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

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| **To:** | Planning and Zoning Commission |
| **From:** | MH Mark Hofman, Community Development Director |
| **Meeting Date:** | April 25, 2013 |
| **Agenda Items:** | **Zoning Map Amendment-**<br>**Sun Valley Water & Sewer District Tax Lot 5998** |

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**SUBJECT:** Public hearing and noticed site visit for a **Zoning Map Amendment** Application (draft Ordinance No. 460) proposing a rezone of Tax Lot 5998 from Outdoor Recreational (OR-1) to Public/Institution (PI) Zoning District for an associated Design Review Application (DR2013-09) to construct a new reuse water booster pump structure. The Zoning Map Amendment Application is also in conjunction with recently submitted Application No. CPA 2013-01 for an amendment to the Future Land Use Map to change the land use designation for the Tax Lot from Open Space to Public/Quasi-Public. **Applicant:** Pat McMahon for the Sun Valley Water & Sewer District. **Location:** Tax Lot 5998 (RP04N180190040); Elkhorn Road at Weyyakin Drive. **Application Number:** ZMA2013-01.

**BACKGROUND:** The rezone is requested by the Sun Valley Water & Sewer District (SVW&SD) concurrently with a design review application for the construction of a new reuse water booster pump structure. The new booster pump station is proposed on a site that consists of Parcel A of the Lane Ranch North Subdivision and adjacent Tax Lot 5998. Parcel A of the Lane Ranch North Preliminary Plat was approved by the City in 2012 as a site for a future reuse water booster station and correspondingly the Future Land Use Map of the 2005 Comprehensive Plan Update was amended to the Public/Quasi-Public land use designation (Resolution No. 2012-02). Parcel A was also officially amended on the Official Zoning Map from Outdoor Recreational (OR-1) to Public/Institution (PI) by the adoption of Ordinance No. 448 on May 2, 2012. Tax Lot 5998 was not directly part of or subject to any application or City action on the Lane Ranch North Subdivision in 2012.

Tax Lot 5998 lies adjacent to Parcel A of the Lane Ranch North Subdivision and directly adjacent to the Elkhorn Road right-of-way. The Weyyakin Subdivision has a sixty (60) foot road and utility easement through the western portion of Parcel A (granted by a Lane Ranch agreement-Instrument No. 224855) and through Tax Lot 5998 to connect to Elkhorn Road. On July 17th, 2012, Tax Lot 5998 was transferred from Blaine County ownership to the SVW&SD, via Blaine County Resolution 2012-25 (**Exhibit "PZ-1"**), to be put to public use and consists of a 13,320 square feet area (approx. 0.31 acres). The SVW&SD now seeks to rezone the Tax Lot from the current OR-1 zoning to PI for the construction of the reuse water booster station. The Weyyakin residential development lies to the north and northwest of the Tax Lot, the new Lane Ranch North Subdivision lies to the northeast, and the existing Lane Ranch development lies across Elkhorn Road to the south.

**ANALYSIS:** The Zoning Map Amendment consists of a proposal to rezone 13,320 square feet area (approx. 0.31 acres) of Outdoor Recreational (OR-1) property to Public/Institution (PI) Zoning District. An exhibit of the specific site area to be rezoned is attached as part of draft Ordinance No. 460 (**Exhibit "PZ-2"**) along with a legal description and vicinity map.

The Planning and Zoning Commission is a recommending body to the City Council for amendments to the Official Zoning Map. A site visit by the Planning and Zoning Commission is recommended and the April 25, 2013 meeting will start at 9 am on site at Elkhorn Road and Weyyakin Drive before returning to City Hall. The public hearing for the Zoning Map Amendment is also noticed for this meeting of the Commission and it is anticipated that the applicant will deliver a short introductory presentation of the application and materials.

**Staff Review-** An initial review of the application and supporting materials has identified two main issues for discussion by the Commission during the public hearing prior to any recommendation action on the Zoning Map Amendment.

1. **Outdoor Recreational Zoning-** The entire 13,320 square foot portion of Tax Lot 5998 is currently zoned Outdoor Recreational (OR-1) on the Official Zoning Map of the City of Sun Valley. Development Code Section 9-5B-9B requires that lands that are zoned OR-1 prior to the adoption of the Code and the creation of the Recreation and Open Space zoning districts (Ordinance No. 382, 2006) and designated as OR-1 on the Official Zoning Map shall be required to apply for and receive an official zoning map amendment consistent with the land use designation shown on the Comprehensive Plan Future Land Use Map prior to, or in conjunction with, the processing of any development applications for improvements on the respective OR-1 zoned lands.

   As proposed by related Design Review Application No. DR2013-09, SVW&SD proposes to construct a new reuse water booster station partially on Tax Lot 5998 and partially on adjacent Parcel A of the Lane Ranch North Subdivision. Parcel A has already been rezoned by the City to the PI Zoning District in preparation for the booster station project. Pursuant to Code Section 9-5B-9B, the applicant is required to apply for and receive an official zoning map amendment in conjunction with the processing of any development application for improvements on the OR-1 zoned land of Tax Lot 5998. The Zoning Map Amendment application was filed in conjunction with and is specific to Design Review Application No. DR2013-09 to fulfill this requirement. Attached draft Ordinance No. 460 includes a condition of approval requiring approval of the rezone to PI for Tax Lot 5998 by the City Council prior to issuance of any building permits for the booster station project. Above grade utilities are a land use permitted by right in the PI Zoning District.

