



City of Ketchum

June 14, 2022

Planning and Zoning Commission
City of Ketchum
Ketchum, Idaho

Recommendation to Approve the Findings of Fact, Conclusions of Law, and Decision for the Mountain Land Design Showroom & Residences Design Review Amendment and Condominium Subdivision Preliminary Plat Applications.

Recommendation and Summary

Staff recommends the Planning and Zoning Commission approve the Findings of Fact, Conclusions of Law, and Decision for the Mountain Land Design Showroom & Residences Design Review Amendment Application File No. P20-027A (Attachment A) and Condominium Subdivision Preliminary Plat Application File No. P22-014 (Attachment B) and adopt the following motions.

Recommended Motions:

“I move to approve the Findings of Fact, Conclusions of Law, and Decision for the Mountain Land Design Showroom & Residences Design Review Amendment.”

“I move to approve the Findings of Fact, Conclusions of Law, and Decision for the Mountain Land Design Showroom & Residences (360 Views) Condominium Subdivision Preliminary Plat.”

Background

The Planning and Zoning Commission held a public hearing and considered the Mountain Land Design Showroom & Residences Design Review Amendment and Condominium Subdivision Preliminary Plat applications during their regular meeting on May 24th, 2022. After considering Staff’s analysis, the applicant’s presentation, and public comment, the Planning and Zoning Commission approved the Design Review Amendment and Condominium Subdivision Preliminary Plat applications.

Staff has drafted the attached findings to reflect the Planning and Zoning Commission’s approval of the Mountain Land Design Showroom & Residences Design Review Amendment and Condominium Subdivision Preliminary Plat applications.

Additionally, the applicant submitted additional comments following the May 24th Planning and Zoning Commission Meeting. The applicant’s comments are included as Attachment C.

Attachments:

- A. Design Review Amendment P20-027A: Draft Findings of Fact, Conclusions of Law, and Decision
- B. Condominium Subdivision Preliminary Plat P22-014: Draft Findings of Fact, Conclusions of Law, and Decision
- C. Applicant Comment

Attachment A
Design Review Amendment
P20-027A:
Draft Findings of Fact,
Conclusions of Law, and
Decision



City of Ketchum
Planning & Building

IN RE:)
)
 Mountain Land Design Showroom & Residences) KETCHUM PLANNING AND ZONING COMMISSION
 Design Review Amendment) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
) DECISION
)
 Date: June 14, 2022)
)
 File Number: P20-027A)

PROJECT: Mountain Land Design Showroom & Residences

APPLICATION TYPE: Design Review Amendment

FILE NUMBER: P20-027A

ASSOCIATED APPLICATIONS: Design Review P20-027 & Condominium Subdivision Preliminary Plat P22-014

REPRESENTATIVE: Mike Allaire, Michael Doty Associates Architects

PROPERTY OWNER: 360 Views LLC

LOCATION: 111 N Washington Avenue (Ketchum Townsite: Block 39: Lot 4)

ZONING: Mixed-Use Subdistrict of the Community Core (CC-2)

OVERLAY: None

RECORD OF PROCEEDINGS

The Planning and Zoning Commission considered the Design Review Amendment Application File No. P20-027A for the Mountain Land Design Showroom & Residences project during their regular meeting on May 24th, 2022. The application was considered concurrently with Condominium Subdivision Preliminary Plat Application File No. P22-014 and the public hearings were combined in accordance with Idaho Code §67-6522.

Public Hearing Notice

The public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on May 4th, 2022. The public hearing notice was published in the Idaho Mountain Express the on May 4th, 2022. A notice was posted on the City’s website on May 4th, 2022. The public hearing notice was posted on the project site on May 17th, 2022.

FINDINGS OF FACT

The Ketchum Planning and Zoning Commission having reviewed the project record does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

Project History and Background

The Planning and Commission first reviewed and approved a Design Review application for the Mountain Land Design Showroom & Residences on August 13th, 2019. At that time, the plans proposed an addition and exterior façade upgrades to the existing building on the property. The existing building was constructed in 1983 and was occupied by Solavie Spa Retreat. Demolition work exposed structural deficiencies that made the addition unfeasible. The applicant then proposed a complete tear down of the existing spa to construct the new mixed-use building.

The Commission approved Design Review Permit P20-027 on June 8th, 2020 for the new mixed-use building located at 111 N Washington Avenue within the Mixed-Use Subdistrict of the Community Core (CC-2 Zone). The mixed-use building as approved by the Commission included a showroom on the ground level, an underground parking garage, and four residential units consisting of two multi-family residential units on the second floor, a penthouse residential unit on the third floor, and a community housing unit in the basement.

