

CITY OF SUN VALLEY ORDINANCE NO. 471

LANE MEADOWS ANNEXATION

AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, PROVIDING FOR CERTAIN FINDINGS; PROVIDING FOR THE INCORPORATION AND ANNEXATION INTO THE CITY OF SUN VALLEY CERTAIN LAND CONTIGUOUS TO THE CITY OF SUN VALLEY KNOWN GENERALLY AS LANE MEADOWS (TAX LOTS 5994 AND 6790 IN UNINCORPORATED BLAINE COUNTY); PROVIDING THAT THE CITY CLERK AND OTHER CITY OFFICIALS SHALL TAKE THE NECESSARY STEPS TO IMPLEMENT SAID ORDINANCE; PROVIDING FOR WATER AND SEWER HOOKUP; PROVIDING FOR A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sun Valley has adopted the *2005 Comprehensive Plan Update (Comprehensive Plan)* by Resolution 2005-12, on September 8, 2005, and subsequent amendments; and

WHEREAS, the *Comprehensive Plan* is the primary document to guide and balance future development within the City of Sun Valley and establishes a general framework for use in making decisions about the physical, social, economic, and environmental development of the Community; and

WHEREAS, *Comprehensive Plan* Chapter III, Section E, Areas of City Impact, states that the Future Land Use Map delineates expanded Areas of City Impact. These areas are identified as being of special interest to Sun Valley since the Sun Valley Resort commercial and commercial development, population growth and traffic congestion may affect the City's land use development pattern and its local economy and may create additional public service needs; and

WHEREAS, the City of Sun Valley renegotiated the Area of City Impact with Blaine County and in November, 2012 adopted a revised Area of City Impact Agreement and Map (Ordinance No's. 452 and 453) that included Tax Lots 5994 and 6790, commonly known as the Lane Meadows property, lying on the east side of Highway 75, south of Elkhorn Road; and

WHEREAS, Scott Thomson, for Evergreen Ventures, LLC. (Property Owner), has timely filed with the City of Sun Valley on November 4, 2013 an application for incorporation and annexation into the City (*Application No. ANNEX 2013-01*) of Tax Lots 5994 and 6790 (Lane Meadows). These two Tax Lots lie within the City of Sun Valley's current Area of City Impact; and

WHEREAS, the Annexation Request is associated with Development Application No. CPA 2013-02 for a Comprehensive Plan/Future Land Use Map Amendment for a Low-Density Residential Land Use Designation to be applied to the subject property upon annexation to the City of Sun Valley; and

WHEREAS, the Annexation Request is associated with Development Application No. REZ 2013-03 for a Zoning Map Amendment for a Single Family Residential (RS-1) Zoning District to be applied to the subject property upon annexation to the City of Sun Valley; and

RECEIVED
By CRJ at 2:02 pm, Oct 01, 2014

Instrument # 620736

HAILEY, BLAINE, IDAHO
8-19-2014 02:23:31 No. of Pages: 8
Recorded for : CITY OF SUN VALLEY
JOLYNN DRAGE Fee: 0.00
Ex-Officio Recorder Deputy
Index to: ORDINANCES

Page 1 of 6

WHEREAS, the Annexation Request is associated with Development Application No. CUP 2013-01 for a Master Plan Development/Planned Unit Development for single family residential development, including a private street and a private common open space parcel, for the subject property upon annexation to the City of Sun Valley; and

WHEREAS, the Annexation Request is associated with Development Application No. SUBPP 2013-11 for a Preliminary Plat for a ten (10) lot single family residential subdivision with associated site improvements for the subject property upon annexation to the City of Sun Valley; and

WHEREAS, the Annexation Request is associated with a proposed Development Agreement request for a single phase residential development for the subject property upon annexation to the City of Sun Valley; and

