

MEETING AGENDA

**THURSDAY, May 28, 2015 AT 9:00 A.M.
SUN VALLEY PLANNING AND ZONING COMMISSION
TO BE HELD IN SUN VALLEY COUNCIL CHAMBER AT CITY HALL**

1. Call To Order

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

2. Public Comment

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

3. Consent Agenda

4. New Business

A. Evergreen Ventures, LLC; Public hearing for a **Design Review** Application for the construction of a 3,274 square foot, three-story single family dwelling with an attached garage and associated site improvements on existing Lot 3 in the Single-Family Residential (RS-1) Zoning District. Location: Lot 3 Lane Meadows Subdivision; Lane's Way at Highway 75. Application No: DR 2015-23. (A potential site visit may be conducted as needed prior to discussion in Council Chambers)

5. Continued Business

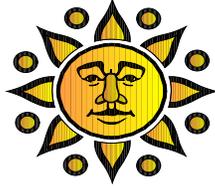
6. Discussion Items

7. Adjourn

Meeting Schedule:

Regular Meeting at 9:00 am on Thursday, June 11, 2015.

Regular Meeting at 9:00 am on Thursday, June 25, 2015.



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

To: Planning and Zoning Commission
From: Abby Rivin, Associate Planner
Meeting Date: May 11, 2015
Agenda Item: **Lane Meadows Lot 3 Single Family Residence
Design Review Application No. DR 2015-23**

SUBJECT: Public hearing for a design review application proposing the construction of a new 4,707.73 square foot, three-story single family dwelling with attached 792.50 square foot garage and associated site improvements on an existing lot in the Single-Family Residential (RS-1) Zoning District of the City of Sun Valley. **Applicant:** Evergreen Ventures, LLC. **Application Filing Date:** May 4, 2015. **Location:** Lot 3 Lane Meadows Subdivision, 120 Lane's Way.

BACKGROUND: The project proposes development of an existing vacant 0.54 acre lot with a new single family dwelling and associated site improvements. The standards, processes, and information contained in Sun Valley Municipal Code apply to the development with the exception and/or additions articulated in the Development Agreement between the City of Sun Valley and Evergreen Ventures, LLC signed on June 24, 2014 (**Exhibit "PZ-B"**). The lot is conforming in lot area (23,321 square feet) where a 20,000 square foot minimum is required in the RS-1 Zoning District. A recorded building zone (7,854 square feet) exists for the lot as part of the original Lane Meadows Subdivision Plat. The Development Agreement between the City of Sun Valley and Evergreen Ventures, LLC allows development of a single family dwelling with a maximum total net usable floor area of living space of 4,250 square feet. The new structure's design consists of a 1,432.96 square foot basement/first floor level, 2,187.03 square foot second floor level, a 1,087.74 third floor level, and a 792.50 square foot attached garage. The net useable floor area of livable proposed is 3,274.77 square feet. The new three-level structure is designed to be centrally sited on the lot within the prescribed building zone. A reduced 11" by 17" project drawing set consisting of eleven (11) sheets stamped received by the City on May 4, 2015 is attached to this report as **Exhibit "PZ-E"** for review and consideration.

Application Review and Comment- The project drawings and application materials were reviewed and approved by the City for Sun Valley Fire Department (**Exhibit "PZ-C"**). The Community Development Department has completed a comprehensive review of the development application and has determined that all required application materials have been satisfactorily submitted as per Development Code requirements. The proposed single family design is consistent with the land use envisioned for the property and the development is congruent with the size, nature, and character of future development expected in the area. No significant negative impacts to the area or City due

to the residential development have been identified by staff.

Public Notice and Comment- The project application was publicly noticed by: 1.) publication in the Mtn. Express on May 13, 2015 and May 20, 2015; 2.) posting on the project site; 3.) mailing of notice to all property owners within a minimum 300 foot radius of the site; 4.) posting of notice in five prominent public places in the City, including Sun Valley City Hall, Sun Valley Post Office, Elkhorn Springs Store Post Office, St. Thomas Episcopal Church and the Elkhorn Fire Station; 5.) electronic notification to all parties who have notified the City of interest to receive agendas and notices; and, 6.) posting of the notice on the City's web site.

