

**AGENDA**  
**CITY OF SUN VALLEY**  
**PLANNING AND ZONING COMMISSION MEETING**  
**August 3, 2023 AT 9:00 AM**

**VIRTUAL ACCESS**

Join Zoom Meeting

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**CALL TO ORDER /ROLL CALL**

**WORKSHOP**

- **Item 1:** Title 7, Engineering Code
- **Item 2:** Title 9, Development Code, Chapter 3, Design Review - Applicability
- **Item 3:** Code Interpretation: Underground Structures in Setbacks

**NEXT MEETING:** August 24th - Anticipated Items/Topics: 105 Syringa (Primary Suite Addition), 6 Dogwood (Minor Addition), 3 Monarch (Continuation of New Single Family Home), 6 Camp Way (SC Zone Deck Expansion), 27 W Lane Ranch (Landscaping Modifications).

**ADJOURNMENT**

**CITY OF SUN VALLEY  
PLANNING AND ZONING COMMISSION  
MEMORANDUM**

**To:** City of Sun Valley Planning and Zoning Commission  
**From:** Brittany Skelton, Community Development Director  
**Date:** August 3<sup>rd</sup>, 2023  
**Re:** Development Code workshop

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**Overview**

The purpose of this memo and scheduled workshop is to discuss the following:

1. Provide a code interpretation regarding underground encroachments in setbacks
2. Discuss potential code amendments to the Applicability section of the Design Review chapter in Title 9, Development Code
3. Revisit draft code amendments to Title 7, Engineering Standards and Design Practices, last contemplated during summer 2022

## Underground encroachments in setbacks

**Question #1:** Generally speaking, in residential zones, may basements that are located primarily below grade encroach into the setback otherwise required for buildings and structures?

Staff is seeking this feedback on behalf of an architect and property owner who are in the early stages of design for a new home. Given the time and effort an architect will need to put into designing and producing plans for a residential basement for a home, staff is seeking the Commission's interpretation in order to guide the design.

Staff has previously interpreted code regulations to allow hot tubs/pools sunken into the ground and generators sunken into the ground in setback areas.

9-2A-3-E, covering setbacks in residential zones, states:

1. All buildings, structures, decks, or porches exceeding thirty inches (30") in height above record grade shall meet the minimum setback requirement.

2. Eaves, roofs, awnings, or canopies may encroach into a required setback a maximum of four feet (4').

3. Nonconforming lots with a size less than twenty thousand (20,000) square feet in the RS-1 district shall be given an exception from the setback requirements as set forth in chapter 1, article B of this title. All buildings, structures, decks, or porches exceeding thirty inches (30") in height above record grade shall be set back a minimum of ten feet (10') from all property lines; and eaves, roofs, awnings, or canopies may encroach into a required setback a maximum of three feet (3').

4. Interior setbacks of a development parcel shall be determined by the approved site plan and subdivision. (Ord. 455, 12-6-2012)

Sun Valley code defines "Structure" as:

STRUCTURE: Includes buildings, signs, fences, and other improvements, or any portion thereof, constructed, erected, built, installed or placed upon any real property. A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Some communities may specify that structures located above or below ground are treated the same. Some communities (e.g. Ketchum) have specific provisions permitting below-grade structures to encroach into setbacks.

**Question 2:** If the Commission's interpretation is that generally speaking, below grade structures may encroach into setbacks provided no portion of the structure projects >30" above grade, does this interpretation hold for subdivisions that have provisions that are more restrictive (but do not conflict with) the definition of "Structure" and the setback requirements of 9-2A-3-E?

A few subdivisions have notations in the plat document and/or in a Development Agreement with the City that are more restrictive than the code's typical setback restrictions. One example is the Lane Meadows subdivision, which defines Building Zones for each lot. An excerpt from the Development Agreement reads, "The Project incorporates defined 'Building Zones' on each lot...within which all Structures, as defined in Section 9-1C-1 of the Code, constructed on said lot must fit, with the exception of driveways, walkways, fencing and retaining walls or other structures less than thirty (30) inches in height. The Building Zones are designed to provide more certainty and easier interpretation than the Building Envelope requirements...of Code." (See attachment for Development Agreement excerpt.)

3. Standards. The standards, processes and information contained in Title 9 of the Sun Valley Municipal Code (“Code”) shall apply to the development of the Project, with the exception and/or addition of the following:

**A. Defined Building Zones**

The Project incorporates defined “Building Zones” on each lot which will be identified on the approved Plat and within which all Structures, as defined in Section 9-1C-1 of the Code, constructed on said lot must fit, with the exception of driveways, walkways, fencing, and retaining walls or other structures less than thirty (30) inches in height. The Building Zones are designed to provide more certainty and easier interpretation than the Building Envelope requirements of Section 9-2A-3.I of the Code.

**B. Building Size Limitations**

i. Limitations Applicable to All Lots:

- a. The total net usable floor area of living space on any Lot, inclusive of any primary dwelling and any accessory dwelling, exclusive of basement and garage space, shall not exceed four thousand two hundred and fifty (4,250) square feet.
- b. The highest point on any roof of a structure in the Project, exclusive of chimneys and solar panels, shall not exceed thirty (30) feet in height from finish grade.

ii. Limitations Applicable to Specific Lots:

- a. Lot 2: The highest point of any architectural feature within forty (40) feet of the north property line shall not exceed twenty-two (22) feet in height from finish grade.
- b. Lots 6 and 7: The highest point of a roof structure, exclusive of chimneys and solar panels, shall not exceed twenty-two (22) feet in height from finish grade.

**C. Limitations on Height of Vegetation**

The CC&R’s shall contain a Species List identifying approved species of trees and shrubs with accepted growth expectations not exceeding fifteen (15) feet in height. All trees and shrubs planted within the Project must be from the Species List, as the same may be amended (as

## **Design Review: Applicability**

The Applicability section of the Design Review code, Section 9-3A-2, defines which development actions in the City are subject to Design Review, and the level of Design Review an action is subject to (e.g. Administrative Without Notice, Administrative With Notice, and full Design Review with the Commission).

All communities define their own balance between providing an opportunity for neighbors or the public to weigh in on development proposals with the property owner's property rights, just like all communities define the criteria and standards by which to measure a development's appropriateness for a given location and context. Occasionally, well intended regulations have unintended consequences in terms of practicality, or results, and sometimes the intent behind a regulation is less obvious as time goes by. As such, it is appropriate for communities to check in from time to time to assess whether or not regulations are "working" as intended, remain appropriate, etc. Minor updates were made to the Applicability section in 2021 and 2017. The last overhaul of this code section occurred in 2006.

Staff recommends opening up a discussion about the types of review the development actions described below are subject to and considering reclassifying whether certain actions need Commission review, Administrative Review With Notice, and Administrative Review Without Notice. (Note: Administrative Review With Notice requires notice of an application to be mailed to adjacent neighbors and for a 15-day comment window to be held open upon mailing notices.)

Lenses to consider the levels of review, and amendments to this section in general, through include:

- Resolving conflicting code requirements, adding clarifications around code intent
- Facilitation of Firewise / wildland urban interface (WUI) best practices for landscape removal vs. landscaping's role in providing buffering to/from nearby properties
- The broad breadth of some regulations (e.g. "All Design Review applications in the CC, REC, and OS zones must be considered by the Commission during a public" hearing vs. a subset of major development applications, Design Review applies to *all* driveways, streets, trail, excavations, and land alteration)
- Timeframe/property owner's "waiting period" for action on an application when the mailing notice and 15-day comment period are required for Administrative Design Review With Notice vs. adjacent property owner rights to review and comment on an application
- Whether or not there should be an ability for the Director to make a "Finding of No Significant Impact" to exempt projects from Design Review

The "Applicability" section in full is copied below. Staff highlighted sections of existing code in yellow that are ripe for discussion based on department experiences with such types of development:

### **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.

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 twenty-five percent (25%), 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 non-habitable 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 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.
3. 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.
4. 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.
5. 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. 382, 10-25-2006; amd. Ord. 502, 2-2-2017; Ord. 563, 2021)

## **Title 7, Engineering Standards and Design Practices**

The P&Z Commission held a workshop on Title 7, the Engineering Standards and Design Practices code, in August of 2022 and held a first hearing on a draft ordinance in September of 2022. The workshop involved the Commission and staff from Community Development (Director, Planner, and Building Official), the Fire Department, and Sherri Newland, P.E., engineering consultant for the City.

Due to departmental scheduling (Director's parental leave followed by a vacancy of the Planner role), the code amendments were tabled. The department now has the capacity to revisit proposed amendments, which remains necessary as the intent of the amendments is to "right size" requirements for the type of development that occurs in Sun Valley, add clarifications, and so forth.

Staff does not recommend a deep-dive on the content of the amendments previously considered during this workshop, but instead offers the draft amendments considered on September 15<sup>th</sup>, 2022 for a high-level refresher so that the code amendments may be brought back at a subsequent meeting.