The Ketchum City Council approved Floor Area Ratio (FAR) Exceedance Agreement Contract #20491, recorded as Instrument number #671206 in records of Blaine County, on July 20th, 2020. The FAR Exceedance Agreement memorialized the applicant's approved project configuration and community housing requirement in exchange for the project's increased FAR. The applicant will provide a 978-square-foot community housing unit with an associated 59-square-foot storage area in the basement of the new mixed-use building targeted for Blaine County Housing Authority Income Category 4 or lower. In addition to approving the applicant's community housing contribution, the FAR Exceedance Agreement memorialized the approved project, including not only the size of the mixed-use building, but also its mixture of retail and multi-family residential uses.

The project was issued a building permit (Application File No. B20-060) on August 3rd, 2020 and is currently under construction.

Proposed Modifications to Design Review Permit P20-027

The applicant has proposed both exterior and interior changes to the project plans approved by the Commission with Design Review Permit P20-027. The proposed modifications are circled in red on the project plans attached as Exhibit A.

Exterior Modifications

The proposed exterior modifications include:

- adding louver vents adjacent to the entry patio and above the trash door at the alley for ventilation of the underground garage as well as exhaust from demonstrations of ventilation hoods in the showroom,
- replacing the three-panel glass door at the 1st Street elevation on the second floor with a two-panel glass sliding door,
- modifying the gas meter enclosure at the alley elevation from solid to perforated material to comply with Intermountain Gas requirement,
- removing the rooftop shade structures, and
- replacing the tan fiber cement panels with gray Stonewood phenolic core panels.

These proposed exterior changes do not increase the intensity or size of the building or appendage to the building. The removal of the rooftop shade structures decreases the visual appearance of building mass. The perforated metal screening sufficiently conceals the gas meters from public and complies with Ketchum Municipal Code §17.96.060.D2 and §17.96.070.C2. The Commission found that these exterior modifications do not significantly impact the visual appearance of the mixed-use building and comply with design review standards.

Underground Parking Garage Striping Modification

In addition to these exterior changes, the applicant has proposed modifying the underground parking garage striping to convert the ADA stall to a standard parking space. The project did not generate any commercial parking demand as the ground-level retail showroom was exempt from providing parking pursuant to Ketchum Municipal Code §17.125.040.C1c. ADA parking standards for multi-family residential developments is a building code requirement and is dependent on the total number of units within the building. The Building Official reviews project plans to ensure all ADA standards, including parking requirements, are met. Pursuant to condition of approval #3, the Building Official shall verify that the project meets all ADA standards, including parking requirements, prior to approving the revised plans to amend Building Permit B20-060.

Proposed Residential Density Decrease

The building program as approved by the Commission through Design Review Permit P20-027 included 4 residential units—1 community housing unit in the basement and 3 market-rate residential units on the second and third floors. The applicant has proposed to combine the 2 residential units on the second floor. The total area of the proposed combined residential unit on the second floor is 3,709 square feet.

During the public hearing, the applicant testified that structural modifications and other construction changes have taken place during construction. These changes included relocating structural support columns to modify the floor plan to combine the two residential units on the second floor. None of these construction changes had been reviewed or authorized by the City. Condition of approval #3 of

Design Review Permit P20-027 required that building permit plans for all on-site improvements must conform to the approved design review plans unless otherwise approved in writing by the Planning and Zoning Commission or Administrator. Additionally, Section 107.4 of the 2012 and 2018 International Building Code requires that work shall be installed in accordance with the approved construction documents and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval. No plan modifications can occur during construction without first obtaining review and approval by the Commission or Staff. The changes constructed by the applicant violated the project's design review approval and building code.

During the public hearing, the Commission Chair asked the applicant if the unpermitted work could be modified to conform to the original project plans approved with Design Review Permit P20-027 and Building Permit B20-060. The applicant responded that restoring the building to meet the approved project plans would be difficult and expensive and the structural work could not be undone. The Chair expressed concern that these modifications did not conform to the project plans approved by the Commission and were constructed without receiving City review or approval. The Commission acknowledged that the request to combine the two dwelling units conflicts with the City's goal of increasing residential density downtown. Even though this proposed change reduced residential density, some of the Commissioners voted to approve the modification because the amended project would contain a total of 3 residential units, which complies with current zoning code standards that require a minimum of 2 dwelling units within multi-family residential developments.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code ("KMC") and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant's Design Review application for the development and use of the project site.
2. The Commission has authority to hear the applicant's Design Review Application pursuant to Chapter 17.96 of Ketchum Municipal Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §17.96.080.
4. The Design Review Amendment application is governed under Ketchum Municipal Code Chapters 17.96, 17.124, 17.08, 17.12, 17.18, and 17.128.

