

LUPA AND MASTER PLANNING

COMP PLAN UPDATE STEERING COMMITTEE MEETING July 16, 2013

At the June 25, 2013 meeting, the Steering Committee asked the question “What would it mean if Land Use Planning Areas (LUPA) were done away with in the 2014 Comprehensive Plan Update (*2014 Update*)?” and directed staff to return to the next Committee meeting with a short tutorial on the subject. First, as background information, staff includes below the applicable provisions from the 2005 Comprehensive Plan Update (*2005 Update*) regarding a LUPA master plan and Section 9-5B-6, Master Plan Development, of the current Sun Valley City Code. Second, a summary conclusion in response to the Steering Committee’s question is provided.

Land Use Planning Areas- Chapter III, Section D, Land Use Planning Areas, of the *2005 Update* states:

“The *2005 Update* requires that, before any development, with the exception of hotels and/or performing arts/symphony centers, within a LUPA located in the City of Sun Valley can commence, a LUPA master plan must be approved by the City and recorded. In addition to conformance with each parcel’s respective Land Use Planning Area map, each LUPA master plan and all associated development applications **must comply with specific guidelines describing special opportunities and/or constraints specific to that LUPA.** Further, it should be noted that any significant amendment to an approved LUPA master plan must be considered in the greater context of *all* the land uses within the City boundaries and the Areas of City Impact to ensure achievement of the Goals and Objectives of the *2005 Update*.”

An example of an implemented LUPA master plan is Land Use Planning Area #2: Gun Club (White Clouds). Specific densities, guidelines, special opportunities, and constraints were identified at the Comprehensive Plan level for the White Clouds LUPA and implemented with the project master planning.

Master Plan Ordinance- Within the Sun Valley City Code master planning of large or phased projects is required as follows:

9-5B-6: MASTER PLAN DEVELOPMENT:

A. Purpose: It is the intent of this section to describe the process for review and action on a master plan development ("MPD"). This process will establish a workable framework for the development of **large or phased projects which are under single ownership or control, whether or not contiguous.** The goal of this section is to ensure the orderly planning and development of land by requiring new development to:

1. Implement the goals and objectives of the city's comprehensive plan, as amended, including the future land use map, the land use designations and the land use planning area guidelines, if applicable;
2. Contribute to the social, economic and environmental sustainability of the city;
3. Strengthen the resort character of the city;
4. Develop in a manner that is highly respectful of the natural setting, that is at a human scale and ensures neighborhood compatibility;
5. Provide for an integrated transportation system which prioritizes a pedestrian environment and mass transit and reduces vehicular trips;
6. Result in a contribution of amenities to the community, including maintaining public access to recreational facilities;
7. Designate and protect open site area in perpetuity;
8. Provide for a mix of housing types for visitors and year round and seasonal residents;
9. Provide for the housing needs of the work force through a variety of dispersed units within the city, or an alternative area as approved by the city council;
10. If necessary, plan for the coordinated and phased construction of infrastructure, including public facilities and transportation system components; and
11. Remain consistent with the intent of this title.

B. Applicability: The MPD process may be utilized in all zones within the city and shall be required prior to the development or redevelopment of large properties within the city; and may be required by the director for properties which are in scenic view corridors or contain a special site as defined in the comprehensive plan or for areas requesting an official zoning map amendment or annexation. Applications for MPD approval in an area designated in the comprehensive plan as a land use planning area (LUPA) shall be accepted only where the uses, densities, intensities and site development standards comply with the intent of LUPA text, specifications, goals and objectives as set forth in the comprehensive plan.

C. General Provisions:

1. The city may require that multiple properties, whether contiguous or not, under single ownership be processed under a single comprehensive MPD application. The establishment of a hotel or performing arts/symphony center in the CC district, as specifically provided for in the city comprehensive plan, may be processed without a comprehensive MPD application for the entire large parcel or LUPA by submitting a development site MPD application for the proposed hotel or performing arts/symphony center. Certain development site MPD submittal requirements may be waived or additional information may be required as determined by the director.
2. Approval of an MPD will constitute approval of a master plan which establishes a framework to guide all future development within the area defined by the MPD.
3. Development applications may be filed in conjunction with an MPD application; however, no construction shall commence on any component of an approved MPD except upon receipt of design review, conditional use, variance, subdivision and/or PUD approval.
4. All development of the MPD site shall be regulated by applicable regulations of this title and other code regulations in effect at the time the development application is

submitted and certified as complete by the city. Development applications include, but are not limited to, design review, conditional use, variance, subdivision, planned unit development and/or phasing plans.