The Community Development Department received one inquiry regarding the height and number of floors of the residence (**Exhibit PZ-D**). No other public comment letters or emails were received by staff as of the writing of this Report.

Alternative Actions- Alternative actions available to the Commission include: (1) make the required findings and adopt the attached draft Findings of Fact and Conclusions of Law approving the design review application; (2) continue the public hearing for further information and review; or (3) close the public hearing, discuss the findings, vote to deny the application, and direct staff to return on a date certain with a resolution of denial reflecting the comments and findings of the Commission.

RECOMMENDATION: Before public comment is received, the Commission should disclose all information and contacts received outside the public hearing on this item upon which the decision will be based, receive public testimony, and consider the facts and findings necessary to make a decision on the application. The Community Development Department recommends the Commission review the project drawings, discuss any remaining issues, and take action to approve the design review application.

LIST OF ATTACHED EXHIBITS:

- | | |
|----------------|---|
| Exhibit "PZ-A" | Draft Findings of Fact, Conclusions of Law and Conditions of Approval for Design Review Application No. DR 2015-23. |
| Exhibit "PZ-B" | Development Agreement between the City of Sun Valley and Evergreen Ventures, LLC signed on June 24, 2014. |
| Exhibit "PZ-C" | City of Sun Valley Fire Department review comment letter dated May 22, 2015. |
| Exhibit "PZ-E" | Email inquiry from Connie Price received May 18, 2015 (replied to by the Community Development Department on May 22, 2015). |
| Exhibit "PZ-E" | Reduced 11" by 17" project drawing set consisting of eleven (11) sheets stamped received by the City on May 4, 2015. |

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

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

Project Name: **Lane Meadows Lot 3**
Applicant: **Evergreen Ventures, LLC**
Location: **Lot 3 Lane Meadows Subdivision; 120 Lane’s Way**
Zoning District: **Single-Family Residential (RS-1) Zoning District**

*****The standards, processes, and information contained in Sun Valley Municipal Code shall apply to the development with the exception and/or additions articulated in the Development Agreement between the City of Sun Valley and Evergreen Ventures, LLC signed on June 24, 2014.**

Single Family Residence Floor Area:

| | Proposed Floor Area (sq. ft.) |
|-------------------------|--------------------------------------|
| First Floor/Basement | 1,432.96 |
| Second Floor | 2,187.03 |
| Third Floor | 1,087.74 |
| Garage | 792.50 |
| Total Gross Area | 5,500.23 |

Lot Area: 0.54 acres (23,321 sq. ft.)
Building Zone: 7,854 sq. ft. All structures, as defined in Section 9-1C-1 of City Code, must fit within prescribed Building Zone with the exception of driveways, walkways, fencing, and retaining walls or structures less than thirty inches in height.
Net Useable Floor Area: Per Development Agreement, the total net usable floor area of living space on any lot, inclusive of any primary dwelling and any accessory dwelling, exclusive of basement and garage space, shall not exceed 4,250 square feet.
Net Useable Floor Area Proposed: 3,274.77 sq. ft. (77% of maximum)
Building Height allowed for Single Family Residence: 30’ maximum, exclusive of chimneys and solar panels, from finished grade.
Proposed Height of Single Family Dwelling: 30’ above finished grade.
Required Snow Storage: 897.5 sq. ft. min. (50% of hardscape areas)
Proposed Snow Storage: Approximately 955 sq. ft. (consistent with Section 9-3G-13)

Project Description: The applicant proposes to construct a new 4,707.73 square foot, three-story single family dwelling with an attached 792.50 square foot garage and associated site improvements on an existing residential lot in the Single-Family Residential (RS-1) Zoning District of the City of Sun Valley. The lot is conforming in lot area (23,321 square feet) where a 20,000 square foot minimum is required in the RS-1 Zoning District. A recorded building zone (7,854 square feet) exists for the lot as part of the original Lane Meadows Subdivision Plat. The Development Agreement between the City of Sun Valley and Evergreen Ventures, LLC allows development of a single family dwelling with a maximum total net usable floor area of living space of 4,250 square feet. The new structure's design consists of a 1,432.96 square foot basement/first floor level, 2,187.03 square foot second floor level, a 1,087.74 third floor level, and a 792.50 square foot attached garage. The net useable floor area of livable proposed is 3,274.77 square feet. The new three-level structure is designed to be centrally sited on the lot within the prescribed building zone.

