain Administrator's interpretation of provisions of this ordinance
101 or request for a variance.

102
103 CRITICAL FACILITIES: Facilities that are vital to flood response activities or critical to the health and safety
104 of the public before, during, and after a flood, such as a hospital, emergency operations center, electric
105 substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or
106 shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as
107 a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

108
109 ELEVATED BUILDING: For insurance purposes, a non-basement building which has its lowest elevated floor
110 raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

111
112 ELEVATION CERTIFICATE: The Elevation Certificate is an important administrative tool of the NFIP. It is used
113 to determine the proper flood insurance premium rate; it is used to document elevation information
114 necessary to ensure compliance with community floodplain management regulations; and it may be used
115 to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-
116 F).

117
118 ENCLOSURE: An area enclosed by solid walls below the BFE/FPE or an area formed when any space below
119 the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to
120 surround space below the BFE/RFPE is not considered an enclosure.

121
122 FLOODPLAIN DEVELOPMENT PERMIT: Any type of permit that is required in conformance with the
123 provisions of this ordinance, prior to the commencement of any development activity.

124
125 FREEBOARD: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain
126 management. Freeboard tends to compensate for the many unknown factors that could contribute to flood
127 heights greater than the height calculated for a selected size flood and floodway conditions, such as wave
128 action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a
129 watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation
130 (FPE). Freeboard shall be {insert number} of feet.

131
132 FUNCTIONALLY DEPENDENT USE: A facility that cannot be used for its intended purpose unless it is located
133 or carried out in close proximity to water, such as a docking or port facility necessary for the loading and
134 unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term
135 storage, manufacture, sales, or service facilities.

136
137 NATIONAL FLOOD INSURANCE PROGRAM (NFIP): The NFIP is a Federal program created by Congress to
138 mitigate future flood losses nationwide through sound, community-enforced building and zoning
139 ordinances and to provide access to affordable, federally backed flood insurance protection for property
140 owners.

141
142 VARIANCE: A grant of relief by the governing body from a requirement of this ordinance.

143
144 VIOLATION: The failure of a structure or other development to be fully compliant with the community's
145 floodplain management regulations. A structure or other development without the Finished Construction
146 Elevation Certificate, other certifications, or other evidence of compliance required in § 60.3(b)(5), (c)(4),
147 (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is
148 provided.

149
150 SECTION 3. Title 9, Chapter 3, Article I [Flood Hazard Protection] and Chapter 5, Article B, Section 10 of the
151 Municipal Code of the City of Sun Valley shall be deleted and replaced as Title 9, Chapter 3, Article I Flood
152 Hazard Protection, with the following sections:

153
154 **9-3I-1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES**

155
156 **A. Statutory Authority**

157
158 The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020 through 46-1024,
159 authorizes local governments to adopt floodplain management ordinances that identify

160 floodplains and minimum floodplain development standards to minimize flood hazards and
161 protect human life, health, and property.

162

163 **B. Findings of Fact**

164

165 1. The flood hazard areas of the City of Sun Valley are subject to periodic inundation that
166 results in:

167 a. loss of life and property;

168 b. health and safety hazards;

169 c. disruption of commerce and governmental services;

170 d. extraordinary public expenditures for flood relief and protection; and

171 e. impairment of the tax base, all of which adversely affect the public health, safety,
172 and general welfare.

173

174 2. These flood losses are caused by structures in flood hazard areas, which are inadequately
175 elevated, flood-proofed, or otherwise unprotected from flood damages, and by the
176 cumulative effect of obstructions in floodplains causing increases in flood heights and
177 velocities.

178

179 3. Local government units have the primary responsibility for planning, adopting, and
180 enforcing land use regulations to accomplish proper floodplain management.

181

182 **C. Statement of Purpose**

183

184 The purpose of this ordinance is to promote public health, safety, and general welfare and to
185 minimize public and private losses due to flood conditions in specific areas by provisions designed
186 to:

187

188 1. Protect human life, health, and property;

189

190 2. Minimize damage to public facilities and utilities such as water purification and sewage
191 treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and
192 bridges located in floodplains;

193

194 3. Help maintain a stable tax base by providing for the sound use and development of flood
195 prone areas;

- 196
197 4. Minimize expenditure of public money for costly flood control projects;
198
199 5. Minimize the need for rescue and emergency services associated with flooding, generally
200 undertaken at the expense of the general public;
201
202 6. Minimize prolonged business interruptions;
203
204 7. Ensure potential buyers are notified the property is in an area of special flood hazard; and
205
206 8. Ensure those who occupy the areas of special flood hazard assume responsibility for their
207 actions.

208
209 **D. Objectives and Methods of Reducing Flood Losses**

210
211 In order to accomplish its purpose, this ordinance includes methods and provisions to:

- 212
213 1. Require that development which is vulnerable to floods, including structures and facilities
214 necessary for the general health, safety, and welfare of citizens, be protected against
215 flood damage at the time of initial construction;
216
217 2. Restrict or prohibit uses which are dangerous to health, safety, and property due to water
218 or erosion hazards, or which increase flood heights, velocities, or erosion;
219
220 3. Control filling, grading, dredging, and other development which may increase flood
221 damage or erosion;
222
223 4. Prevent or regulate the construction of flood barriers that will unnaturally divert flood
224 waters or that may increase flood hazards to other lands;
225
226 5. Preserve and restore natural floodplains, stream channels, and natural protective barriers
227 which carry and store flood waters.

228
229 **9-31-2. GENERAL PROVISIONS**

230
231 **A. Lands to Which This Ordinance Applies**

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267

This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Sun Valley. Nothing in this ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

B. Basis for Special Flood Hazard Areas

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Blaine County, Idaho and Incorporated Areas, dated November 26, 2010, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at City Hall, 81 Elkhorn Rd, Sun Valley, ID 83353.

C. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of §9-31-3B.

D. Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions

This ordinance shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this ordinance and another conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

F. Interpretation

In the interpretation and application of this ordinance all provisions shall be:

- 268 1. Considered as minimum requirements;
269
270 2. Liberally construed in favor of the governing body; and
271
272 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
273

274 **G. Warning and Disclaimer of Liability**
275

276 The degree of flood protection required by this ordinance is considered reasonable for regulatory
277 purposes and is based on scientific and engineering considerations. Larger floods can and will
278 occur. Flood heights may be increased by man-made or natural causes. This ordinance does not
279 imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will
280 be free from flooding or flood damages. This ordinance shall not create liability on the part of
281 City of Sun Valley or by any officer or employee thereof for flood damages that result from
282 reliance on this ordinance or an administrative decision lawfully made hereunder.
283

284 **H. Penalties for Violation**
285

286 No structure or land shall hereafter be located, extended, converted, or altered unless in full
287 compliance with the terms of this ordinance and other applicable regulations.
288

289 Violation of the provisions of this ordinance or failure to comply with any of its requirements,
290 including violation of conditions and safeguards established in connection with grants of variance
291 or special exceptions, shall constitute an infraction under this Code. Each day the violation
292 continues shall be considered a separate offense. Nothing herein contained shall prevent the City
293 of Sun Valley from taking such other lawful actions as is necessary to prevent or remedy any
294 violation.
295

296 **9-31-3: ADMINISTRATION**
297

298 **A. Designation of Floodplain Ordinance Administrator**
299

300 The Community Development Director, hereinafter referred to as the "Floodplain
301 Administrator", is hereby appointed to administer and implement the provisions of this
302 ordinance.
303

304 **B. Duties and Responsibilities of the Floodplain Administrator**

305

306 The Floodplain Administrator shall perform, but not be limited to, the following duties:

307

308 1. Review all floodplain development applications and issue permits for all proposed
309 development within Special Flood Hazard Areas to assure that the requirements of this
310 ordinance have been satisfied.

311

312 2. Review all proposed development within Special Flood Hazard Areas to assure that all
313 necessary Local, State, and Federal permits have been received, including Section 404 of
314 the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

315

316 3. Notify adjacent communities and the Idaho Department of Water Resources State
317 Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or
318 relocation of a watercourse and submit evidence of such notification to the Federal
319 Emergency Management Agency (FEMA).

320

321 4. Assure that maintenance is provided within the altered or relocated portion of said
322 watercourse so that the flood-carrying capacity is maintained.

323

324 5. Prevent encroachments into floodways and flood fringe areas unless the certification and
325 flood hazard reduction provisions of Article V, Section E are met.

326

327 6. Obtain actual elevation (in relation to mean sea level) of the reference level (including
328 basement) and all attendant utilities of all new and substantially improved structures, in
329 accordance with the provisions of §9-31-3C.3.

330

331 7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially
332 improved structures and utilities have been floodproofed, in accordance with the
333 provisions of §9-31-3C.3.

334

335 8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance
336 with the provisions of §9-31-3C.3.

337

- 338 9. When floodproofing is utilized for a particular structure, obtain certifications from a
339 registered professional engineer or architect in accordance with the provisions of §9-3I-
340 3C.3 and §9-3I-4B.2.
341
- 342 10. Where interpretation is needed as to the exact location of boundaries of the Special Flood
343 Hazard Areas, floodways, or flood fringe areas (for example, where there appears to be a
344 conflict between a mapped boundary and actual field conditions), make the necessary
345 interpretation. The person contesting the location of the boundary shall be given a
346 reasonable opportunity to appeal the interpretation as provided in this article.
347
- 348 11. When Base Flood Elevation (BFE) data has not been provided in accordance with the
349 provisions of § 9-3I-2B obtain, review, and reasonably utilize any BFE data, along with
350 floodway data or flood fringe area data available from a Federal, State, or other source,
351 including data developed pursuant to §9-3I-4C.2b, in order to administer the provisions
352 of this ordinance.
353
- 354 12. When Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area
355 data has been provided in accordance with the provisions of §9-3I-2B, obtain, review, and
356 reasonably utilize any floodway data or flood fringe area data available from a Federal,
357 State, or other source in order to administer the provisions of this ordinance.
358
- 359 13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground
360 elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood
361 Elevation (BFE), advise the property owner of the option to apply for a Letter of Map
362 Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the
363 floodplain development permit file.
364
- 365 14. Permanently maintain all records that pertain to the administration of this ordinance and
366 make these records available for public inspection, recognizing that such information may
367 be subject to the Privacy Act of 1974, as amended.
368
- 369 15. Make on-site inspections of work in progress. As the work pursuant to a floodplain
370 development permit progresses, the Floodplain Administrator shall make as many
371 inspections of the work as may be necessary to ensure that the work is being done
372 according to the provisions of the local ordinance and the terms of the permit. In
373 exercising this power, the Floodplain Administrator has a right, upon presentation of

374 proper credentials, to enter on any premises within the jurisdiction of the community at
375 any reasonable hour for the purposes of inspection or other enforcement action.

376

377 16. Issue stop-work orders as required. Whenever a building or part thereof is being
378 constructed, reconstructed, altered, or repaired in violation of this ordinance, the
379 Floodplain Administrator may order the work to be immediately stopped. The stop-work
380 order shall be in writing and directed to the person doing or in charge of the work. The
381 stop-work order shall state the specific work to be stopped, the specific reason(s) for the
382 stoppage, and the condition(s) under which the work may be resumed. Violation of a
383 stop-work order constitutes a misdemeanor.

384

385 17. Revoke floodplain development permits as required. The Floodplain Administrator may
386 revoke and require the return of the floodplain development permit by notifying the
387 permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked
388 for any substantial departure from the approved application, plans, and specifications;
389 for refusal or failure to comply with the requirements of State or local laws; or for false
390 statements or misrepresentations made in securing the permit. Any floodplain
391 development permit mistakenly issued in violation of an applicable State or local law may
392 also be revoked.

393

394 18. Make periodic inspections throughout the Special Flood Hazard Areas within the
395 jurisdiction of the community. The Floodplain Administrator and each member of his or
396 her inspections department shall have a right, upon presentation of proper credentials,
397 to enter on any premises within the territorial jurisdiction of the department at any
398 reasonable hour for the purposes of inspection or other enforcement action.

399

400 19. Follow through with corrective procedures of §9-3I-3D.

401

402 20. Review, provide input, and make recommendations for variance requests.

403

404 21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and
405 other official flood maps, and studies adopted in accordance with the provisions of §9-3I-
406 2B of this ordinance, including any revisions thereto including Letters of Map Change,
407 issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's
408 mapping needs.