### **Attachment:**

- Proposed amendments to Title 7, Engineering Standards and Design Practices, reviewed September 15<sup>th</sup>, 2022

**TITLE 7  
ENGINEERING STANDARDS AND DESIGN PRACTICES**

**CHAPTER 1  
ENGINEERING SPECIFICATIONS, PLANS, PERMITS AND COMPLIANCE**

**SECTION:**

**7-1-1: Definitions**

**7-1-2: Standards Adopted; Compliance**

**7-1-3: Design Exceptions**

**7-1-~~3~~4: Application Of Standards**

**7-1-~~4~~5: Permits And Plans**

**7-1-~~5~~6: Inspection, Rejection Of Work**

**7-1-~~6~~7: Construction Plans**

**7-1-~~7~~8: Violation; Penalties**

**7-1-9: Appeals**

**7-1-1: DEFINITIONS:**

For the purpose of this title, and unless the context otherwise requires, certain terms are herein defined as follows:

ABBREVIATIONS: Used herein shall be as follows:

AASHTO: Denotes the American Association Of State Highway Transportation Officials.

BMPs: Best management practices.

**ESC: Erosion and Sediment Control Plan**

EPA: U.S. environmental protection agency.

IC: State statutes of the state of Idaho.

ISPWC: Idaho standards for public works construction.

SVCC: Sun Valley city code.

SWPPP: Storm water pollution prevention plan required by either a federal or state agency.

APPLICANT: The individual, firm, corporation, partnership, association, syndicate, trust or other entity that has legal ownership of a specific property, or an authorized individual who executes the application and initiates proceedings for review of that specific property in accordance with the provisions of this title.

BUILDING OFFICIAL: The city building official of the city of Sun Valley.

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CITY: The city of Sun Valley.

CITY ENGINEER: The city of Sun Valley city engineer or his/her designee.

DEVELOPMENT: ~~The carrying out of any excavation, construction, improvement or building activity; the making of any material change in the use or appearance of any structure of land; or the subdivision of land as defined in the SVCC. When appropriate to the context, development refers to the act of developing or the result of development.~~ Any person made change to improved or unimproved land, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DIRECTOR: The city of Sun Valley community development director or his/her designee.

DRIVEWAY: ~~A private roadway providing access to a parking space, garage, dwelling or other structure.~~ An improved access that provides a means for vehicular ingress to a site from a public or private street and permits vehicular egress from the site to a public or private street.

EASEMENT: Any and all existing and future easements, recorded, unrecorded, or prescriptive, in favor of or used by the city of Sun Valley, Idaho, for any municipal, public utility or other purpose whatsoever. Such easements include, but are not limited to, easements for vehicular, pedestrian and emergency access or traffic, utility or drainage easements or other public purposes.

ENCROACHMENT: Any private utility or other improvement, use or enjoyment of any right of way, easement or public property which is owned, held, used, or controlled by the city.

GRADE, RECORD: Natural grade existing prior to any site preparation, grading, or filling, unless a new record grade is approved and recorded at the time of subdivision approval administered by title 9 of Sun Valley Municipal Code and noted on the recorded final plat.

LOT OF RECORD: A lot of record is any lot or parcel of land that was lawfully created by a subdivision recorded in the Blaine County Clerk's Office, or a lawfully created unit of land that was created by deed or land sales contract prior to the subdivision requirements of the City of Sun Valley, and is of record in the deed records of Blaine County.

MAJOR DEVELOPMENT: Development shall be classified as major or minor. See Section 7-1-7-B for criteria to determine major development.

MINOR DEVELOPMENT: Development shall be classified as major or minor. See section 7-1-7-D for criteria to determine minor development.

PARCEL: A lot. The term parcel is used interchangeably with the term lot.

PERMIT: A permit for excavation or construction of road, street or appurtenant improvement within the city.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

**RIGHT OF WAY:** Any property owned by, or dedicated to, the city for any municipal, public utility or other purpose whatsoever. Such rights of way include, but are not limited to, streets, avenues, alleys, parkways, sidewalks, drainageways, utility lines and hiking and riding trails.

STANDARDS: The most current version of Idaho standards for public works construction, as amended.

STREET: A public ~~thoroughfare~~ or private ~~right-of-way thoroughfare~~ or easement ~~of public record~~ which affords a principal means of access to abutting property, including avenues, boulevards, courts, terraces, ways, lanes and the like, but not including parking lots.

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Alley: A minor street providing secondary or service access at the back or side of a property otherwise abutting a street.

Arterial: Streets providing through traffic movement between major districts.

Collector: Streets serving to collect traffic within residential or other areas for distribution outside the area. Collectors connect residential and arterial streets.

Cul-De-Sac: A street connected to another street at one end only and provided with turnaround space at its terminus.

Frontage: A minor street, parallel to and adjacent to an arterial street, to provide access to abutting properties.

Highway: A street designated as a highway by an appropriate state or federal agency.

Loop: A street with both terminal points on the same street of origin.

Private: A street that is not dedicated for public use or maintenance.

Type A: Those private streets serving two (2) to five (5) dwelling units.

Type B: Those private streets serving developments in RM-1, RM-2, CC and SC zones and public or private alleys and service roads.

Type C: Those private streets not otherwise identified in the definitions of "type A" and "type B" private streets.

Residential: Streets providing direct access to dwelling units with little or no through traffic.

Roundabout: Circular intersections with channelized approaches, all entering traffic required to yield, and appropriate geometric curvature to ensure that travel speeds on the circulatory roadway are typically less than thirty (30) miles per hour.

Stub Street: A reasonable future subdivision through road from one subdivision to another connecting neighborhoods by allowing vehicular traffic to travel from one neighborhood to the next without using arterial streets.

UTILITIES: Includes, by way of example and not by way of limitation, installations for conduction of water, sewage, gas, telephone, electricity, television, stormwater and similar facilities providing services to and used by the public. All utility service facilities serving new development except those temporarily erected during approved construction shall be installed underground. (Ord. 382, 10-25-2006; amd. Ord. 455, 12-6-2012)

### 7-1-2: STANDARDS ADOPTED; COMPLIANCE:

The city hereby adopts as standard for design, construction, cutting and repair of public or private roads and streets the most current version of the Idaho standards for public works construction (ISPWC), consisting of general conditions, contract documents, design criteria, standard specifications and standard drawings as said standards now read or are ~~may, from time to time, be amended to read~~ by resolution of the city council, or are deviated from as required by the city or permitted by the city through the Design Exception procedure detailed in 7-1-3.

A. Minimum Standards: The most current edition of the ISPWC shall be minimum engineering standards for general use within the city.

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B. Conformance Required: Any person designing, constructing, cutting, repairing or maintaining public or private roads or streets in the city, or establishing roads or streets within subdivisions or developments within the city, shall conform to the most current edition of the Idaho standards for ISPWC.

~~C. Special Situations: Other designs may be developed for special situations or may be required by the city. Deviations shall be based on alternative plans and standards prepared by an Idaho registered civil engineer and must be approved by the city.~~

~~D. Copies On File: The city shall maintain copies of said standards on file in its office at all times for inspection and review by members of the public. (Ord. 382, 10-25-2006)~~

### **7-1-3: DESIGN EXCEPTIONS:**

The city recognizes that there may be special circumstances where deviations from this title may be warranted due to site-specific conditions or constraints, or to facilitate designs for new development that enhance public safety and the general welfare of the public, or align with the Comprehensive Plan or other policies adopted by the city.

The city has the discretion to permit deviations from the regulations contained within this title through the Design Exception procedure.

- A. Plans required: The applicant seeking a Design Exception shall submit plans, analyses, and other supporting documentation required by the city in order for the city to evaluate the requested exception. As required by the city, the submitted documents shall be prepared by design professionals licensed in the state of Idaho.
- B. Decision: The decision to permit a Design Exception shall be made by the city. Design Exceptions may be permitted as proposed, or with modifications or conditions required by the city.
- C. Precedents not set: The permitting of a Design Exception is site and application specific and does not set precedent for the allowance of additional Design Exceptions, whether for subsequent development on the subject parcel, or for development on separate parcels under consideration through separate applications.

### **7-1-~~3~~4: APPLICATION OF STANDARDS:**

A. Applicability: Unless determined the be exempt by the city through the provisions of 7-1-3-B, ~~¶~~the standards adopted herein shall apply to:

1. All development subject to an permit issued under the authority of this title;

2. All new construction, reconstruction operation or maintenance of public or private streets and driveways; except those streets which are the responsibility of the state, the county of Blaine or other appropriate jurisdiction;

3. All excavation and construction of underground utility lines; and

4. All construction plans submitted pursuant to the provisions of title 9 of this code including design review and subdivision approvals.

B. Exemptions: There may be circumstances whereby insignificance, or emergency, the standards of this title are not applicable to development described in 7-1-4-A. By way of example but not limitation, such circumstances include maintenance of underground utility lines, the digging of test pits for the purposes of assessing geotechnical site conditions, minor landscaping alterations that do not require a permit pursuant to

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title 9, or emergency situations where work must be performed in order to protect health, safety and welfare.

