

**CITY OF SUN VALLEY
CITY COUNCIL
MEMORANDUM**

To: City of Sun Valley City Council
From: Brittany Skelton, Community Development Director
Date: September 2nd, 2021
Re: Proposed city-initiated Ord. 558 - Amendments to Title 9, Chapter 3, Article H. Hillside Development Regulations

INTRODUCTION

Amendments to Title 9, Chapter 3, Article H., Hillside Development Regulations were presented to City Council on August 5th, 2021 via Draft Ordinance 558. The public hearing was continued to September 2nd, 2021 to allow staff to work with a local design professional to update the illustrative graphics contained in the ordinance. Staff has engaged a local architect to update the graphics. However, due to time constraints, draft graphics will not be available until mid-September.

Three (3) additional public comments were submitted after the August 5th, 2021 hearing, one of which has resulted in staff recommending supplemental language regarding building envelopes. In staff's opinion, the new language does not detract from the city's recognition of only platted building envelopes, rather, it simply serves as a courtesy to property owners who may be subject to privately recorded envelopes. The new suggested language for consideration is highlighted in yellow:

9-3H-4-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. **Note: The city recognizes only platted building envelopes, but recorded building envelopes may exist in a private party agreement. The recorded building envelope is not a substitute for a platted envelope.**

In addition to the written comments submitted, several city staff members from various departments have been informally approached by citizens to discuss the proposed ordinance. By and large there remains a misunderstanding and mischaracterization of the proposed amendments among people who have not read the draft ordinance or accompanying staff reports. For this reason, and because updated illustrations are not yet available, staff recommends continuing the hearing to October 7th, 2021, and using the September 2nd, 2021 hearing for additional discussion of the proposed amendments, consideration of the recent public comments received, and consideration of the supplemental language proposed for 9-3H-4-C.

The complete staff analysis on the proposed ordinance amendments can be reviewed in the August 5th, 2021 staff report, available in the Proposed Ordinances section of the city website and via direct link: https://sunvalleyidaho.gov/vertical/Sites/%7B0BF53F75-612F-48C9-9676-4A78E1E5DF2A%7D/uploads/Staff_Report_Ord_558_Slopes_-_CC_08-05-21_combined.pdf

PUBLIC COMMENT

All public comments received to date are attached, including the three (3) comments submitted after the August 5th, 2021 meeting.

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 continue the hearing to October 7th, 2021.

Recommended Motion: "I move to continue the hearing on Ordinance 558 to October 7th, 2021."

Alternative 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"

Attachments:

1. Draft Ordinance 558
 - a. Exhibit A: Ordinance Revisions
2. Public comment received as a of 8/27/2021

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

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

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;