409

410 22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on
411 Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

412

413 **C. Floodplain Development Application, Permit, and Certification Requirements**

414

415 1. Application Requirements. Application for a Floodplain Development Permit shall be
416 made to the Floodplain Administrator prior to any development activities located within
417 Special Flood Hazard Areas. The following items shall be presented to the Floodplain
418 Administrator to apply for a floodplain development permit:

419 a. A plot plan drawn to scale which shall include, but shall not be limited to, the
420 following specific details of the proposed floodplain development:

421 i. the nature, location, dimensions, and elevations of the area of
422 development/disturbance; existing and proposed structures, utility
423 systems, grading/pavement areas, fill materials, storage areas, drainage
424 facilities, and other development;

425 ii. the boundary of the Special Flood Hazard Area as delineated on the FIRM
426 or other flood map as determined in §9-3I-2B, or a statement that the
427 entire lot is within the Special Flood Hazard Area;

428 iii. the flood zone(s) designation of the proposed development area as
429 determined on the FIRM or other flood map as determined in §9-3I-2B A;

430 iv. the boundary of the floodway(s) or flood fringe area(s) as determined in
431 §9-3I-2B;

432 v. the Base Flood Elevation (BFE) where provided as set forth in §9-3I-2B; §9-
433 3I-2C; or §9-3I-4C;

434 vi. the old and new location of any watercourse that will be altered or
435 relocated as a result of proposed development; and

436 vii. the certification of the plot plan by a registered land surveyor or
437 professional engineer.

438 b. Proposed elevation, and method thereof, of all development within a Special
439 Flood Hazard Area including but not limited to:

440 i. Elevation in relation to mean sea level of the proposed reference level
441 (including basement) of all structures;

442 ii. Elevation in relation to mean sea level to which any non-residential
443 structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and

444 iii. Elevation in relation to mean sea level to which any proposed utility
445 systems will be elevated or floodproofed.

- 446 c. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with
447 supporting data, an operational plan, and an inspection and maintenance plan
448 that include, but are not limited to, installation, exercise, and maintenance of
449 floodproofing measures.
- 450 d. A Foundation Plan, drawn to scale, which shall include details of the proposed
451 foundation system to ensure all provisions of this ordinance are met. These details
452 include but are not limited to:
- 453 i. The proposed method of elevation, if applicable (i.e., fill, solid foundation
454 perimeter wall, solid backfilled foundation, open foundation, or on
455 columns/posts/piers/piles/shear walls); and
- 456 ii. Openings to facilitate automatic equalization of hydrostatic flood forces on
457 walls in accordance with §9-31-4B.d.i-vi when solid foundation perimeter
458 walls are used in Zones A, AE, AH, AO, and A1-30.
- 459 e. Usage details of any enclosed areas below the lowest floor.
- 460 f. Plans and/or details for the protection of public utilities and facilities such as
461 sewer, gas, electrical, and water systems to be located and constructed to
462 minimize flood damage.
- 463 g. Certification that all other Local, State, and Federal permits required prior to
464 floodplain development permit issuance have been received.
- 465 h. Documentation for placement of recreational vehicles and/or temporary
466 structures, when applicable, to ensure that the provisions of §9-31-4B.6 and 7 of
467 this ordinance are met.
- 468 i. A description of proposed watercourse alteration or relocation, when applicable,
469 including an engineering report on the effects of the proposed project on the
470 flood-carrying capacity of the watercourse and the effects to properties located
471 both upstream and downstream; and
- 472 i. A map (if not shown on plot plan) showing the location of the proposed
473 watercourse alteration or relocation.
- 474
- 475 2. Permit Requirements. The Floodplain Development Permit shall include, but not be
476 limited to:
- 477 a. A complete description of all the development to be permitted under the
478 floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana,
479 pole barn, chicken coop, pier, bridge, mining, dredging, filling, grading, paving,
480 excavation or drilling operations, or storage of equipment or materials, etcetera).

- 481 b. The Special Flood Hazard Area determination for the proposed development in
- 482 accordance with available data specified in §9-3I-2B.
- 483 c. The Flood Protection Elevation required for the reference level and all attendant
- 484 utilities.
- 485 d. The Flood Protection Elevation required for the protection of all public utilities.
- 486 e. All certification submittal requirements with timelines.
- 487 f. A statement that no fill material or other development shall encroach into the
- 488 floodway or flood fringe area of any watercourse, as applicable.
- 489 g. The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.
- 490 h. All floodplain development permits shall be conditional upon the start of
- 491 construction of work within 180 days. A floodplain development permit shall
- 492 expire 180 days after issuance unless the permitted activity has commenced as
- 493 per the Start of Construction definition.
- 494 i. A statement of the limitations of below BFE enclosure uses, if applicable. (i.e.,
- 495 parking, building access and limited storage only).
- 496 j. A statement that all materials below BFE/FPE must be flood resistant materials.

497

498 3. Certification Requirements.

499 a. Elevation Certificates

- 500 i. An Elevation Certificate (FEMA Form 86-0-33) is required prior to the
- 501 actual start of any new construction. It shall be the duty of the permit
- 502 holder to submit to the Floodplain Administrator a certification of the
- 503 elevation of the reference level, in relation to mean sea level. The
- 504 Floodplain Administrator shall review the certificate data submitted.
- 505 Deficiencies detected by such review shall be corrected by the permit
- 506 holder prior to the beginning of construction. Failure to submit the
- 507 certification or failure to make required corrections shall be cause to deny
- 508 a floodplain development permit.
- 509 ii. An Elevation Certificate (FEMA Form 86-0-33) is required after the
- 510 reference level is established. Within seven (7) calendar days of
- 511 establishment of the reference level elevation, it shall be the duty of the
- 512 permit holder to submit to the Floodplain Administrator a certification of
- 513 the elevation of the reference level, in relation to mean sea level. Any
- 514 work done within the seven (7) day calendar period and prior to
- 515 submission of the certification shall be at the permit holder's risk. The
- 516 Floodplain Administrator shall review the certificate data submitted.

517 Deficiencies detected by such review shall be corrected by the permit
518 holder immediately and prior to further work being permitted to proceed.
519 Failure to submit the certification or failure to make required corrections
520 shall be cause to issue a stop-work order for the project.

521 iii. A final as-built Finished Construction Elevation Certificate (FEMA Form 86-
522 0-33) is required after construction is completed and prior to Certificate of
523 Compliance/Occupancy issuance. It shall be the duty of the permit holder
524 to submit to the Floodplain Administrator a certification of final as-built
525 construction of the elevation of the reference level and all attendant
526 utilities. The Floodplain Administrator shall review the certificate data
527 submitted. Deficiencies detected by such review shall be corrected by the
528 permit holder immediately and prior to Certificate of
529 Compliance/Occupancy issuance. In some instances, another certification
530 may be required to certify corrected as-built construction. Failure to
531 submit the certification or failure to make required corrections shall be
532 cause to withhold the issuance of a Certificate of Compliance/Occupancy.