2. **Comprehensive Plan/Future Land Use Map-** As cited above, Development Code Section 9-5B-9B requires OR-1 lands to receive an official zoning map amendment *consistent with the land use designation shown on the Comprehensive Plan Future Land Use Map* prior to, or in conjunction with, the processing of any development applications for improvements on the respective OR-1 zoned lands. Tax Lot 5998 was not part of the 2012 Lane Ranch North Comprehensive Plan Amendment that amended adjacent Parcel A to the Public/Quasi-Public land use designation for the Lane Ranch North Preliminary Plat. As a result, the Future Land Use Map still designates Tax Lot 5998 as Open Space land use. Therefore, it could be seen

that in order to rezone Tax Lot 5998 to a zoning district "*consistent with the land use designation shown on the Comprehensive Plan Future Land Use Map*" the City should first require and then approve an amendment request to the Future Land Use Map for Public/Quasi-Public designation.

To address the issue raised in this Section regarding consistency with the land use designation shown on the Future Land Use Map, the applicant has submitted a related application for a Comprehensive Plan Amendment (CPA 2013-01) to change the land use designation for the Tax Lot from Open Space to Public/Quasi-Public. This amendment to the Public/Quasi-Public land use designation would mirror the City action on adjacent Parcel A of Lane Ranch North to enable the reuse water booster station to be constructed and would allow the City to take action on the Zoning Map Amendment with a finding that the change from Outdoor Recreational (OR-1) to the Public/Institution (PI) Zoning District is consistent with the land use designation shown on the Comprehensive Plan Future Land Use Map.

**Required Findings-** The applicant completed a required pre-application conference with the Community Development Director prior to submittal of the application for this proposed Zoning Map Amendment. The application, fee and applicable supporting materials were provided in accordance with Development Code Section 9-5B-9D. Applications for zoning map amendment are subject to the following required findings to be considered by the Planning and Zoning Commission and then by the City Council:

Code Section 9-5B-9F Required Official Zoning Map Amendment 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, a previously approved master plan development that is consistent with the comprehensive plan that existed at the time of approval, if applicable;

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;

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;

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; and,

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.

**Public Notice and Comment-** The public hearing and the site visit by the Planning and Zoning Commission for the Zoning Map Amendment application was properly noticed by: 1.) publication

of proper notice in the Mt. Express on April10, 2013; 2.) posting notice on the project site adjacent to Elkhorn Road at the Weyyakin Drive entrance; 3.) mailing of notice to all adjacent property owners within a minimum 300 foot radius; 4.) posting of public notice at five (5) prominent locations within the City, including Sun Valley City Hall, the Sun Valley Post Office, Elkhorn Springs Store Post Office, St. Thomas Episcopal Church and the Elkhorn Fire Station; 5.) transmitting electronic notice to relevant agencies/media via emailing and faxing, as well as to all parties who have notified the City of interest to receive agendas and public notices; and, 6.) posting on the City's webpage under public notices and under the Planning and Zoning Commission Agenda.

No public comments were received by the City as of the writing and release of this Agenda Report, though a few public inquiries were made to the Community Development Department.

**Alternative Actions-** Alternative actions available to the Planning and Zoning Commission include: (1) review the attached materials and required findings then form and pass a motion recommending approval of draft Ordinance No. 460 to the City Council for the Zoning Map Amendment as presented or as may be amended; (2) continue the hearing for further information and review; or (3) discuss the findings and take action to direct staff to return date certain to the Commission with findings recommending denial of the Zoning Map Amendment application to the City Council.

**RECOMMENDATION:** The Community Development Director recommends the Planning and Zoning Commission conduct a noticed site visit to view the area proposed to be rezoned, allow the applicant to make an initial presentation of the application and supporting materials, conduct the required public hearing for the application, discuss project components and remaining issues, then form and pass a motion either to: **1.) recommend approval of the Zoning Map Amendment to the City Council subject to a prior Planning and Zoning Commission recommendation action on the related Comprehensive Plan Amendment Application No. CPA 2013-01; or, 2.) continue the public hearing for the Zoning Map Amendment date certain to the May 9, 2013 meeting to allow the Commission to review and conduct a public hearing on the Comprehensive Plan Amendment before taking formal action on the Zoning Map Amendment request.** Before public comment is received in a public hearing, the Commission should disclose all information and contacts received outside the hearing on this item upon which the decision will be based, receive public testimony, and consider the facts and findings necessary to make a recommending decision to the City Council.

**LIST OF ATTACHMENTS:**

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|---|---|
| Exhibit "PZ-1" | Blaine County Resolution 2012-25 transferring Tax Lot 5998 to the SVW&SD, with supporting documents. |
| Exhibit "PZ-2" | Draft Ordinance No. 460 with attached Exhibit A, including a Legal Description, Rezone Exhibit and Vicinity Map. |

**The administrative record for this Zoning Map Amendment application is available for review in the Community Development Department at City Hall.

