



## Planning and Zoning Special Meeting MINUTES

Tuesday, March 30, 2021 at 4:30 PM  
Ketchum City Hall  
480 East Avenue North, Ketchum, ID 83340

### **CALL TO ORDER**

The meeting was called to order at 4:33 PM.

### **PRESENT**

Chairman Neil Morrow  
Vice-Chairman Mattie Mead  
Commissioner Tim Carter  
Commissioner Jennifer Cosgrove  
Commissioner Brenda Moczygemba

### **COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE**

All Commissioners reported they had driven past the 255 Hillside Dr site.

### **CONSENT CALENDAR — ACTION ITEMS**

1. Minutes of March 9, 2021

#### **Motion to approve the Minutes of March 9, 2021**

*Motion made by Vice-Chairman Mead, Seconded by Commissioner Moczygemba.*

*Voting Yea: Chairman Morrow, Commissioner Carter, Commissioner Cosgrove, Commissioner Moczygemba*

2. Recommendation to approve Findings of Fact and Conclusions of Law for 128 Saddle Road Design Review and Preliminary Plat with Phasing Agreement  
Staff recommends approval.

#### **Motion to approve the Findings of Fact and Conclusion of Law for 128 Saddle Road Design Review and Preliminary Plat**

*Motion made by Commissioner Carter, Seconded by Commissioner Moczygemba.*

*Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Moczygemba*

### **PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS**

3. ACTION ITEM: Amendment to P18-131 - Swan Streambank Alteration: 401 Northwood Way (Lot 12, Chateau of Northwood), owned by Bob and Sandra Swan, and adjacent riverbed (Ketchum FR NWSE TL 7801 SEC 12 4N 17E River Bed) owned by the City of Ketchum. The Commission will consider a proposed amendment to Floodplain Development / Stream Alteration permit P18-131, the Swan Stream Alteration/Bank Stabilization Floodplain Development and Waterways Design Review Permit. *Continued from March 9, 2021, March 23, 2021.*

Director Frick introduced the Swan Streambank Alteration Amendment. Staff recommended denial since this amendment impacts the upstream property.

Applicant Sandra Swan named 5 options for the Commission:

1. Take no action.
2. Redesign plan to mitigate risks.
3. Negotiate with the neighbor on demands for view corridor unrelated to the river.
4. One comprehensive plan covering all parties involved.
5. Approve the Amended Permit Application.

She thought #5 was the only option.

Commissioner Cosgrove asked the Swans about their expectations when they purchased the property. They understood the responsibility of the riverfront when they purchased the property. Swan noted she was entitled to protect her property and she had improved the river from when it was purchased.

Evan Robertson, attorney for applicants, read from 17.88.020 Purpose of Purpose from the Floodplain Management Overlay Zoning District to enhance his argument for the approval of the application amendment.

Chair Morrow opened the floor to Public Comment.

Nick Miller, Trout Unlimited, thanked Staff for their actions. He provided a River Atlas with details of the Bigwood River. He felt this was a severe change to the river and a holistic approach was a better way to open the East Channel. Trout Unlimited was willing to fund a study to find a solution.

Stephanie Connan, Red Fox Resident, felt there was no impact to the Rusack property and approved of the original plan. She felt the Rusack request for view rights was unreasonable. She urged adoption of the original plan.

Jennifer Zung, Harmony Design, thought by moving the change in grade downstream would move the change in velocity to the Swan property and not propagate to the Rusack property.

Jim Laski, Attorney for Donald and Sandy White on Park Circle, objected to the use of the East Channel as a floodplain overflow. Questioned if the channel were year-round, their property would then be in the riparian zone.

John Ashton, Trout Unlimited, urged looking at the project holistically. He cited the Cardeneou (?) Plan which made recommendations for improvement to the river. He urged improvements without harming the river.

Geoff Rusack, upstream neighbor, related he had agreed to the changes to his property to protect the Swan property and the Swans had agreed to a view corridor.

Allison Rusack upstream neighbor, urged denial of the amendment to the Swan application.

Being no further comments, Public Comment was closed.

Chuck Brockway responded for the applicant. He spoke to the removal of gravel and that there would be no change to the East Channel. He didn't feel now was the time to start with a reach-wide project as suggested by TU. He stressed the project did not contain rip-rap, only toe-rock. Sandra Swan responded the Rusacks were withholding agreement of the Amendment in exchange for view rights. Robert Swan urged approval of the Amended application.

Commissioner Carter felt sympathetic towards the Swans for the complex situation and thought a holistic study would be too time-consuming at this time. He asked the City to begin a process for future protection of the River. He was inclined to deny the amendment.

Commissioner Cosgrove stated she could not approve an application that would put another property in jeopardy. She urged the re-institution of the Riparian Committee. She agreed with Commissioner Carter to deny this application.

Vice-Chair Mead stated he could not approve if another property was put in jeopardy.

Chair Morrow agreed. He felt he could not approve the amendment with the jeopardy to the upstream property.

Director Frick stated other options could be presented without resulting in upstream damage.

Commissioner Moczygemba agreed with the other Commissioners. She thought the likelihood of an agreement was slim.