The project site lies adjacent to the private roadway Lane's Way accessed directly from Highway 75 south of the Elkhorn Road Intersection. The Lane Meadows subdivision is surrounded on three sides by the existing Lane Ranch Subdivision. Subject site lot 3 lies adjacent to lots 1 and 2 of Lane Ranch Subdivision, which are developed with single family dwellings, and lots 2 and 4 of Lane Meadows Subdivision. The design for the single family residence located on lot 2 was approved by the Planning & Zoning Commission at the March 12, 2015 meeting. The detached single family dwelling on lot 3 is to be developed as a single phase. The structure's basement/lower level is excavated into the site grade and the structure generally visually presents itself as a two level dwelling because of the foundation's lower grade below street level. The dwelling is accessed from the Lane's Way via a 22.5-foot wide asphalt driveway. No detached or accessory structures are proposed with the project nor does it include an accessory dwelling unit.

As per the colors/materials exhibit submitted as part of the application materials, the structure's exterior materials are primarily windows with Fleetwood clear anodized aluminum frames and gray concrete. The roofing system is a gray-colored metal with an Alaskan Yellow Cedar wood underside and complies with the City's Class A assembly and materials requirements. The project's exterior lighting, including fixture counts, is called out on Sheets A3.1 and A3.2 of the submittal to ensure project compliance with the City's exterior lighting regulations. Additionally, the applicant submitted manufacturer's specifications for two lighting fixture types. Also reviewed by the Commission and staff and included within the drawing set were renderings, elevations, sections, and floor plans of the residence.

The structure is located on the site to meet all standards and requirements contained in Title 9 of the Sun Valley Municipal Code with the exceptions and additions articulated in the Development Agreement between the City of Sun Valley and Evergreen Ventures, LLC. No portion of the structure exceeds thirty feet above finished grade, where a thirty foot maximum is permissible by the Development Agreement. The building zone on the project drawings matches the building zone recorded as part of the original Lane Meadows Subdivision Plat. The total proposed net useable floor area of living space of 3,274.77 square feet complies with the 4,250 square foot maximum footprint allowed for the site. No portion of the building extends outside the building zone.

Because no significant slope areas lie on or adjacent to the project site no slope analysis was required as part of the application materials. The single-family development proposes minimal disturbance of the site and grading consists of excavation for the lower level and landscape/drainage improvements. No natural tree or shrub masses or unique rock or geological formations exist on or adjacent to the site and the area is not within an identified view corridor or skyline. No significant historical, natural, ecological, architectural, archeological or scenic special sites lie on or adjacent to the project site. No streams, lakes or other natural bodies of water lie nearby nor do any significant ridges, summits, or hilltops.

All aspects of the project have been reviewed by the Planning Commission and staff to ensure compliance with all applicable standards including building zone, net useable floor area of living space, maximum height, off-street parking, landscape irrigation, snow storage, exterior lighting

regulation compliance, and hillside preservation provisions. The Planning and Zoning Commission conducted a noticed public hearing on May 28, 2015.

Required Findings: In order to approve a design review application and based on the standards set forth in **Sun Valley Municipal Code, Title 9, Chapter 5B, Section 3 DESIGN REVIEW**, the Planning & Zoning Commission shall make the following findings:

1. The proposed design is in conformance with the purpose of the zoning district and all dimensional regulations of that district. **The construction of the new single family dwelling and associated site improvements is in conformance with the purpose and dimensional regulations of the zoning district because the design meets or exceeds all applicable standards with the additions and exceptions defined in the Development Agreement between the City of Sun Valley and Evergreen Ventures, LLC. The Single-Family Residential (RS-1) Zoning District allows single family residential construction by right as a land use. The new dwelling and associated improvements comply with all applicable development standards for the RS-1 District as well as with the exceptions and additions articulated in the Development Agreement.**
2. The proposed design is in conformance with the standards for design review as set forth in Chapter 3A DESIGN REVIEW REGULATIONS of Title 9. **The structure is in conformance with all applicable standards for design review because it is appropriately and sensitively located on the existing platted lot and the preservation of existing view sheds and corridors was taken into account as part of the project design. The design of the project is consistent with and complimentary to existing development on adjacent lots, as well as the developed surrounding Lane Ranch neighborhood. The quality materials and colors utilized by the project are consistent with the surrounding neighborhood and the greater Sun Valley area. All applicable evaluation standards for design review as set forth in Chapter 3A have been met by the project design.**
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 significant negative impact will occur to surrounding natural features because the development will occur on the less constrained, least sloped, most developable portion of the site. No significant view or hillside scaring will occur, and no significant natural features or hilltops will be disturbed. No natural tree or shrub masses or unique rock or geological formations exist on the site. The area is not within an identified view corridor or skyline. No avalanche hazard area has been identified on or near the subject property. The development provides adequate separation from adjacent properties and maximizes view preservation through and to the site.**
4. The proposed design is in context and complimentary to adjacent properties. **The project is on Lot 3 of the Lane Meadows Subdivision. Existing development exists on the adjacent residential lots in the Lane Ranch Subdivision. Lot 2 will be developed with a single family dwelling approved by the Planning & Zoning Commission on March 12, 2015. The proposed detached single family dwelling is to be developed as a single phase, the lower basement level is excavated into the site grade, and the structure generally visually presents itself as a two-level dwelling because of the foundation's lower grade below street level. The structure will be sited in an area which is consistent with existing residential development in the Lane Ranch Subdivision and with anticipated future development in Lane Meadows Subdivision. The new dwelling is consistent, in context with, and complimentary to adjacent properties because of sensitivity in design, bulk, mass and location. The single family residential character of the area will be maintained and the project is in compliance with all applicable conditions and requirements of the**

Lane Meadows Subdivision's Master Plan, Zone Map Amendment, Planned Unit Development, Preliminary Plat, and Final Plat approvals.

5. The proposed design is compatible with the community character and scale of the neighborhood. **The proposed design is compatible with the community character and scale of the neighborhood because the primary dwelling is sensitively and appropriately placed on the site and the 5,500.23 gross square foot single family design is consistent with existing and future single family development on lots within the immediate surrounding area. The new dwelling will be accessed from the Lane's Way private road via a new private driveway. The bulk and mass of the proposed design is consistent and compatible with the community character and scale of the existing residences in the City because the structure is centrally located on the front most developable portion of the site, is substantially dug into existing grade, and will be separated from view from surrounding areas in the future by new landscaping vegetation.**
6. The proposed design adheres to standards for the protection of health, safety, and general welfare. **All applicable services such as sewer and water are available to fully serve the project. The Sun Valley Fire Department approved the project in the review letter dated May 22, 2015. No site conditions or aspects of design have been identified that would be adverse to the protection of health, safety, and general welfare of the community.**
7. The proposed design is of quality architectural character and materials. **The proposed design of the structure is of quality architectural character because it incorporates adequate horizontal and vertical articulation in wall and roof planes, the structure is integrated into the grade, visual impacts are minimized while allowing development of the existing lot, and the materials are consistent with the quality and design of surrounding development and the region.**
8. The use is not in conflict with the Comprehensive Plan or other adopted plans, policies, or ordinances of the City. **The subject site is designated as Low Density Residential by the Future Land Use Map of the Comprehensive Plan. The Single-Family Residential (RS-1) Zoning District implements the Low Density Residential Land Use Designation and the proposed single-family dwelling on one legal lot is consistent with all applicable provisions of the RS-1 Zoning District.**

CONCLUSIONS OF LAW

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

CONDITIONS OF APPROVAL

1. **The applicant(s) and their representatives shall comply with all applicable City codes and ordinances.**
2. **Site review approval is good for one year from the date of approval, unless extended as per Municipal Code Section 9-5A-8.**
3. **Any requirements and/or approvals of private associations or other entities**