ORIGINAL

EXHIBIT
tabbies
"PZ-1"

Instrument # 599283
HAILEY, BLAINE, IDAHO
7-18-2012 11:30:20 No. of Pages: 2
Recorded for : BLAINE COUNTY COMMISSIONERS
JOLYNN DRAGE Fee: 6.00
Ex-Officio Recorder Deputy
Index to: RESOLUTIONS

BLAINE COUNTY RESOLUTION 2012-25

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO, PURSUANT TO IDAHO CODE SECTION 31-808(9) DECLARING THAT THE TRANSFER OF CERTAIN PROPERTY TO ANOTHER POLITICAL SUBDIVISION OR TAXING DISTRICT IS IN THE PUBLIC INTEREST.**

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO:

1. The Board of County Commissioners of Blaine County ("Board") has acquired and/or owns a parcel of property ("the subject property") located within Blaine County, and within the jurisdiction of the Sun Valley Water and Sewer District, and legally described as follows:

RP04N180190040, Tax Lot 5998, T 4N R 18 E Sec 19 NESE TL 702, Beginning at the SE corner of Sec 19, Thence N 11° 44' 26" W 1939.93' to POB, Thence S 58° 01' 27" W 151.56', Thence 127.52' along curve to right with central angle of 19°30' 00" a radius of 374.70', a long chord of 126.91' that bears S 83° 51' 24" E, Thence S 70° 06' 25" E, 153.40', Thence 19.30' along curve to left with a central angle of 1° 11' 44", a radius of 924.93' a long chord of 19.30' that bears S 74° 42' 17" E, Thence N 49° 17' 05" W 216.06' to POB, Cancels TL 702 Contains .35 #207978.

2. The Board has been approached by The Sun Valley Water and Sewer District seeking transfer of the subject property in order for the subject property to be put to public use.

3. Idaho Code Section 31-808(9) authorizes the Board to grant, transfer, or exchange property with the federal government, the State, political subdivisions, taxing districts, or local historical societies, with or without compensation, upon adopting a resolution that the grant, transfer, or exchange is in the public interest.

4. Notice has been provided in accordance with Idaho Code Section 31-808(9) and 31-808(1).

5. The Board finds that it is in the public interest for the County not to seek compensation as the Assessor has determined the subject property has no monetary value.

6. Accordingly, pursuant to Idaho Code Section 31-808(9), the Board hereby finds that the transfer of the subject property from Blaine County to The Sun Valley Water and Sewer District is in the public interest, and the Sun Valley Water and Sewer District will execute the legal documents necessary to complete the transaction.

Regularly passed, approved and adopted by the Board of County Commissioners of Blaine County this 17th day of JULY, 2012.

