



## Valley Advocates for *Responsible* Development

**Submitted April 17, 2024 at 4:55PM**

City Of Victor  
138 N. Main St.  
P.O. Box 122  
Victor ID 83455  
(208) 787-2940  
TO: Victor City Council, Victor Mayor, and Victor City Attorney

**RE: Sherman Park Development Agreement materials are not available to the public in advance of the comment deadline.**

Dear Council Members,

Today is the comment deadline for all comments pertaining to the LU2023-04 (Sherman Park Project Rezone) public hearing. This hearing is scheduled for April 24, 2024, at which time the Council will be considering a Development Agreement to govern this rezone, pursuant to I.C. §67-6511(A). As the final key step in the conditional rezone process; this Development Agreement is statutorily required to effectuate the Council's conditional approval of this rezone. Execution of this Development Agreement will enable the zoning to finally, officially, be changed from REC Park and Recreation to CX Commercial Mixed Use. The property is not, in fact, zoned CX at this time. The execution of this conditional rezone Development Agreement will allow this change to take place. That is why, after the Council voted 3:1 to conditionally approve this rezone a year ago on April 26, 2023 - it is still depicted as REC on GIS mapping, even to this day.

This is the final step to the quasi judicial conditional rezone process. As such, the required Development Agreement must be considered and adopted in an open public meeting, where all due process and procedural protections contained in both the Idaho Open Meeting Law Act (I.C. §§ 74-201 to 74-208) and the Idaho Local Land Use Planning Act (I.C. §§ 67-6501 to 67-6539) are respected, upheld, and followed.

Simply put, I have been consistently denied access to the Development Agreement and the comment deadline closes today. How can anyone comment on a document or materials that they



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have not even been able to access or read? I have been asking for this document **for over a week now**. I am told the document will be released tomorrow, Thursday night, which is after the deadline (set by the City) for comments to be analyzed and incorporated into the critically important staff report and staff recommendations.

This is both a due process and open meeting law problem. The public has a right to access hearing materials in advance, in order to meaningfully comment on them and participate in the public hearing process. The staff report is a well-known guiding document that steers the decision making process by analyzing the entire record of information received and interpreting this factual information against all applicable codes and regulations.

This is not an issue to roll the dice on. Please continue the April 24, 2024 hearing to give the public a fair chance to review the hearing materials.

Respectfully,

Anna Trentadue, *Program Director & Staff Attorney*  
Valley Advocates for Responsible Development