D. Procedures:

1. **Preapplication Conference:** A preapplication conference shall be held with the director and, as appropriate, other city staff in order for the applicant to become acquainted with the MPD procedures and any related city requirements and schedules. The applicant shall be the owner(s) of the property. The owner may designate a representative to work with the staff and the city. The staff will give preliminary feedback to the applicant based on information available at the preapplication conference and will inform the applicant of issues or special requirements which may result from the proposal. The applicant may request a preapplication conference with the commission prior to application submittal. If requested, the conference will be noticed as a public hearing.
2. **Application:** The MPD application shall be submitted in accordance with subsection 9-5A-4D of this chapter.
3. **Public Hearings:** The commission and council shall hold public hearings on the MPD as set forth in article A, "General Provisions", of this chapter.
4. **Commission Review And Action:** The commission shall recommend approval or denial of an MPD to the city council. Such action shall be in the form of written findings of fact, conclusions of law and, in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held.
5. **Council Review and Approval:** As a condition to approval of an MPD, the council may enter into a master plan agreement as provided for in subsection D8 of this section.
6. **Major And Minor Amendments:** An approved MPD may be amended at any time using the process set out herein, and may be amended simultaneously with the processing of a development application. The director shall decide whether a proposed amendment is a "major" or "minor" amendment. In order to initiate an amendment, the applicant shall submit to the director an application on those items that would change if the proposed amendment were approved. Review of applications for amendments shall be governed by those criteria set forth in subsection E of this section. Approved amendments shall be recorded as set forth in subsection D7 of this section.
 - a. **Major Amendments:** Changes of the following types shall define an amendment as major:
 - (1) Changes which would modify or reallocate the allowable building height, mix of uses, or density of a development; or
 - (2) Changes which would alter the location or amount of land dedicated to open space, amenities, trails, natural areas or public facilities; or
 - (3) Modify any other aspect of the MPD that would significantly change its character; or

(4) A series of minor amendments that cumulatively change the overall character of the MPD.

- b. Minor Amendments: Amendments that are not major amendments shall be termed "minor amendments" and shall be reviewed by the director. The director shall approve, approve with conditions or deny said amendments.

7. Recording of an Approved MPD:

- a. All approved MPDs, and all approved amendments to such MPDs, specifying the land within its boundaries, shall be recorded in the Blaine County recorder's office with a notation that all land within such boundaries shall be subject to the provisions of such MPD or amendment unless or until amended. Such recording shall be a "memorandum of MPD" stating generally that the site has been approved as an MPD on file with the city.
- b. All MPDs and MPD amendments recorded hereunder shall be binding upon the applicants and their successors and assigns, and shall guide the location of improvements and infrastructure of site specific applications. It is expressly understood that site specific applications shall be regulated by the zoning, subdivision and other code regulations in effect at the time any application for development, design review, conditional use, variance, subdivision or phasing is submitted and certified as complete by the city.

8. Master Plan Agreement:

- a. At the request of the applicant, a master plan agreement may be submitted to establish and set by mutual contract the zoning, open space dedications and/or MPD densities of an approved MPD. The master plan agreement shall be consistent with the comprehensive plan, the MPD approval and conditions, if any, and in a form approved by the city attorney. A master plan agreement may be applied for concurrently with an MPD application or at any time subsequent to the approval of an MPD application.
- b. A proposed master plan agreement shall be reviewed by the commission and the commission shall make a recommendation to the council for approval, approval with conditions, or denial of the requested master plan agreement. The council, upon receipt of the commission recommendation, may approve, approve with conditions or deny the submitted master plan agreement. An approved master plan agreement shall be recorded in the Blaine County recorder's office.

E. Required Findings: The commission shall make the following findings in order to recommend approval of an MPD or approval of an MPD amendment. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings. The commission, if denying an MPD application, shall state findings why such application does not comply with one or more of the following findings:

1. The MPD is consistent with the city comprehensive plan, as amended, including the future land use map and the land use planning area guidelines and land use designations, if applicable;
2. The MPD complies with each applicable element of the purpose of this section, as set out in subsection A of this section;
3. The MPD meets the minimum requirements of this chapter;
4. The MPD promotes the orderly planning and development of land, as set forth in the purpose for this process, subsection A of this section;
5. The MPD has been properly noticed and public hearing held in accordance with this code; and
6. The MPD complies with all city zoning regulations and codes in effect at the time of the MPD application. (Ord. 386, 4-19-2007)

Conclusion- The LUPA master planning and the MPD Ordinance processes are substantially the same. However, identification of specific areas of significance called out for master planning and the inclusion of specific guidelines describing special opportunities and/or constraints specific to that LUPA at the Comprehensive Plan level provide greater criteria and expectation/certainty to the community, property owners and decision makers in implementing the Vision of the Comprehensive Plan. Elimination of the LUPAs would still mean “large properties” would be master planned under Code Section 9-5B-6, but the area boundaries would be unspecified and become uncertain, may allow piecemeal implementation of development in key areas, and the specific guidelines describing special opportunities and/or constraints specific to that LUPA (e.g. densities, locations, specific land uses, buffer areas, open space, community concerns, density transfers, etc.) would be removed and unavailable as part of the review process. The LUPA areas and their respective specific guidelines act as a useful guide in the master planning of key areas. Removal of LUPA areas would leave the community, property owners, and decision makers only with the requirements of Code Section 9-5B-6-A and the required findings in Section 9-5B-6E to plan and evaluate proposed development of large properties.