BOARD OF COUNTY COMMISSIONERS
BLAINE COUNTY, IDAHO

BOARD OF COUNTY COMMISSIONERS BLAINE COUNTY IDAHO SEAL

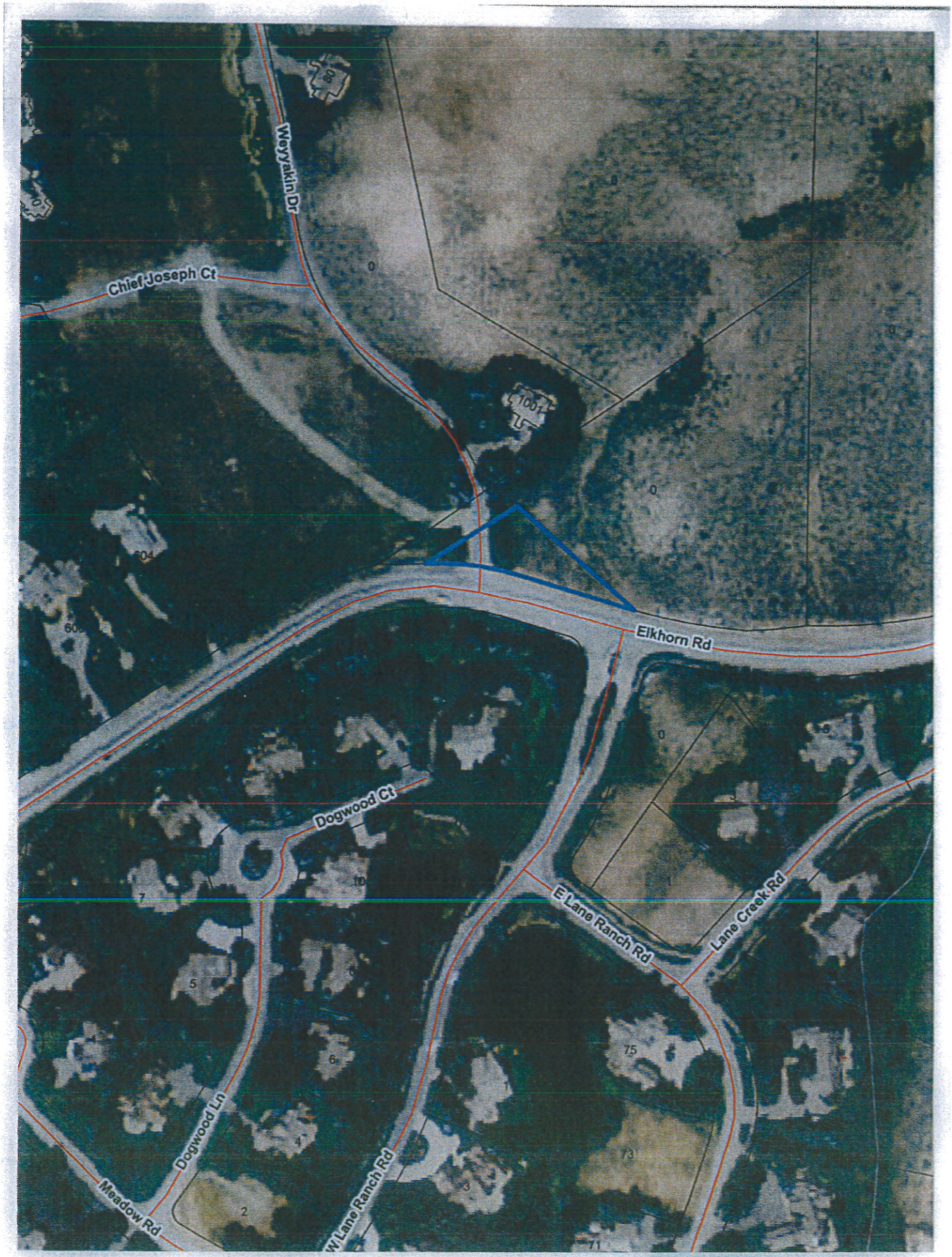
ANGENIE MCCLEARY, CHAIRMAN

TOM BOWMAN, COMMISSIONER

ATTEST:

JoLynn Drage, Clerk

LAWRENCE SCHOEN, COMMISSIONER


Weyyakin Dr
Chief Joseph Ct
Elkhorn Rd
Dogwood Ct
Dogwood Ln
Meadow Rd
W Lane Ranch Rd
E Lane Ranch Rd
Lane Creek Rd

# OFFICE OF THE BOARD OF COUNTY COMMISSIONERS
# OF BLAINE COUNTY
# REGULAR MEETING OF THE JULY 2012 SESSION

**Seventh Day – Regular Day Meeting** **Tuesday, July 17, 2012**

Pursuant to Statutory Provisions, the Board of Blaine County Commissioners (BCC) met this day at 9:00 a.m. Present were Chairman Angenie McCleary, Vice Chairman Tom Bowman, Commissioner Lawrence Schoen; County Administrator Derek Voss; County Clerk JoLynn Drage; Operations Director Char Nelson; Recording Secretary Sunny Grant; and *Idaho Mountain Express* reporter Kate Wutz.

Chairman McCleary called the meeting to order at 9:03 a.m.

## AMEND AGENDA

**Bowman moved, seconded by Schoen, to amend today's agenda to include Deliberations on the Tentative Budget at 1:45 pm, continued from the July 16, 2012 agenda. Motion carried unanimously.**

## PUBLIC COMMENT - NONE

## RESOLUTION 2012-25 – TRANSFER OF COUNTY-OWNED PROPERTY TO SUN VALLEY WATER/SEWER DISTRICT

Also present: Sun Valley Water Sewer District General Manager Pat McMahon.

This is a remnant piece of county-owned property that has no value for Blaine County. The property is contiguous to the Sun Valley Water-Sewer District, which wants to expand their facility in the future. The land transfer is therefore is the public interest.

**Bowman moved, seconded by Schoen, to approve Blaine County Resolution #2012-25, which declares the transfer of Blaine County Parcel #RP04N180190040 to be in the public interest. Motion carried unanimously.** ..... Record #599283

## EXECUTIVE SESSION – §67-2345 1(d) INDIGENT - Consideration of records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code

Present were: Indigent Services Manager Brooke Roberson and Indigent Services Assistant Amy Rivkin.

- **Case #12-04-103**

**Schoen moved, seconded by Bowman, to convene in Executive Session pursuant to Idaho Code 67-2345 1(d) to consider indigent medical applications. Schoen (aye), Bowman (aye), and McCleary (aye). Motion carried unanimously.**

## OPEN SESSION RESUMED

**Schoen moved, seconded by Bowman, to approve Case #12-04-103, with a $25 monthly reimbursement once employment is secure, based on staff recommendation. Motion carried unanimously.**

## COUNTY DEPARTMENT REPORTS, DISCUSSION and CONSIDERATION

**Sheriff's Office** – Gene Ramsey

- The Sheriff commended the BCC on its FY2013 outcome-based budget process.

Parcel Number
**RP04N180190040**
Primary Property Address

Property Year
2012

Legal Description
FR NESE TL 5998
SEC 19 4N 18E

Code Area 058-000

Parcel Status Active
Property Type Real

| Owners/Contacts | Type | Owner % | HOE |
|---|---|---|---|
| BLAINE COUNTY | OWNER | 100.00% | |

Mailing Address
206 S 1ST AVE STE 200
HAILEY, ID 83333

Land Group
T4N R18E SEC 19
Township 04N
Range 18E
Section 19

Reappraisal Year 2010
Insp. Date 01/01/2010
Appraiser Initials JAR

Exemption: 100% FED-STATE-CITY-SCH¬

CB: N NC: N

| Tax Certification | District | Roll | Type | Units | Amount |
|---|---|---|---|---|---|

| Instrument | Eff Date | Type | Action | Target | Source | Comments |
|---|---|---|---|---|---|---|
| 147 | 08/01/2008 | Create | Target | | 2009 | |

## Current Values

*Values are as of print date and time shown below, and may not be the final values for the property year*

| State Category | Type | # | Characteristic Description | Acres | Assessed Value | Assessment Roll | Occupancy Roll | Valuation Method |
|---|---|---|---|---|---|---|---|---|
| 81 | Land | | Land | 0.350 | $ 0 | Primary | Non-Occ | Market |
| | | | Acres Total | 0.350 | $ 0 | Total Assessed Valu | | |
| | | | | | $ 0 | Homeowner | | |
| | | | | | $ 0 | Total Taxable Value | | |

TAX FORM No. 4

INSTRUCTIONS TO ASSESSOR: The original list of tax numbers must be filed for record with the County Recorder on or before the fourth Monday of June in the year in which the assessment is made, and a duplicate of each list must be filed with the Tax Collector. On the return of the original list, duly recorded, the Assessor shall file the same in his office.

