

**CITY OF SUN VALLEY
CITY COUNCIL
MEMORANDUM**

To: City of Sun Valley City Council
From: Brittany Skelton, Community Development Director
Date: August 5th, 2021
Re: Proposed city-initiated Ord. 558 - Amendments to Title 9, Chapter 3, Article H. Hillside Development Regulations

INTRODUCTION

On May 5th, 2021 staff presented a brief overview of frequently occurring Development Code challenges the Community Development Department is encountering. Building envelope conflicts and encroachments into areas of slope exceeding 25% were the two most prominent challenges discussed and Council directed staff to proceed with targeted code amendments to address these issues. Staff drafted and presented amendments, in the form of draft Ordinance 558, to the Planning and Zoning Commission for consideration over the course of two public hearings. The Commission recommended approval of draft Ordinance 558 on June 17th, 2021. The draft ordinance has also been reviewed by the City Attorney and is acceptable as presented.

BACKGROUND

The primary issue at hand is that when Sun Valley Municipal Code standards are applied as explicitly written, *any and all* encroachments of structures or site disturbances into slopes in excess of twenty five percent (25%) are nearly impossible unless a variance is granted. Encroachment into slopes exceeding 25% is curtailed whether the slope is prominent and visible, such as atop a ridge, within a saddle, or upslope near the crest of a lot's topography, *or* whether the steep slope is an isolated anomaly near the property's street frontage or located in the middle of a platted building envelope the City previously identified as the appropriate location of a future building.

With the exception of the lower Trail Creek drainage (Bitterroot Road, Silverweed Way, and Snowbrush Lane) and on lots that slope downhill, Chapter H. of the Development Code prohibits building structures upon record grade natural slopes in excess of twenty five percent (25%) unless a variance is granted (§9-3H-4). The regulations contained within the Earthwork, Drainage and Erosion Control section of Title 7, Engineering Specifications, Plans, Permits and Compliance, are more restrictive and prohibit all disturbance of slopes greater than twenty five percent (25%) unless a variance is granted (§7-2-2-E-9).

- Development Code §9-3H-4-D "No structure may be built on a record grade of over twenty five percent (25%) slope except as provided in subsection E of this section and chapter 5, article B of this title...."
 - Subsection E exempts structures east of Sun Valley Rd and within 1,500' and south of Dollar Road. Chapter 5, article B, is the Variance chapter of code.
- Engineering Code §7-2-2-E-9 "Existing slopes greater than twenty five percent (25%) shall remain undisturbed. If evidence acceptable to the city is provided by the applicant showing that strict enforcement of this provision would prohibit access to the property or placement of utilities would be impossible, then the applicant may apply for a variance. The other provisions of the hillside development regulations shall remain in effect."

In applying the code standards explicitly as written, the number of variance applications approved for >25% slope encroachments year-to-date in 2021 has surpassed the number of variance applications for >25% slope encroachments in the preceding five (5) years: **2021 year to date** – 9 variances, **2016-2020** – 6 variances. Notably, one (1) additional variance application for encroachment into >25% slope was applied for in 2021, but it was withdrawn by the applicant; the variance request conflicted with the purpose and intent of the Hillside Development chapter of the Development Code. All nine (9) variance applications approved were found to be necessary due to existing site topography and to be of inconsequential visual impact.

There is a common perception that the city’s inventory of flat, easy-to-build upon lots have largely been developed and the recently available (for sale) lots being developed now have challenging topography. While a variance application is required to accompany any application (new residence, addition, deck expansion, etc.) that disturbs slopes exceeding 25%, there is a common perception that the city’s inventory of flat, easy-to-build upon lots have largely been developed and the recently available (for sale) lots being developed now have challenging topography.

All variance applications approved in 2021 accompanied applications for new single-family homes and Table 1., below, compares the number of variances granted each calendar year to Design Review applications approved in the same year. If the trend of developing “challenging” lots continues, and the zoning code’s slope standards remain unchanged, a significant portion of Design Review applications for new homes will continue to need variances going forward.

A preliminary staff analysis indicates there are approximately 150 vacant lots in city limits at this time.

Table 1.

Calendar Year	Number of Variance Applications Related to Slope Encroachments	Number of Design Review applications for new residential development
2021 year to date	9	23
2020	2	12
2019	1	9
2018	2	9
2017	1	4
2016	0	6

ANALYSIS

The main purpose of the text amendments included in draft ordinance 558, included as Attachment 1 to this staff report, is to fine tune the development code to allow encroachments into areas of natural topography that exceed 25% slope when such encroachments do not conflict with the intent and purpose of the Hillside Development Ordinance. Additionally, proposed Ordinance 558 introduces language recognizes *platted* building envelopes and removes a prior reference to *recorded* building envelopes. Platted building envelopes are established through an application to the city and are reviewed and approved through the city’s public hearing processes. Recorded building envelopes can be established by private entities through private negotiations and then recorded with the County to establish the envelope as a type of private deed restriction.