WHEREAS, the property owner and his representatives have satisfactorily completed a pre-application conference with the Community Development Director of the City of Sun Valley, filed a complete application, paid applicable fees, and given proper public hearing notice for an annexation pursuant to Development Code Section 9-5B-9. Municipal Code Section 9-5B-9, Zoning Map Amendment and Annexation, contains criteria, regulations, and required findings for requests to annex land into the City of Sun Valley. The Lane Meadows Annexation Master Plan Narrative, stamped received by the City on December 31, 2013, and all associated application materials includes the required elements for submittal and review as per Code Sections 9-5A-4 and 9-5B-9; and

WHEREAS, the Planning and Zoning Commission of the City of Sun Valley reviewed the request for annexation and the associated development applications beginning with a presentation by the applicant at a noticed public hearing on Thursday, January 23, 2014. A publicly noticed site visit by the Planning and Zoning Commission was conducted at the February 13, 2014 regular meeting. The public hearing was continued to the February 27, 2014 meeting of the Commission. The applicant voluntarily amended the project at the February 27, 2014 meeting to a ten (10) lot residential subdivision. The project review was completely re-noticed for the amended design and a new public hearing was held for the Annexation request and the associated development applications on April 3, 2014. The Commission passed motions recommending denial of the Annexation request and for each of the associated development applications and continued each item date certain to the April 23, 2014 meeting for review and adoption of Findings of Fact representative of the Commission's discussion and conclusions; and

WHEREAS, the Planning and Zoning Commission is the recommending body for such requests and the project was reviewed in an additional public hearing by the City Council of the City of Sun Valley on May 19, 2014. The City Council requested a formal site visit to view existing conditions and project design and the public hearing was continued date certain to June 2, 2014. After the site visit, the City Council passed a motion to approve the annexation request, subject to conditions of approval, and directed staff to return on June 10, 2014 with draft Findings of Fact, Conclusions of Law, and Decision reflective of the Council's discussion and directive. The City Council formally adopted findings of fact for approval of the annexation request on June 10, 2014. Additionally, the City Council held a properly noticed public hearing on August 7, 2014 for approval action on Ordinance No. 471, the Lane Meadows Annexation; and

WHEREAS, the City Council public hearings for these six associated development applications were properly publicly noticed by: 1.) publication in the Mtn. Express on April 30, 2014; 2.) posting in two places on the project site; 3.) mailing of notice to all property owners within a minimum 300 foot radius of the site; 4.) posting of notice in five prominent public places in the City, including Sun Valley City Hall, Sun Valley Post Office, Elkhorn Springs Store Post Office, St. Thomas Episcopal Church and the Elkhorn Fire Station; 5.) electronic notification to all parties who have notified the City of interest to receive agendas and notices; and, 6.) posting of the notice on the City's web site; and

WHEREAS, the City Council public hearing on August 7, 2014 for Ordinance No. 471 was properly publicly noticed by: 1.) publication in the Mtn. Express on July 23, 2014; 2.) posting in two places on the project site; 3.) mailing of notice to all property owners within a minimum 300 foot radius of the site; 4.) posting of notice in five prominent public places in the City, including Sun Valley City Hall, Sun Valley Post Office, Elkhorn Springs Store Post Office, St. Thomas Episcopal Church and the Elkhorn Fire Station; 5.) electronic notification to all parties who have notified the City of interest to receive agendas and notices; and, 6.) posting of the notice on the City's web site.

NOW, THEREFORE; THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, DO ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS- Based on the statements above, the City Council for the City of Sun Valley adopts the following findings regarding the annexation of the Lane Meadows properties:

As per the required Annexation Findings stated in City Code Section 9-5B-9G, in order to annex lands into the City, it must be found that the proposed annexation of land is in the best of interest of the city, balances the cost of public services and facilities with anticipated municipal revenues, and complies with the procedures as set forth in Idaho Code section 50-222. (Ord. 387, 6-21-2007)

The request to voluntarily annex into the incorporated limits of the City of Sun Valley and associated development applications were submitted by Evergreen Ventures, LLC (Applicant) for two tax lots in unincorporated Blaine County that are accessed directly from Highway 75 south of the Elkhorn Road intersection. The two tax lots are contiguous with the City limit, are surrounded on three sides by the existing Lane Ranch Subdivision, and are contained in the City of Sun Valley Area of City Impact. All private landowners (Evergreen Ventures, LLC.) for the subject property have consented to annexation. The Applicant and City have complied with applicable procedures as set forth in Idaho Code Section 50-222 for a Category A annexation request.