# ASSESSOR'S LIST OF TAX NUMBERS

BLAINE COUNTY, IDAHO

YEAR 1981

| Tax No. | Description of each tract of land designated by tax number. | Sec. | Twp. | Range |
|---|---|---|---|---|
| 5998 | T 4N R 18E Sec 19 NESE TL 702<br>Beginning at the SE corner of Sec 19<br>Thence N 11° 44' 26" W 1939.93' to POB<br>Thence S 58° 01' 27" W 151.56'<br>Thence 127.52' along curve to right with central angle of 19°30' 00" a radius of374.70', a long chord of 126.91' that bears S 83° 51' 24" E<br>Thence S 70° 06' 25" E 153.40'<br>Thence 19.30' along curve to left with a central angle of 1° 11' 44", a radius of 924.93' a long chord of 19.30' that bears S 74° 42' 17" E<br>Thence N 49° 17' 05" W 216.06' to POB<br>Cancels TL 702 Contains .35 #207978 | | | |
| 5999 | T 4N, R 18E, Sec 30 NENE TL 4739<br>Beginning at the NE corner of Sec 30<br>Thence S 61° 32' 13" W 1047.15' to POB<br>Thence S 18° 59' 15" E 300'<br>Thence S 71° 00' 45" W 290.40'<br>Thence N18° 59' 15" W 300'<br>Thence N 71° 00' 45" E 290.40' to POB<br>Cancels TL 4739 Contains 2. acres #207978 | | | |
| 6000 | T 4N, R 18E, Sec 30 NENE TL 4739 & 4740 & 2684<br>All the portion of the NENE of Sec 30 lying East of Hiway 75 remaining after TL 5999<br>Cancels TL 4739, 4740, 2684 Contains 28.84 Acres #207978 | | | |
| 6001 | T 1S, R 19E, Sec 13 NWNW TL 185<br>All that portion of the NW NW Sec 13 formerly described as TL 185 excepting the OSLRR right of way.<br>Cancels TL 185 Contains 39.3 Acres #213157 | | | |
| 6002 | T 1S, R 19E, Sec 13 SENW & SWNE<br>A portion of land 741.50'wide & 1336.50' long situated in the SENW & SWNE of Sec 13 New TL Contains 22.5 acres # 213157 | | | |
| 6003 | T1S R 19E, Sec 13 SWNE<br>That portion of the SWNE of Sec 13 remaining after a fraction of TL 6002.<br>Cancels SWNE Contains 37.50 acres # 213157 | | | |
| 6004 | T 1N, R 18E Sec 36 SE¼<br>Beginning at the Se Corner of Sec. 36<br>Thence N 0° E 25' to North Boundary of the Base Line Road.<br>Thence S 89° 48' 23" W 820.87' to POB<br>Thence N 0° 00'21" W 5'<br>Thence S 89° 48' 23" W 1821.65'<br>Thence N 0° 15' 19" W 2609.70'<br>Thence S 89° 53' 05" E 1775.14'<br>Thence S 0° 00' 21" E 2057.31'<br>Thence N 89°48' 02" E 57.99'<br>Thence S 0° 00' 21" E 542.33' to POB<br>Cancels Lot 1 of Wind Ranch Contains 106.53 Acres #213529 | | | |

**EXHIBIT "PZ-2"**

**(DRAFT) ORDINANCE NO. 460**

**SUN VALLEY WATER &SEWER DISTRICT TAX LOT 5998 ZONING MAP AMENDMENT**

AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, PROVIDING FOR CERTAIN FINDINGS AND AMENDING THE SUN VALLEY OFFICIAL ZONING MAP; BY CHANGING THE ZONE DISTRICT BOUNDARY OR DESIGNATION FOR TAX LOT 5998 OWNED BY THE SUN VALLEY WATER & SEWER DISTRICT ON ELKHORN ROAD AT WEYYAKIN DRIVE IN THE CITY OF SUN VALLEY, BLAINE COUNTY, IDAHO, FROM OUTDOOR RECREATIONAL (OR-1) ZONING DISTRICT TO THE PUBLIC/INSTITUTION (PI) ZONING DISTRICT; BY PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Sun Valley has adopted the *2005 Comprehensive Plan Update (Comprehensive Plan)* by Resolution 2005-12, on September 8, 2005, and subsequent amendments; and

**WHEREAS**, the *Comprehensive Plan* is the primary document to guide and balance future development within the City of Sun Valley and establishes a general framework for use in making decisions about the physical, social, economic, and environmental development of the Community; and

**WHEREAS**, the applicant submitted an application for a Comprehensive Plan Amendment to the Future Land Use Map (No. CPA 2013-01) to change the land use designation for Tax Lot 5998 from Open Space to Public/Quasi-Public. This amendment to the Public/Quasi-Public land use designation mirrors the 2012 City action on adjacent Parcel A of the Lane Ranch North Subdivision to enable the reuse water booster station to be constructed; and