The proposed text amendments will allow the City to move away from the reliance of a variances as a mechanism, on a regular basis, to overcome a regulation. Relying on variances is not an appropriate use of a

development code: the purpose of a variance, as a tool, is to allow relief from code regulations when there are *rare, site-specific, extenuating circumstances* that deprive the property owner of enjoying the same development rights as other properties in the zoning district. If a community finds that property owners routinely must seek variances to overcome commonplace issues encountered with routine development the appropriate resolution is to evaluate regulations in the code and revise the code to regulate the commonplace issues fairly and predictably.

For the Council’s benefit, the “intent and purpose” section of the city’s hillside development ordinance is summarized below. The hillside development regulations were adopted for the purposes of:

- Providing for safe access and protecting the scenic character of the city from the impact of development on hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits;
- Permitting only development which minimizes the impact on the natural contour of the land;
- Protecting natural landmarks and prominent natural features of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits, and the natural skyline;
- Protecting property and minimizing erosion and destruction of the natural landscape by using appropriate cuts and fill;
- Promoting safe and reasonable access to and from properties, including access by emergency services;
- Directing development to areas of least slope on hillside property whenever such areas are part of the parcel or lot under application

Notably, draft Ordinance 558 makes clear that the limited exceptions to the >25% slope regulations are applicable only if the proposed encroachment is in keeping with the purpose and intent of the Hillside Development standards and adheres to all other applicable city code standards (i.e. Design Review criteria). In other words, the new limited exceptions proposed do not automatically guarantee the applicant’s right to the exception. Staff, in the case of administrative applications, and the Commission, in the case of applications requiring public hearing, determine whether the encroachment into >25% slope is in conformance with all other applicable development standards.

A sampling of variances for slope encroachments recently approved are included in the following exhibits:

Exhibit 1.

207 Camas Loop, slopes exceeding 25% are identified in red

Variance approved: Building on isolated pockets of 25% slope located within the platted building envelope and allowable building footprint, minor grading for construction of the building footprint.

Note: The steep slope bench that traverses the center of the lot was not proposed to be built upon.

Exhibit produced by Nathan Schutte

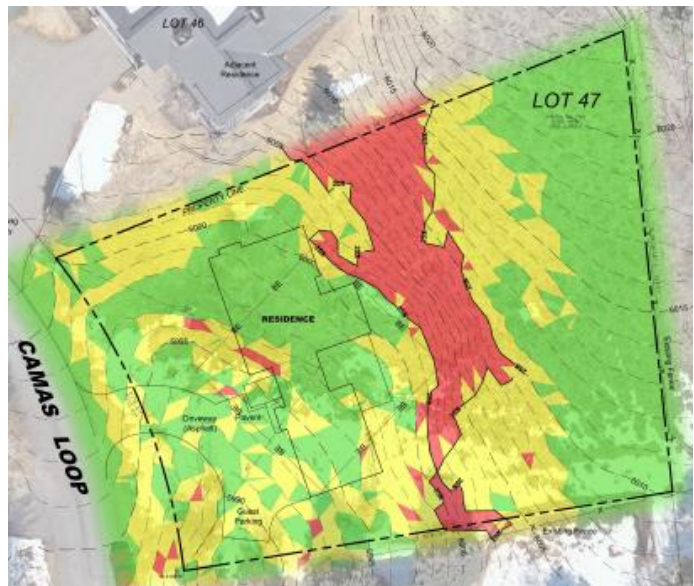


Exhibit 2.

Dollar Mountain, slopes exceeding 25% are identified in yellow

Variance approved: Adding fill dirt to improve the terrain of existing ski runs; the fill dirt would even out the terrain and reduce the need for snowmaking.

Exhibit produced by Eggers Associates P.A.



Exhibit 3.

3 Pete's Lane, slopes exceeding 25% are identified in red, natural slope areas >25% (i.e. slope not caused by prior grading to construct driveway access to the site) are outlined in blue dashed lines.

Variance approved: Disturbance and building on slopes exceeding 25%.

Note: 3 Pete's Lane is governed by a Development Agreement and has a more restrictive building envelope, with height-restricted building zones, than is typically required by city code. Extensive public hearings occurred to determine the location of the building envelope. A slope analysis was not conducted as part of the Development Agreement and building envelope establishment process. The slopes exceeding 25% weren't identified until the Design Review application for the home was submitted.