5. The Mountain Land Design Showroom & Residence Design Review Amendment Application File No. P20-027A meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **approves** this Design Review Amendment Application File No. P20-027A this Tuesday, May 24th, 2022 subject to the following conditions of approval.

Motion to approve made by Commissioner Moczygemba and seconded by Vice-Chair Mead.

Voting Yea: Commissioner Moczygemba, Commissioner Carter, and Vice-Chair Mead.

Voting Nay: Chair Morrow

The motion to approve the Design Review Amendment Application File No. P20-027A passed 3 to 1.

CONDITIONS OF APPROVAL

1. This Design Review Amendment Application File No. P20-027A is subject to Design Review Application File No. P20-027 and Condominium Subdivision Preliminary Plat Application File No. P22-014. All associated conditions of approval shall apply the project.
2. This Design Review Amendment approval is based on the plans and information presented and approved by the Commission on May 24th, 2022 and attached as Exhibit A. The applicant shall submit revised project plans that reflect all architectural and structural changes for final review and approval by City Departments in order to amend Building Permit B20-060. The revised building permit plans shall conform exactly to the approved Design Review Amendment plans. Any changes to the approved project plans, including but not limited to interior, exterior, and site improvement modifications, require review and written approval from the Planning and Zoning Commission or Administrator. Any discrepancies that do not conform to the approved project plans will be subject to removal.
3. Prior to approving the revised project plans submitted to amend Building Permit B20-060, the Building Official shall verify that the project meets all ADA standards, including parking requirements.
4. FAR Exceedance Agreement Contract #20491 shall be revised to reflect the modified project and the amended agreement shall be reviewed and approved by the Ketchum City Council concurrently with their review of Condominium Subdivision Preliminary Plat Application File No. P22-014.

Findings of Fact **adopted** this 14th day of June 2022.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission

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- DR-18 PROPOSED BUILDING SECTION
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- DR-24 PROPOSED 3-D VIEWS (COLORED)
- DR-25 PROPOSED 3-D VIEWS (COLORED)
- DR-26 PROPOSED 3-D VIEWS (COLORED)
- DR-27 PROPOSED 3-D VIEWS (COLORED)
- DR-28 PROPOSED 3-D VIEWS (COLORED)
- TOTAL DESIGN REVIEW SHEETS: 28