**WHEREAS**, Section 9-5B-9B of the Municipal Code, amended as part of Ordinance No. 387 approved by the City Council on June 21, 2007, requires that "Lands that are zoned Open Recreation (OR-1) prior to the adoption of the Development Code and the creation of the Recreation and Open Space Zoning Districts (Ordinance No. 382, 2006), and designated as OR-1 on the Official Zoning Map shall be required to apply for and receive an Official Zoning Map Amendment consistent with the land use designation shown on the Future Land Use Map of the *Comprehensive Plan* prior to, or in conjunction with, the processing of any development applications for improvements on the respective OR-1 zoned lands; and

**WHEREAS**, Tax Lot 5998 is currently zoned OR-1 and, pursuant to Code Section 9-5B-9B, an application for a Zoning Map Amendment (No. ZMA 2013-01) was filed to rezone Tax Lot 5998 to the Public/Institution (PI) Zoning District in conjunction with a Design Review Application (NO. DR 2013-09) for the construction of a new single-level reuse water booster pump station on portions of Parcel A of the Lane Ranch North Subdivision and on Tax Lot 5998; and

**WHEREAS**, the property owner has timely filed the application for zoning map amendment (Application No. ZMA2013-01) with the City of Sun Valley to amend the Official Zoning Map of the City for Tax Lot 5998. The property to be rezoned from Outdoor Recreational (OR-1) Zoning District to Public/Institution (PI) Zoning District consists of a 13,320 square feet area (approx. 0.31 acres) directly adjacent to the Elkhorn Road right-of-way at Weyyakin Drive; and

**WHEREAS**, Title 9, Chapter 2, Section 1 of the Sun Valley Development Code establishes the Public/Institution (PI) Zoning District and above grade utilities are a land use permitted by right in the PI zone; and

**WHEREAS**, the property owner and his representatives have satisfactorily completed a pre-application conference with the Community Development Director of the City of Sun Valley, filed a complete application, paid applicable fees, and given proper public hearing notice for a zoning map amendment pursuant to Development Code Section 9-5B-9; and

**WHEREAS**, the Planning and Zoning Commission of the City of Sun Valley held a properly noticed public hearing for the purpose of reviewing the zoning map amendment application at their April 25, 2013 regular meeting and passed a motion recommending approval of Ordinance No. 460, SVW&SD Tax Lot 5998 Zoning Map Amendment, to the City Council; and

**WHEREAS**, the City Council of the City of Sun Valley held a properly noticed public hearing on ######## ##, ######## ##, and ######## ##, 2013 for the zoning map amendment to review the application and administrative record, consider the Planning and Zoning Commission's recommendation on Ordinance No. 460, take public and applicant testimony, and consider the required findings for taking action.

**NOW, THEREFORE; THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, DO ORDAIN AS FOLLOWS:**

**SECTION 1. FINDINGS-** Based on the statements above the City Council for the City of Sun Valley adopts the following findings regarding the rezone of Tax Lot 5998:

A. The Official Zoning Map Amendment to change the property zoning from Outdoor Recreational (OR-1) to the Public/Institution (PI) Zoning District is consistent with the Comprehensive Plan and Future Land Use Map and reasonably implements the applicable provisions of the Comprehensive Plan because, as stated in Development Code Section 9-2C-1B, the PI zone is established to identify lands on which public service uses are conducted. The project proposes a new reuse water booster station and the above grade utility facility is considered a public use. The PI District is consistent with the Public/Quasi-Public land use designation identified in the Comprehensive Plan. Pursuant to City action on related Comprehensive Plan Amendment Application No. CPA 2013-01 to designate Tax Lot 5998 as Public/Quasi-Public on the Future Land Use Map, the rezone will make the Tax Lot's zoning and land use designation consistent. No previously approved master plan development exists for the subject Tax Lot; and

B. The Official Zoning Map Amendment complies with the regulations in effect for the proposed Public/Institution (PI) Zoning District, including the purpose statements, and is suitable for the proposed permitted uses because the new reuse water booster station is an above ground utility land use which is permitted by right in the PI zone; and

C. The Official Zoning Map Amendment has 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 need for a zoning amendment was caused by development on the OR-1 zoned land pursuant to Code Section 9-5B-9B; and

D. The Official Zoning Map Amendment is not materially detrimental to the public health, safety, and welfare because no significant impacts requiring mitigation have been identified by the Planning and Zoning Commission or City Council for the proposed public use of the land; and

E. Essential public facilities and services, including but not limited to emergency services, transit, public street maintenance, workforce housing and schools, are available to support the proposed uses and density or intensity without creating additional requirements at public costs for such public facilities and services.

**SECTION 2. ZONING MAP AMENDMENT-** The entire portion of Tax Lot 5998 depicted overall in the attached legal description **(Exhibit A)** is hereby rezoned and the Official Zoning Map of the City of Sun Valley is hereby amended to reflect the change from Outdoor Recreational (OR-1) Zoning District to Public/Institution (PI) Zoning District, subject to the following condition of approval:

A. The Zoning Map Amendment application contingent upon and specific to Comprehensive Plan Amendment Application No. CPA 2013-01 and Design Review Application No. DR2013-09. No building permits for the booster station project shall be issued prior to City approval of the Zoning Map Amendment.