Exhibit produced by Farmer Payne Architects

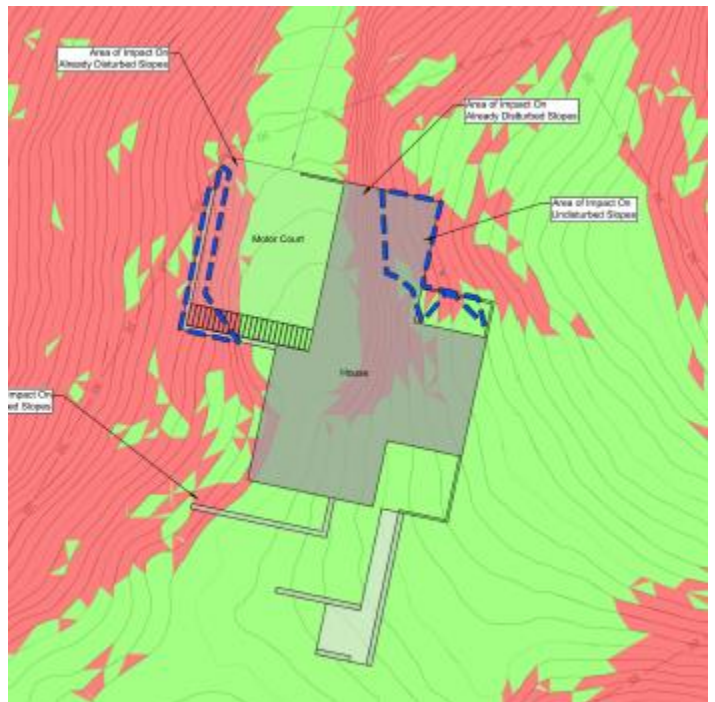


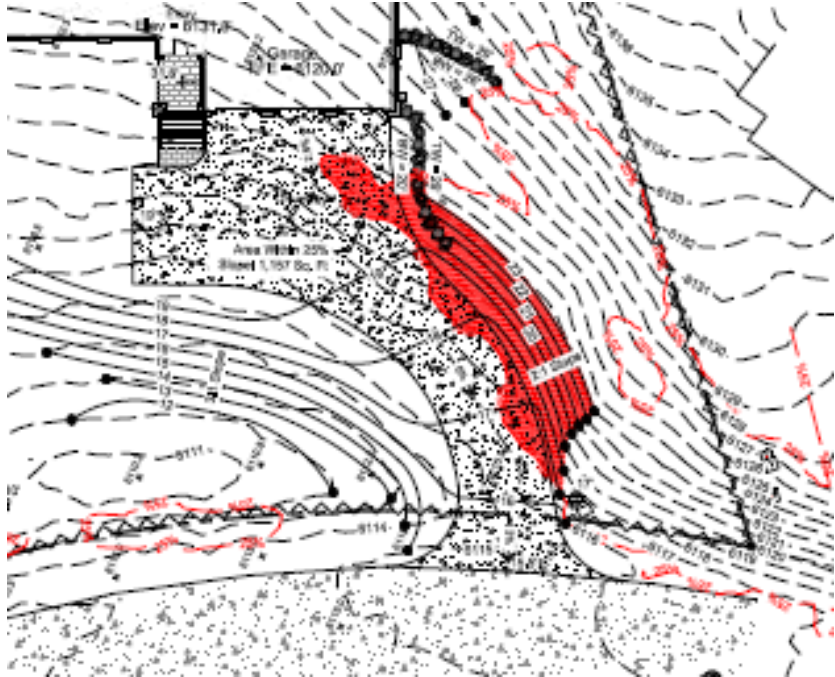
Exhibit 4.

93 Elkhorn Road, slopes exceeding 25% are identified in red.

Variance approved: Encroachment into slopes exceeding 25% to allow construction of a driveway that meets Fire Code standards.

Note: Only the driveway encroaches into slopes exceeding 25%, the residence does not encroach.

Exhibit produced by Eggers Associates P.A.



Ordinance 558 is attached and the proposed amendments are contained in Exhibit A to the ordinance. Existing regulations proposed to be removed or revised are ~~stricken~~ and proposed or revised regulations are in red, underlined font.

As noted in the Background section of this staff report, the Engineering title of Sun Valley Municipal Code contains a prohibition on *all* disturbances of slopes exceeding 25%, making the Engineering title more restrictive, and in conflict with, the Development Code. The existing conflict needs to be resolved (the development code only regulates placement of buildings on >25% slopes) and if Council supports the amendments to the Development Code as proposed staff will bring forward amendments to Title 7, the Engineering Standards title, that match the new slope-related Development Code standards. Amendments to the Engineering Standards title are not required to be reviewed by the Commission

Noticing: The City Council public hearing regarding the subject ordinance was duly noticed in accordance with Idaho State Statute 67-6507 and with Sun Valley City Code Title 9, Chapter 5 by: 1) publishing in the Idaho Mountain Express on July 21st, July 28th, and August 4th; and, 2) posting of the public hearing materials at City Hall and on the City website.

Public Comment and Community Outreach: During the public hearing process with the Commission staff solicited feedback from 42 local professionals who had submitted applications to the city during the past two years (landscape architects, architects, surveyors and engineers) and received three (3) written comments in support of the proposed amendments. The comments are attached.

No additional written public comment has been received to date. Any additional written comment received will be forwarded to the Council and included in the record.

Staff Recommendation: Staff recommends the Council consider the proposed Development Code text amendments, consider public comment, deliberate, make revisions to the proposed ordinance language as appropriate, and approve the first reading of Ordinance 558.