- are the sole responsibility of the property owner.
4. The location and elevation of the building foundation shall be certified by a licensed surveyor or engineer and submitted to the Sun Valley Building Inspector, as applicable, prior to any issuance of a foundation inspection or permission to pour concrete footings.
 5. Any permits issued during the 10-day appeal period provided for under section 9-3A-4 may be subject to a stop work order in the event of an appeal. Any work commenced during the appeal period shall be at the applicant's own risk.
 6. A final construction management plan shall be submitted to the Building Inspector at the time of application for a building permit that addresses construction parking, material storage, nuisance control (noise, dust, trash, street cleaning, and construction fencing) and each issue of concern of the Planning and Zoning Commission addressed as part of the project approval. **Prior to the issuance of a building permit, final review and approval of the construction management plan by the Community Development Department is required.** No construction parking or staging shall occur on the public right-of-way without City permission and the site access shall be kept free and clear for emergency vehicle access at all times. Access shall not be impeded by construction activity to the greatest extent practicable and any significant access issues shall be brought to the attention of the City and project neighbors in advance. Temporary construction fencing shall protect all sensitive surrounding vegetation on adjacent properties throughout the development process. Temporary dirt and grading staging areas shall be clearly identified on the construction management plan. Any damage done to the paved City street or other improvements within the right-of-way shall be restored to the satisfaction of the Streets Department.
 7. A temporary address placard or monument shall be maintained at the driveway entrance for the construction phase and the access roadway shall be maintained free and clear for emergency vehicle access. No modifications to the approved plans shall be made without written permission of the Fire Code Official, Building Official, and Community Development Department.
 8. Any planned permanent address monument shall meet all applicable requirements of Development Code Section 9-3G-14, including letter size and height. A final address monument plan showing the design of any included lighting fixtures shall be submitted for approval by the Community Development Department prior to any construction of such monument and prior to issuance of a Certificate of Occupancy for the project by the City.
 9. All exterior lighting shall be consistent with the project drawings and approved project design. Any future new lighting shall remain consistent with the provisions for exterior lighting compliance and shall receive prior approval of the Community Development Department prior to modification.
 10. The subject Design Review Application shall be specific to the project drawings (11 Sheets) stamped received by the City on May 4, 2015 and approved by the Planning & Zoning Commission on May 28, 2015. Any changes or modifications to the approved design shall be reviewed by the Community Development Department pursuant to Code Section 9-5A-10, Substantial Conformance.
 11. The project's utilities shall be enclosed and screened from view. The enclosure design shall be depicted on the plans submitted for building permit review to the satisfaction of the Community Development Department prior to issuance of any building permits for the project.
 12. All drainage shall be kept on site and channeled to drywells as necessary.

DECISION

Therefore, the Sun Valley Planning and Zoning Commission approves this Design Review Application No. DR 2015-23.

Dated this 28th day of May, 2015.

Ken Herich
Chairman
Sun Valley Planning and Zoning Commission

Date Findings of Fact signed _____

Exhibit PZ-B

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (hereinafter "Agreement") is entered into this ^{24th} day of June, 2014, by and between the **CITY OF SUN VALLEY, IDAHO**, a municipal corporation ("City") and **EVERGREEN VENTURES, LLC**, an Idaho limited liability company ("EVERGREEN").

RECITALS:

A. EVERGREEN is the owner of the Lane Meadows parcel, consisting of two lots totaling approximately seven (7) acres on the east side of Highway 75, Blaine County, Idaho ("Property") described more particularly on Exhibit A, attached hereto and in EVERGREEN's Applications for Annexation, Comprehensive Plan Map Amendment, Zoning Map Amendment, Master Plan and Planned Unit Development Conditional Use and Subdivision Preliminary Plat (collectively "Applications").

B. EVERGREEN's Applications have been submitted seeking approval of Annexation and subdivision of the Property pursuant to a site-specific plan for ten (10) residential lots ("Project").

C. In connection with the Project, EVERGREEN and the City, pursuant to the provisions of Idaho Code § 67-6511(A) and § 9-5B-4 of the Sun Valley City Code, desire, as a condition of the approval of the pending Applications, to enter into this Development Agreement, and to herein further set forth the manner in which the Project shall be developed and completed.

AGREEMENT

NOW, THEREFORE, in consideration of the City's approval of the Applications and the mutual covenants and conditions hereinafter set forth, the parties hereto agree as follows:

1. **Project Design Plan.** EVERGREEN has presented the City with certain documents, maps and drawings which are attached to the Applications, and which collectively comprise, and are hereinafter referred to, as the "Project Design Plan." EVERGREEN agrees that the Project Design Plan, with such amendments thereto as specifically approved by the City Council, shall govern the use and development of the Project, and that the Project shall be consistent with the Project Design Plan as approved by the City. By this Agreement, EVERGREEN agrees to be bound by the Project Design Plan, and not to deviate therefrom without the prior written consent of the City. There shall be no further subdivision of any residential lot and no additional residential lots shall be added.