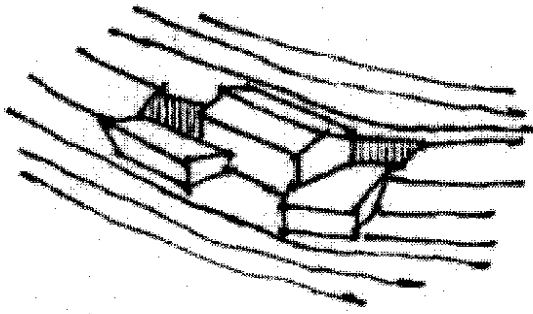


Figure A

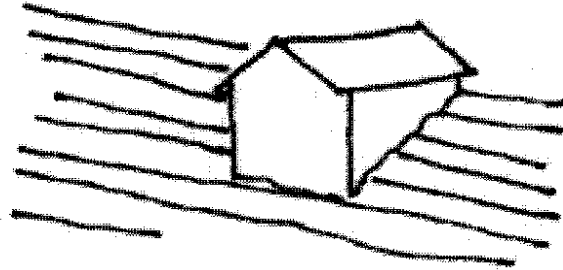


Figure B

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

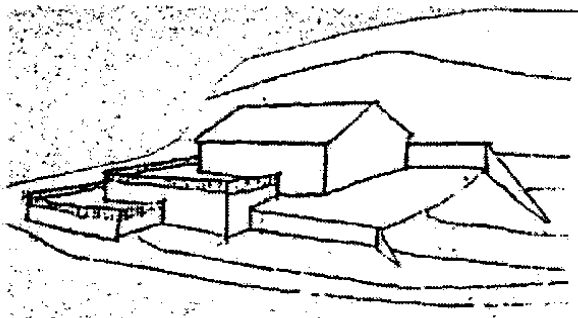


Figure C

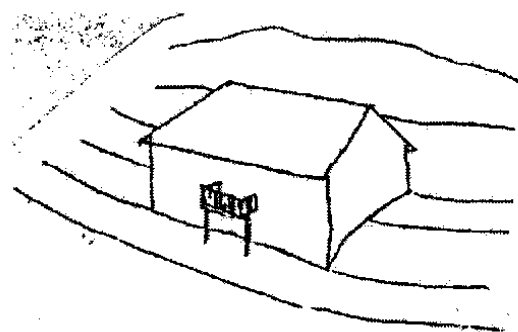
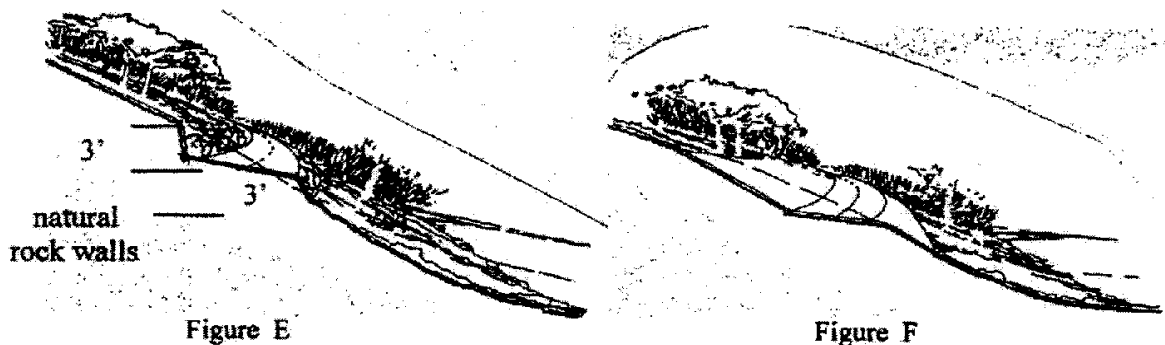


Figure D

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. Note: The city recognizes only platted building envelopes, but recorded building envelopes may exist in a private party agreement. The recorded building envelope is not a substitute for a platted envelope.

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>)

From: [Nancy Flannigan](#)
To: [Brittany Skelton](#); [Maya Lewis](#)
Subject: FW: Hillside building
Date: Thursday, August 26, 2021 1:49:05 PM

Public comment for hillside ordinance

Nancy Flannigan
City Clerk/ Assistant to the City Administrator
City of Sun Valley
208-622-4438



From: Rob McGowan <poliformsv@me.com>
Date: August 26, 2021 at 1:27:37 PM MDT
To: Peter Hendricks <phendricks@sunvalleyidaho.gov>
Subject: Hillside building

Dear Mr. Mayor,

It has been brought to my attention an effort is being made to reduce the restrictions on hillside building. One of the few things that has protected us from hillside building is the current regulations. This is a dangerous path to travel and I urge you to fight vigorously to **NOT** allow this to happen. This is clearly an attempt to allow Prospector Hill and other hillside locations to be encroached upon. Everybody is watching....DO NOT FALL FOR THIS application!!!!!!

Sincerely , Rob McGowan

Sun Valley local and resident for decades....

rob mcgowan
architectural resources
110 lindsay cir. ketchum. id.83340
t. 208.928.6379
www.arsunvalley.com



From: [Nancy Flannigan](#)
To: [Brittany Skelton](#)
Cc: [Maya Lewis](#)
Subject: Hillside Ordinance
Date: Monday, August 23, 2021 1:41:29 PM

Please add this public comment to the public hearing for next week's meeting:

"The ordinance works, it's sacrosanct. If it ain't broke, don't fix it. I am against changing the Hillside Ordinance."

Betsy Sise, Sun Valley resident

She gave me her comment verbally.

Nancy Flannigan
City Clerk/ Assistant to the City Administrator
City of Sun Valley
208-622-4438



Brittany Skelton

From: Chuck Williamson <chuckw@elkhorninsunvalley.com>
Sent: Tuesday, August 17, 2021 2:57 PM
To: Brittany Skelton
Subject: Not About Ponds

Good Afternoon Brittany:

I was asked by our President Dave Galloway to review the proposed Hillside Ordinance amendment as to how it might impact SVEA property owners. The only area of concern and direct impact to SVEA is in Section 9-3H-4, paragraph C - the striking of "an approved" and the addition of "a platted". I understand why this change is important to the City, as it will clarify that the City does not consider recorded building envelopes if they exist in private agreements. In the case of SVEA, recorded plats with building envelope locations may be included in the subdivision governing documents, which SVEA recognizes is a contractual agreement between the property owner and their neighbors. The City can not be expected to keep track of the various recorded documents and agreements.

