



## Planning & Zoning Commission Regular Meeting MINUTES

Monday, October 14, 2019  
Ketchum City Hall  
480 East Avenue North, Ketchum, ID 83340

### SITE VISITS

1. 4:30 PM – SITE VISIT – Webb Conditional Use Permit: 251 Northwood Way, Unit 7
  - a. Call to Order
2. 4:55 PM –SITE VISIT – Cerutti Conditional Use Permit: 471 E. Tenth St, Unit B9
3. 5:10 PM – SITE VISIT – Onyx @ Leadville Residence Project
4. **RECONVENE: City Hall at 5:30 PM:** 480 East Avenue North, Ketchum, Idaho  
The meeting was reconvened at City Hall at 5:35 PM.  
Chair Neil Morrow and Vice-Chair Mattie Mead were not present.

#### **Motion to appoint Tim Carter as acting Chairman.**

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

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

### COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

There were no Commission Reports or Ex Parte disclosures.

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

Acting Chairman Tim Carter opened the floor for Public Comment.

There were no comments and comments were closed.

### CONSENT CALENDAR—ACTION ITEMS

5. **ACTION – Minutes of September 9, 2019**  
Commissioner Cosgrove requested a clarification to the minutes on item 11.

#### **Motion to approve the minutes of September 9, 2019 as amended.**

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

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

6. **ACTION – Findings of Fact and Conclusions of Law for the Hamond House Design Review**

#### **Motion to approve the Findings of Fact and Conclusions of Law for the Hammond House Design Review.**

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

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

**7. ACTION – Findings of Fact and Conclusions of Law for the Hammond House Variance**

**Motion to approve the Findings of Fact and Conclusions of Law for the Hammond House Design Variance.**

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

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

**8. ACTION – Findings of Fact and Conclusions of Law for the Hammond House Conditional Use Permit**

**Motion to approve the Findings of Fact and Conclusions of Law for the Hammond House Conditional Use Permit.**

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

*Voting Yea: Commissioner Carter, Commissioner Cosgrove*

**STAFF AND COMMISSION COMMUNICATIONS (Planning & Zoning Commission Deliberation, Public Comment may be taken)—ACTION ITEMS**

**9. ACTION – Findings of Fact and Conclusions of Law for the Biddle Residence at 220 Lava St.**

Planner Abby Rivin related the changes made to the Findings from the last meeting. She explained the Findings were subject to further modification by the Commission, but no changes were made to the Conditions of Approval. Changes proposed by the applicant were not incorporated into the Findings.

Acting Chair Carter opened the floor for public comment.

Jim Speck, attorney for the applicant, proposed changes to the language for Conditions 12 and 13.

Ben Young, Landscape Architect, pointed out two (2) items mis-identified in the Staff Report. He pointed out that the *Point of Diversion* for the water right was determined by the Idaho Department of Water Resources. The Water Right names the pipe which fills the cistern, not the ditch. He surmised the ditch was dug to install the pipe, but was never filled in. The cistern is filled by the pipe, not by the ditch. The applicant respects the water right and easement to fill the cistern, but the ditch does not convey water to the cistern. The applicant wishes to fill-in the ditch to protect the pipe and allow for the safe construction of the proposed driveway.

Jim Speck restated that the neither the knoll nor the ditch divert water into the cistern. The water comes from the spring, by way of the pipe. There are currently no irrigation pipes in the irrigation easement. He wanted the mention of “irrigation pipes” to be removed from Condition 12 since they do not currently exist.

Commissioner Eggers ask if the applicant would protect the spring. Speck replied they can only protect the pipeline coming from the spring. The spring runs at the rate of 4.5 gallons per minute from April 1 through November 1.

Planner Riven stated Jim Lasky, attorney for the Matthes, was sent a copy of the draft Findings with a letter confirming the date of this meeting. The letter from Speck was also sent to Lasky.

Commissioner Cosgrove thought the City Water Department should review the Findings. Commissioner Eggers felt comfortable with the proposed changes.

Jim McLaughlin, architect for the Biddles, stated the applicant would acknowledge the existence of the water right and accept responsibility for any damage incurred during construction, but thought IDWR should be consulted.

Ben Young said the pipe turns to the south and does not reach the top of the trench.

There were no further comments and Public comment was closed.

Commissioner Eggers asked about the applicant's responsibility if the pipe was damaged. Attorney Speck replied IDWR would resolve any conflicts over water flow.

Jim McLaughlin stated there was no guarantee the spring would run forever and reiterated the applicant has offered the Matthes' the opportunity to tap off the water main running to the applicant's property in the event the spring stopped running.

Commissioner Eggers agreed with the proposed changes. Commissioner Cosgrove thought the changes were acceptable. Commissioner Carter agreed as long as the water rights were preserved. Commissioner Cosgrove wanted to see the Findings re-written with all changes indicated at this meeting.

**Motion to continue the Findings of Fact and Conclusions of Law for the Biddle Residence to the November meeting for the amended Findings and water rights.**

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

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

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

- 10. ACTION –Cerutti Conditional Use Permit: 471 E. Tenth St, Unit B9** (Tenth Street Light Industrial Complex, Building 8, Unit 9) The Commission will consider and take action on a Conditional Use Senior Planner Brittany Skelton gave the background for the project. The applicant has asked that the Permit be transferrable due to the configuration of the space.