2. **Use of Property.** The Property shall be used for not more than ten (10) residential lots in the RS-1 Zoning District ("District") and associated easements, a private roadway and common area.

Instrument # 624318

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2-5-2015 08:53:11 AM No. of Pages: 9
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JOLYNN DRAGE Fee: 34.00
Ex-Officio Recorder Deputy
Index to: AGREEMENT/CORRECTION

ORIGINAL

JB

3. Standards. The standards, processes and information contained in Title 9 of the Sun Valley Municipal Code (“Code”) shall apply to the development of the Project, with the exception and/or addition of the following:

A. Defined Building Zones

The Project incorporates defined “Building Zones” on each lot which will be identified on the approved Plat and within which all Structures , as defined in Section 9-1C-1 of the Code, constructed on said lot must fit, with the exception of driveways, walkways, fencing, and retaining walls or other structures less than thirty (30) inches in height. The Building Zones are designed to provide more certainty and easier interpretation than the Building Envelope requirements of Section 9-2A-3.I of the Code.

B. Building Size Limitations

i. Limitations Applicable to All Lots:

- a. The total net usable floor area of living space on any Lot, inclusive of any primary dwelling and any accessory dwelling, exclusive of basement and garage space, shall not exceed four thousand two hundred and fifty (4,250) square feet.
- b. The highest point on any roof of a structure in the Project, exclusive of chimneys and solar panels, shall not exceed thirty (30) feet in height from finish grade.

ii. Limitations Applicable to Specific Lots:

- a. Lot 2: The highest point of any architectural feature within forty (40) feet of the north property line shall not exceed twenty-two (22) feet in height from finish grade.
- b. Lots 6 and 7: The highest point of a roof structure, exclusive of chimneys and solar panels, shall not exceed twenty-two (22) feet in height from finish grade.

C. Limitations on Height of Vegetation

The CC&R’s shall contain a Species List identifying approved species of trees and shrubs with accepted growth expectations not exceeding fifteen (15) feet in height. All trees and shrubs planted within the Project must be from the Species List, as the same may be amended (as

it relates to species, but not height) from time to time. The Association shall be required to enforce this restriction on planting.

D. Private Roadway and Common Open Space

The Project incorporates a private roadway on a right of way which is thirty (30) feet in width located on Parcel A plus adjacent fifteen (15) foot wide right of way/public utility/snow storage easements on the front of each lot and within Parcel B. The roadway section, as shown on the Project Design Plan, incorporates a “driveable” twenty-six (26) foot wide surface as follows: twenty (20) feet of asphalt, plus either (i) a six foot compacted shoulder, three feet on either side of the roadway or (ii) a six foot wide concrete sidewalk with roll-up curb. The roadway will be constructed to these standards and has been approved by the Fire Chief. In the event the Sun Valley Police Chief reasonably determines that it is necessary for the protection of public safety, the City may install signage restricting egress from the Project to right turns only during specified periods or at all times. The Project also incorporates private common open space on Parcel B which is included pursuant to Section 9-4A-5-C.2 of the Code. Both Parcel A and Parcel B will be owned and maintained in perpetuity by the Homeowner’s Association (“Association”) created consistent with a Declaration of Covenants, Conditions and Restrictions (“CC&Rs”).

E. Pedestrian Connectivity

The Project incorporates a pedestrian sidewalk (“Sidewalk”) within the Idaho Transportation Department (“ITD”) right of way to provide connectivity to Elkhorn Road consistent with EVERGREEN’s “Application ITD 2111”. EVERGREEN shall be solely responsible for the cost of installing and maintaining the Sidewalk and shall repair and replace any damage to the Lane Ranch Association irrigation system which may occur as a result of the Sidewalk, including redesign of sprinkler heads as may be required, using a landscape firm reasonably acceptable to the Lane Ranch Association. EVERGREEN shall enter into a Maintenance Agreement with the City whereby EVERGREEN shall assume all of the City’s obligations under an agreement the City makes with the ITD to maintain the Sidewalk, and shall indemnify the City from any claims arising therefrom. The City shall be named as an additional insured on any liability policy covering said Sidewalk. EVERGREEN shall have the absolute right to delegate and assign all of its obligations under this provision to the Association. EVERGREEN shall incorporate language requiring compliance with the Maintenance Agreement into appropriate Association documents. Evergreen shall use its best efforts to design, construct and maintain the Sidewalk in a manner to avoid ice build-up.

