



Planning and Zoning

Regular Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340
<http://ketchumidaho.org/>

Maureen Puddicombe
208-726-7801

Monday, September 09, 2019

5:30 PM

Ketchum City Hall

SITE VISITS

1. **4:00 PM - SITE VISIT - Sun Valley Co. Monument Sign:** Warm Springs Rd and Jane Ln

- a. **Call to Order**

PRESENT

Chairman Neil Morrow

Commissioner Jennifer Cosgrove

Vice-Chairman Matthew Mead

Commissioner Kurt Eggers

Commissioner Tim Carter

2. **4:20 PM - SITE VISIT - Lofts @ 660 N First Ave:** 660 N. First Ave.
3. **4:35 PM - SITE VISIT - Sun Valley Co Monument Sign:** Highway 75 and Serenade Lane
4. **4:50 PM - SITE VISIT - Biddle Residence:** 220 Lava St.
5. **5:05 PM - SITE VISIT - Biddle Residence:** From the intersection of Fourth and East Sts
6. **5:15 PM - SITE VISIT - Chess Lot Line Shift:** 520/540 Walnut Ave.
7. **5:30 PM - RECONVENE: City Hall:** 480 East Ave, North, Ketchum, Idaho

The meeting was reconvened at 5:30 PM by Chairman Neil Morrow.

8. **COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE**

There were no Commission reports nor Ex Parte discussion disclosures.

9. **PUBLIC COMMENT** - Communications from the public for items not on the agenda.

Chairman Neil Morrow opened the floor to Public Comment. There were no Public Comments and the floor was closed.

10. **CONSENT AGENDA - ACTION ITEMS**

- a. **ACTION ITEM: Minutes of July 29, and July 30, 2019**

Commissioner Eggers recused himself from this agenda item.

Vice-Chairman Mead commented he wanted to see more detail in the minutes as to the Commission discussions when the discussions lead to conditions of approval.

Motion to approve the Minutes of July 29 and 30, 2019 as amended.

Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.

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

Commissioner Cosgrove

Recused: Commissioner Eggers

- b. **ACTION ITEM: Minutes of August 12, 2019**

Commissioner Cosgrove noted a correction to the voting record for the Gabbert matter.

Motion to approve the minutes of August 12, 2019, as amended.

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

c. ACTION ITEM: Minutes of August 13, 2019

Motion to approve the minutes of August 13, 2019.

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS

11. ACTION ITEM: Ordinance 1202: The Commission will consider and take action on proposed amendments to Community Core (CC) District Dimensional Standards and Matrix pertaining to community housing projects as set forth in §17.12.040 of Ketchum Municipal Code Title 17 Zoning Regulations.

Director John Gaeddert gave the proposed changes to the Ordinance including 1) averaging of fourth floor setbacks, 2) increasing the allowable height from 50 feet to 52 feet for buildings devoted 100% to community work-force housing, and 3) clarify the definition of a community work-force housing project in the CC Subdistrict 1, which provides for housing on the second floor and above.

Vice-Chairman Mead asked for clarification on the height and setback changes. Director Gaeddert explained the changes would allow more flexibility in construction and design. Changing the setbacks to a ten-foot average (instead of a minimum), would allow more undulation of the building. Commissioner Cosgrove commented on the possibility of undesirable aspect to an average setback. Vice-Chairman Mead asked about the definition of Community Housing. Director Gaeddert indicated it is based on AMI of four (4), or 80% of Average Median Income (AMI) which is currently \$56,000 per year.

Chairman Morrow opened the floor to Public Comment. No comments were made.

Commissioner Eggers was concerned about the change to the setback requirement and did not support the change. Commissioner Cosgrove agreed. Director Gaeddert agreed to eliminate the change to the setbacks. Vice-Chairman Mead agreed with the setback for sides with a pedestrian right-of-way but questioned the 10-foot setback for interior sides. He didn't want it to impact the availability of work-force housing. Commissioner Cosgrove felt a responsibility for the overall esthetics of Ketchum. Gaeddert said the current setback language would not be changed.

Motion to recommend approval to City Council of Ordinance 1202 with the exception of the change to the setback requirements.

*Motion made by Commissioner Eggers, Seconded by Commissioner Carter.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

12. ACTION ITEM: Sun Valley Company Monument Signs: 1) Warm Springs Rd and Jane Ln; 2 and 3) Highway 75 and Serenade Ln. A Sign Permit application submitted by Ruscitto Latham Blanton Architectura PA on behalf of Sun Valley Company for the installation of three (3) permanent signs, including two (2) directional signs for the River Run and Warm Springs ski areas.

Commissioner Eggers recused himself.