1. Finding of exemption: The city shall issue a written finding of exemption if a permit or specific standard contained in this title is found to be not applicable to the development proposed. The finding of exemption shall detail why said permit or standard has been determined to be inapplicable.

2. Intent of exemption: A finding of exemption is not intended to be utilized in lieu of the granting of a Design Exception described in 7-1-3. A finding of exemption is intended to be utilized only when a permit or standard is found to be inapplicable due to the minor or insignificant nature of the proposed development or in emergency situations.

3. Precedents not set: A finding of exemption is site and application specific and does not set precedent for the allowance of additional findings of exemption, whether for subsequent development on the subject parcel, or for development on separate parcels under consideration through separate applications.

C. Construction And Excavation: All construction and excavation shall fully comply with the requirements set forth in title 9 of this code and any conditions of approval for a discretionary permit granted under the provisions of title 9 of this code including, but not limited to, design review approval, subdivision approval or conditional use approval.

CD. Minimum Standards: The standards set forth in this title are the minimum design standards and any higher standards or conditions of approval granted under the provisions of titles 8 or 9 of this code or adopted and made applicable by any highway district, state highway department or other federal, state or local regulatory agencies shall prevail over those set forth herein. (Ord. 382, 10-25-2006)

### **7-1-45: PERMITS AND PLANS:**

~~A. Encroachment Permit Required: For any construction, excavation or other improvement within the right of way, an encroachment permit shall be required.~~

BA. Discretionary Application And Approval Required: Prior to beginning any development subject to the authority of this title, excavation or construction, the applicant shall first apply and obtain approval for any discretionary permits required pursuant to title 9 of this code ~~and then apply for and obtain approval for either a construction plan and/or a grading permit as set forth in this title.~~

B. Permit Authority: The following permits are granted under the authority of this title:

1. Encroachment Permit: Unless exempt through the provisions of 7-1-4-B, an encroachment permit shall be required for any construction, excavation, other improvement, or development within the right-of-way. Approval for an Encroachment Permit shall be applied for through the Community Development Department.

~~2. Grading Permit: Approval for a grading permit shall be applied for through the Community Development department, through the building official. A grading permit may be obtained with approval of the director prior to final construction plan approval.~~

~~3. Construction Permits Plans: Approval for construction plans permits shall be applied for through the Community Development Department and shall include construction plans as required by 7-1-7 director, and reviewed as needed by the city engineer. Application to the city shall be made only after the applicant has complied with all requirements set forth in this title. Construction Permits shall not be approved until the applicant and has received approval from other public agencies as required by the construction, including, but not limited to, the Idaho department of environmental quality and the water and sewer district. Approval of the construction plans shall be demonstrated by the city engineer's approval stamp and signature on the plans~~

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and drawings, or a similar note and signature indicating approval. Such plans shall be used and available for inspection on the construction site at all times. (Ord. 382, 10-25-2006)

### **7-1-56: INSPECTION, REJECTION OF WORK:**

All public or private road or street construction and all excavation is subject to inspection by the city, and the city reserves the right to reject any excavation or construction completed prior to issuance of a permit or approval of plans or construction or excavation not in compliance with city standards and approved construction plans and specifications. (Ord. 382, 10-25-2006)

### **7-1-67: CONSTRUCTION PLANS:**

#### A. Major development

For all subdivisions of land requiring installation of new infrastructure, and other major development, construction plans shall be prepared by a professional engineer licensed in the state of Idaho or other design professional licensed in the state of Idaho as required by the city. All plans shall include adequate specifications to assure materials and workmanship to attain construction in accordance with the design criteria, standard specifications, and standard drawings contained herein and in title 9 of this code.

#### B. Finding of major development:

A finding of major development shall be made. A finding of major development is based on the proposed development containing one or more of the following characteristics:

1. Subdivision of land requiring installation of new infrastructure;
2. Development that encompasses more than one parcel or lot of record;
3. Development that will occur in phases;
4. Disturbance of more than one acre of land;
5. Significant disturbance of slopes exceeding twenty-five percent (25%);
6. Development located within or at the toe of significant drainage basins;
7. Development that alters existing prominent natural or developed drainage features, or wetlands, or perennial or intermittent streams;
8. Other circumstances where the cumulative effect of development on the site warrants heightened consideration under the standards and requirements of this title.

#### C. Major Development – Plans required:

For major development the following plans and supporting documentation are required unless waived in writing by the city:

1. As determined by the city, either an Erosion and Sediment Control Plan detailed in section 7-2-4 or a Stormwater Pollution Prevention Plan as detailed in section 7-2-4;
2. Construction Management Plan;
3. Storm Drainage report as detailed in section 7-2-3;
4. Grading, drainage and restoration plans that include the location, size and type of all drainage structures;

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5. Landscaping plan prepared by a landscape architect licensed in the state of Idaho
6. Street plans indicating alignment and profile of all streets;
7. Utilities plans indicating location of all underground utilities, including alignment;
8. Approvals from outside state and federal agencies and service providers, as determined by the City; and
9. Other plans, reports, and supporting documentation determined by the City to be necessary in order to evaluate the proposed development's compliance with title and other applicable titles of Sun Valley Municipal Code.

### D. Minor development

For minor development construction plans shall be prepared by a professional engineer licensed in the state or, as deemed acceptable by the city for specific plans, a landscape architect, architect, surveyor or other design professional licensed in the state of Idaho. All plans shall include adequate specifications to assure materials and workmanship to attain construction in accordance with the design criteria, standard specifications, and standard drawings contained herein and in title 9 of this code.

### E. Finding of minor development:

A finding of minor development shall be made. A finding of minor development is based on the proposed development containing one or more of the following characteristics:

1. Development occurs on one parcel or lot of record, during a single phase;
2. Disturbance of less than one acre of land occurs;
3. Significant disturbance to slopes exceeding twenty-five percent (25%) will not occur;
4. Development is not located within or at the toe of a significant drainage basin;
5. Development will not alter existing prominent natural or developed drainage features, or wetlands, or perennial or intermittent streams;
6. The disturbance or alteration classified under 7-1-7-E-1 through 7-1-7-E-6 is de minimis in nature. For the purpose of interpreting this ordinance, de minimis shall mean lacking significance or importance; so minor as to merit disregard.

### F. Minor development – plans required:

For major development the following plans and supporting documentation are required unless waived in writing by the city:

1. Erosion and Sediment Control Plan detailed in section 7-2-4;
2. Construction Management Plan;
3. Site plan(s) indicating:
  - a. Grading, drainage and restoration plans that include the location, size and type of all drainage structures;
  - b. Driveway profile, driveway slopes, and connection of driveway with street;
  - c. Location and alignment of all underground utilities;

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d. Existing and proposed easements.

4. Landscaping plan prepared by a landscape architect licensed in the state of Idaho;
5. Approvals from outside state and federal agencies and service provides, as determined by the City;
6. Other plans, reports, and supporting documentation determined by the City to be necessary in order to evaluate the proposed development’s compliance with title and other applicable titles of Sun Valley Municipal Code.

Construction plans shall be prepared by a professional engineer registered in the state and shall include the following information:

- ~~A. Site grading, drainage and restoration plans; and/or~~
- ~~B. Alignment and profile of all streets.~~
- ~~C. Location of all underground utilities including alignment and depths.~~
- ~~D. Location, size and type of all drainage structures. Calculations showing how pipe or other structure sizes were selected may be required.~~
- ~~E. Connections to existing streets, drainage facilities and all utilities.~~
- ~~F. Adequate dimensions and details for accurate construction of all roadway features.~~
- ~~G. Adequate specifications to assure materials and workmanship to attain construction in accordance with the design criteria, standard specifications and standard drawings contained herein and in title 9 of this code.~~
- ~~H. A stormwater pollution prevention plan as detailed in chapter 2 of this title. (Ord. 382, 10-25-2006)~~

**7-1-78: VIOLATION; PENALTIES:**

- A. Misdemeanor: Any person violating any of the provisions of this title or any of the standards, specifications or requirements contained herein shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code.
- B. Additional penalties for encroachments of the right-of-way: Offenders shall be cited with an infraction in accordance with this Code. Each day the violation persists beyond the allotted period of compliance shall result in an additional fine. The City may determine encroachments to be a nuisances and may impose a tax lien on the property in question to recover all applicable fines, fees, and abatement expenses as allowed under Idaho Code.

The costs to the city for repair, maintenance, correction, replacement or encroachment removal may be assessed against the property benefited and certified as a tax lien against the said property together with all costs of collection including reasonable attorney fees.

B. Other Penalties: In addition to any other penalties provided in this title, the city may require such person to revise or to replace the improper excavation, construction, and cutting or repair so as to conform to the standards. Upon such refusal of such person to do so, the city may cause the work to be performed under any bond or surety or at the expense of the contractor or owner and shall have a cause of action against them for the costs of the city thus incurred, including reasonable attorney fees.