MATERIAL SYMBOLS

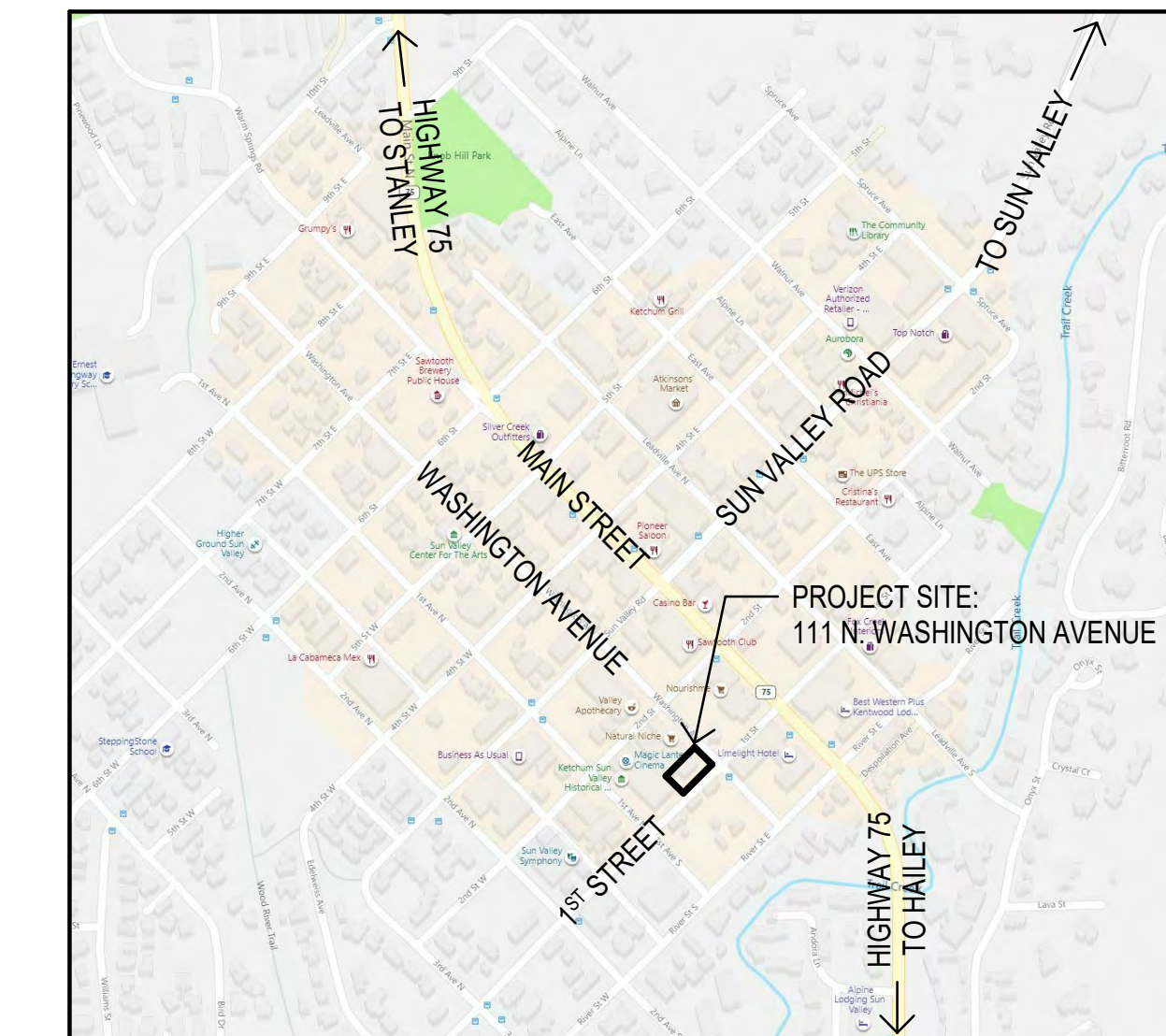
PLAN AND SECTION		ELEVATION	
	EARTH / TOP SOIL		SIDING
	WASHED ROCK		CONCRETE
	ASPHALT PAVING / ROADBED MATL.		STUCCO
	CONCRETE		GLASS
	BRICK		CONCRETE MASONRY UNIT
	CONCRETE MASONRY UNIT		BRICK
	CUT STONE		PLYWOOD
	STEEL		FINISH WOOD
	ALUMINUM		SAND, PLASTER, GYPSUM BOARD
			BATT INSULATION
			BIBS INSULATION
			RIGID INSULATION
			SPRAY FOAM INSULATION
			WALL - NEW CONSTRUCTION
			WALL - EXISTING TO REMAIN
			WALL - TO BE DEMOLISHED

PROJECT TEAM

OWNER:	Mountain Land Design Dan Devenport 2345 S. Main Street Salt Lake City, Utah 84115 ddevenport@mountainlanddesign.com	LANDSCAPE ARCHITECT:	BYLA Landscape Architects Chase Gouley PO Box 594 323 North Lewis Street, Suite N Ketchum, Idaho 83340 (208) 726-5907 chase@byla.us
ARCHITECT:	Michael Doty Associates, Architects, PC PO Box 2792 371 Washington Avenue North Ketchum, Idaho 83340 (208) 726-4228 mike@mda-arc.com	CIVIL ENGINEER:	Galena Engineering, Inc. Sean Flynn 317 North River Street Hailey, Idaho 83333 (208) 788-1705 sfflynn@galena-engineering.com
GENERAL CONTRACTOR:	Magleby Construction Bryan McNamara 511 East Avenue, Suite 201 Ketchum, Idaho 83340 (208) 725-3923 bmacnamara@maglebyconstruction.com		
STRUCTURAL ENGINEER:	Konrad & Stohler Structural Engineering, LLC Dave Konrad PO Box 4464 Ketchum, Idaho 83341 (208) 928-7810 kse@ksengr.net		

