

**CITY OF SUN VALLEY
CITY COUNCIL
MEMORANDUM**

From: Brittany Skelton, Community Development Director & Maya Lewis, Associate Planner
Date: November 22nd, 2021
Re: Proposed city-initiated Ord. 563 - Amendments to Title 9, Chapter 3, Article A. Design Review Regulations

Introduction

Based on direction from Council during the October 7th, 2021, hearing of Ordinance No. 558, proposed Ordinance No. 563 was drafted to outline noticing requirements for administrative design review approvals of minor encroachments or alterations/disturbances of natural slopes exceeding 25%.

The proposed development code amendment will require mailed notice to nearby properties (within 300' of the subject property) for project applications that can be approved through the administrative design review process that would cause a minor encroachment or alteration/disturbance of natural slopes exceeding 25%.

The following additional amendments to the applicability section are proposed by staff relative to common design review projects and the level of review and noticing required.

“C. Projects Exempt From Application Processes:

- *h. Repainting the exterior of a residence or unit in a neutral, natural, earth toned color.”*

Repainting the exterior of a unit in a neutral, earth toned, or natural color, is proposed as an exemption from the design review process. Many Homeowners Associations throughout the city already require design review for repainting the exterior of a residence and have pre-approved colors for homeowners. The proposed language specifically exempts neutral, earth toned, or natural colors, which would still allow the city to require design review if any out of the ordinary color palette is proposed.

“D. Projects Requiring Approval By Public Hearing At The Commission:

- d. Exterior alterations in the CC, SC, and PI zoning districts, excluding alterations to windows and doors, including the addition of doors, windows, and skylights.”*

Existing code language requires all exterior alterations the Commercial Core (CC), Service Commercial (SC) and Public Institutional (PI) Zoning Districts to be reviewed and approved by the

Planning & Zoning Commission. In the past, when Staff has brought applications for minor exterior alterations such as window and door alterations to the Commission for review, they expressed that the alterations should be processed administratively. To streamline the review process for minor exterior alterations, and prevent overloading the Commission, staff has proposed exempting alterations to windows and doors, and instead allowing these applications can be processed administratively with notice to adjoining property owners.

“E. Projects Requiring Administrative Approvals Without Public Notice:

b. Alterations to windows and doors, including the addition of doors, windows, and skylights.”

Projects for window and door alterations, including the addition of windows and skylights can currently be approved administratively without notice to adjoining property owners. The proposed amendment would also not require notice for the addition of doors.

“E. Projects Requiring Administrative Approvals Without Public Notice:

h. Fences, wherein approval is provided ~~a binding fence agreement is signed by~~ directly adjacent neighbors.”

Existing code language currently allows administrative approval of fences without notice when a binding fence agreement is signed by neighbors. The city does not have an official template to provide applicants to submit a binding fence agreement. The proposed amendment provides clarity for applicants and instead only exempts noticing if applicants can provide the approval of their directly adjacent neighbors.

“E. Projects Requiring Administrative Approvals Without Public Notice:

m. Floodplain development permits, excluding stream alteration permits which require notice to adjacent jurisdictions, the Idaho Department of Water Resources (IDWR) state coordinator for the National Flood Insurance Program (NFIP), and evidence of notification is submitted to the Federal Emergency Management Agency (FEMA).”

Per City code article I. Flood Hazard Protection, the Flood Ordinance Administrator is required to, “Notify adjacent communities and the Idaho department of water resources state coordinator for the national flood insurance program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the federal emergency management agency (FEMA).” Since watercourse alterations are processed through a floodplain development permit, the proposed amendment provides clarity for Staff and applicants, and is consistent with the noticing requirement outlined per Article I.

The following amendments are proposed to provide additional clarification on the design review process and noticing requirements relative to encroachments and disturbance of records slopes exceeding 25%.

“C. Projects Exempt From Application Processes:

a. Landscaping alterations up to the lesser of four hundred (400) square feet or ten percent (10%) of the property provided record grade slopes exceeding twenty-five percent (25%) are not disturbed.”

“ F. Projects Requiring Administrative Approvals With Notice:

1. Any proposal subject to a land use or building permit that encroaches into with a structure, or otherwise disturbs, record grade slopes exceeding 25%.”

Noticing: Ordinance 563 was noticed for public hearing in accordance with Sun Valley City Code Title 9, Chapter 5 by: 1) publishing in the Idaho Mountain Express on November 17th, November 24th, and December 1st, 2021; and 2) posting of the public hearing materials at City Hall and on the City website.