533 *(The Finished Construction Elevation Certificate certifier shall*
534 *provide at least two (2) photographs showing the front and rear of the*
535 *building taken within 90 days from the date of certification. The*
536 *photographs must be taken with views confirming the building description*
537 *and diagram number provided in Section A. To the extent possible, these*
538 *photographs should show the entire building including foundation. If the*
539 *building has split-level or multi-level areas, provide at least two (2)*
540 *additional photographs showing side views of the building. In addition,*
541 *when applicable, provide a photograph of the foundation showing a*
542 *representative example of the flood openings or vents. All photographs*
543 *must be in color and measure at least 3" x 3". Digital photographs are*
544 *acceptable.)*

545 b. Floodproofing Certificate. If non-residential floodproofing is used to meet the
546 Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form
547 086-0-34), with supporting data, an operational plan, and an inspection and
548 maintenance plan are required prior to the actual start of any new construction.
549 It shall be the duty of the permit holder to submit to the Floodplain Administrator
550 a certification of the floodproofed design elevation of the reference level and all
551 attendant utilities, in relation to mean sea level. Floodproofing certification shall
552 be prepared by or under the direct supervision of a professional engineer or

553 architect and certified by same. The Floodplain Administrator shall review the
554 certificate data, the operational plan, and the inspection and maintenance plan.
555 Deficiencies detected by such review shall be corrected by the applicant prior to
556 permit approval. Failure to submit the certification or failure to make required
557 corrections shall be cause to deny a Floodplain Development Permit. Failure to
558 construct in accordance with the certified design shall be cause to withhold the
559 issuance of a Certificate of Compliance/Occupancy.

560 c. If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the
561 elevation of the chassis is more than 36 inches in height above grade, an
562 engineered foundation certification is required in accordance with the provisions
563 of §9-3I-4B.3.b.

564 d. If a watercourse is to be altered or relocated, the following shall all be submitted
565 by the permit applicant prior to issuance of a floodplain development permit:

- 566 i. a description of the extent of watercourse alteration or relocation; and
- 567 ii. a professional engineer's certified report on the effects of the proposed
568 project on the flood-carrying capacity of the watercourse and the effects
569 to properties located both upstream and downstream; and
- 570 iii. a map showing the location of the proposed watercourse alteration or
571 relocation; and

572 iv. an Idaho Stream Channel Alteration Permit approval shall be provided by
573 the applicant to the Floodplain Administrator.

574 e. Certification Exemptions. The following structures, if located within Zone A, AE,
575 AH, AO, or A1-30, are exempt from the elevation/floodproofing certification
576 requirements specified in items a and b of this subsection:

- 577 i. Recreational Vehicles meeting requirements of §9-3I-4B.6.a;
- 578 ii. Temporary Structures meeting requirements of §9-3I-4B.7A; and
- 579 iii. Accessory Structures less than 200 square feet meeting requirements of
580 §9-3I-4B.8.

581
582 4. Determinations for Existing Buildings and Structures. For applications for building permits
583 to improve buildings and structures, including alterations, movement, enlargement,
584 replacement, repair, change of occupancy, additions, rehabilitations, renovations,
585 substantial improvements, repairs of substantial damage, and any other improvement of
586 or work on such buildings and structures, the Floodplain Administrator, in coordination
587 with the Building Official, shall:

- 588 a. Estimate the market value, or require the applicant to obtain an appraisal of the
589 market value prepared by a qualified independent appraiser, of the building or
590 structure before the start of construction of the proposed work. In the case of
591 repair, the market value of the building or structure shall be the market value
592 before the damage occurred and before any repairs are made;
- 593 b. Compare the cost to perform the improvement, the cost to repair a damaged
594 building to its pre-damaged condition, or the combined costs of improvements
595 and repairs, if applicable, to the market value of the building or structure;
- 596 c. Determine and document whether the proposed work constitutes substantial
597 improvement or repair of substantial damage; and
- 598 d. Notify the applicant if it is determined that the work constitutes substantial
599 improvement or repair of substantial damage and that compliance with the flood
600 resistant construction requirements of the adopted Idaho Building Code and this
601 ordinance is required.

602

603 **D. Corrective Procedures**

604

- 605 1. Violations to be Corrected. When the Floodplain Administrator finds violations of
606 applicable State and local laws, it shall be his or her duty to notify the owner or occupant
607 of the building of the violation. The owner or occupant shall immediately remedy each
608 of the violations of law cited in such notification.
- 609
- 610 2. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property
611 shall fail to take prompt corrective action, the Floodplain Administrator shall give the
612 owner written notice, by certified or registered mail to the owner's last known address or
613 by personal service, stating:
- 614 a. that the building or property is in violation of the floodplain management
615 regulations;
- 616 b. that a hearing will be held before the Floodplain Administrator at a designated
617 place and time, not later than ten (10) days after the date of the notice, at which
618 time the owner shall be entitled to be heard in person or by counsel and to present
619 arguments and evidence pertaining to the matter; and
- 620 c. that following the hearing, the Floodplain Administrator may issue an order to
621 alter, vacate, or demolish the building; or to remove fill as applicable.
- 622

623 3. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed
624 above, the Floodplain Administrator shall find that the building or development is in
625 violation of the Flood Hazard Protection Ordinance, he or she shall issue an order in
626 writing to the owner, requiring the owner to remedy the violation within a specified time
627 period, not less than sixty (60) calendar days, nor more than (180) calendar days. Where
628 the Floodplain Administrator finds that there is imminent danger to life or other property,
629 he or she may order that corrective action be taken in such lesser period as may be
630 feasible.

631
632 4. Appeal. Any owner who has received an order to take corrective action may appeal the
633 order to the local elected governing body by giving notice of appeal in writing to the
634 Floodplain Administrator and the clerk within ten (10) days following issuance of the final
635 order. In the absence of an appeal, the order of the Floodplain Administrator shall be
636 final. The local governing body shall hear an appeal within a reasonable time and may
637 affirm, modify and affirm, or revoke the order.