C. Revocation Of Permits: In addition to any other penalties, any person who shall violate any of the provisions of this title shall have any and all building, development, excavation or other permits issued by the city summarily revoked by the city administrator and no such permits shall be reissued, nor shall new permits

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be issued, until the violation and any damage resulting therefrom shall have been completely restored. (Ord. 382, 10-25-2006)

**7-1-9: APPEALS:**

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**CHAPTER 2  
EARTHWORK, DRAINAGE, AND EROSION CONTROL**

**SECTION:**

**7-2-1: Permit Requirements**

**7-2-2: Cut, Fill, And Grading standards**

**7-2-3: Storm Drainage Report**

**7-2-4: ~~Storm Water Pollution Prevention Plan For Erosion Control~~ Erosion and Sediment Control**

**7-2-5: Restoration By City**

**~~7-2-6: Violation; Penalties~~**

**7-2-1: PERMIT REQUIREMENTS:**

A. Permit Required: It shall be unlawful for any person to create or cause to be created any excavation or filling without first procuring a grading permit or construction permit as provided by this ~~title~~ chapter, unless the need for such permits are waived by the city.

B. Application For Permits: Any person desiring a grading permit or construction permit to make any excavation within the city shall make application to the ~~building official~~ city on forms provided, ~~stating the name and address of the applicant, the name and address of the firm or owner, if any, which he represents, and the proposed location of the said excavation and a general description of the work to be done.~~ (Ord. 382, 10-25-2006)

**7-2-2: CUT, FILL, AND GRADING STANDARDS:**

A. Grading: Essential grading shall be shaped to blend with natural land forms and to minimize the necessity of padding and/or terracing of building sites.

B. Cut And Fill: Cut and fill shall be shaped, rounded, minimized and nonuniform to simulate natural existing contours.

C. Areas Not Well Suited For Development: Areas which are not well suited for development because of existing soil conditions, ridges, ridge lines, ridge tops, knolls, saddles, summits, wildlife habitat, natural features or hydrology should be allocated for open space or recreational uses.

D. Revegetation: Where existing soils and vegetation are disrupted by development, provision shall be made for the revegetation of the disturbed areas with a permanent landscaping plan ~~perennial vegetation~~ sufficient to stabilize the soil upon the completion of construction. Until such time as said revegetation has been installed and established, an Erosion and Sediment Control plan issued by the city or a storm water pollution prevention plan (SWPPP) as detailed in ##### shall be followed for disturbed areas. ~~The SWPPP shall incorporate best management practices (BMPs) as described in this section to maintain and protect all graded surfaces from erosion and protect water sources from sedimentation and water quality degradation.~~

E. Design Criteria: To minimize the potentially adverse effect of necessary site preparation work, at a minimum, the following design criteria shall be adhered to; however, the site geotechnical report prepared by a professional engineer licensed in the state of Idaho will supersede requirements identified here:

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1. Prior to excavating, storm water pollution prevention measures must be implemented to enhance erosion control and reduce sedimentation. Such measures must be taken regardless of the size of the excavation and shall be in accordance with the Erosion and Sediment Control Plan approved by the city for the proposed development in accordance with 7-2-4 or the SWPP submitted to the city in accordance with 7-2-4. ~~The most current version of the "State Of Idaho Best Management Practices For Storm Water Pollution Prevention" is the recommended resource. If the excavation or surface disturbance is one acre or greater, the party responsible for the disturbance must submit a notice of intent to the EPA;~~

2. Fill areas shall be prepared by removing organic material, such as vegetation and rubbish which is determined by the geotechnical or on site engineer to be detrimental to proper compaction or otherwise not conducive to soil stability;

3. Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by the most current edition of the ISPWC;

4. Excavations shall be backfilled and compacted in accordance with the most current edition of the ISPWC for the intended use of the area;

5. Cut slopes shall be no steeper than two horizontal to one vertical (2:1), unless geotechnical information indicates the soils are not stable, and more restrictive slopes may be required. Subsurface drainage shall be provided as necessary for stability;

6. Fill slopes shall be no steeper than two horizontal to one vertical (2:1), unless geotechnical information indicates the soils are not stable, and more restrictive slopes may be required. Fill slopes shall not be located on natural slopes of two to one (2:1) or steeper, or where fill slope toes extend out within twelve feet (12') horizontally of the top of an existing or planned cut slope;

7. Tops and toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3') plus one-fifth (1/5) the height of the cut or fill, but need not exceed ten feet (10'). Additional setback distance shall be provided as necessary to accommodate drainage structures;

8. No portion of any private driveway shall exceed a seven percent (7%) slope, unless an exception is approved by the Fire Chief not to exceed a maximum of ten percent (10%) slope, nor shall the inside turning radius of any private driveway be less than fifteen feet (15'). Landing areas of driveways shall be not less than twenty two feet (22') in length and do not exceed a four percent (4%) slope; and

9. Record grade slopes greater than twenty five percent (25%) shall remain undisturbed except as provided in Subsections A and B. ~~For the purpose of interpreting these standards, the definition of record grade contained in section 9-1C-1 shall be used.~~

a. If evidence acceptable to the city is provided by the applicant showing that strict enforcement of this provision would prohibit placement of utilities or other improvements required to serve the development then the applicant may apply for a variance through section 9-5B-8. The 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 slopes exceeding twenty five percent (25%) without receiving a variance through section 9-5B-8. The allowances provided in this section are not by-right entitlements and depend on the Director or Commission making findings that the development has been designed in a manner that will not create a visual concern, or physical dominance that would unreasonably negatively impact views, as well as findings that all other applicable standards of Sun Valley Municipal Code are met. The allowances provided in this section are in no way intended to be a means to permit development to be located further upslope on a development site than would otherwise be permitted.

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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%) 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.

(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.

(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 three hundred and sixty-five days (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. A finding of de minimis encroachment shall consider criteria including square footage of the encroachment relative to the size of the subject property, the slope of the adjacent existing grade and adjacent proposed finished grade, the elevation of existing adjacent grade and the proposed elevation of adjacent finished grade, and the visibility of the encroachment from adjacent properties and adjacent streets, trails, or public lands.

(7) Sites 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

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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 does not present visual concerns or physical dominance on the city's landscape.

(8) Existing platted lots containing significant downhill sloping terrain as primarily accessed from above. (Ord. 382, 10-25-2006; amd. Ord. 562, 2021)

### 7-2-3: STORM DRAINAGE REPORT:

The following requirements and performance standards are required for the storm drainage report submitted to the city:

- A. Map: A map indicating the on site and off site drainage area applicable to the site;
- B. Calculations Showing Predevelopment Flows: Calculations developed showing the predevelopment flows for the 25-year, 24-hour storm and the post-development calculations for the same storm. The difference of predevelopment and post-development must be retained on site; (Ord. 455, 12-6-2012)
- C. Engineering Plans: Detailed engineering plans of all subsurface drainage improvements to be constructed as a part of the proposed development; and
- D. Drainage Easements, Rights Of Way: Location of all drainage easements, or drainage rights of way.
- E. Storm Drainage Performance Standards:
  - 1. Provisions for runoff drainage shall be designed to safely retain stormwater or adequately carry and discharge accumulated runoff into drainage channels, storm sewers.
  - 2. The city engineer may require the applicant to design and construct dry wells, energy dissipaters, or other drainage improvements in order to control and reduce runoff from the site. The design for these drainage facilities shall be submitted for approval with the runoff drainage plan. (Ord. 382, 10-25-2006)

### 7-2-4: ~~STORMWATER POLLUTION PREVENTION PLAN FOR EROSION CONTROL~~ **EROSION AND SEDIMENT CONTROL:**

The following requirements and performance standards are required for erosion control:

A. Erosion and Sediment Control Plan:

Development applications that disturb under one acre of land shall submit an Erosion and Sediment Control Plan, as required by ####, for all areas graded for development, disturbed by construction, or changed in any other way which may increase soil loss due to water or wind erosion addressing the following:

- 1. Wind and water erosion control best management practices;
- 2. Dust track out control best management practices;
- 3. Methods utilized to stabilize soils during the short and long term; and
- 4. Other erosion and sediment control details as required by the city.

B. Stormwater Pollution Prevention Plan:

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Development that disturbs over one acre of land is subject to a Stormwater Pollution Prevention Plan administered by a federal or state agency with regulating authority. For the purposes of issuing a city permit for development, when development disturbs over one acre of land the applicant shall:

1. Submit an Erosion and Sediment Control Plan as detailed in #### and a copy of the Stormwater Pollution Prevention Plan and Notice of Intent submitted to the authorizing state or federal agency.