4. Infrastructure. All infrastructure required to be incorporated into the Project by Evergreen will be installed in a single phase prior to the recording of the final plat, or bonded for in accordance with Section 9-4A-8 of the Code.

5. Recordation. The parties agree that the subdivision plat of the Property shall reference the existence of this Development Agreement by instrument number and recording date and incorporate this Development Agreement by reference as binding on all successors and assigns of EVERGREEN. The parties further acknowledge and agree that this Development Agreement shall be recorded by the Blaine County Recorder's Office immediately after the recordation of the final subdivision plat.

6. Amendment. EVERGREEN, without prior written approval from the City, shall not alter or amend the location of any Lot.

7. Fees and Costs. In the event either party is required to retain counsel to enforce a provision of this Agreement, or to recover damages resulting from a breach hereof, the prevailing party shall be entitled to recover from the other party all costs and reasonable attorney's fees incurred, including costs and attorney's fees incurred on appeal.

8. Notices. All notices required or provided for under this Agreement, or which may become necessary in the event of a default in any of the terms or conditions of this Agreement, shall be in writing and deemed delivered upon delivery in person or by certified mail, postage prepaid, addressed as follows:

"City":

City of Sun Valley
Community Development Director
P.O. Box 416
Sun Valley, ID 83353

"EVERGREEN":

Evergreen Ventures, LLC
Attn: Scott Thomson
PO Box 14001-363
Ketchum, ID 83340

Copy to:

Lawson Laski Clark & Pogue, PLLC
Attn: James R. Laski
P.O. Box 3310
Ketchum, ID 83340

A party may change the address to which further notices are to be sent by notice in writing to the other party, and thereafter notices shall be addressed in transmitted to the new address.

9. Reliance by City. This Agreement is intended by EVERGREEN to be a material element of EVERGREEN's application for approval of its pending Applications for Lane Meadows. EVERGREEN agrees that the City may rely upon this Agreement in its review and consideration.

10. Non-Waiver. The failure by the City at any time to strictly enforce the provisions of this Agreement or to remedy any breach hereof by EVERGREEN, shall not constitute a waiver by the City of the covenants or conditions of this Agreement with regard to any subsequent default or breach, nor shall it be construed in any manner as an amendment of this Agreement.

11. Partial Invalidity. In the event any term, condition or provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining terms, conditions and provisions shall remain in full force and effect as written.

12. Entire Agreement. This Agreement constitutes the full and complete understanding and agreement between the parties hereto. There are no representations or warranties made by either party except those expressly made in this Agreement or in subsequent written amendments hereto.

13. Authority. Each of the persons executing this Agreement represents and warrants that he has the lawful authority and authorization to execute this Agreement for and on behalf of the entity executing this Agreement.

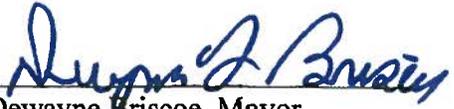
14. Continuing Effect. This Agreement, and all its conditions, terms, duties and obligations shall be an encumbrance on the Property, and shall be binding upon, and benefit, all present and succeeding owners of the Property or any portion of the Property.

15. Construction and Interpretation. This Agreement is the product of mutual negotiation by the parties and there shall be no presumption against either party as the drafter.

[signatures to follow]

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

**CITY OF SUN VALLEY, IDAHO
A MUNICIPAL CORPORATION**

By: 
Dewayne Briscoe, Mayor

Attest: 
Deputy City Clerk

EVERGREEN VENTURES, LLC

By: 
Scott Thomson, Manager

STATE OF IDAHO)
)ss.
County of Blaine)

On this 2nd day of July, 2014, before me, a Notary Public, in and for said County and State, personally appeared Dewayne Briscoe and Robin Crotty, known or identified to me to be the Mayor and City Clerk, respectively, of CITY OF ~~KETCHUM~~ Sun Valley, the municipal corporation that executed the foregoing instrument, and acknowledged to me that such municipality executed the same.