**SECTION 3. SAVINGS AND SEVERABILITY-** If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause, or phrase is declared by a Court of competent jurisdiction to be invalid, such actions shall not affect the validity of this ordinance as a whole or any part thereof other than the part declared invalid.

**SECTION 4. REPEALER CLAUSE-** All City of Sun Valley Ordinances or parts thereof which are in conflict herewith are hereby repealed.

**SECTION 5. EFFECTIVE DATE-** This Ordinance shall be in full force and effect from and after its approval, passage, and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, AND APPROVED BY THE MAYOR OF THE CITY OF SUN VALLEY on this ##th day of #########, 2013.

EFFECTIVE DATE OF PUBLICATION: ########## ##, 2013.

APPROVED:

_____
Dewayne Briscoe, Mayor
City of Sun Valley

ATTEST:

_____
Hannah Stauts, City Clerk
City of Sun Valley

# Benchmark Associates, P.A.

ENGINEERING, PLANNING, SURVEYING & MAPPING
P.O. Box 733 - 100 Bell Drive
Ketchum, Idaho 83340
208/726-9512 Fax 208/726-9514


EXHIBIT
A

PROFESSIONAL LAND SURVEYOR
LICENSED
13764
3/22/13
STATE OF IDAHO
LARRY JONES

TAX LOT 5998

REZONE

Within: T4N, R18E, SECTION 19, B.M., BLAINE COUNTY, IDAHO.

Commencing at a Brass Cap marking the E1/4 corner of said section 19 as shown on the second replat of Weyyakin Subdivision Amended 1981 (recorded as instrument #224903 records Blaine County, Idaho); Thence S0°19'58"W a distance of 406.49' to a iron pipe marking the south easterly corner of Block 8 within said Weyyakin Subdivision. Thence S51°19'31"W a distance of 526.36' to the Point of Beginning:

Thence along the boundary of said Tax Lot 5998 by the following courses:

Thence S49°20'01"E a distance of 216.00';

Thence with a curve turning to the right with an arc length of 19.56', with a radius of 924.93', with a chord bearing of N74°46'13"W, with a chord length of 19.56';

Thence N74°05'58"W a distance of 153.33';

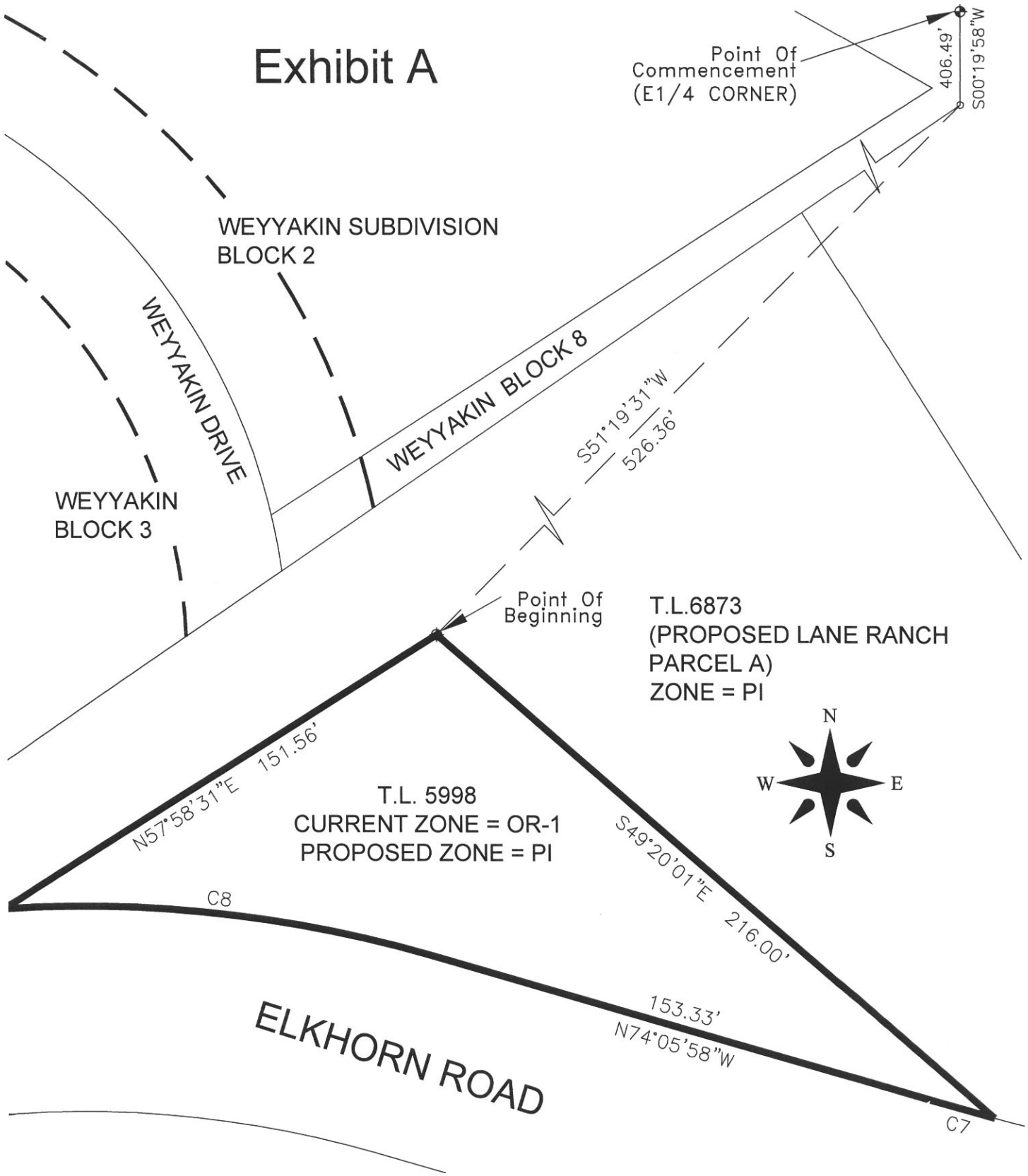
Thence with a curve turning to the left with an arc length of 127.30', with a radius of 374.70', with a chord bearing of N84°00'04"W, with a chord length of 126.69';