~~—A. Additional Requirements For Stormwater Pollution Prevention Plan: A stormwater pollution prevention plan (SWPPP) shall be submitted indicating compliance with the standards of this section. The SWPPP shall show erosion control best management practices (BMPs) to be used during construction and long term (postconstruction). The following are additional requirements for the SWPPP:~~

~~—1. Erosion control BMPs, as appropriate, from the "State Of Idaho Best Management Practices For Stormwater Pollution Prevention";~~

~~—2. Detailed plans showing the location of all erosion control structures, and a time schedule for installation of said structures; and~~

~~—3. Location, type and amount of plant material to be used for erosion control, and the month and year that all vegetation proposed for erosion control will be planted.~~

~~—B. Erosion Control Performance Standards:~~

~~—1. All areas on the property graded for development, disturbed by construction, or changed in any other way which may increase soil loss due to water or wind erosion, shall be stabilized by one or more of the following methods:~~

~~—a. Revegetated with plant materials including, but not limited to, flowering plants, low growing shrubs or native grasses; or~~

~~—b. Stabilized with flexible, biodegradable materials or synthetic soils erosion matting in conjunction with native grasses; or~~

~~—c. Other BMPs as recommended in the "State Of Idaho Best Management Practices For Storm Water Pollution Prevention".~~

~~—2. Where native grasses are used for erosion control, written specifications shall be submitted to the city for approval, indicating the grass seed mix, the preparation of the seed bed, method of application and the maintenance schedule;~~

~~—3. Where vegetation is proposed as an erosion control method for disturbed or graded land, the new vegetation shall be maintained until established to adequately prevent erosion; and~~

~~—4. City staff shall inspect graded areas where vegetation is proposed as an erosion control measure to verify that such revegetation conforms to the submitted erosion control plan. (Ord. 382, 10-25-2006)~~

### **7-2-5: RESTORATION BY CITY:**

If any excavation is located within the lines of a private or publicly dedicated street right of way or public easement and the work required by section 7-2-4 of this chapter is not completed according to approved plans and specifications, the city shall give notice to the person creating the excavation or owning the property being excavated of the work to be done. If the required work is not completed within ten (10) days after mailing or personal service of such notice, the city shall cause the excavation to be properly backfilled, compacted and

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the surface repaired and the person creating the excavation or owning the excavated property shall be liable to the city for the costs incurred by the city. (Ord. 382, 10-25-2006)

**~~7-2-6: VIOLATION; PENALTIES:~~**

~~—A. Misdemeanor: Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code.~~

~~—B. Other Penalties: In addition to any other penalties, persons who violate any provisions of this chapter shall have any and all building, development, excavation or other permits issued by the city summarily revoked by the city administrator and no such permits shall be reissued until the violation and any damage resulting shall have been completely restored. (Ord. 382, 10-25-2006)~~

**CHAPTER 3  
SPECIFICATIONS FOR PUBLIC IMPROVEMENTS**

**SECTION:**

**7-3-1: Utilities**

**7-3-2: Easements**

**7-3-3: Monuments**

**7-3-4: Public Water And Sewer Systems**

**7-3-5: Planting Strips**

**7-3-6: Dedication Of Streets**

**7-3-7: Nonvehicular Transportation System**

**7-3-8: Fire Hydrants**

**7-3-9: Street Lighting And Traffic Control Devices**

**7-3-1: UTILITIES:**

A. Underground Utilities: Public utilities, including sewer, water, electric power, telephone, and cable television shall be installed underground and be located in a manner which makes them available for hookups within the boundaries of each lot within the subdivision.

B. Standard Specifications: The most current version of the Idaho standards for public works construction (ISPWC) shall be used in all trench excavation, backfill, compaction and surface restoration. (Ord. 455, 12-6-2012)

C. Trench Depths: Minimum trench depths shall be as follows:

1. Water and sewer as specified by the city water and sewer district;
2. Culverts under driveways shall have a minimum cover of twelve inches (12");

3. Culverts under roadways shall have a minimum cover of twenty four inches (24"). The city engineer may approve a shallower amount of cover if clean concrete is used; and

4. Cover over all other utilities shall be as determined by that agency, but shall in no way be less than eighteen inches (18") outside of the roadway or twenty four inches (24") under the roadway.

D. Damage Prohibited: It shall be the responsibility of any person creating an "excavation" as defined herein to contact the local dig line or similar service to ascertain the location of all underground pipes, conduits, wires, structures or improvements of whatever nature and to avoid damaging said underground pipes, conduits, wires, structures or improvements.

E. Inspection Of Water And Sewer Facilities: If any pipe, line or other facility or appurtenance of the water and sewer district is uncovered in the course of creating an excavation, the excavation shall not be backfilled until it has been inspected by the manager of the district or his agent.

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F. Underground Facilities Damage Prevention: Persons desiring to create any excavation in the city are hereby notified of the requirement to comply with Idaho Code sections 55-2201 through 55-2210, pertaining to underground facility damage prevention.

1. Permit Validity: No permit issued by the city shall be valid until and unless the requirements of the aforesaid statutes have been complied with.

2. Violation: Idaho Code sections 55-2201 through 55-2210 are hereby adopted by reference as if set forth herein in their entirety and any violation of said statutes shall also constitute a violation of this code. (Ord. 382, 10-25-2006)

### 7-3-2: EASEMENTS:

A. Utility Easements: Unobstructed utility or other easements shall be provided along the front, rear and side lot lines or where required by the city to accommodate utility or public service services and equipment. Easement widths shall be determined through the platting process and shall be sized with respect to both the setback requirements in the zoning district and the needs of utility and public service agencies. not be less than fifteen feet (15').

B. Drainage Easements: Unobstructed drainageway easements shall be provided as required by the city.

~~B.C~~ Pedestrian And Bike Pathway Easements: Pedestrian and bike pathway easements may be required where deemed necessary by the city to provide for orderly and safe control of pedestrian or bicycle traffic. ~~Construction shall be required in accordance with adopted standard specifications. (Ord. 382, 10-25-2006)~~

### 7-3-3: MONUMENTS:

Monuments shall be set in accordance with Idaho Code section 50-1303. (Ord. 382, 10-25-2006)

### 7-3-4: PUBLIC WATER AND SEWER SYSTEMS:

All public water supply and sanitary sewer systems shall be constructed in accordance with any adopted local plans and specifications, and shall conform to the requirements of the Idaho department of health and welfare, the water and sewer district, and any other public regulatory agency having jurisdiction over such systems. All water and sanitary sewer systems within a proposed subdivision shall be an extension of the existing public system whenever possible. (Ord. 382, 10-25-2006)

### 7-3-5: PLANTING STRIPS:

Planting strips shall conform to the following: When a predominantly residential subdivision is proposed for a parcel of land adjoining incompatible areas or features such as highways, railroads, commercial or industrial developments, the subdivider shall provide for planting strips to screen the view of such incompatible features from the proposed residential property. Such screening shall be a minimum of twenty feet (20') wide and shall not be placed on any portion of the normal street right of way or utility easement. (Ord. 382, 10-25-2006)

### 7-3-6: DEDICATION OF STREETS:

Unless otherwise expressly provided by the council, all streets within a proposed subdivision, shall be offered for dedication to the public; provided, however, that this provision shall not be applicable to means of vehicular ingress and egress to individual dwelling units, structures or common parking areas in condominium dwelling projects, hotels and similar multiple occupant structures. (Ord. 382, 10-25-2006)

### 7-3-7: NONVEHICULAR TRANSPORTATION SYSTEM:

Pedestrian walkways, pathways, horse trails and similar recreation easements should be designed and located in conformance with the ~~overall city transportation plan~~ city's adopted Transportation Plan, the city's adopted

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Comprehensive Plan, and other policy and planning documents recognized by the city in order that a comprehensively coordinated network of routes be maintained throughout the city. (Ord. 382, 10-25-2006)

### **7-3-8: FIRE HYDRANTS:**

A subdivider of property shall be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to the specifications and requirements of the city fire chief and the Sun Valley Water and Sewer District ~~the city water and sewer district~~. (Ord. 382, 10-25-2006)

### **7-3-9: STREET LIGHTING AND TRAFFIC CONTROL DEVICES:**

Street lighting and traffic control devices may be required of a subdivider of property to be installed in appropriate areas within the proposed subdivision. If required, the lighting and traffic control devices shall conform to the requirements of title 9 of this code or other entity having jurisdiction over them. (Ord. 382, 10-25-2006)

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### **CHAPTER 4 ENCROACHMENTS**

#### **SECTION:**

#### **7-4-1: Actions Requiring Permit**

#### **7-4-2: Permit Application**

#### **7-4-3: Revocation Agreement**

#### **7-4-4: City Action On Permit Application**

#### **7-4-5: City Standards**

#### **7-4-6: Time Limits On Cutting Pavement**

#### **7-4-7: Prohibited Acts**

#### **7-4-8: Fees**

#### **7-4-9: Bonding Requirement**

#### **7-4-10: Abatement**

#### ~~**7-4-11: Appeals**~~

#### ~~**7-4-12: Penalties**~~

#### **7-4-1: ACTIONS REQUIRING PERMIT:**

It shall be unlawful for any person to place or replace any improvement whatsoever, or to excavate, dig, pave, landscape, block or fence, either under, within, above, or upon any City right-of-way, street, roadway, walkway, easement or other public property without first applying for and obtaining a permit from the City for such encroachment. Evaluation and approval of said permits, as well as abatement of nuisances within the right-of-way, shall be the responsibility of the Community Development Department, in consultation with the Streets, Police, and Fire Departments. The City shall not be liable for any damages resulting to vegetation, utilities, pavers, pavement, irrigation systems, hydronic heating systems, or any other improvements within the right-of-way. (Ord. 526, 10-4-2018)

#### **7-4-2: PERMIT APPLICATION:**

Any party applying for an encroachment permit shall submit an application form provided by the City, with the exception that utility providers may submit an emergency request at any time. (Ord. 526, 10-4-2018)

#### **7-4-3: REVOCATION AGREEMENT:**

A. The encroachment permit shall contain an agreement and understanding that the permit is revocable in writing at the sole discretion of the City, subject to administrative appeal procedures, after reasonable notice, or without notice in case of an emergency or hazardous situation; that the City is not responsible for maintenance or damage to the encroachments; and that removal of any and all improvements or uses shall be done at the sole cost and expense of the owner and at no cost or expense to the City.