PROJECT DATA

LEGAL DESCRIPTION:	LOT 4, BLOCK 39, KETCHUM TOWNSITE KETCHUM, IDAHO
ZONING:	CC-2 COMMUNITY CORE; MIXED USE
CONSTRUCTION TYPE:	TYPE V-B
OCCUPANCY:	B - BUSINESS, SHOWROOM R-2 - MULTI-FAMILY RESIDENTIAL
BUILDING AREA:	BASEMENT: 4,528 SF MAIN FLOOR: 4,473 SF 2ND FLOOR: 4,083 SF 3RD FLOOR: 3,236 SF ROOF ACCESS: 278 SF TOTAL: 16,598 SF
FIRE SPRINKLER SYSTEM:	NFPA 13 THROUGHOUT
SITE AREA:	5,500 SQ. FT. (0.13 ACRES)
CODES:	2012 INTERNATIONAL BUILDING CODE (2012 IBC) AS ADOPTED BY CITY OF KETCHUM BUILDING DEPT.
JURISDICTIONS:	CITY OF KETCHUM PLANNING & ZONING CITY OF KETCHUM BUILDING DEPARTMENT CITY OF KETCHUM FIRE DEPARTMENT



MOUNTAIN LAND DESIGN SHOWROOM AND RESIDENCES

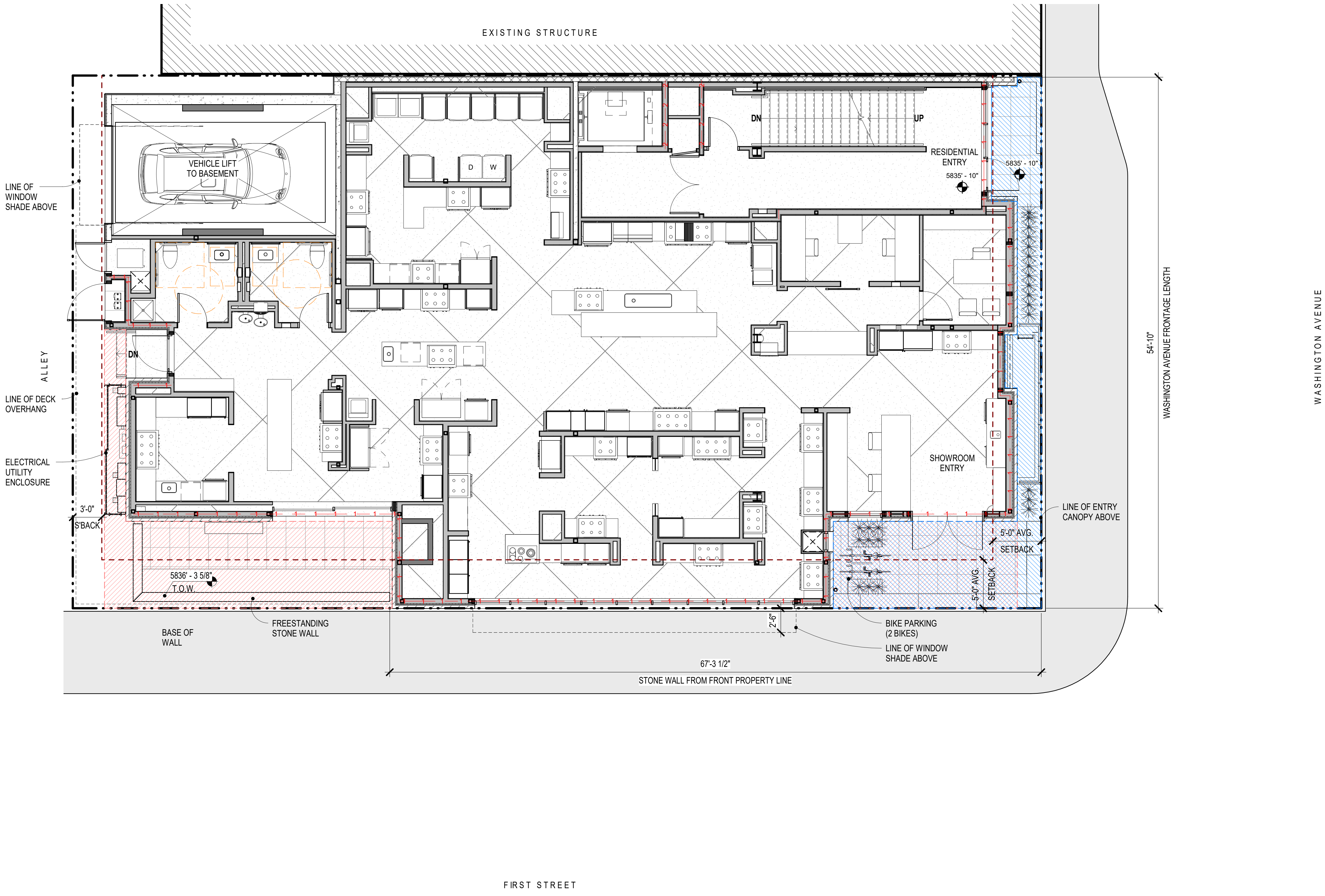
Exhibit A: Design Review Amendment
P20-027A Project Plans