The Sun Valley City Council held a properly noticed public hearing and site visit, reviewed the application materials and the Planning and Zoning Commission denial recommendation, and finds that the proposed annexation of the Lane Meadows property into the incorporated limits of the City of Sun Valley is in the best interest of the City because the project and surrounding Lane Ranch area are best served under the processes and land use regulations of the City of Sun Valley. The City Council finds that the annexation of the Lane Meadows land into the City assures the orderly development of the property.

The infill project's design, as specified and conditioned in the associated Development Agreement, and density are consistent and compatible with the surrounding Lane Ranch neighborhood. As stated previously, the subject 7.16 acre Lane Meadows property is surrounded on three sides by the existing Lane Ranch Subdivision. The subject land and the Lane Ranch Subdivision were once under common ownership and used for agriculture and ranching activity prior to development. When the land that comprises Lane Ranch was sold for development, the owners of the Lane Meadows property desired to not be a part of the new surrounding subdivision nor to be annexed into the City. The larger Lane Ranch area was annexed, subdivided, and developed around the two relatively smaller Lane Meadows parcels. The two Lane Meadows parcels will now come under City jurisdiction just like surrounding Lane Ranch.

The annexation request is to develop the Lane Meadows lands for low density residential use. The annexation was analyzed for fiscal impact and found by the City Council to be relatively revenue and service cost neutral. As described and conditioned in the Development Agreement, the development design and associated density is appropriate for the infill site because the project was significantly amended by the applicant to adequately address privacy, setback, view, noise, building zone, bulk and mass, and access issues to minimize or eliminate impacts on surrounding existing development. The infill development will have vehicular access onto Highway 75 and bicycle/pedestrian access through to the existing path system on Elkhorn Road via a new connecting sidewalk within the Idaho Transportation Department easement area. Low density residential is an appropriate land use for the infill development of the site.

SECTION 2. EXTERIOR BOUNDARY OF ANNEXED TERRITORY- A legal description of the subject tax lots was prepared for the applicant by Benchmark Associates- Exhibit "A".

SECTION 3. ANNEXATION- The Lane Meadows properties, consisting of Tax Lots 5994 and 6790 in unincorporated Blaine County, are hereby declared to be part of the City of Sun Valley, Idaho and are annexed thereto, subject to the following specific conditions of approval:

1. The property owner has entered into a satisfactory Development Agreement and a Waiver Agreement with the City. The project's amendments, mitigation measures, and conditions are included in the Development Agreement and any subsequent modifications must be to the satisfaction of the City of Sun Valley.

2. This Annexation Application approval is specific to and contingent upon City approval of associated applications including: Comprehensive Plan/Future Land Use Map Amendment Application (CPA 2013-02) for a Low Density Residential land use designation; Zoning Map Amendment Application (REZ 2013-03) for a Single Family Residential (RS-1) Zoning District; Master Plan/Planned Unit Development Application (CUP 2013-01) for single family residential development, including a private street and a private open space parcel; Preliminary Plat Application (SUBPP 2013-11) for a ten lot single family residential subdivision with associated improvements; and, a Development Agreement request (DA 2013-01) for a single phase residential development. The applicant shall satisfy all applicable conditions and requirements of these associated application approvals in addition to any conditions contained herein.

SECTION 4. FILING OF ORDINANCE- Within ten (10) calendar days following the effective date of this Ordinance, the City Clerk of the City of Sun Valley, Idaho, is duly authorized and instructed to file with the recorder and auditor of Blaine County and with the Idaho State Tax Commission a copy of this Ordinance certified as to correctness under the corporate seal of the City of Sun Valley.