Architect Michael Bull gave the overview of the proposed signs. The sign at Jane Lane and Warm Springs Road is on the bus route and skier drop-off. It would be in the public right-of-way. Streets Department indicated it would allow for snow removal. It would have a 3-foot tall stone base, signpost, and a plaque sign overhanging Warm Springs Road. It is 13 feet tall, with the Sun Valley logo and a back-lit sign.

The second sign is at Serenade Lane and Highway 75. It is proposed to replace the current sign located on Sun Valley property. The site would be built-up four (4) feet to be level with the highway. The monument has a large stonework base, a large etched copper sun, and a copper plaque inscribed "River Run Plaza". The monument measures 17 feet in height. Landscaping will include trees on the side.

Vice-Chairman Mead asked about how the mass might obscure the view and about the landscaping surface. Bulls stated the trees are meant to screen the utility tower and confirmed the landscaping surface would be the same as it is now. Commissioner Carter asked about the lighting. Bull indicated there would be no exterior up lighting, but the signs would be back-lit. Commission Cosgrove objected to the size and mass of the monument. Chairman Morrow emphasized the lighting should be Dark Skies compliant.

Director Gaeddert brought up the future round-about intersection at Serenade and Highway 75 as to the positioning of the monument.

Chairman Morrow opened the floor to Public Comment. No comments were made.

Vice-Chairman Mead liked the Warm Springs sign but was opposed to the trees behind the monument at Serenade, he felt it was a distraction from the Mountain.

No motion was taken as this was an advisory session only.

13. ACTION ITEM: Chess Lot Line Shift: 520 and 540 Walnut St. (Lots 1 & 2, Block 90, Ketchum) The Commission will consider and take action on a Lot Line Shift

(Readjustment of Lot Lines) application from Robert and Stacey Chess to combine two adjacent non-conforming lots of record in the Limited Residential (LR) zone, 540 N. Walnut (NW 34' x 75' of Lot 2, Block 90, Ketchum Townsite) and 520 N. Walnut (SW 21' x 75' of Lot 2, Block 90, Ketchum Townsite) into one lot.

Associate Planner Abby Rivin presented the Lot Line Shift. The Commission did not have any questions.

Chairman Morrow opened the floor to Public Comment. No comments were made.

The Commission commented on the quaintness of the present buildings and the hope they would remain but acknowledged the reality of real estate in Ketchum.

Motion to approve the Chess Lot Line Shift and authorize the Chair to sign the Findings of Fact and Conclusions of Law.

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

- 14. ACTION ITEM: Biddle Residence Mountain Overlay Design Review: 220 Lava Street (Lot 1A, Block 1, Lava Street Subdivision) The Commission will consider and take action on a Design Review Application McLaughlin and Associates on behalf of property owners Leslie and George Biddle have submitted a Mountain Overlay Design Review application for the construction of a new 8,982 single-family residence located at 220 Lava Street (Lava Street Subdivision: Block 1: Lot 1A) in the Limited Residential (LR) Zoning District.**

The overview was given by Ben Young, landscape architect. The changes from the Pre-Design Review included moving the structure completely out of the Mountain Overlay to minimize site disturbance and the addition of at the North-East corner. As a result of a conversation concerning a drainage ditch during the Site Visit, the driveway could be altered to avoid filling in the ditch. Jim McLaughlin informed the Commission that the applicant would be amenable to allowing the neighbor to tap into the water line.

Richard Schaffer spoke to the story pole visible from 4th and East Streets which represented the single-story Great Room. He gave an overview of the floor plan, exterior materials and heights. Ben Young continued the discussion of landscaping and tree options to shield the structure. There was a discussion of re-routing the location of the Lava Trail. The new trail route is to be: 1) Approved by the City Planning Department prior to construction: 2) Constructed by the applicant as a condition of building permit issuance: and 3) the new easement to be recorded on the plat.

Chairman Morrow opened the floor to Public Comment.

Heather O'Leary, attorney for Susan Matthes, spoke to the water rights and access easement of the neighbor. She requested the water delivery system still be fully functional and the final plat to show the access easement.

No further comments were made.

Vice-Chairman Mead asked about the driveway and the catch-basin. Ben Young indicated they were willing to work with the neighbor for water access.

Motion To: Approve the Biddle Residence Mountain Overlay Design Review with attached Conditions of Staff Report, with amendments to the Trail Conditions as noted, including the City staff to approve the location, construction and re-recording of the new trail easement; added condition to protect the catchment area as it relates to the driveway; protection of access easement to adjacent lot with Staff approval prior to issuance of Building Permit; Applicants' offer to allow adjacent property to tap into water line at adjacent property owner's request; Three (3) Douglass Fir Trees of adequate height and size to be installed prior to Certificate of Occupancy; and authorize the Chair to sign the Findings of Fact and Conclusions of Law.