B. For substantial improvements proposed in the right-of-way, the revocation agreement may be required, at the discretion of the Community Development Director, to be signed and notarized by the property owner

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requesting said encroachments prior to the issuance of the permit; the signed, notarized agreement shall then be recorded with the Blaine County Recorder prior to the commencement of the encroachment. A copy of the recorded document shall be transmitted or delivered to the City's Community Development Department. (Ord. 526, 10-4-2018)

### **7-4-4: CITY ACTION ON PERMIT APPLICATION:**

City staff may issue the encroachment permit only after determining the following:

- A. Granting the request will not require public expense.
- B. The permitted improvements will not interfere with the full use, safety, and enjoyment of the right-of-way or easement by the public and by the City, including the plowing of snow or other street maintenance activities.
- C. Granting the request will not jeopardize the public health, safety or general welfare. (Ord. 526, 10-4-2018)

### **7-4-5: CITY STANDARDS:**

All improvements shall be constructed in accordance with applicable City standards, including the most current adopted version of the Idaho Standards for Public Works Construction (ISPWC).

- A. Construction will be conducted in such a way that pedestrian and vehicular circulation needs can be reasonably met.
- B. Drainage systems, including culverts, and other private utilities must be regularly maintained by the property owner and will not be adversely affected.
  1. Berms and earthwork higher than record grade are not permissible within the right-of-way unless the applicant can make a compelling case that the grading is necessary for safety or drainage purposes.
- C. Immediately following construction, the right-of-way, easement or property will be restored to its original, usable condition unless specifically approved otherwise by permit.
- D. Permitted landscaping improvements shall require regular maintenance by the property owner.
  1. Only low ground cover vegetation, such as grasses and shrubs, shall be permitted within the first eight feet (8') of the right-of-way from the edge of pavement.
  2. Trees and shrubs in, or adjacent to, the right-of-way shall be pruned to keep clear of the roadway and to a distance of fourteen feet (14') above the road surface.
  3. Grasses shall be mowed or maintained in such a manner which does not obstruct visibility, access, or parking.
- E. New or reconstructed driveways and approaches within the City owned right-of-way shall require a permit.
- F. Snow from privately owned properties shall not be placed or disposed of in the right-of-way. Disposal of snow which originates on private property, and which obstructs the right-of-way or impairs the ability of the City to store snow within the right-of-way, will result in a citation to the offending party.
- G. Utility boxes, junctions, meters, or other utility access points within the right-of-way shall contain standardized identification and markings for emergency services access and for avoidance by Municipal snow

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removal operators, to the satisfaction of the Streets Superintendent, Fire Chief, and Police Chief. (Ord. 526, 10-4-2018)

### **7-4-6: TIME LIMITS ON CUTTING PAVEMENT:**

A. No cutting of pavement shall be permitted prior to March 31 or after November 15, unless emergency or mitigating circumstances are found to exist by the City.

B. No cutting of pavement shall be permitted within five (5) years of a newly paved road unless the applicant is unable to bore under the roadway after trying up to three (3) times. (Ord. 526, 10-4-2018)

### **7-4-7: PROHIBITED ACTS:**

A. No irrigation or watering of property shall be done in such a manner as to cast, spray or flood water upon pavement or pavement shoulders within City rights-of-way, easements or property.

B. Loading, unloading or operation of vehicles equipped with metal tracks or lugs on paved areas of City rights-of-way, easements or property is prohibited. (Ord. 526, 10-4-2018)

### **7-4-8: FEES:**

Applications submitted for encroachments will be accompanied by a fee as adopted by City Council resolution. (Ord. 526, 10-4-2018)

### **7-4-9: BONDING REQUIREMENT:**

All commercial enterprises or operators providing services related to the installation and maintenance of encroachments, including, but not limited to, utility providers, paving contractors, general contractors, subcontractors and landscapers submitting an application under the provisions of this chapter shall provide evidence that the applicant possesses a valid State of Idaho contractor's registration number. The Community Development Director may require that the proposed work is covered by a bond or surety in the minimum amount and process in accordance with this Code. The bond or surety amount may be increased by the City when the nature and value of the project and its impact on the neighborhood or the City warrants a higher amount. (Ord. 526, 10-4-2018)

### **7-4-10: ABATEMENT:**

A. The City may inspect for and investigate right-of-way encroachments. The City may pursue abatement and remediation of noncompliant and unpermitted encroachments.

B. Encroaching property owners who enjoy any non-permitted encroachment, regardless of their action or responsibility in creating said encroachment, will be found responsible for its abatement.

C. Property owners immediately appurtenant to an identified encroachment will be notified by certified mail of the encroachment and the City's intent to abate. Notified property owners will have sixty (60) days to remediate the encroachment, at their own expense, before the City abates the encroachment.

D. The City, in abating the nuisance, may opt to seek repayment of expenses from the offending property owner or may seek other recourse as described in section 7-1-8 of this title. (Ord. 526, 10-4-2018)

### **7-4-11: APPEALS:**

~~Appeals of actions under this chapter may be pursued pursuant to the appeals procedure set forth in title 9, chapter 5 of this Code. (Ord. 526, 10-4-2018)~~

### **7-4-12: PENALTIES:**

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~~Offenders shall be cited with an infraction in accordance with this Code. Each day the violation persists beyond the allotted period of compliance shall result in an additional fine. The City may determine encroachments to be a nuisances and may impose a tax lien on the property in question to recover all applicable fines, fees, and abatement expenses as allowed under Idaho Code. (Ord. 526, 10-4-2018)~~

**CHAPTER 5  
MAINTENANCE OF PRIVATE ROADS AND STREETS**

**SECTION:**

**7-5-1: City Authority**

**7-5-2: Private Streets Permitted**

**7-5-3: Access Over Private Streets**

**7-5-4: Duty To Maintain Access**

**7-5-5: Responsibility For Condition Of Private Streets**

**7-5-6: Removal Of Snow And Ice**

**7-5-7: Failure To Maintain**

**7-5-8: Assessment And Collection Of Costs**

**7-5-1: CITY AUTHORITY:**

Pursuant to Idaho Code section 50-314, the city shall have the authority to control and limit the traffic on streets, avenues and public places; regulate and control all encroachments upon and onto all sidewalks, streets, avenues, and alleys in the city; to remove all obstructions from the sidewalks, curbs, gutters and crosswalks at the expense of the person placing them there. (Ord. 382, 10-25-2006)

**7-5-2: PRIVATE STREETS PERMITTED:**

Private streets shall be permitted within the city subject to review and approval by the planning and zoning commission and the city council. (Ord. 382, 10-25-2006)

**7-5-3: ACCESS OVER PRIVATE STREETS:**

The city retains a prescriptive easement and right of entry and access over all private streets for purposes of assuring access for all residents, for public utility services and equipment and for emergency public services and equipment. (Ord. 382, 10-25-2006)

**7-5-4: DUTY TO MAINTAIN ACCESS:**

Any person who shall own or be responsible for the construction and/or maintenance of private streets which are necessary for access by residents of two (2) or more dwelling units, or for public utility services, vehicles or equipment, or by emergency personnel, vehicles or equipment, shall maintain such streets in an unobstructed condition at all times. (Ord. 382, 10-25-2006)

**7-5-5: RESPONSIBILITY FOR CONDITION OF PRIVATE STREETS:**

Any person who shall own or be responsible for private streets shall maintain such streets in a condition which is, at all times, acceptable to the city, in good repair and free from subsidence, hydrocompaction, potholes, cracks or other hazardous conditions. (Ord. 382, 10-25-2006)

**7-5-6: REMOVAL OF SNOW AND ICE:**

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It shall be unlawful for any owner or person responsible for maintenance of a private street or road to allow any snow or ice to accumulate or remain upon any such street, road or sidewalk longer than eight (8) hours from the time of the last accretion of such snow or ice. (Ord. 382, 10-25-2006)