638
639 5. Failure to Comply with Order. If the owner of a building or property fails to comply with
640 an order to take corrective action for which no appeal has been made or fails to comply
641 with an order of the governing body following an appeal, the owner shall be guilty of a
642 misdemeanor and shall be punished at the discretion of the court.

643
644 **E. Variance Procedures**

645
646 1. The Planning & Zoning Commission, hereinafter referred to as “the Commission”, shall
647 hear and decide requests for variances from the requirements of this ordinance.

648
649 2. Variances may be issued for:
650 a. the repair or rehabilitation of historic structures upon the determination that the
651 proposed repair or rehabilitation will not preclude the structure's continued
652 designation as a historic structure and that the variance is the minimum necessary
653 to preserve the historic character and design of the structure;
654 b. functionally dependent facilities, if determined to meet the definition as stated in
655 §9-1C-1, provided provisions of §9-3I-3E.9.b, c, and e, have been satisfied, and
656 such facilities are protected by methods that minimize flood damages during the
657 base flood and create no additional threats to public safety; or

- 658 c. any other type of development, provided it meets the requirements of this
659 Section.
660
- 661 3. In passing upon variances, the Commission shall consider all technical evaluations, all
662 relevant factors, all standards specified in other sections of this ordinance, and:
663 a. the danger that materials may be swept onto other lands to the injury of others;
664 b. the danger to life and property due to flooding or erosion damage;
665 c. the susceptibility of the proposed facility and its contents to flood damage and the
666 effect of such damage on the individual owner;
667 d. the importance of the services provided by the proposed facility to the
668 community;
669 e. the necessity to the facility of a waterfront location as defined under §9-1C-1 of
670 Sun Valley Municipal Code as a functionally dependent facility, where applicable;
671 f. the availability of alternative locations, not subject to flooding or erosion damage,
672 for the proposed use;
673 g. the compatibility of the proposed use with existing and anticipated development;
674 h. the relationship of the proposed use to the comprehensive plan and floodplain
675 management program for that area;
676 i. the safety of access to the property in times of flood for ordinary and emergency
677 vehicles;
678 j. the expected heights, velocity, duration, rate of rise, and sediment transport of
679 the floodwaters and the effects of wave action, if applicable, expected at the site;
680 and
681 k. the costs of providing governmental services during and after flood conditions
682 including maintenance and repair of public utilities and facilities such as sewer,
683 gas, electrical and water systems, and streets and bridges.
684
- 685 4. The applicant shall include a written report addressing each of the above factors in §9-3I-
686 3E.3.a-k with their application for a variance.
687
- 688 5. Upon consideration of the factors listed above and the purposes of this ordinance, the
689 Commission may attach such conditions to the granting of variances as it deems necessary
690 to further the purposes and objectives of this ordinance.
691
- 692 6. Any applicant to whom a variance is granted shall be given written notice specifying the
693 difference between the Base Flood Elevation (BFE) and the elevation to which the

694 structure is to be built and that such construction below the BFE increases risks to life and
695 property, and that the issuance of a variance to construct a structure below the BFE will
696 result in increased premium rates for flood insurance up to \$25 per \$100 of insurance
697 coverage. Such notification shall be maintained with a record of all variance actions,
698 including justification for their issuance.

699
700 7. The Floodplain Administrator shall maintain the records of all appeal actions and report
701 any variances to the Federal Emergency Management Agency and the State of Idaho upon
702 request.

703
704 8. Conditions for Variances:
705 a. Variances shall not be issued when the variance will make the structure in
706 violation of other Federal, State, or local laws, regulations, or ordinances.
707 b. Variances shall not be issued within any designated floodway or flood fringe area
708 if the variance would result in any increase in flood levels during the base flood
709 discharge.
710 c. Variances shall only be issued upon a determination that the variance is the
711 minimum necessary, considering the flood hazard, to afford relief.
712 d. Variances shall only be issued prior to development permit approval.
713 e. Variances shall only be issued upon:
714 i. a showing of good and sufficient cause;
715 ii. a determination that failure to grant the variance would result in
716 exceptional hardship; and
717 iii. a determination that the granting of a variance will not result in increased
718 flood heights, additional threats to public safety, or extraordinary public
719 expense, create nuisance, cause fraud on or victimization of the public, or
720 conflict with existing local laws or ordinances.

721
722 9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste
723 management facilities, salvage yards, and chemical storage facilities that are located in
724 Special Flood Hazard Areas provided that all of the following conditions are met.
725 a. The use serves a critical need in the community.
726 b. No feasible location exists for the use outside the Special Flood Hazard Area.
727 c. The reference level of any structure is elevated or floodproofed to at least the
728 Flood Protection Elevation.
729 d. The use complies with all other applicable Federal, State and local laws.

730
731 10. The City of Sun Valley will notify the State NFIP Coordinator of the Idaho Department of
732 Water Resources of its intention to grant a variance at least thirty (30) calendar days prior
733 to granting the variance.

734
735 11. Any person aggrieved by the decision of the Commission may appeal such decision to the
736 City Council, as provided in Section 9-5A-9 of this Title.

737
738 **9-3I-4: PROVISIONS FOR FLOOD HAZARD REDUCTION**

739
740 **A. General Standards**

741
742 In all Special Flood Hazard Areas the following provisions are required:

743
744 1. All new construction and substantial improvements shall be designed (or modified) and
745 adequately anchored to prevent flotation, collapse, and lateral movement of the
746 structure.

747
748 2. All new construction and substantial improvements shall be constructed with materials
749 and utility equipment resistant to flood damage in accordance with the Technical Bulletin
750 2, Flood Damage-Resistant Materials Requirements, and available from the Federal
751 Emergency Management Agency.

752
753 3. All new construction and substantial improvements shall be constructed by methods and
754 practices that minimize flood damages.

755
756 4. All new and replacement electrical, heating, ventilation, plumbing, air conditioning
757 equipment, and other service facilities shall be designed and/or located so as to prevent
758 water from entering or accumulating within the components during conditions of flooding
759 to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment,
760 water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes,
761 utility/cable boxes, hot water heaters, and electric outlets/switches.

762
763 5. All new and replacement water supply systems shall be designed to minimize or eliminate
764 infiltration of floodwaters into the system.