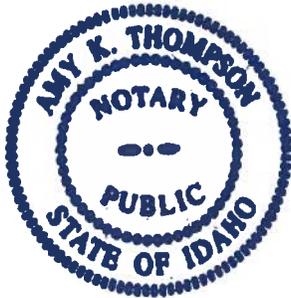
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Blaine County
My commission expires: 3/5/2020

State of Idaho)
) ss.
County of Blaine)

On this 24 day of June, in the year of 2014, before me, a Notary Public in and for said State, personally appeared Scott Thomson, known or identified to me to be the Manager of Evergreen Ventures, LLC, a limited liability company who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



[Signature]
Notary Public for Idaho
Residing at Hailey, ID
My Commission expires 5-7-19

STATE OF IDAHO)
) ss.
County of Blaine)

I do hereby certify that the foregoing is a full, true and correct copy of the original thereof, on file in my office.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal this 2nd day of February, 2015.



Alissa Weber, City Clerk
City of Sun Valley

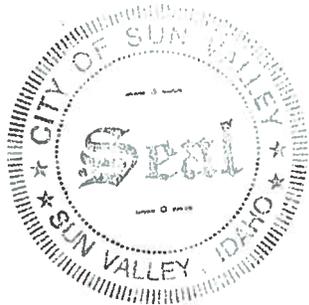


EXHIBIT A

LEGAL DESCRIPTION

A parcel of land located in the Southeast 1/4 of Section 19 and the Northeast 1/4 of Section 30, Township 4 North, Range 18 East of the Boise Meridian, Blaine County, Idaho and being more particularly described as follows:

Commencing at a 1969 BLM Brass Cap which marks the southeast corner of Section 19, Township 4 North, Range 18 East (CP&F No. 592293), from which a 1969 BLM Brass Cap which marks the East 1/4 corner of said Section 19 (CP&F No. 592294) bears North 00°35'12" East, 2631.96 feet;

Thence North 82°32'05" West, 754.46 feet to a 5/8" rebar, PLS 1000, on the northerly boundary of Lane Ranch Subdivision Phase 2, recorded as Instrument No. 319339, said 5/8" rebar being the **POINT OF BEGINNING**;

Thence along said northerly boundary line South 71°14'50" West, 366.16 feet to a 5/8" rebar, PLS 1000;

Thence North 18°44'35" West, 322.63 feet to a 5/8" rebar, PLS 1000;

Thence South 71°11'43" West, 280.09 feet to the northeasterly right-of-way line of State Highway 75;

Thence along said northeasterly right-of-way line North 18°47'43" West, 299.92 feet to the southerly boundary line of Lane Ranch Subdivision Phase 1, recorded as Instrument No. 306890;

Thence along said southerly boundary line North 71°15'00" East, 646.45 feet;

Thence South 18°44'59" East, 622.27 feet to the **POINT OF BEGINNING**;

Said parcel contains 311,838 square feet, or 7.2 acres, more or less

End Description

Exhibit PZ-C



CITY of SUN VALLEY
FIRE DEPARTMENT

Date: 05/22/15
To: Abby Rivin
Re: DR2015-23/ Lane Meadows Lot 3

I have reviewed the submitted plans for the Lane Meadows lot 3 and they appear to meet the intentions of the 2012 International Fire Code.

No Changes shall be made to the plans without approval of the Fire Code Official or the Fire Chief.

Reid Black Fire Code Official
City of Sun Valley Fire Department

Exhibit PZ-D

From: [Connie Price](#)
To: [Abby Rivin](#)
Subject: Hearing May 28
Date: Monday, May 18, 2015 5:34:46 PM

Hi,

I just received the notice about building a 3274 house - 3 story on Lot 3 in Lane Meadows. We live on the south side of the property at 4 Willow Road. I have a few questions:

- What is the maximum height of a house in Lane Meadows. It would seem that a 3-story house would be too high.
- could you forward a map of the lots to me as I am not certain where lot 3 is located.
- we believe and hope it is true that Lane Meadows agreed to a one story house in the lot directly behind us with a maximum of 15 feet high of planting.

I would appreciate your response to these 3 questions. It will help me sleep better...

Thanks,

Connie
415-722-4464