111 NORTH WASHINGTON AVENUE
KETCHUM, IDAHO

2/28/2022 REVISION
5/19/2020



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AVERAGE FRONTAGE CALCULATION

RED CROSS HATCH AREA INDICATES ACTUAL SETBACK TO FACE OF FINISH ALONG FIRST STREET FRONTAGE, INCLUDING PATIOS LESS THAN 30 INCHES ABOVE ADJACENT GRADE AND FENCES/WALLS LESS THAN 6 FEET ABOVE ADJACENT GRADE = 480.54 SF

AVERAGE SETBACK (5'-0" MIN.) =
 SETBACK AREA + FRONTAGE LENGTH =
 480.54 SF + 94'-3" = 5'-1"

BLUE CROSS HATCH AREA INDICATES ACTUAL SETBACK TO FACE OF FINISH ALONG WASHINGTON AVENUE FRONTAGE, INCLUDING PATIOS LESS THAN 30 INCHES ABOVE ADJACENT GRADE AND FENCES/WALLS LESS THAN 6 FEET ABOVE ADJACENT GRADE = 344.66 SF

AVERAGE SETBACK (5'-0" MIN.) =
 SETBACK AREA + FRONTAGE LENGTH =
 344.66 SF + 54'-10" = 6'-3 1/2"

SNOW STORAGE CALCULATION

THERE ARE NO VIABLE SNOW STORAGE AREAS LOCATED ON SITE. ALL SNOW MANAGEMENT WILL BE ACCOMPLISHED BY SNOWMELT AND HAULING SNOW OFF-SITE.

BUILDING INFORMATION

SITE AREA: 55x100 CITY LOT = 5,500 SF

BUILDING GROSS AREA:
 BASEMENT: 4,528 SF (NOT INCLUDED IN TOTAL PER FLOOR AREA, GROSS DEFINITION)

MAIN FLOOR: 4,473 SF
 2ND FLOOR: 4,083 SF
 3RD FLOOR: 3,236 SF
 ROOF ACCESS: 278 SF
 TOTAL: 12,070 SF

SUBTRACT (4) 9x18 PARKING SPACES, AS ALLOWED PER FLOOR AREA, GROSS DEFINITION
 12,070 SF
 -648 SF
 11,422 SF GROSS FLOOR AREA

F.A.R. CALCULATION: 11,422 GSF + 5,500 SF = 2.08 F.A.R.

ARCHITECTURAL SITE PLAN

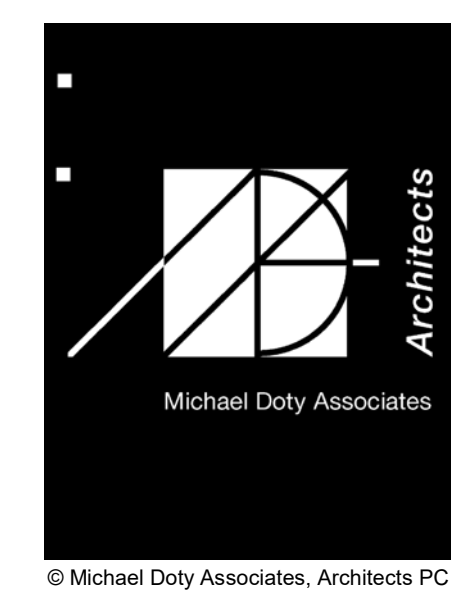
1 2 4 8 3/16" = 1'-0"