Public Comment

At the time of completion of this staff report (11/23/2021) no written public comment has been received.

Staff Recommendation: Staff recommends the Council consider the proposed Development Code text amendments, consider public comment, deliberate, make minor, non-substantive revisions to the proposed ordinance language as appropriate, and approve the **first reading** of Ordinance 563.

Recommended Motion: “I move to approve the first reading of Ordinance 563 by title only.”

ORDINANCE NO. 563, AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, AMENDING CITY OF SUN VALLEY MUNICIPAL CODE, TITLE 9, CHAPTER 3, ARTICLE A, DESIGN REVIEW REGULATIONS REGARDING DESIGN REVIEW APPLICABILITY AND NOTICING REQUIREMENTS

Attachments:

1. Draft Ordinance 563

ORDINANCE NO. 563

AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, AMENDING CITY OF SUN VALLEY MUNICIPAL CODE, TITLE 9, CHAPTER 3, ARTICLE A, DESIGN REVIEW REGULATIONS REGARDING DESIGN REVIEW APPLICABILITY AND NOTICING REQUIREMENTS

WHEREAS, the City of Sun Valley has regulations in place regarding what types of projects are exempt from the design review process, require administrative design review without notice, require administrative design review with notice, and require design review by the Planning & Zoning Commission in Title 9, Chapter 2, Article A. of Sun Valley Municipal Code; and

WHEREAS, Community Development Department Staff has proceeded with amendments to Article H. Hillside Development Regulations which permit administrative design review of minor encroachments into areas exceeding 25% grade; and

WHEREAS, Title 9, Chapter 2, Article A, currently requires design review by the Commission for projects subject to the Hillside Development standards in Article H. and does not provide noticing standards for administrative approval of encroachments into slopes exceeding 25% slope; and

WHEREAS, City Staff would like to provide opportunity to administratively approve minor encroachments and disturbances within slopes exceeding 25% and in the case an encroachment or disturbance is processed through an administrative design review application, notice shall be provided to all adjoining property owners within 300' of the subject property; and

WHEREAS, City Staff would like to propose additional minor amendments to the applicability section relative to common design review projects and the level of review and noticing required; and

WHEREAS, The Planning and Zoning Commission held a public hearing regarding Ordinance 563 on November 18th, 2021 and recommended approval to City Council; and

WHEREAS, The City Council held a public hearing regarding Ordinance 563 on November 18th, 2021 and considered the proposed regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, COUNTY OF BLAINE, STATE OF IDAHO, AS FOLLOWS:

SECTION 1: The following text in Title 9, Chapter 1, Article A [Design Review Regulations] of the Municipal Code of the City of Sun Valley shall be amended by removing struck-through text and adding underlined text as displayed below:

9-3A-2: APPLICABILITY:

A. Application Of Standards: These standards shall apply to:

1. Driveways, streets or trails;
2. Excavation or land alteration;
3. Any new building or structure;
4. Other improvements including, but not limited to, decks over thirty inches (30"), fences, walls, landscaping, and lighting;
5. Commercial, multi-tenant, or directional signs;
6. Substantial demolition of significant principal structures or facilities, as determined by the director; and
7. Any addition or alteration to the exterior of any existing building, structure, or other related improvement as described above.

B. Application Approval Required: No construction shall commence on any new building, structure, related improvement, or sign nor on any addition or alteration to the exterior of any existing building, structure, related improvement, or sign until the commission or its designee has approved the design review application for the proposed improvement. No application shall be considered for review until it is certified complete by the director or his/her authorized staff in accordance with chapter 5 of this title. (Ord. 382, 10-25-2006)

C. Projects Exempt From Application Processes:

1. The following types of projects are exempt from design review application processes and approvals, but must still comply with all applicable design review regulations, zoning district standards, and other code requirements without requiring a variance or other exception:

a. Landscaping alterations up to the lesser of four hundred (400) square feet or ten percent (10%) of the property provided record grade slopes exceeding twenty-five percent (25%) are not disturbed.

b. Changes to driveway materials only, without hydronic or heating systems; title 7, chapter 4, "Encroachments", of this code may still apply when working in the right of way.

c. Removal of trees lesser than eight inches (8") diameter at breast height (dbh).

d. Removal of any diseased or dead tree as certified by an arborist.

e. Reroofing from shake to composition shingles.

f. Replacing existing components or materials which are similar in color, nature, and styling.

g. Interior remodels, except where such remodels require the installation of fire suppression systems.

h. Repainting the exterior of a residence or unit in a neutral, natural, earth toned color.