Recommended Motion: "I move to approve the first reading of Ordinance 558 by title only:

ORDINANCE NO. 558, AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, AMENDING TITLE 9, DEVELOPMENT CODE, CHAPTER 3, DESIGN AND DEVELOPMENT REGULATIONS, ARTICLE H, HILLSIDE DEVELOPMENT REGULATIONS, OF THE SUN VALLEY MUNICIPAL CODE"

Alternative Actions:

1. Continue the hearing to a date certain.
2. Table the ordinance (requires re-noticing for a public hearing at a later date).

Attachments:

1. Draft Ordinance 558
 - a. Exhibit A: Ordinance Revisions
2. Public comment received as a of 7/29/2021

ORDINANCE NO. 558

AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, AMENDING TITLE 9, DEVELOPMENT CODE, CHAPTER 3, DESIGN AND DEVELOPMENT REGULATIONS, ARTICLE H, HILLSIDE DEVELOPMENT REGULATIONS, OF THE SUN VALLEY MUNICIPAL CODE

WHEREAS, the City of Sun Valley has regulations in place regarding development on significant hillsides, ridges, and knolls; and

WHEREAS, the City of Sun Valley has regulations in place regarding development on all slopes that exceed twenty five percent (25%) grade, regardless of the prominence or significance of the slope; and

WHEREAS, applying all regulations contained within the Hillside Development chapter of Sun Valley Municipal Code to insignificant, isolated, and minor areas of slopes exceeding twenty five percent (25%) does not always further the purpose and intent of the Hillside Development ordinance; and

WHEREAS, the City of Sun Valley desires to amend the Hillside Development ordinance in order to allow, as of right, exceptions to regulations regarding development on slopes in excess of twenty five percent (25%) in limited, site-specific situation; and

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

SECTION 1: Title 9, Chapter 3, Article H [Hillside Development Regulations] of the Municipal Code of the City of Sun Valley shall be amended as indicated in Exhibit A.

SECTION 2: REPEALER. All previous ordinances, resolutions, orders, or parts thereof, that are in in conflict are hereby repealed.

SECTION 3: SAVINGS AND SEVERABILITY. It is hereby declared to be the legislative intent that the provisions and parts of this ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this ordinance is held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

ORDINANCE NO. 558 - AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, AMENDING TITLE 9, CHAPTER 3, ARTICLE H, OF THE SUN VALLEY MUNICIPAL CODE

Ord. 558 – City Council – 1st Hearing

SECTION 4: EFFECTIVE DATE. This ordinance shall be in full force and effect after its passage, approval, and publication, according to law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2021.

APPROVED:

ATTEST:

Peter M. Hendricks, Mayor

Nancy Flannigan, City Clerk

ORDINANCE NO. 558 - AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, AMENDING
TITLE 9, CHAPTER 3, ARTICLE H, OF THE SUN VALLEY MUNICIPAL CODE

9-3H-1: Purpose

9-3H-2: Applicability

9-3H-3: General Provisions

9-3H-4: Regulated Structures

9-3H-5: Regulated Site Disturbance

9-3H-1: PURPOSE:

The purpose of these regulations is to promote the public health, safety, and general welfare by:

A. Providing for safe access and protecting the scenic character of the city from the impact of development on hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits;

B. For the purpose of balancing cuts and fills, minimizing the height of a façade, and breaking down the bulk and mass of a building, permitting only development which minimizes the impact on the natural contour of the land as described in figure A of this section and not as in figure B of this section;

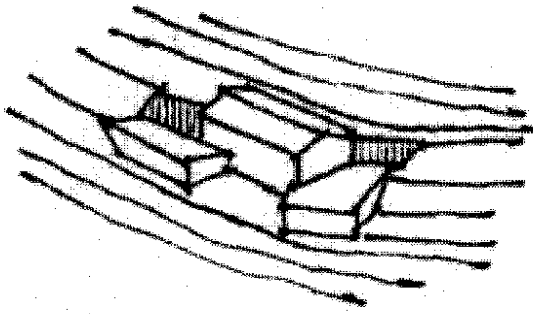


Figure A

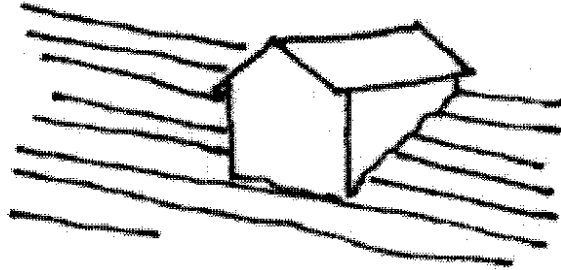


Figure B

C. Protecting natural landmarks and prominent natural features of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits, and the natural skyline as described in figure C of this section, and not as in figure D of this section; and