PROJECT NORTH TRUE NORTH

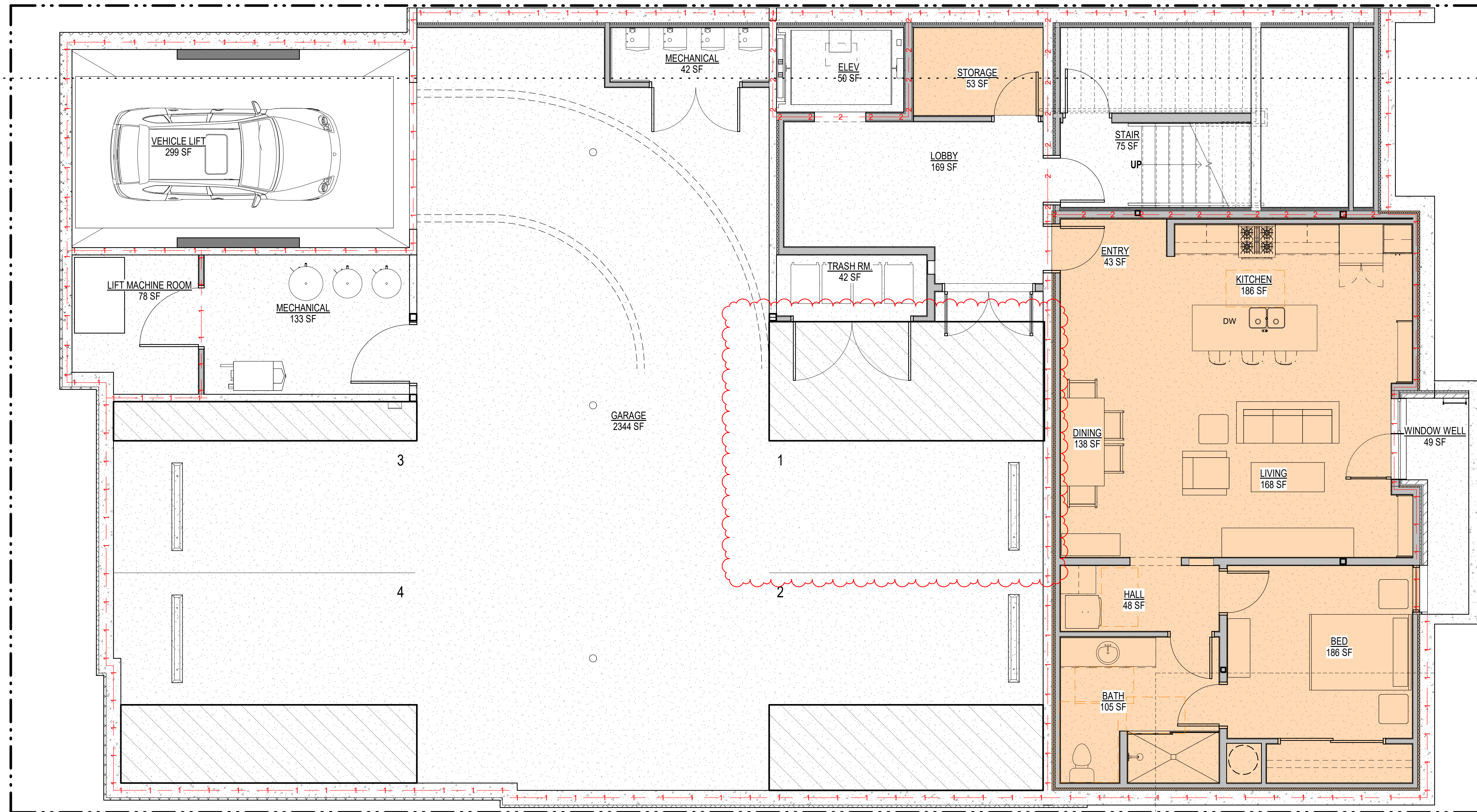
MOUNTAIN LAND DESIGN SHOWROOM AND RESIDENCES

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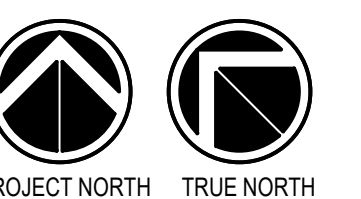


WORKFORCE UNIT: 978 SF
 STORAGE: 53 SF
 TOTAL WORKFORCE UNIT: 1,031
 (1,013 SF OWED PER 2.08 FAR)