2. The community development director, or his/her assignee, may issue a letter or form declaring the project exempt, if requested or determined to be necessary.

3. If extenuating circumstances are present, the director may require any project to submit a design review application for the project to the commission for review and approval.

4. Approvals, denials, and imposed conditions may all be appealed in writing to the commission within ten (10) calendar days from the date of the action.

D. Projects Requiring Approval By Public Hearing At The Commission:

1. The following types of projects must receive design review approval by the planning and zoning commission:

a. Demolition.

b. New construction.

c. Additions greater than twenty five percent (25%) of the original floor area in residential zoning districts. (For additions less than or equal to 25 percent, use subsection F of this section.)

d. Exterior alterations in the CC, SC, and PI zoning districts, excluding alterations to windows and doors, including the addition of doors, windows, and skylights.

e. Any development in the REC and OS zoning districts.

f. Manufactured home installation and placement.

g. Changes of principal use.

h. Projects subject to hillside development standards in article H of this chapter; excluding minor encroachments or disturbances of slopes exceeding twenty-five percent (25%) record grade that may be approved through the administrative design review process with notice to adjoining property owners.

i. Projects located within riparian zones in article J of this chapter.

j. Wireless facilities and overhead utilities, in all zones and within the right of way.

E. Projects Requiring Administrative Approvals Without Public Notice:

1. The following types of projects may receive design review approval administratively by the community development department but do not require public notice or comment; the projects must still comply with all applicable design review regulations, zoning district standards, and other code requirements without requiring a variance or other exception:

a. Address monuments.

b. Alterations to windows and doors, including the addition of doors, windows, and skylights.

c. Decks and deck extensions under one hundred fifty (150) square feet in the RS-1 and RA zones.

d. Ground floor decks and deck extensions under one hundred fifty (150) square feet in all other zones.

e. Additions of habitable floor area less than one hundred (100) square feet which do not require a plat amendment.

f. Additions of nonhabitable floor area less than two hundred (200) square feet which do not require a plat amendment.

g. Signs, other than monument style signs, per article F of this chapter.

h. Fences, wherein approval is provided a ~~binding fence agreement is signed by~~ directly adjacent neighbors.

i. Trellises and arbors less than two hundred (200) square feet.

j. Removal of trees greater than eight inches (8") diameter breast height (dbh) that pose an immediate threat to safety.

k. Interior remodels requiring fire sprinkler installations.

l. Temporary use permits.

m. Floodplain development permits, and stream alteration permits, provided the following noticing requirements specific to stream alteration and contained in Article I., Flood Hazard Protection, are met: notice to adjacent jurisdictions, the Idaho Department of Water Resources (IDWR) state coordinator for the National Flood Insurance Program (NFIP), and the Federal Emergency Management Agency (FEMA).

n. Changes to exterior lighting which is compliant with article B of this chapter.

2. The community development director, or his/her assignee, shall issue a letter or form approving the project, if the project complies with all mandated code standards without requiring a variance or exception; such an approval may include reasonable conditions to mitigate impacts of the proposed action.

3. If extenuating circumstances are present, the director may make a finding in that regard and refer the project to the commission for review and approval.

4. Approvals, denials, and imposed conditions may all be appealed in writing to the commission within ten (10) calendar days from the date of the action.

F. Projects Requiring Administrative Approvals With Notice:

1. Any proposal subject to a land use or building permit that encroaches into with a structure, or otherwise disturbs, record grade slopes exceeding 25%.

2. Any other project types not specifically identified in subsection C, D, or E of this section, and not requiring any exception or variance, will be reviewed administratively by the community development director after appropriate public notice in accordance with section 9-5A-5 of this title.

23. The community development director, or his/her assignee, shall issue a letter or form approving the project, if the project complies with all mandated code standards without requiring a variance or exception; such an approval may include reasonable conditions to mitigate impacts of the proposed action.

34. If extenuating circumstances are present, the director may make a finding in that regard and refer the project to the commission for review and approval.

45. Approvals, denials, and imposed conditions may all be appealed in writing to the commission within ten (10) calendar days from the date of the action. (Ord. 502, 2-2-2017)