### **7-5-7: FAILURE TO MAINTAIN:**

Whenever any person who shall own or be responsible for private streets, avenues, alleys, sidewalks, curbs, gutters, crosswalks or other appurtenances or encroachments thereon, shall fail, after having been noticed by the city to repair, maintain, correct, replace or remove such hazardous or unsafe streets, avenues, alleys, sidewalks, curbs, gutters, crosswalks or other appurtenances or encroachments thereon within ten (10) days of having received such notice of noncompliance, then the city may cause such repair, maintenance, correction or replacement, or encroachment removal to be done and assess the cost of such action together with administrative costs to said owner or responsible person. (Ord. 382, 10-25-2006)

### **~~7-5-8: ASSESSMENT AND COLLECTION OF COSTS:~~**

~~The costs to the city for repair, maintenance, correction, replacement or encroachment removal as enumerated and permitted above may be assessed against the property benefited and certified as a tax lien against the said property together with all costs of collection including reasonable attorney fees. (Ord. 382, 10-25-2006)~~

**CHAPTER 6  
STREET, PATHWAY AND PARKING LOT DESIGN CRITERIA**

**SECTION:**

**7-6-1: Location Of Streets**

**7-6-2: Design Standards**

**7-6-3: Rights-Of-Way And Pavement Widths**

**7-6-4: Design Speed And Gradient**

**7-6-5: Allowable Curve Radii**

**7-6-6: Clear Vision Triangle**

**7-6-7: Thickness Design**

**7-6-8: Street And Pathway Alignment**

**7-6-9: Intersections**

**7-6-10: Cul-De-Sacs**

**7-6-11: Roundabouts**

**7-6-12: Street Names**

**7-6-13: Driveways**

**7-6-14: Parking Lots**

**7-6-15: Public And Street Trees**

**7-6-1: LOCATION OF STREETS:**

Street and road locations shall conform to the following:

- A. Conformance Required: The location and arrangement of subdivision streets shall conform to the official street plan, transportation plan, or comprehensive plan as adopted by the City.
- B. Adjoining Areas Not Subdivided: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary lines of the tract to facilitate the future extension of said streets into adjacent areas. A stub street or a reserve strip held in public ownership may be required.
- C. Alleys Or Service Roads: Alleys or service roads shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off street loading.
- D. Frontage Roads Required: Where a subdivision abuts or contains a State highway (not Trail Creek Road), it shall be required that there be frontage roads approximately parallel to and on each side of such highway; provided, however, that the Council may expressly waive this requirement upon a showing by the subdivider that other methods have been employed to adequately separate local traffic from through traffic and to protect residential properties and subdivision residents from the hazards imposed by heavy highway traffic.

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E. Street And Road Alignment: Street and road alignment should follow natural terrain contours so as to result in safe streets, usable lots and minimum cuts and fills. (Ord. 455, 12-6-2012)

**7-6-2: DESIGN STANDARDS:**

All public and private streets shall be constructed in accordance with adopted design criteria, standards, specifications and standard drawings as set forth in this title and according to the minimum requirements contained in table 1 of this section:

**TABLE 1**

| Street Identification Number | Street Classification | Minimum ROW Or Easement Width | Minimum Pavement Width | Maximum Allowed Grade                        | Minimum Design Speed | Minimum Allowed Radius | Minimum Shoulder Width <sup>4</sup> |
|------------------------------|-----------------------|-------------------------------|------------------------|--|----------------------|------------------------|-------------------------------------|
| Street Identification Number | Street Classification | Minimum ROW Or Easement Width | Minimum Pavement Width | Maximum Allowed Grade                        | Minimum Design Speed | Minimum Allowed Radius | Minimum Shoulder Width <sup>4</sup> |
| 1                            | Arterial              | 60 feet                       | 24 feet <sup>5</sup>   | 7 percent                                    | 35 mph               | See note 1             | 2 feet                              |
| 2                            | Collector             | 60 feet                       | 22 feet <sup>5</sup>   | 7 percent                                    | 30 mph               | See note 1             | 2 feet                              |
| 3                            | Residential           | 60 feet                       | 22 feet <sup>5</sup>   | 7 percent                                    | 25 mph               | See note 1             | 1 foot                              |
| 4-A                          | Private A             | 30 feet                       | 20 feet <sup>5</sup>   | <del>10 percent</del> 7 percent <sup>2</sup> | n/a                  | 50 feet                | 1 foot                              |
| 4-B                          | Private B             | 30 feet                       | 20 feet <sup>5</sup>   | 7 percent <sup>2</sup>                       | n/a                  | 50 feet                | 1 foot                              |
| 4-C                          | Private C             | 60 feet                       | 22 feet <sup>5</sup>   | 7 percent                                    | 20 mph               | See note 1             | 1 foot                              |
|                              | Pathway <sup>3</sup>  | 20 feet                       | 10 feet                | 7 percent for limited distance               | xx                   | xx                     | 1 foot                              |

Notes:

1. In accordance with current AASHTO standards for applicable design speed.
2. Additional gradient may be allowed, as approved by the Fire Chief, with special ice and snow removal designs and procedures.
3. Refer to AASHTO bicycle design guidelines.
4. An exception to the shoulder width is allowed when curb and gutter provided. Where shoulder width is necessary to meet fire apparatus roadway width requirements the shoulder with shall meet imposed load requirements as required by the Fire Department.
5. Additional pavement width may be required by Fire Department for fire apparatus access.

(Ord. 382, 10-25-2006)

**7-6-3: RIGHTS OF WAY AND PAVEMENT WIDTHS:**

Minimum rights of way and pavement widths shall be as shown in table 1, section 7-6-2 of this chapter. Additional pavement widths may be required by the city, in addition to circumstances detailed in the footnotes

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~~to Table 1. All rights of way intended for public maintenance shall be offered for dedication to the public as provided for in the Idaho Code. Rights of way for private roads and streets shall be owned by the applicable maintenance entity or the appropriate person. (Ord. 382, 10-25-2006)~~

**7-6-4: DESIGN SPEED AND GRADIENT:**

Design speed and maximum allowable gradient shall be as shown in table 1, section 7-6-2 of this chapter. (Ord. 382, 10-25-2006)

**7-6-5: ALLOWABLE CURVE RADII:**

Allowable curve radii shall be governed by current AASHTO standards for applicable design speeds unless otherwise noted in table 1 of section 7-6-2 of this chapter. (Ord. 382, 10-25-2006)

**7-6-6: CLEAR VISION TRIANGLE:**

An area of unobstructed vision at all street intersections shall be maintained between three feet (3') and eight feet (8') above the pavement and within a triangular area at the street corner, which area is bounded by:

- A. Property Lines: The property lines of the corner lot and a line connecting points twenty five feet (25') distant from the intersection of the property lines of such lot; or
- B. Curb Lines: The curb lines of an intersection and a line connecting points thirty five feet (35') distant from the corner of the intersection, such corner determined by projecting the curb lines out to a specific point, whichever is the lesser. (Ord. 382, 10-25-2006)

**7-6-7: THICKNESS DESIGN:**

Roadways, streets, pathways and parking lots shall be paved in accordance with the most current version of the Idaho standards for public works construction (ISPWC). Table 2 of this section provides minimum pavement thicknesses; the city engineer can require greater thicknesses if he/she deems it is required based on geotechnical information provided.

TABLE 2

| Road Type    | Asphalt Pavement | Base Course Aggregate1 | Subbase Course Aggregate2 |
|--------------|------------------|------------------------|---------------------------|
| Arterial     | 4.0              | 6.0                    | 12.0                      |
| Collector    | 4.0              | 6.0                    | 12.0                      |
| Residential  | 2.5              | 4.0                    | 6.0                       |
| Private A    | 2.5              | 4.0                    | 6.0                       |
| Private B    | 2.5              | 4.0                    | 6.0                       |
| Private C    | 2.5              | 4.0                    | 6.0                       |
| Parking lots | 2.5              | 4.0                    | 8.0                       |
| Pathway      | 2.0              | 4.0                    | 6.0                       |

Notes:

- 1. Base course aggregate is intended to be a 3/4-inch minus crushed aggregate mix.
- 2. Subbase course aggregate should be a 4-inch maximum mix that is not required to be crushed. Both are defined in the ISPWC.

(Ord. 382, 10-25-2006)

**7-6-8: STREET AND PATHWAY ALIGNMENT:**

A. Natural Terrain Contours: Consistent with the applicable sections of the development regulations, street and road alignment shall follow natural terrain contours so as to result in safe streets, usable lots and minimum cuts and fills.

B. Horizontal And Vertical Alignment: Horizontal and vertical alignment for both paths and streets shall be designed in accordance with AASHTO guidelines for each travelway. For streets and roads, the design speed of the proposed street or road will be taken into account when using the guidelines. All curves shall be simple curves and super elevation shall not exceed six percent (6%).