*Motion made by Commissioner Carter, Seconded by Commissioner Cosgrove.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

- 15. ACTION ITEM: Lofts @ 660 N First Ave. Design Review: 660 N First Ave. (Lot 6, Block 34, Ketchum) The Commission will consider and take action on a Design Review Application submitted by Hollis Rumpeltes Architects on behalf of Galena Peak Partners LLC has submitted a Design Review application for the development of a new 3 story, 12,129 sq. ft multi-family residential building located at 660 N 1st Avenue (Ketchum Townsite: Block 34: Lot 6) in the Mixed-Use Subdistrict of the Community Core (CC-2). The proposed three-story building is comprised of seven dwelling units including one community housing unit studio.**

Commissioner Eggers recused himself from this agenda item.

Architect Daniel Hollis of Hollis Rumpeltes Architects gave the project overview. He spoke of elevations, exterior materials, roof lines, parking, construction plan, floor plan, and utilities.

Commissioner Carter asked about the elevations. Commissioner Cosgrove asked for clarification of the rooflines. Vice-Chairman Mead had questions on heights and parking. Chairman Morrow commented on the excessive Construction Activity (parking) at the Onyx site and wanted to be sure it is not repeated at this site.

Chairman Morrow opened the floor to Public Comment.

Pam Morrison, publisher Idaho Mountain Express, asked when construction starts, parking be allowed in the center of the street. She also asked about snow melt from the sidewalk and natural lighting in the Community Housing unit.

Sean Flynn, Galena Engineering, stated the roof drainage would go to the dry well and there were no other drainage issues for this site. Planner Rivin added that drainage was reviewed by staff prior to the building permit.

There were no further comments made.

Director Gaeddert will bring the parking suggestion for center lane parking to the Ketchum Traffic Authority meeting.

Vice-Chairman Mead liked the affordable housing aspect. Chairman Morrow appreciated that the adjoining blank wall will be covered and liked the overall design.

Motion To: Approve the Lofts at 660 N First Ave. Design Review with Conditions as noted by Staff and authorize the Chair to sign the Findings of Fact and Conclusions of Law.

*Motion made by Vice-Chairman Mead, Seconded by Commissioner Carter.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove
Recused: Commissioner Eggers*

- 16. ACTION ITEM: Hammond House Mountain Overlay Design Review: 102 Sage Road (Warm Springs Village 4, Block 3, Lot 1) The Commission will consider and take action on a Mountain Overlay Design Review application submitted by Lars Guy & Neil Middleton, architect, on behalf of property owner Dr. Rockwell Hammond, Jr. for the proposed construction of a new 4,080 square foot single-family residence in the General Residential Low Density (GR-L) Zoning District with Avalanche and Mountain Overlays. Continued from August 12, 2019.**
- 17. ACTION ITEM: Hammond House Conditional Use Permit: 102 Sage Road (Warm Springs Village 4, Block 3, Lot 1) The Commission will consider and take action on a Conditional Use Permit application submitted by Lars Guy & Neil Middleton, architect, on behalf of property owner Dr. Rockwell Hammond, Jr. for a new 4,080 square foot single-family residence in the Mountain Overlay and Avalanche Zones. The project includes the installation of an avalanche attenuation device, which requires review and approval of a Conditional Use Permit.**
- 18. ACTION ITEM: Hammond House Variance: 102 Sage Road (Warm Springs Village 4, Block 3, Lot 1) The Commission will consider and take action on a Variance application submitted by Lars Guy & Neil Middleton, architect, on behalf of property owner Dr. Rockwell Hammond, Jr. for a new 4,080 square foot single-family residence in the General Residential Low Density (GR-L) Zoning District with Avalanche and Mountain**

Overlays. The applicant is requesting a variance from the rear and side setbacks required in the GR-L Zone (KMC §17.12.030) as the avalanche attenuation device and building appendages encroach into the setback area.

The Conditional Use Permit, Design Review, and Variance were heard as a single project.

Associate Planner Abby Rivin gave an update of the project with updated drawings, summary letter from previous hearing comments, and the staff recommendation to restrict short-term rentals in the winter months and have a third-party review for the engineering of the avalanche mitigation .

Architect Lars Guy introduced the project. Paul Bastian, avalanche engineer, described the avalanche conditions of the site. He explained the factors of slope, velocity, flow, impact pressure, force of potential avalanche, and how snow moves, and compresses. He calculated an avalanche would have an impact of less than 490 pounds per square foot for momentum and 600-pound impact load.

Vice-Chairman Mead asked about the avalanche gate and was told it has been eliminated. Commissioner Eggers asked about the purpose of the wall to protect the patio. Commissioner Carter emphasized that the Commission was relying on the expertise of the engineer. Bastian outlined his credentials and experience in Idaho.