Applicant Dean Cerutti asked for approval under the new standards, i.e. making the approval transferable to another tenant or owner.

Commissioner Cosgrove asked the reason for the request. Cerutti related it would enhance re-sale value. Cosgrove asked about enforceability. Planner Skelton said the property is subject to annual fire inspection and the Work/Live Covenant is recorded as part of the property. Planner Skelton related the situations for the transferability of the CUP.

Acting Chair Tim Carter opened the floor for public comment. No comments were made and comments were closed.

Commissioner Cosgrove questioned why a permit should be transferable. Planner Skelton related that this was a new option to consider since there were now Live/Work Standards to preserve the LI but still encourage housing. Commissioner Eggers thought it shouldn't be transferable. Commissioner Carter thought if the property was configured for live/work and

already had a CUP, it should be transferable. Commissioner Eggers thought it should be case-by-case basis and non-transferable. Commissioner Cosgrove thought it was not an issue to make housing available, but to enforce the Zoning District standards and building safety. Eggers and Cosgrove thought the process was there to prevent abuse of the LI Standards.

Commissioner Carter reopened the floor to public comment.

Tom Lampl, neighbor, objected to the cost of the CUP fee as burdensome and unfair to the property owner or buyer.

No further comments were made and public comment was closed.

Commissioner Eggers thought the project fit the guidelines. Commissioner Cosgrove was in favor of granting the permit but thought the permit should not be transferable. Commissioner Carter thought it should be transferable and would rely on yearly inspections for compliance.

**Motion to approve the Cerutti Conditional Use Permit with Conditions 1-9 and the addition of Option B as Condition 10, making the Permit non-transferable.**

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

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

- 11. ACTION – Webb Conditional Use Permit: 251 Northwood Way, Unit 7** (Redwood Industrial Condo, Unit 7) The Commission will consider and take action on a Conditional Use Permit submitted by Rob Webb for a work/live space.

Senior Planner Brittany Skelton gave the background for the CUP and the standards for a work/live space on the second floor.

Acting Chair Tim Carter opened the floor for public comment.

Tom Lampl, neighbor, thought it was not fair for one unit to have approval for work/live and another unit not approved.

Tim Mascheroni, architect for applicant, indicated their plans provide for separation of the live and work areas and have been approved by Building and Fire. Commissioner Cosgrove questioned if the plans were in compliance with the Zoning Code. Planner Skelton clarified that the building plans indicating the fire separation requirements were submitted with the Building Permit and meet the Fire Code.

Acting Chair Carter opened Public comment. No comments were made, and public comment was closed.

Commissioner Eggers wanted to be consistent with the new code and thought it was the perfect work/live space. He thought it was not necessary to have the upstairs office space separated from the living space. Commissioner Cosgrove thought it was not ok for the pool table and living room (live space) to occupy the downstairs workspace. Commissioner Carter thought as long as the applicant complied, he would be in favor of the CUP.

**Motion to approve the Webb Conditional Use Permit with Conditions 1-10 only and adding Condition 11 for the building permit to include the required fire safety regulations to include handrails, etc.**

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

*Voting Yea: Commissioner Carter, Commissioner Eggers*

*Voting Nay: Commissioner Cosgrove*

- 12. ACTION – Onyx @ Leadville Residences Preliminary Plat: 341 S. Leadville Ave.** (Block 1A of Trail Creek Condominiums Amended: Blocks 1A and 2A) The Commission will consider and take action on a Preliminary Plat Application submitted by Sean Flynn of Galena Engineering for the J. Peterman Development, LLC.

Commissioner Eggers recused himself as he was the landscape architect on the project.

Chair Neil Morrow appeared telephonically for this agenda item in order to maintain a quorum.

Associate Planner Abby Rivin gave the background for the project with a Staff recommendation of approval. The final plat will be reviewed administratively under the recently passed Ordinance 1198.

Acting-Chair Carter opened public comment. No comments were made, and the floor was closed.

Commissioners Morrow, Cosgrove and Carter were in favor of the application.

**Motion to approve the Onyx at Leadville Preliminary Plat, subject to conditions 1-10 and authorize the chair to sign the Findings of Fact.**

*Motion made by Commissioner Cosgrove, Seconded by Commissioner Morrow*

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

*Abstaining: Commissioner Eggers*

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

The City Council had reviewed the Hotel application and had continued the application to December 2, 2019. The Applicant was asked to explore the option of egress to Highway 75, to relieve congestion on River Street, to reduce the mass of the building by using off-site employee housing and provide more information on pedestrian and vehicle traffic patterns.

The Hotel Design Review will be returning to the PZ Commission after the City Council approves the Pre-Design Review. Commissioner Cosgrove commented on the City Council feeling pressured by the public and overturning some of the applications PZ had approved. Skelton stated Staff will emphasize areas of concern and how to present to Council for better public understanding.

The November PZ meeting is anticipated to include 2 more CUP's for work/live spaces, a CUP for a motor sales business, a variance for the Hillside Dr. addition, and the Biddle Mountain Overlay Design Review.

## ADJOURNMENT

**Motion to adjourn at 7:00 PM.**

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

*Voting Yea: Commissioner Carter, Commissioner Cosgrove, Commissioner Eggers*

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Acting Chairman Tim Carter  
Planning and Zoning Commission