C. Runoff Conveyance: Streets and paths shall be designed specifically with a space for conveyance of runoff; this may be a drainage swale, curb and gutter or other acceptable method. Horizontal and vertical elements shall be designed to assure positive and effective drainage to the conveyance space. Subsurface and surface waters shall be accommodated by approved drains and other facilities as determined necessary by good engineering practice or by the city. Drains for surface water shall not be smaller than twelve inches (12") in diameter.

D. Stopping Sight Distance: Minimum stopping sight distance shall be provided on all private and public roadways and streets in accordance with AASHTO guidelines. Minimum stopping sight distance shall be provided on all pathways in accordance with AASHTO guidelines. (Ord. 382, 10-25-2006)

**7-6-9: INTERSECTIONS:**

A. Angle: Streets shall intersect at ninety degree (90°) angles or as close thereto as possible, and, in no case, shall streets intersect at less than seventy degrees (70°).

B. Number Of Streets Crossing At Intersection: No more than two (2) streets shall cross at any single intersection <sup>1</sup>.

C. Arterial Or Collector Streets: Intersections of arterial or collector streets shall be located on a relatively flat (2 percent or less) grade with appropriate drainage slope. The flat section shall extend a minimum of seventy five feet (75') measured from the edge of the street right of way, or beginning thirty feet (30') from the center of the intersection, whichever distance is greater.

D. Residential Streets Or Private Roads: Intersections of residential streets or private A, B or C roads or streets shall be located on a relatively flat (2 percent or less) grade with appropriate drainage slope. The flat section shall extend a minimum of fifty feet (50') measured from the edge of the street right of way, or beginning thirty feet (30') from the center of the intersection, whichever distance is greater.

E. Vertical Transition Curves: Vertical transition curves from roadway or street centerline grades to the flat approach sections of intersections shall be located outside the required, flat, approach sections.

F. Approach Gradients: Roads and streets shall approach all intersections at gradients of two percent (2%) or less. For each additional one percent (1%) of centerline road or street gradient, the flat approach section to the intersection shall be increased by an additional ten feet (10'); provided, that no such road or street centerline gradient shall exceed the maximum allowable gradient of the road or street according to table 2, section 7-6-7 of this chapter.

G. Clear Sight Distance: Minimum clear sight distance at all intersections shall permit vehicles to be mutually visible when each is a minimum of one hundred feet (100') from the center of the intersection.

H. Visibility Of Intersection: Intersections shall be clearly visible for a minimum of two hundred feet (200') from the center of the intersection from all roadways or streets. (Ord. 382, 10-25-2006)

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### Notes

1. See section 7-6-11, "Roundabouts", of this chapter, for the exception.

#### 7-6-10: CUL-DE-SACS:

All cul-de-sacs shall have a minimum paved ~~radius of thirty seven and one-half feet (37 1/2')~~ diameter of ninety-six feet (96') or per the current version of the International Fire Code adopted by the city, surrounded by adequate right of way to provide for necessary shoulders, parking, drainage, utilities and any other requirements contained in these standards. Subject to city approval, larger cul-de-sacs ~~shall~~ may have an unpaved, landscaped island centered in the circle. Each cul-de-sac shall have an adequate adjacent area provided for snow storage outside of the required right of way. (Ord. 382, 10-25-2006)

#### 7-6-11: ROUNDABOUTS:

All roundabouts shall be generally circular in shape and shall have a minimum diameter of fifty feet (50') (or a minimum dimension if the layout is not a geometric circle). The minimum paved width shall be twenty feet (20') or twelve feet (12') with a drivable hard surface for the remaining eight feet (8') of width. Roundabouts may have up to five (5) streets entering. Proper drainage and signage shall be required. (Ord. 382, 10-25-2006)

#### 7-6-12: STREET NAMES:

Street names will not duplicate any existing street names within the city, except where a new street is a continuation of an existing street. Street names which are spelled differently but sound the same as existing street names shall not be used. All street name signs shall be approved by the city, shall be furnished and placed at the expense of the developer and shall be properly maintained and repaired by the owner or association responsible for property maintenance. (Ord. 382, 10-25-2006)

#### 7-6-13: DRIVEWAYS:

- A. Design: Driveways should be designed to run with the existing natural contours of the land.
- C. Length: The intent of the minimum driveway length requirement is to prevent vehicles from encroaching into sidewalks, pathways, and lanes of travel in public and private streets that are adjacent to the property containing the driveway.
  - a. Minimum length: The minimum length of a driveway shall be twenty-two feet (22') as measured from the property line, edge of right-of-way or private street, edge of access easement, or other similar purpose easement. To meet the intent of this section or mitigate other public safety concerns the city may require the entire twenty-two feet (22') of driveway length to be located on private property.
- C. Slope: Driveways shall not exceed a ~~ten percent (10%)~~ a seven percent (7%) slope over the length of the driveway, and a four percent (4%) slope within twenty two feet (22') of the intersection of the driveway with the street.
- D. Inside Turning Radius: The inside turning radius of any driveway shall not be less than fifteen feet (15').
- E. Width: Unless otherwise determined by the city fire chief, driveways shall be a minimum of twenty feet (20') of unobstructed width.
- F. Turnaround: As determined by the city fire chief, driveways shall provide adequate turnaround. (Ord. 455, 12-6-2012)

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**G. Non-conforming driveways: The Fire Department may require existing, non-conforming driveways to be brought up to current standards, or closer to compliance with current standards, when development approved through a permit issued under this Title, Title 8, or Title 9.**

**7-6-14: PARKING LOTS:**

A. Entrance/Exit: Parking lot entrance and exits shall be constructed with the same requirements as intersections for residential and private streets. The distance between parking lot entrances and/or exits from an intersection or other entrance or exit shall be no less than those listed in table 3 of this section, except as recommended in a traffic study.

**TABLE 3**

| Road Type   | Minimum Distance<br>(Measured Between Centerline) |
|-------------|---|
| Local       | 125 feet  |
| Residential | 150 feet  |
| Collector   | 150 feet  |
| Arterial    | 300 feet  |

B. Drainage: All parking and loading areas shall provide proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways. Minimum pretreatment for drainage collected from a paved parking surface shall be conveyed through a catch basin or drop inlet with a sedimentation basin before release into a drainage system.

C. Driveway Aisles, Stall Width And Length: Driveway aisles, stall width and length by parking angle shall be as follows:

**TABLE 4**

| Parking Angle | Stall Width | Stall Depth <sup>1</sup> | One-Way Drive Aisle <sup>2</sup> | <u>Two-Way Drive Aisles</u> |
|---------------|-------------|--------------------------|----------------------------------|-----------------------------|
| 0° (parallel) | 10'0"       | 23'0"                    | 12'0"                            | <u>25'</u>                  |
| 45°           | 10'0"       | 15'0"                    | 13'0"                            | <u>25'</u>                  |
| 60°           | 10'0"       | 18'0"                    | 17'0"                            | <u>25'</u>                  |
| 90°           | 10'0"       | 19'0"                    | 25'0"                            | <u>25'</u>                  |

**Notes:**

1. Stalls designed for compact vehicles may be reduced in depth by 2 feet.

~~2. All two-way drive aisles shall be 25 feet.~~

D. Width: In addition to the standards in table 4 of this section, parking lots shall provide for adequate width for maneuvering traffic flow in and out of stalls and the parking lot.

E. Slope: All public parking shall have a maximum slope of seven percent (7%) and residential parking lots shall have a maximum of ~~ten percent (10%)~~ seven percent (7%).

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F. Wheel Restraint: Where necessary, all off street parking areas shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions.

G. Markings: Parking spaces and access lanes shall be marked, including handicapped symbols and signs. (Ord. 382, 10-25-2006)

H. Lighting: All lighting provided to illuminate a parking area shall comply with the lighting standards provided in section 7-3-9 of this title as well as all applicable lighting provisions, guidelines and standards in title 9 of this code.

I. Snow Storage Areas: Snow storage areas shall be located on site in an amount that is equal to at least fifty percent (50%) of the hard surfaces. (Ord. 455, 12-6-2012)

J. Alternative Lot Dimensions: ~~During design review,~~ Through the Design Exception process the approving body or authority city may allow for flexibility in dimensional standards related to stall sizing and aisle widths in consideration for providing thoughtful lot design, including elements such as: pedestrian access, landscaping, drainage, lighting, and alternative fuel or electric vehicle parking. (Ord. 504, 1-5-2017)

### **7-6-15: PUBLIC AND STREET TREES:**

A. Public tree shall be defined as any tree, shrub, or other woody vegetation whose trunk is located wholly or partially on public property. The term "public tree" includes street trees.

B. Street tree shall be defined as any tree, shrub, or other woody vegetation on lands within City of Sun Valley rights-of- way.

C. The City of Sun Valley, upon agreement of the Community Development Director and Street Superintendent, has the right to plant, maintain, and remove any public or street tree in order to promote public safety, promote tree canopy health, or to enhance public viewsheds. (Ord. 530, 8-2-2018)