Thence N57°58'31"E a distance of 151.56' to the Point of Beginning.

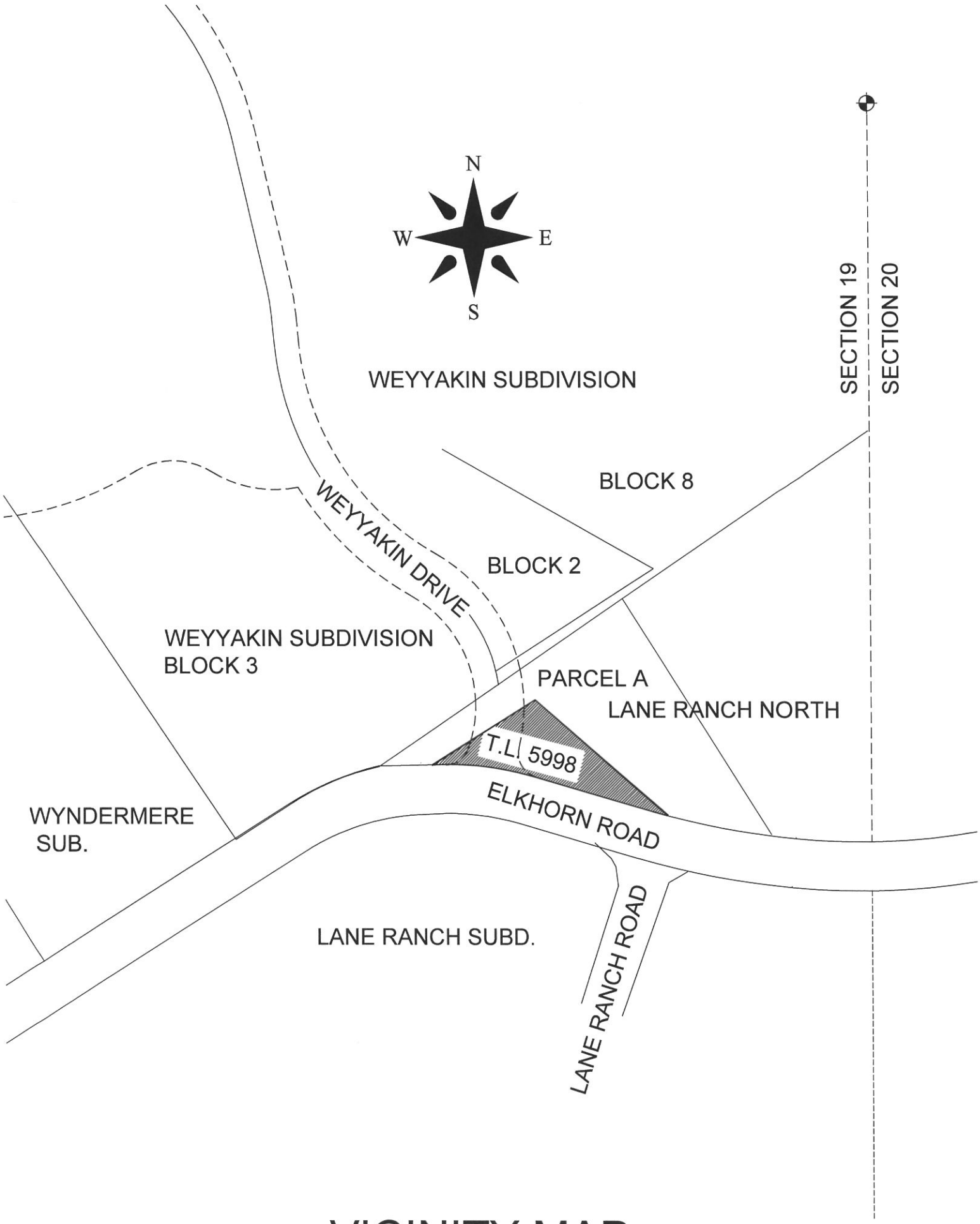
As shown on Exhibit A attached hereto and made a part of.

Having an approximate area of ±13320 Square Feet, or ±0.31 Acres.

# Exhibit A




| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C7 | 924.93' | 19.56' | 19.56' | N74°46'13"W | 1°12'43" |
| C8 | 374.70' | 127.30' | 126.69' | N84°00'04"W | 19°27'55" |




# VICINITY MAP