Director Gaeddert noted a third-party review was recommended by Staff for the avalanche study, since it is a niche area of study and the Conditional Use Permit has a higher standard than a Design Review. It would be administered administratively. Lars Guy did not think a third-party review was reasonable or prudent due to the limited number of professionals in this field and the precedent it would set. Chairman Morrow was in favor of an independent review. Director Gaeddert commented that the parties could each submit a list of licensed, professional engineers (not limited to the State of Idaho) and someone common to both lists would be chosen.

Lars Guy gave the overview for the revised Design Review for the project. He pointed out the changes to the south wall and a cantilevered second level. There were improvements to the driveway, garage, façade, landscaping, parking area, and avalanche wall.

Chairman Morrow opened the floor to Public Comment.

Stephanie Reed, attorney for Daniel Johnston, neighbor at 100 Sage Road, read a letter from the owner questioning the size, setbacks, buffering, landscaping, and avalanche dangers. It was requested that a landscaping screen be a condition of approval. He expressed concern over how a neighboring structure would affect his house in the event of an avalanche.

Katie Bastian questioned a third-party review by an out-of-state engineer, since the State of Idaho requires an engineer to be licensed by Idaho in order to practice in Idaho.

No further comments were made.

Commissioner Eggers thought the changes were an improvement over the original design.

The Commission discussed the merits of the Variance Request. Vice-Chairman Mead thought the site was a challenge, but the owner does have a right to develop it. Commissioner Eggers asked what the *undue hardship* factor was. Staff indicated it was due to the non-conformity of the lot, the crossing of the driveway, and the nature of the avalanche potential. Commissioner Carter asked about the history of the cross easement. Planner Rivin revealed it was for access to the house and was platted in the 1950's.

Commission Cosgrove asked if there were any aspects of the property not known to the owner at the time of purchase. Lars Guy replied it was known to be a challenging site. Commissioner Cosgrove felt it didn't qualify as a hardship. Chairman Morrow also questioned the hardship claim but liked the changes to the design. Commissioner Eggers asked Bastian about the avalanche wall and the non-conforming patio. Bastian indicated the wall was needed to protect the east side of the house.

Commissioner Eggers was in favor of granting the variance due to the lot size and the cross easement; Commissioner Cosgrove was opposed since the buyer knew the challenges of the property. Commissioner Carter would consider granting a variance due to the scale of the structure to the size of the lot; and Vice-Chairman Mead supported the variance since only the avalanche wall was non-conforming.

Motion To: Approve the Hammond House Variance Request.

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

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

Voting Nay: Commissioner Cosgrove

Associate Planner Abby Rivin stated the Conditional Use Permit pertained to the site characteristics as related to public health, life, and safety. The request is for a restriction on short-term rentals and a third-party review of the avalanche engineering as conditions of approval.

Chairman Morrow and Vice-chairman Mead agreed those terms should be included. Commissioner Eggers asked if other sites have a short-term rental restriction. Staff replied there were not, due to the differences in design, but felt the nature of this site warranted the restriction. Staff noted the Ketchum Municipal Code had previously made such restrictions, but the recent House Bill prevented cities from restricting short-term rentals, except for Public Health and Safety. Commissioner Eggers asked about review of the design. Staff replied the plans need to be stamped by an engineer licensed in the

State of Idaho and are then reviewed by the State of Idaho Department of Building Safety.

Chairman Morrow opened the floor to Public Comment. No comments were made.

Staff noted that any changes to the design recommended by a third-party review, other than a minor modification, would be brought back before the Commission for approval. Chairman Morrow was in favor; Commissioner Carter agreed. Commissioner Eggers, although generally opposed to the third-party review, thought it was valuable; Vice-Chairman Mead thought it wasn't necessary but would help to assure neighbors. Commissioner Cosgrove was still opposed to the Conditional Use Permit.

Motion to approve the Mountain Overlay Design Review and the Conditional Use Permit for the Hammond House at 102 Sage Road with two (2) conditions added; 1) limiting short-term rentals during the winter season and 2) requiring a third-party review of the avalanche study.

*Motion made by Commissioner Carter, Seconded by Commissioner Eggers.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Eggers
Voting Nay: Commissioner Cosgrove*

19. STAFF REPORTS & CITY COUNCIL MEETING UPDATE

The full Design Review application for the Hotel would be before the P & Z on October 14th including recent changes. Next City Council meeting will hear the Pre-Design Review for the Ketchum Boutique Hotel on September 16 and October 7, 2019.

The October P & Z Meeting will also have two (2) Conditional Use Permits for live/work spaces in the LI.

20. ADJOURNMENT

Motion to adjourn at 8:44 PM.

*Motion made by Vice-Chair, Seconded by Commissioner Carter.
Voting Yea: Chairman Morrow, Vice-Chairman Mead, Commissioner Carter,
Commissioner Cosgrove, Commissioner Eggers*

Neil Morrow
Chairperson
Planning and Zoning Commission