We have recently encountered problems when the City approves a building envelope that is in conflict with the subdivision declarations. The results is that the City approves a building envelop and the home is designed to fall within the envelope only to have SVEA deny the same application because the building envelope is in conflict. This costs the owner several thousand dollars not just in architectural fees but attorney fees as well.

I was hoping that you might consider additional wording at the end of Section 9-3H-4, paragraph C that states; *"Recorded building envelopes may exist in a private party agreement. The recorded building envelope is not a substitute for a platted envelope."*

I think wording along these lines acknowledges the possible existence of a recorded building envelope. The additional wording may assist in the City's desire to differentiate between "a recorded" and "platted" building envelope and also give SVEA property owners a heads up there may be another document in which they should be aware. If you could please call me when it is convenient for you to discuss this possibility it would be greatly appreciated.

Thanks You,



ELKHORN
IN SUN VALLEY

Chuck Williamson

SVEA General Manager

208-622-7420, ext. 402

208-622-3215 fax

P. O. Box 1708

Sun Valley, ID 83353



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08.05.21 Presented During Hearing - William Hughes

I am here out of respect for Len Harlig and his legacy. Len is the former County Commissioner responsible for the construction of the Hillside Ordinance, now retired in Scottsdale.

An ex-pat friend I met here skiing in the mid-80s who grew up in Colorado and is now living in Thailand, until this Covid pandemic always returned once or twice a year to visit for a week or two, the favorite location on his itinerary, each time repeatedly expressing his admiration for hillsides absent of residential development, development he felt contaminated the mountain resorts of his childhood home.

Many years ago I typed out a few pages of comment on an old electric typewriter in support of Len's effort to preserve the visual aesthetic of this valley by keeping trophy homes from creeping ^{onto} local hillsides. I identified possible issues such as plowing driveways in heavy snow years and possible difficulty with access by emergency response personnel. But my primary argument in support of the Hillside Ordinance was for the continuity and beauty of the visual aesthetic as one drives from this valley over Galena ^{summit} and down into Sawtooth Valley, a truly priceless, intangible commodity.

A few years ago the Blaine County Board held a meeting to consider a request, subsequently denied, for modification of the Hillside Ordinance. I think there may have also been an excavation violation at that time as well. My comments addressed the concerns I have identified, but also the elevated property values of all existing residences resulting from the Hillside Ordinance, property values which would be diminished by any exceptions and variances.

One of those \$500-an-hour really smart guys only developers and rich folks can afford flattered me by name in validating and further elaborating on my observation regarding impacts on property values. Perhaps he was even intelligent enough to comprehend the text constructing the Mountain Overlay District, with which I struggled. Len Harlig and Tom Bergin are also very bright guys. The community owes them both a debt of gratitude that cannot be measured in dollars, like the stunning vistas their hard work and vision has preserved.

I believe the Hillside Ordinance is sacrosanct, and should not be sold out to real estate development interests in any jurisdiction in Blaine County. Any variances or exceptions would create a slippery slope of precedent that will find constant and inexorable pressure from slippery attorneys hired by those with unlimited resources, more, and more, and more, never enough.

All the money and the real estate industry have certainly cheapened the character of our fair valley. If you are a newcomer this is not directed at you. I first wrote that 25 years ago. All the unsolicited advice to newbies from smug locals can be easily condensed down to... "be considerate of others," which this proposed variance to the Hillside Ordinance certainly is not.

Obviously distressed, one KyMi posted online comments to an article on this variance to the Hillside Ordinance by Sun Valley P&Z. I composed a Guest Opinion in response I have here if anyone is interested. The Idaho Mountain Express will not ^{publish} the truth when it is in conflict with the false narratives put forward by an often deceitful local establishment and wealthy members of the real estate industry with whom they have personal relationships.

I respectfully request the Sun Valley City Council deny approval of this request for variance to the Hillside Ordinance. Thank you.

Subject: guest opinion
From: "Billy Hughes" <wilfranhug@cox.net>
Sent: 8/2/2021 11:09:26 PM
To: "Billy Hughes" <wilfranhug@cox.net>;

Recent online comments in response to IME reporting on approval of variances to code governing hillside development by SVP&Z were certainly entertaining, the article clearly exposing the laissez faire approach to corruption in this valley of intelligent regulation on development former community leaders and staffs worked so hard on creating. Some with insider information identified insidious, opaque influences contributing to this special-interest decision by SVP&Z.