765

- 766 6. All new and replacement sanitary sewage systems shall be designed to minimize or
767 eliminate infiltration of floodwaters into the systems and discharges from the systems
768 into flood waters.
769
- 770 7. On-site waste disposal systems shall be located and constructed to avoid impairment to
771 them or contamination from them during flooding.
772
- 773 8. A fully enclosed area, of new construction and substantially improved structures, which
774 is below the lowest floor shall:
- 775 a. be constructed entirely of flood resistant materials at least to the Flood Protection
776 Elevation; and
 - 777 b. include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically
778 equalize hydrostatic flood forces on walls by allowing for the entry and exit of
779 floodwaters. To meet this requirement, the openings must either be certified by
780 a professional engineer or architect or meet or exceed the following minimum
781 design criteria:
 - 782 i. A minimum of two flood openings on different sides of each enclosed area
783 subject to flooding;
 - 784 ii. The total net area of all flood openings must be at least one (1) square inch
785 for each square foot of enclosed area subject to flooding;
 - 786 iii. If a building has more than one enclosed area, each enclosed area must
787 have flood openings to allow floodwaters to automatically enter and exit;
 - 788 iv. The bottom of all required flood openings shall be no higher than one (1)
789 foot above the interior or exterior adjacent grade;
 - 790 v. Flood openings may be equipped with screens, louvers, or other coverings
791 or devices, provided they permit the automatic flow of floodwaters in both
792 directions; and
 - 793 vi. Enclosures made of flexible skirting are not considered enclosures for
794 regulatory purposes, and, therefore, do not require flood openings.
795 Masonry or wood underpinning, regardless of structural status, is
796 considered an enclosure and requires flood openings as outlined above.
797
- 798 9. Any alteration, repair, reconstruction, or improvements to a structure, which is in
799 compliance with the provisions of this ordinance, shall meet the requirements of “new
800 construction” as contained in this ordinance.
801

- 802 10. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a
803 building or structure existing on the effective date of this ordinance and located totally or
804 partially within the floodway, flood fringe area, or stream setback, provided there is no
805 additional encroachment below the Flood Protection Elevation in the floodway, flood
806 fringe area, or stream setback, and provided that such repair, reconstruction, or
807 replacement meets all of the other requirements of this ordinance.
808
- 809 11. New solid waste disposal facilities and sites, hazardous waste management facilities,
810 salvage yards, and chemical storage facilities shall not be permitted, except by variance
811 as specified in §9-31-3E.10. A structure or tank for chemical or fuel storage incidental to
812 an allowed use or to the operation of a water treatment plant or wastewater treatment
813 facility may be located in a Special Flood Hazard Area only if the structure or tank is either
814 elevated or floodproofed to at least the Flood Protection Elevation and certified in
815 accordance with the provisions of §9-31-3C.3.
816
- 817 12. All subdivision proposals and other development proposals shall be consistent with the
818 need to minimize flood damage and determined to be reasonably safe from flooding.
819
- 820 13. All subdivision proposals and other development proposals shall have public utilities and
821 facilities such as sewer, gas, electrical, and water systems located and constructed to
822 minimize flood damage.
823
- 824 14. All subdivision proposals and other development proposals shall have adequate drainage
825 provided to reduce exposure to flood hazards.
826
- 827 15. All subdivision proposals and other development proposals shall have received all
828 necessary permits from those governmental agencies for which approval is required by
829 Federal or State law, including Section 404 of the Federal Water Pollution Control Act
830 Amendments of 1972, 33 USC 1334.
831
- 832 16. When a structure is partially located in a Special Flood Hazard Area, the entire structure
833 shall meet the requirements for new construction and substantial improvements.
834
- 835 17. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone
836 with multiple base flood elevations, the provisions for the more restrictive flood hazard
837 risk zone and the highest Base Flood Elevation (BFE) shall apply.

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18. Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision (CLOMR-F or LOMR-F).

B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in §9-3I-2B, or §9-3I-4D, the following provisions, in addition to the provisions of §9-3I-4A, are required:

1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Flood Protection Elevation, as defined in §9-1C-1 of Sun Valley Municipal Code.
2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Flood Protection Elevation, as defined in §9-1C-1 of Sun Valley Municipal Code. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with §9-3I-4F.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in §9-3I-3C.3, along with the operational plan and the inspection and maintenance plan.
3. Manufactured Homes.
 - a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Flood Protection Elevation.
 - b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified

874 engineered foundation system, or in accordance with the most current edition of
875 the Idaho Division of Building Safety's "Idaho Manufactured Home Installation
876 Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the
877 elevation would be met by an elevation of the chassis thirty-six (36) inches or less
878 above the grade at the site, the chassis shall be supported by reinforced piers or
879 engineered foundation. When the elevation of the chassis is above thirty-six (36)
880 inches in height, an engineering certification is required.

881 c. All enclosures or skirting below the lowest floor shall meet the requirements of
882 §9-31-4B.4.

883 d. An evacuation plan must be developed for evacuation of all residents of all new,
884 substantially improved, or substantially damaged manufactured home parks or
885 subdivisions located within flood prone areas. This plan shall be filed with and
886 approved by the Floodplain Administrator and the local Emergency Management
887 Coordinator.

888

889 4. Additions/Improvements.

890 a. Additions and/or improvements to pre-FIRM structures when the addition and/or
891 improvements in combination with any interior modifications to the existing
892 structure are

893 i. not a substantial improvement, the addition and/or improvements must
894 be designed to minimize flood damages and must not be any more non-
895 conforming than the existing structure; or

896 ii. a substantial improvement, both the existing structure and the addition
897 and/or improvements must comply with the standards for new
898 construction.

899 b. Additions to post-FIRM structures that are a substantial improvement with no
900 modifications to the existing structure other than a standard door in the common
901 wall shall require only the addition to comply with the standards for new
902 construction.