SECTION 5. WATER AND SEWER HOOKUP- The owners of real property being annexed by this Ordinance shall be required to hookup to the Sun Valley Water and Sewer District water service and sewer lines as part of the infrastructure improvements for the subdivision.

SECTION 6. SAVINGS AND SEVERABILITY- If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause, or phrase is declared by a Court of competent jurisdiction to be invalid, such actions shall not affect the validity of this ordinance as a whole or any part thereof other than the part declared invalid.

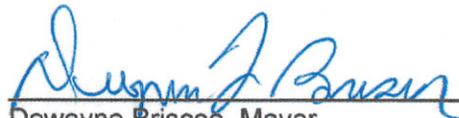
SECTION 7. REPEALER CLAUSE- All City of Sun Valley Ordinances or parts thereof which are in conflict herewith are hereby repealed.

SECTION 8. EFFECTIVE DATE- This Ordinance shall be in full force and effect from and after its approval, passage, and publication as provided by law.

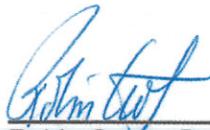
PASSED BY THE CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, AND APPROVED BY THE MAYOR OF THE CITY OF SUN VALLEY on this 7th day of August, 2014.

EFFECTIVE DATE OF PUBLICATION: August 13, 2014.

APPROVED:

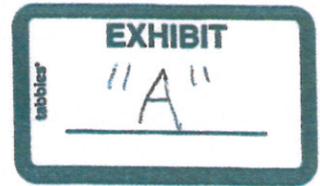

Dewayne Briscoe, Mayor
City of Sun Valley

ATTEST:


Robin Crotty, Deputy City Clerk
City of Sun Valley

Benchmark Associates, P.A.

ENGINEERING, PLANNING, SURVEYING & MAPPING
PO Box 733 : 100 Bell Drive
Ketchum, Idaho 83340
208-726-9512 : Facsimile 208-726-9514



Description for Tax Lots 5994 and 6790

A parcel of land located in the Southeast 1/4 of Section 19 and the Northeast 1/4 of Section 30, Township 4 North, Range 18 East of the Boise Meridian, Blaine County, Idaho and being more particularly described as follows:

Commencing at a 1969 BLM Brass Cap which marks the southeast corner of Section 19, Township 4 North, Range 18 East (CP&F No. 592293), from which a 1969 BLM Brass Cap which marks the East 1/4 corner of said Section 19 (CP&F No. 592294) bears North 00°35'12 East, 2631.96 feet;

Thence North 82°32'05" West, 754.46 feet to a 5/8" rebar, PLS 1000, on the northerly boundary of Lane Ranch Subdivision Phase 2, recorded as Instrument No. 319339, said 5/8" rebar being the **POINT OF BEGINNING**;

Thence along said northerly boundary line South 71°14'50" West, 366.16 feet to a 5/8" rebar, PLS 1000;

Thence North 18°44'35" West, 322.63 feet to a 5/8" rebar, PLS 1000;

Thence South 71°11'43" West, 280.09 feet to the northeasterly right-of-way line of State Highway 75;

Thence along said northeasterly right-of-way line North 18°47'43" West, 299.92 feet to the southerly boundary line of Lane Ranch Subdivision Phase 1, recorded as Instrument No. 306890;

Thence along said southerly boundary line North 71°15'00" East, 646.45 feet;