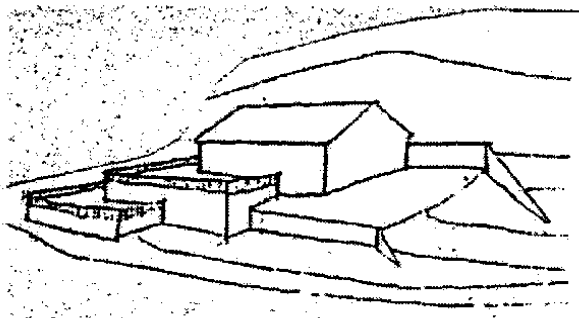


Figure C

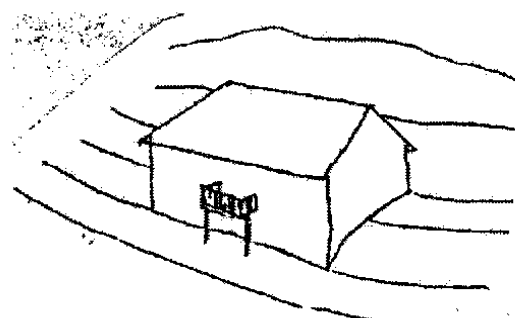
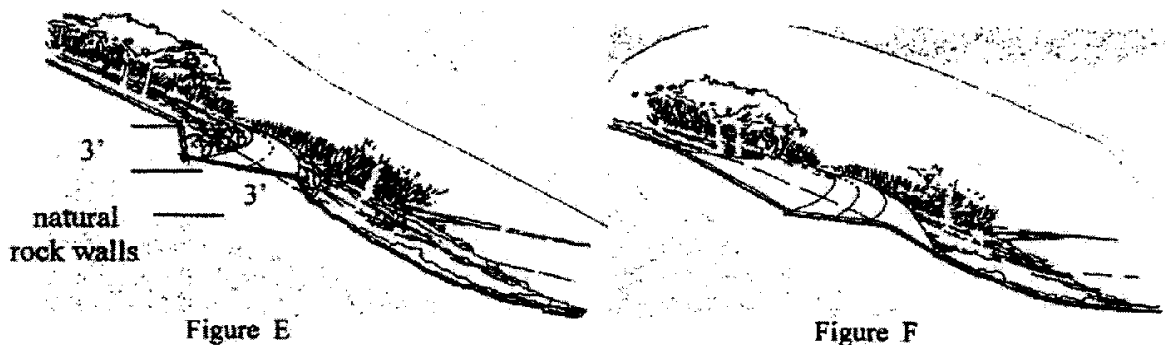


Figure D

D. Protecting property and minimizing erosion and destruction of the natural landscape by using appropriate cuts and fills as described in figure E of this section, and not as in figure F of this section; and



E. Promoting safe and reasonable access to and from properties, including access by emergency services; and

F. Directing development to areas of least slope on hillside property whenever such areas are part of the parcel or lot under application. (Ord. 428, 7-15-2010, [Ord. 558](#), <date>)

9-3H-2: APPLICABILITY:

The following regulations shall apply in all districts, subject to such exceptions or further regulations as are provided in the regulations pertaining to individual districts. (Ord. 428, 7-15-2010, [Ord. 558](#), <date>)

9-3H-3: GENERAL PROVISIONS:

All development in the city shall utilize the following design criteria in order to provide for safe access and protect the natural, scenic character and the aesthetic value of the city from the impact of inappropriate development on hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits:

A. Streets, driveways, and utilities are designed to run with the existing natural contours to the maximum extent possible.

B. Unstabilized cut slopes shall not be steeper than two to one (2:1); in other cases, retaining walls or similar measures acceptable to the city shall be provided.

C. Cuts and fills shall be shaped, rounded, minimized, and nonuniform to simulate natural existing contours.

D. Private driveways shall not exceed a ten percent (10%) slope. The inside turning radius of any private driveway shall not be less than fifteen feet (15'); landing areas of driveway/street intersections shall not be less than twenty two feet (22') in length and shall not exceed a four percent (4%) slope.

E. Garages should be located at the lowest possible floor level on uphill sloping lots and at the uppermost floor level on downhill sloping lots, to minimize grading for driveways as well as the length of driveways (minimize the extent of grading).

F. Flat yard areas on sloping lots shall be minimized to reduce cuts and fills.

G. Slopes designated for protection shall be identified by the applicant and shall not be disturbed, not even on a temporary basis, during construction on the site, as per subsection 9-5A-4K, [Grading Plan](#), of this title.

H. Disturbances to hillside property affected by site preparation or actual construction shall be revegetated in a manner that is compatible with the site.

9-3H-4: REGULATED STRUCTURES:

The purpose of these regulations is to promote the public health, safety, and general welfare by using the following criteria for building design:

A. In the RA, RS-1, and RS-2 zoning districts, buildings on natural topography greater than twenty percent (20%) slope shall be designed in a manner to reduce visibility by using stepped building forms, natural colors and materials, sloped roofs, and landscaping, and shall use a combination of these techniques such that the building does not skyline.

B. In the RM-1, RM-2, SC, CC, REC, and PI zoning districts, buildings on natural topography greater than fifteen percent (15%) slope shall be designed in a manner to reduce visibility by using stepped building forms, natural colors and materials, sloped roofs, and landscaping, and shall use a combination of these techniques such that the building does not skyline.