Chair Morrow questioned if the unauthorized removal of vegetation from the Swan property in 2016 contributed to the current problem. He could not approve a project putting the City in jeopardy. He urged a holistic approach. He asked if a home was destroyed in a flood, could it be rebuilt in the same area?

Director Frick indicated in the event of a flood, only a structure can be protected, not a yard or landscaping. When a building permit was issued for a remodel, it specifically stated no work in the riparian, which was done anyway. A Building Permit was issued for a remodel with specific conditions prohibiting any work in the floodplain or riparian. However, landscaping was removed from the floodplain and the riparian. It was agreed to restore the riparian area. That work was then superseded by the existing Streambank Alteration Permit application.

Commissioner Carter wanted to see a future planning process to address river-wide issues. He thought the TU approach was a good first step.

**Motion to deny the Amendment to the Swan Streambank Alteration Permit P18-131.**

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.*

*Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Moczygemba*

**Motion to request all interested parties work together to find a comprehensive solution.**

*Motion made by Commissioner Carter, Seconded by Vice-Chairman Mead.*

*Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter*

*Voting Nay: Commissioner Cosgrove, Commissioner Moczygemba*

4. ACTION ITEM: Deep Powder Townhomes Design Review and Townhouse Subdivision Preliminary Plat: 255 Hillside Drive (Warm Springs Subdivision #5: Block 2: Lot 33) The Commission will consider Mountain Overlay Design Review and Townhouse Subdivision Preliminary Plat applications for a new two-unit detached townhome development located within the City's General Residential Low Density (GR-L) Zone and the Mountain Overlay and Avalanche Zone.  
*Continued from March 23, 2021.*

Commissioner Carter Recused himself from this item.

Director Frick gave the background for the project.

Commissioner Moczygemba asked about the former code on setbacks.

Commissioner Cosgrove addressed the neighboring homeowners' objections to the development. She asked if the current owners knew it could be developed?

Director Frick noted the procedure for making changes to the zoning code.

Chair Morrow noted a property owner is allowed to build to the current code.

Commissioner Cosgrove asked about grandfathering the current buildings. Director Frick noted this is a townhouse development in a mixed neighborhood.

Chair Morrow opened the floor to public comment:

Karen Little, neighbor, asked about snow sliding from the metal roof to the neighbor's driveway. Applicant Joe Marx replied the 4 eaves have snow retention and are designed to keep the snow on the roof.

Leslie Finney, neighbor at 251 Hillside Dr., felt the new construction would greatly impact their property and wanted to discuss options with the developer. She wanted the building to be smaller, moved away from her property, and with more undulation. Joe Marx revealed there had been discussions with the neighbors, including an offer to buy the lot, but those discussions were not fruitful.

Marty Kaplan, neighbor, asked about zoning change and setbacks. He knew the property would be developed but wanted to see changes to the design to allow light and air to the neighboring properties.

Ron Stradiotto, 256 Hillside Dr., spoke to the setbacks, the shade patterns on the project, and suggested position changes. Joe Marx gave the setbacks for the proposed structures and described how the Eastern unit would have Eastern sun in the winter.

(No name given) asked about snow storage/removal, and was concerned about the new building looking into his yard. Marx explained snow storage on the lot was indicated on the plans and excessive snow would be removed from the site. The East unit has landscaping to shield the backyard.

Being no further comments, Public Comment was closed.

Vice-Chair Mead liked the exterior materials and the simplicity of the design.

Commissioner Moczygemba also liked the exterior materials for the modern aesthetic of the structure. She thought moving the building back would increase the hardscape of the front and the greenery of the rear.

Commissioner Cosgrove questioned the metal roof and snow stops.

Vice-Chair Mead brought up the Avalanche Zone and suggested an engineer review the project for snow conditions. He thought the buildings were aesthetically pleasing.

**Motion to approve the Deep Powder Town Homes Mountain Overlay Design Review subject to Conditions 1-9 with the added Condition of Approval of memo of snow retention on the roofs and adopt the Findings of Fact and Conclusions of Law and recommend the approval of the Subdivision Preliminary Plat subject to the Conditions of Approval 1-7 and adopt the Findings of Fact and Conclusions of Law.**

*Motion made by Vice-Chairman Mead, Seconded by Commissioner Moczygemba.*

*Voting Yea: Chairman Morrow, Vice-Chairman Mead, , Commissioner Cosgrove, Commissioner Moczygemba*

*Commissioner Carter recused.*

#### **STAFF REPORTS & CITY COUNCIL MEETING UPDATE**

Warm Springs Ranch is going to City Council for review  
An Appeal on the 4th and Main denial has been received.

The next Planning and Zoning meeting will be April 27<sup>th</sup>.  
The Warm Springs Rand Streambank Alteration will be heard at that meeting.

The PEG hotel is preparing an application for Design Review.

The Bariteau Hotel project is deemed withdrawn. The City is currently working to call the bond for site restoration. The 1st and 4th St. project will go before City Council for proof of financing.

#### **ADJOURNMENT**

##### **Motion to adjourn at 7:06 PM**

*Motion made by Vice-Chairman Mead, Seconded by Commissioner Moczygemba.*

*Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter, Commissioner Cosgrove, Commissioner Moczygemba*

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Chairman Neil Morrow