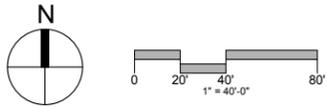
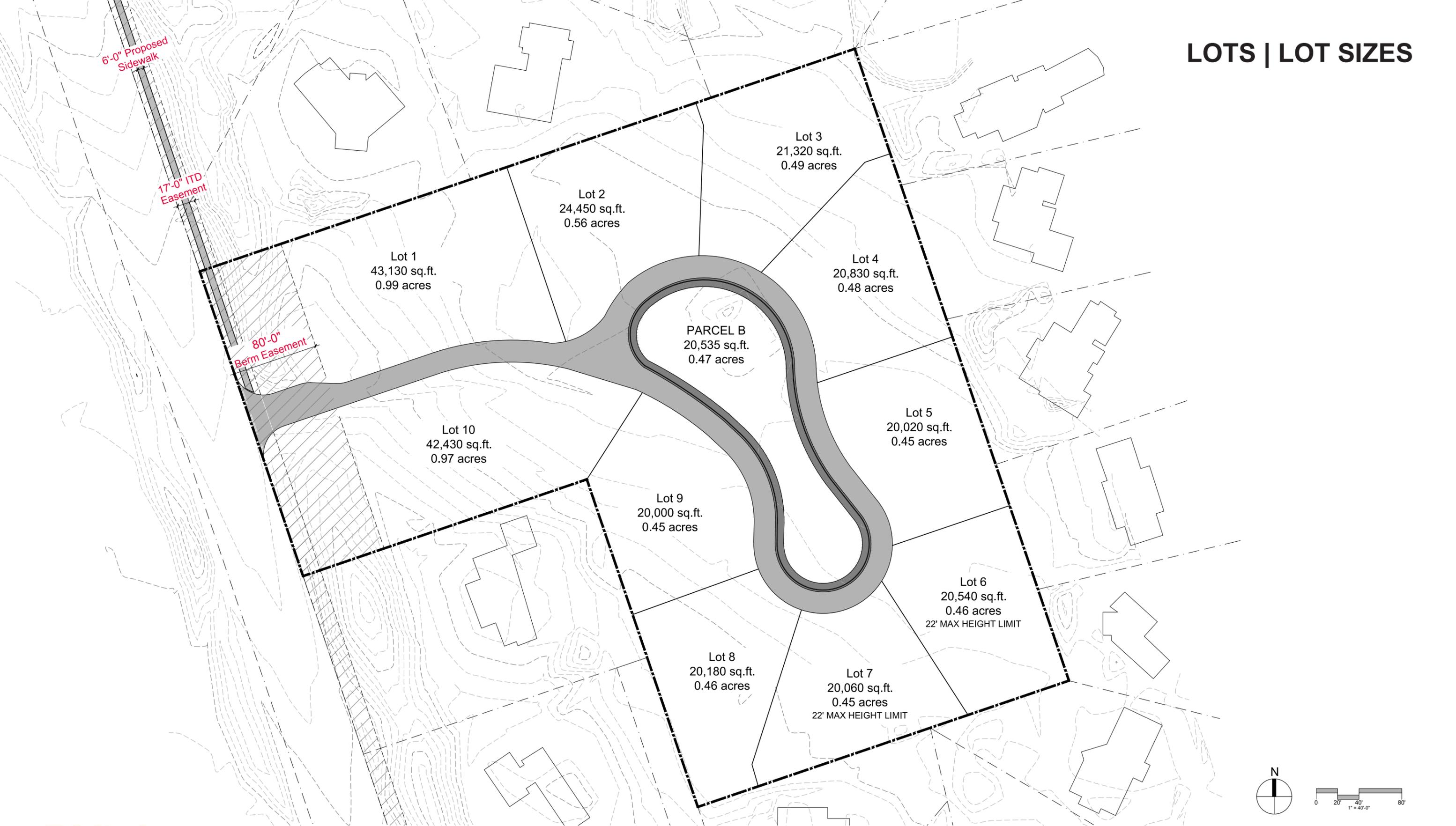
Thence South 18°44'59" East, 622.27 feet to the **POINT OF BEGINNING**;

Said parcel contains 311,838 square feet, or 7.2 acres, more or less

End Description



LOTS | LOT SIZES



BUILDING ZONES