C. For any buildable lot of record without an approved a platted building envelope, no structure may be built on a record grade of over fifteen percent (15%) slope if there is adequate area available for development below the fifteen percent (15%) slope line.

D. No structure may be built on a record grade of over twenty five percent (25%) slope except as provided in subsection E of this section. ~~Where subsection E is not applicable, and chapter 5, article B of this title. If~~ if evidence acceptable to the city is provided by the applicant showing that strict enforcement of this provision would prohibit a substantial portion of permitted or conditional uses of the property then the applicant may apply for a variance in accordance with Chapter 5, Article B, of this title. ~~The~~ All other provisions of the hillside development regulations shall remain in effect.

~~E. Structures east of Sun Valley Road, within one thousand five hundred feet (1,500'), and south of Dollar Road, may be built on a record grade of over twenty five percent (25%) slope subject to the applicable regulations of the respective zoning district for each property, and subject to the evaluation standards of article A of this chapter. This area is exempted from subsection D of this section because the steep slopes that comprise the ravine of Trail Creek do not present visual concerns or physical dominance on the city's landscape.~~

~~F. Existing platted lots containing significant downhill sloping terrain as primarily accessed from above may be exempted from this article at the discretion of the planning and zoning commission provided that:~~

~~—1. Development will not create a visual concern or physical dominance that would unreasonably negatively impact views; and~~

~~—2. All other applicable standards are met. (Ord. 428, 7-15-2010)~~

E. In limited circumstances structures are permitted to make minor encroachments into record grade over twenty five percent (25%) slope without receiving a variance through section 9-5B-8 of this title. If the development has been designed in a manner that will not create a visual concern or physical dominance that would unreasonably negatively impact views, and all other applicable standards of Sun Valley Municipal Code are met, structures are permitted to encroach into the following record grades over twenty five percent (25%):

1. Areas of slope greater than twenty five percent (25%) that are located entirely within an existing, platted building envelope and site areas related to rotated and expanded building envelopes where building footprints are permitted to be located in accordance with 9-2A-3-I-1-b.
2. Isolated areas of slope greater than twenty five percent (25%) located outside of an existing, platted building envelope, including circumstances where no platted building envelope exists, that are insignificant in size.
3. The toe of substantial areas of slope greater than twenty-five percent (25%) when such encroachment is reasonably unavoidable due to considerable site constraints including, but not limited to, limited lot depth, providing driveway access to the lot, regulations contained within Article I. Flood Hazard Protection and Article J. Riparian Zones, or the presence of wetlands identified in a site-specific wetlands inventory completed within the past 365 days.
 - a. This provision is not intended to allow a substantial portion of the one-third (1/3) of a structure's footprint that is permitted to be located outside of the envelope in accordance with 9-2A-3-I-1-a to be located upslope of the platted building envelope.
4. Retaining walls required by Title 7, Engineering Standards and Design Practices.
5. Other circumstances not described above where the Community Development Director, when reviewing administrative applications, or the Planning and Zoning Commission, when reviewing applications before the Commission, or Planning and Zoning Commission make a Finding of Fact that the encroachment into record grade slope greater than twenty five percent (25%) is de minimis.
 - a. For the purpose of interpreting this ordinance, de minimis shall mean lacking significance or importance; so minor as to merit disregard.
6. Structures east of Sun Valley Road, within one thousand five hundred feet (1,500'), and south of Dollar Road, may be built on a record grade of over twenty five percent (25%) slope subject to the applicable regulations of the respective zoning district for each property, and subject to the evaluation standards of article A of this chapter. Encroachments into record grade slopes over twenty five percent (25%) are permitted because the ravine of Trail Creek do not present visual concerns or physical dominance on the city's landscape.
7. Existing platted lots containing significant downhill sloping terrain as primarily accessed from above. (Ord. 558, <date>)

9-3H-5: REGULATED SITE DISTURBANCE:

The purpose of these regulations is to promote the public health, safety, and general welfare by using the following criteria for building design:

A. Record grade slopes greater than twenty five percent (25%) shall remain undisturbed except as provided in subsection B. Where subsection B is not applicable, if evidence acceptable to the city is provided by the applicant showing that strict enforcement of this provision would prohibit a substantial portion of permitted or conditional uses of the property then the applicant may apply for a variance in accordance with Chapter 5, Article B, of this title. All other provisions of the hillside development regulations shall remain in effect.