903 c. Additions and/or improvements to post-FIRM structures when the addition
904 and/or improvements in combination with any interior modifications to the
905 existing structure are

906 i. not a substantial improvement, the addition and/or improvements only
907 must comply with the standards for new construction; or

- 908 ii. a substantial improvement, both the existing structure and the addition
909 and/or improvements must comply with the standards for new
910 construction.
- 911 d. Any combination of repair, reconstruction, rehabilitation, addition, or
912 improvement of a building or structure taking place **during a 4 year period**, the
913 cumulative cost of which equals or exceeds 50 percent (50%) of the market value
914 of the structure before the improvement or repair is started, must comply with
915 the standards for new construction. For each building or structure, **the 4 year**
916 **period** begins on the date of the first improvement or repair of that building or
917 structure subsequent to the effective date of this ordinance. If the structure has
918 sustained substantial damage, any repairs are considered substantial
919 improvement regardless of the actual repair work performed. The requirement
920 does not, however, include either: *(CRS - Up to 90 points for counting*
921 *improvements cumulatively; up to 20 points for a substantial improvement*
922 *threshold lower than 50%)*
- 923 i. any project for improvement of a building required to correct existing
924 health, sanitary, or safety code violations identified by the building official
925 and that are the minimum necessary to assume safe living conditions; or
926 ii. any alteration of a historic structure provided that the alteration will not
927 preclude the structure’s continued designation as a historic structure.
928
- 929 5. Recreational Vehicles. Recreational vehicles shall be either:
- 930 a. Temporary Placement
- 931 i. be on site for fewer than 180 consecutive days and be fully licensed and
932 ready for highway use (a recreational vehicle is ready for highway use if it
933 is on its wheels or jacking system, is attached to the site only by quick
934 disconnect type utilities, and has no permanently attached additions); or
- 935 b. Permanent Placement.
- 936 i. Recreational vehicles that do not meet the limitations of Temporary
937 Placement shall meet all the requirements for new construction, as set
938 forth in §9-3I-4A.
- 939
- 940 6. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development
941 permit for a temporary structure, the applicant must submit to the Floodplain
942 Administrator a plan for the removal of such structure(s) in the event of a flash flood or

943 other type of flood warning notification. The following information shall be submitted in
944 writing to the Floodplain Administrator for review and written approval:

- 945 a. a specified time period for which the temporary use will be permitted. Time
946 specified may not exceed six (6) months, renewable up to one (1) year;
- 947 b. the name, address, and phone number of the individual responsible for the
948 removal of the temporary structure;
- 949 c. the time frame prior to the event at which a structure will be removed (i.e.,
950 immediately upon flood warning notification);
- 951 d. a copy of the contract or other suitable instrument with the entity responsible for
952 physical removal of the structure; and
- 953 e. designation, accompanied by documentation, of a location outside the Special
954 Flood Hazard Area, to which the temporary structure will be moved.

955
956 7. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to
957 be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are
958 required for all accessory structures in accordance with §9-3I-3C.3, and the following
959 criteria shall be met:

- 960 a. Accessory structures shall not be used for human habitation (including working,
961 sleeping, living, cooking, or restroom areas);
- 962 b. Accessory structures shall not be temperature-controlled;
- 963 c. Accessory structures shall be designed to have low flood damage potential;
- 964 d. Accessory structures shall be constructed and placed on the building site so as to
965 offer the minimum resistance to the flow of floodwaters;
- 966 e. Accessory structures shall be firmly anchored in accordance with the provisions of
967 §9-3I-4A.1;
- 968 f. All service facilities, such as electrical, shall be installed in accordance with the
969 provisions of §9-3I-4A.4; and
- 970 g. Flood openings to facilitate automatic equalization of hydrostatic flood forces
971 shall be provided below Flood Protection Elevation in conformance with the
972 provisions of §9-3I-4B.4.d.

973 An accessory structure with a footprint less than 200 square feet and is a minimal
974 investment of \$10,000 or less and satisfies the criteria outlined in a - g above is not
975 required to meet the elevation or floodproofing standards of §9-3I-4B.2.

976
977 8. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard
978 Area, the following criteria shall be met:

- 979 a. Underground tanks in flood hazard areas shall be anchored to prevent flotation,
980 collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads
981 during conditions of the base flood, including the effects of buoyancy (assuming
982 the tank is empty);
- 983 b. Elevated above-ground tanks, in flood hazard areas shall be attached to and
984 elevated to or above the design flood elevation on a supporting structure that is
985 designed to prevent flotation, collapse, or lateral movement during conditions of
986 the base flood. Tank-supporting structures shall meet the foundation
987 requirements of the applicable flood hazard area;
- 988 c. Not elevated above-ground tanks, that do not meet the elevation requirements
989 of §9-31-4 B.2 of this ordinance shall be permitted in flood hazard areas provided
990 the tanks are anchored or otherwise designed and constructed to prevent
991 flotation, collapse or lateral movement resulting from hydrodynamic and
992 hydrostatic loads during conditions of the design flood, including the effects of
993 buoyancy assuming the tank is empty and the effects of flood-borne debris.
- 994 d. Tank inlets, fill openings, outlets and vents shall be:
- 995 i. at or above the flood protection elevation or fitted with covers designed
996 to prevent the inflow of floodwater or outflow of the contents of the tanks
997 during conditions of the base flood; and
- 998 ii. anchored to prevent lateral movement resulting from hydrodynamic and
999 hydrostatic loads, including the effects of buoyancy, during conditions of
1000 the base flood.

1001

1002 9. Construction of Below-Grade Crawlspace.

- 1003 a. The interior grade of a crawlspace must not be below the BFE and must not be
1004 more than two (2) feet below the exterior lowest adjacent grade (LAG).
- 1005 b. The height of the below-grade crawlspace, measured from the interior grade of
1006 the crawlspace to the top of the crawlspace foundation wall, must not exceed four
1007 (4) feet at any point.
- 1008 c. There must be an adequate drainage system that removes floodwaters from the
1009 interior area of the crawlspace. The enclosed area should be drained within a
1010 reasonable time after a flood event.
- 1011 d. The velocity of floodwaters at the site should not exceed five (5) feet per second
1012 for any crawlspace.

1013 *See Technical Bulletin 11 for further information.*

1014 *Caution:*

1015 *Buildings that have below-grade crawlspaces will have higher flood insurance premiums*
1016 *than buildings that have the preferred crawlspace construction, with the interior elevation*
1017 *of the crawlspace soil at or above the Base Flood Elevation (BFE).*
1018

- 1019 10. Other Development in regulated floodways and flood fringe.
- 1020 a. Fences that have the potential to block the passage of floodwaters, such as
1021 stockade fences and wire mesh fences, in regulated floodways and flood fringe
1022 shall meet the limitations of §9-3I-4E of this ordinance.
 - 1023 b. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement
1024 of fill in regulated floodways and flood fringe shall meet the limitations of §9-3I-
1025 4E of this ordinance.
 - 1026 c. Roads and watercourse crossings, including roads, bridges, culverts, low-water
1027 crossings, and similar means for vehicles or pedestrians to travel from one side of
1028 a watercourse to the other side, which encroach into regulated floodways and
1029 flood fringe, shall meet the limitations of §9-3I-4E of this ordinance.
 - 1030 d. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and
1031 any equipment at the site that encroach into regulated floodways and flood fringe
1032 shall meet the limitations of §9-3I-4E of this ordinance.
 - 1033 e. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port
1034 facilities, shipbuilding, and ship repair facilities that encroach into regulated
1035 floodways and flood fringe shall meet the limitations of §9-3I-4E of this ordinance
1036