No surprise, transparency the enemy of real estate interests, elected officials either prioritizing their own personal interests and relationships, or with placating those having even more money than them to avoid inevitable lawsuits if they don't acquiesce to accommodating the self-serving, pretentious agenda of an effete economic aristocracy.

One individual expressed in online comments concerns over approval of these variances to the Hillside Ordinance without her/him even being aware such butchering of ordinance was underway, even calling out the IME for perceived dereliction to inform the public until after this objectionable decision was already made.

I want to inform this citizen *"Hey, that's just the way it is done around here,"* and let them know there is nothing they could have done about it unless they have a few million to spend on attorneys. As well as, *"The decisions are always made behind closed doors prior to any review or subsequent announcement. You must be vigilant in scrutinizing meeting agendas, and even then your opinion and attendance at meetings matters not, as government in this valley serves wealthy residents and second homeowners, the resort and resort businesses, and most aggressively real estate development interests ."* The rest of us, particularly working citizens, are invisible and irrelevant until there is a servant staffing shortage.

Oh, and BTW, if you own property you will pay to mitigate all future impacts from the projects of wealthy, connected developers conveniently relieved of any fees commensurate with those costs by local officials, profit privatized, risk socialized, crony capitalism at its worst.

Even with *substantial* participation, the public process was identified as a "farce" by an overwhelming majority of citizens regarding one fairly recent annexation approval in Hailey. They clearly understood the decision had been made long before any meetings.

Sun Valley P&Z apparently solicited support for the butchering of the Hillside Ordinance only from those in a position to benefit financially, not surprising. The August fifth meeting should be a hoot!

OVER
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There is no planning, just systematic exceptions and variances to code developed in the past to guide planning, violation of our sacred Hillside Ordinance for both short-term economic benefit and ostentatious displays of personal wealth now taking priority.

Our fair valley a perfect reflection of the corrupt financialization of this country's economy, engineered exclusively over the past forty years to deliver massive, unearned investment wealth to the economic aristocracy, detailed in *EVIL GENIUSES* by Kurt Anderson.

The rich, old, white, male oligarchs constructing this paradigm using the rich, old, white, male tools they own in the senate, motivated by lust for money and power, are now currently consumed with destroying our democracy to perpetuate this systemic financial corruption institutionalized over the past four decades through *the merging of state and business leadership*. Please Google the italicized end of the previous sentence.

The Federalist Society, ALEC, and The Heritage Foundation are providing blueprints to Republican state legislatures too stupid to compose legislation to suppress people's right to vote without help from the fascist oligarchs, now deviously engineering the capacity to declare Republican winners in red states independent of any ballot counts.

Even if Bluebird is built there will still probably be more square footage of BANK than workforce housing in Ketchum. Accurate local metaphor for the bigger picture.

These massive palaces wasting a disproportionate measure of natural resources will be our legacy, the stain of conspicuous consumption in ruins on local hillsides a couple of centuries from now, future testament to perverse priorities given awareness of environmental realities at the time of construction.

Archeologists as part of the small, remaining, residual human population of a now inhospitable planet foolishly sacrificed to Mammon, will be curiously investigating these decadent, crumbling, hillside palaces, wearing breathing apparatus and liquid cooling garments, inquiring, "What the hell were these people thinking?!" Only of themselves.

William F. Hughes

Hailey

-- *Originally drafted late June.*

To: Sun Valley City Council
Re: ORD 558 Hillside Development

The changes proposed are a negative for existing property owners in Sun Valley, particularly the easing of the strict adherence to a 25% slope maximum. We have been going along just fine with the rules as written. We don't see the need to give the Planning and Zoning Commission any more latitude at this point in time.

The word "reasonable" means different things to different people. We feel that the last few lots being developed need to adhere to the existing ordinances and regulations. While some recent applicants may have a hard time swallowing the fact that rules in place well before the time of purchase do actually apply to EVERYONE.

It must be a difficult time to be a P&Z Commissioner at this point in time and I can understand that saying "NO" is hard, but that's what they signed up for. The existing homeowners all bought lots and built based on the regulations in place at the time. To now allow discretion where there was none is highly unfair and may lead to many detrimental outcomes of surrounding property owners. We conclude by urging the SV City Council leave the ordinance as it exists without change.

Catherine Ehrlich
Paul Mattie

119 Paintbrush Road
PO Box 1566
Sun Valley ID 83353

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

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
Mobile: 208.720.5183
PO Box 5619 Ketchum, ID 83340
www.rlb-sv.com

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

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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.

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Thanks,
Brittany

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



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
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