B. In limited circumstances site disturbances are permitted to make minor encroachments into record grade over twenty five percent (25%) slope without receiving a variance through section 9-5B-8 of this title. If the development has been designed in a manner that will not create a visual concern or physical dominance that would unreasonably negatively impact views, and all other applicable standards are

met, site disturbances are permitted to encroach into record grades over twenty five percent (25%) in the following circumstances:

1. Areas of slope greater than twenty five percent (25%) are located entirely within an existing, platted building envelope.
2. Areas of slope greater than twenty five percent (25%) located outside of an existing, platted building envelope that are reasonably unavoidable in order to construct a driveway that meets International Fire Code standards and or other applicable life safety standard contained in Sun Valley Municipal Code, provided disturbed areas have been designed to integrate and complement existing conditions or proposed conditions.
3. Areas of slope greater than twenty five percent (25%) located outside of an existing, platted building envelope that are necessary in order to construct a structure that has been permitted, either by variance or compliance with 9-3H-4-E, provided disturbed areas will be revegetated and regraded to be compatible with the site.
4. The toe of substantial areas of slope greater than twenty-five percent (25%) when such disturbance is reasonably unavoidable due to considerable site constraints including, but not limited to, limited lot depth, regulations contained within Article I. Flood Hazard Protection and Article J. Riparian Zones, or the presence of wetlands identified in a site-specific wetlands inventory completed within the past 365 days.
 - a. This provision is not intended to allow a substantial portion of the altered site, or an associated site improvement not classified as a structure (including but not limited to at-grade patios or decks, gas fire pits, and site walls), to be located upslope of a platted building envelope.
5. In the Recreation (REC) and Public/Institution (PI) zoning districts, land alteration related to the construction of earthen recreational features where structures are not proposed or required for retainage.
 - a. Such land alterations shall be accompanied by a detailed landscaping revegetation plan in order to minimize the visual impact of cuts, fill, and grading and to facilitate integration of the new feature into the existing landscape.
6. Other circumstances not described above where the Community Development Director, when reviewing administrative applications, or the Planning and Zoning Commission, when reviewing applications before the Commission, make a Finding of Fact that the disturbance into record grade slope greater than twenty five percent (25%) is de minimis.
 - a. For the purpose of interpreting this ordinance, de minimis shall mean lacking significance or importance; so minor as to merit disregard. (Ord. 558, <date>)

Maya Lewis

From: Bruce Smith <bsmith@alpineenterprisesinc.com>
Sent: Tuesday, June 08, 2021 4:22 PM
To: Brittany Skelton
Cc: Maya Lewis
Subject: RE: Feedback requested - amendments to Sun Valley's hillside regulations

Hi Brittany and Maya,

I read though all of this and support the proposed changes.

I don't have any problem getting into small areas of slopes greater than 25% as long as everything gets re-graded to blend in nicely.

I don't like houses perched on top of hills that are skylined, and it appears that you are addressing that also.

Thanks!

Bruce Smith, PLS
Alpine Enterprises Inc.
Shipping: 660 Bell Dr., Unit 1
Mail: PO Box 2037
Ketchum, ID 83340
Ofc: 208-727-1988
Cell:208-720-3042
Fax: 208-727-1987

From: Brittany Skelton [mailto:bskelton@sunvalleyidaho.gov]
Sent: Tuesday, June 08, 2021 4:04 PM
To: Brittany Skelton
Cc: Maya Lewis
Subject: Feedback requested - amendments to Sun Valley's hillside regulations

Good afternoon,

You are receiving this e-mail because you have recently submitted a development application to the City of Sun Valley and your input on proposed code amendments is appreciated.

The City of Sun Valley is considering amendments to the [Hillside Development Regulations](#) chapter of the Development Code, Title 9 of Sun Valley Municipal Code. Existing regulations prohibit **all** structures from encroaching into record grade slopes exceeding 25%, unless a variance is granted, or the subject property is located in a limited geographic area or accessed from above. This regulation applies to **all** structural encroachments into **any** area of natural slope exceeding 25%, even when the slope is not part of a ridge, knoll, or saddle and the proposed structure otherwise meets the intent of the Hillside Development regulations. Regulations in Title 7, Engineering Standards and Design Practices, are more restrictive and prohibit any **disturbance** of slope exceeding 25% unless a variance is granted.

The goal of the proposed amendments is to **allow** minor encroachments into slopes exceeding 25%, without the need for a variance, when all other regulations in the Hillside Development chapter are met.

The Planning and Zoning Commission considered an initial draft of proposed amendments last Thursday, June 3rd. The Commission has continued the hearing on the proposed amendments to their next meeting, Thursday, June 17th, 9:00 a.m. in City Hall. All questions and input on the proposed amendments are welcome. All written comments will be forwarded to the Commission and all written comments received by this Thursday, June 10th will be attached to the June

17th staff report. Understanding that everyone is busy, feel free to give me a call with comments if that is more convenient for you.

Attached for review and comment are the staff report prepared for the June 3rd hearing, which contains additional background information, and the draft code amendments.

After the Planning and Zoning Commission hearing stage there will be additional opportunity to give feedback at the Council level. The proposed amendments will be considered by Council during at least 1 hearing. At the Council stage amendments for disturbance of slopes exceeding 25% that align with the proposed amendments to the Hillside Development Regulations will be put forward for consideration.

Please feel free to circulate this e-mail around your office and network, all input is appreciated.