1037 **C. Standards for Floodplains without Established Base Flood Elevations**
1038

1039 Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A
1040 Zones) and established in §9-3I-2B, where no Base Flood Elevation (BFE) data has been provided
1041 by FEMA, the following provisions, in addition to the provisions of §9-3I-4A, shall apply:
1042

1043 The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on
1044 the following criteria:

- 1045 1. When Base Flood Elevation (BFE) data is available from other sources, all new
1046 construction and substantial improvements within such areas shall also comply with all
1047 applicable provisions of this ordinance and shall be elevated or floodproofed in
1048 accordance with standards in §9-3I-4A and B.

- 1049 2. When floodway or flood fringe data is available from a Federal, State, or other source, all
1050 new construction and substantial improvements within floodway and flood fringe areas
1051 shall also comply with the requirements of §9-3I-4B and E.
- 1052 3. All subdivision, manufactured home park, and other development proposals shall provide
1053 Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more
1054 than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall
1055 be adopted by reference in accordance with §9-3I-2B and utilized in implementing this
1056 ordinance. The applicant/developer shall submit an application for a Conditional Letter of
1057 Map Revision (CLOMR) prior to Preliminary Plat approval and have obtained a Letter of
1058 Map Revision (LOMR) prior to any building permits for structures being issued.
1059 See FEMA 480 and/or FEMA 265 for further information
- 1060 4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other
1061 source as outlined above, the reference level shall be elevated or floodproofed (non-
1062 residential) to two feet (2.0 ft.) above the Highest Adjacent Grade (HAG) at the building
1063 site or to the Flood Protection Elevation (FPE) whichever is higher. All other applicable
1064 provisions of §9-3I-4B shall also apply.

1065
1066 **D. Standards for Riverine Floodplains with Base Flood Elevations but without Established**
1067 **Floodways or Flood Fringe Areas.**
1068

1069 Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is
1070 available from another source but neither floodway nor flood fringe areas are identified for a
1071 Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply
1072 to all development within such areas:
1073

- 1074 1. Standards of §9-3I-4A and B; and
1075
- 1076 2. Until a regulatory floodway or flood fringe area is designated, no encroachments,
1077 including fill, new construction, substantial improvements, or other development shall be
1078 permitted unless certification with supporting technical data by a registered professional
1079 engineer is provided demonstrating that the cumulative effect of the proposed
1080 development, when combined with all other existing and anticipated development, will
1081 not increase the water surface elevation of the base flood at any point within the
1082 community.
1083

1084 **E. Standards for Floodways and Flood Fringe Areas**

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Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in §9-3I-2B. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in §9-3I-4A and B, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - a. it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - b. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
2. If §9-3I-4E.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. Manufactured homes may be permitted provided the following provisions are met:
 - a. the anchoring and the elevation standards of §9-3I-4B.3; and
 - b. the encroachment standards of §9-3I-4E.1.

F. Standards for Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH)

Located within the Special Flood Hazard Areas established in §9-3I-2B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to §9-3I-4A and B, all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2 feet, above the highest adjacent grade; or **at least 4 feet above** the highest adjacent grade if no depth number is

1121 specified. *A minimum of two (2) feet is required and four (4) feet is recommended where*
1122 *a depth is not provided.*

1123

1124 2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as
1125 required in §9-3I-4F.1 so that the structure, together with attendant utility and sanitary
1126 facilities, below that level shall be watertight with walls substantially impermeable to the
1127 passage of water and with structural components having the capability of resisting
1128 hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in
1129 accordance with §9-3I-3C.3, and §9-3I-4B.2.

1130

1131 3. Adequate drainage paths shall be provided around structures on slopes to guide
1132 floodwaters around and away from proposed structures.

1133

1134 **9-3I-5 LEGAL STATUS PROVISIONS**

1135

1136 **A. Effect on Rights and Liabilities under the Existing Flood Hazard Protection Ordinance**

1137

1138 This ordinance, in part, comes forward by re-enactment of some of the provisions of the Flood
1139 Hazard Protection Ordinance enacted 2006 as amended, and it is not the intention to repeal
1140 but rather to re-enact and continue to enforce without interruption of such existing provisions,
1141 so that all rights and liabilities that have accrued thereunder are reserved and may be enforced.
1142 The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or
1143 pending. All provisions of the Flood Hazard Protection Ordinance of the City of Sun Valley
1144 enacted on 2006 as amended, which are not reenacted herein are repealed.

1145

1146 **B. Effect upon Outstanding Floodplain Development Permits**

1147

1148 Nothing herein contained shall require any change in the plans, construction, size, or designated
1149 use of any development or any part thereof for which a Floodplain Development Permit has been
1150 granted by the Floodplain Administrator or his or her authorized agents before the time of
1151 passage of this ordinance. Provided, however, that when construction is not begun under such
1152 outstanding permit within a period of 180 days subsequent to the date of issuance of the
1153 outstanding permit, construction or use shall be in conformity with the provisions of this
1154 ordinance.

1155

1156 **C. Severability**

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1158 The ordinance is hereby declared to be severable. Should any portion of this ordinance be
1159 declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in
1160 full force and effect and shall be read to carry out the purpose(s) of the ordinance before the
1161 declaration of partial invalidity.

1162
1163 **D. Effective Date**

1164
1165 This ordinance shall become effective upon adoption by the City Council.

1166
1167 SECTION 6. CODIFICATION. The City Clerk is instructed pursuant to Section 1-1-3 of the City of Sun Valley
1168 Municipal Code to immediately forward this ordinance to the codifier of the official municipal code for
1169 proper revision of the code.

1170
1171 APPROVED BY THE SUN VALLEY CITY COUNCIL THIS 3rd day of MARCH, 2016.

1172
1173 APPROVED:
1174
1175 _____
1176 ATTEST: Peter Hendricks, Mayor
1177 City of Sun Valley

1178
1179 _____
1180 Alissa Weber, City Clerk
1181 City of Sun Valley