Thanks,
Brittany

Brittany Skelton
Community Development Director
City of Sun Valley
208-622-4438



Maya Lewis

From: Buffalo Rixon <Buffalo@rlb-sv.com>
Sent: Thursday, June 10, 2021 7:02 PM
To: Brittany Skelton
Cc: Maya Lewis; Michael Bulls
Subject: RE: Feedback requested - amendments to Sun Valley's hillside regulations

Dear Brittany and the Sun Valley Planning and Zoning Commission,

Thank you for your efforts to amend both the Title 9 Hillside Development Regulations and the Title 7 Engineering Standards and Design Practices relating to disturbance of all slopes exceeding 25%. First, I'd like to commend the City and other Wood River Valley communities for establishing and enforcing hillside ordinances to protect the scenic beauty of our valley. While the current Sun Valley Hillside Development Regulations serve as one of the most important development codes, the June 3rd Memo to the City Council makes a very important point by stating "*If a community finds that property owners routinely need to seek variances to overcome commonplace issues encountered with routine development the appropriate resolution is to evaluate regulations in the code and revise the code to fairly and predictably regulate the commonplace issues*". As Architects, we often find ourselves up against this exact situation on behalf of our clients as it relates to minor encroachments into slopes exceeding 25%. Many residential properties contain isolated pockets of slopes steeper than 25%, and strict compliance of the current codes require a variance to overcome commonplace issues in design that don't necessarily threaten the purpose of the Hillside Regulations. I support the proposed amendments to the Title 9 Hillside Development Regulations, as well as the subsequent revisions to the Title 7 Engineering Standards and Design Practices.

Sincerely,
Buffalo Rixon



THOMAS BUFFALO RIXON / AIA
Principal Architect
Office: 208.726.5608
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From: Brittany Skelton
Sent: Tuesday, June 08, 2021 4:04 PM
To: Brittany Skelton <bskelton@sunvalleyidaho.gov>
Cc: Maya Lewis <mlewis@sunvalleyidaho.gov>
Subject: Feedback requested - amendments to Sun Valley's hillside regulations

Good afternoon,

You are receiving this e-mail because you have recently submitted a development application to the City of Sun Valley and your input on proposed code amendments is appreciated.

The City of Sun Valley is considering amendments to the [Hillside Development Regulations](#) chapter of the Development Code, Title 9 of Sun Valley Municipal Code. Existing regulations prohibit all structures from encroaching into record grade slopes exceeding 25%, unless a variance is granted, or the subject property is located in a limited geographic area or accessed from above. This regulation applies to all structural encroachments into any area of natural slope exceeding

25%, even when the slope is not part of a ridge, knoll, or saddle and the proposed structure otherwise meets the intent of the Hillside Development regulations. Regulations in Title 7, Engineering Standards and Design Practices, are more restrictive and prohibit any **disturbance** of slope exceeding 25% unless a variance is granted.

The goal of the proposed amendments is to **allow** minor encroachments into slopes exceeding 25%, without the need for a variance, when all other regulations in the Hillside Development chapter are met.

The Planning and Zoning Commission considered an initial draft of proposed amendments last Thursday, June 3rd. The Commission has continued the hearing on the proposed amendments to their next meeting, Thursday, June 17th, 9:00 a.m. in City Hall. All questions and input on the proposed amendments are welcome. All written comments will be forwarded to the Commission and all written comments received by this Thursday, June 10th will be attached to the June 17th staff report. Understanding that everyone is busy, feel free to give me a call with comments if that is more convenient for you.

Attached for review and comment are the staff report prepared for the June 3rd hearing, which contains additional background information, and the draft code amendments.

After the Planning and Zoning Commission hearing stage there will be additional opportunity to give feedback at the Council level. The proposed amendments will be considered by Council during at least 1 hearing. At the Council stage amendments for disturbance of slopes exceeding 25% that align with the proposed amendments to the Hillside Development Regulations will be put forward for consideration.

Please feel free to circulate this e-mail around your office and network, all input is appreciated.

Thanks,
Brittany

Brittany Skelton
Community Development Director
City of Sun Valley
208-622-4438



Maya Lewis

From: Layne Thompson <layne@collabeng.com>
Sent: Thursday, June 10, 2021 11:37 PM
To: Brittany Skelton
Cc: Maya Lewis; travis.jones@evrealestate.com; Nathan Schutte
Subject: Re: Feedback requested - amendments to Sun Valley's hillside regulations

Hi Brittany

I am in support of this amendment as written and feel that it gives City Planners the ability to apply the intent of the original ordinance.

I have a quick question on how this might apply to our approved application for 207 Camas Loop. Could you please call me tomorrow when you have a free minute to discuss?

Best,

Layne Thompson



COLLABORATION

Phone: 208.720.5988

Email: layne@collabeng.com

Web: www.collabeng.com

From: Brittany Skelton <bskelton@sunvalleyidaho.gov>
Date: Tuesday, June 8, 2021 at 4:03 PM
To: Brittany Skelton <bskelton@sunvalleyidaho.gov>
Cc: Maya Lewis <mlewis@sunvalleyidaho.gov>
Subject: Feedback requested - amendments to Sun Valley's hillside regulations

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Brittany

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