GROSS FLOOR AREA: 4,528 SF
 NET FLOOR AREA: 831 SF

PROPOSED BASEMENT FLOOR PLAN

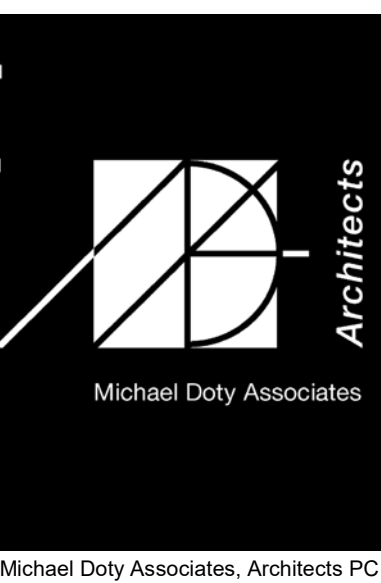
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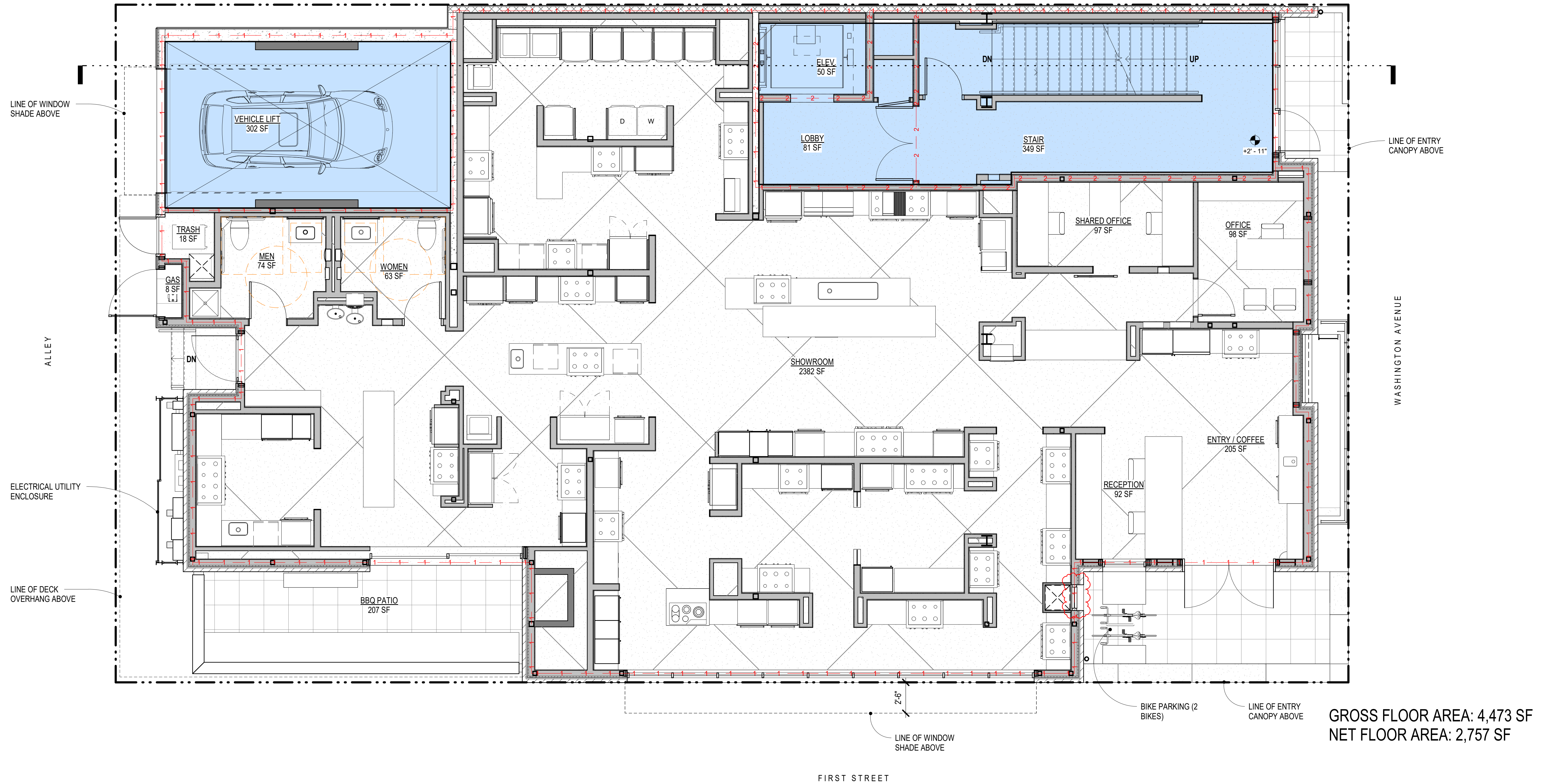
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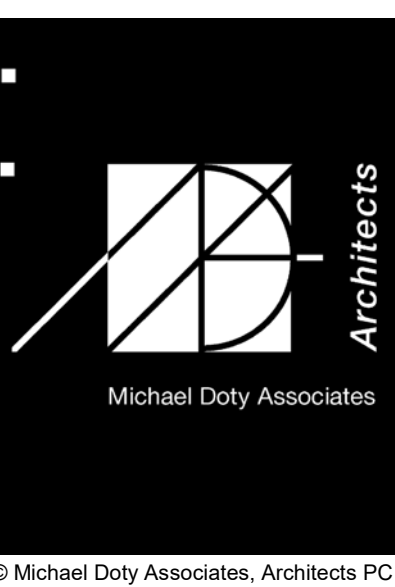


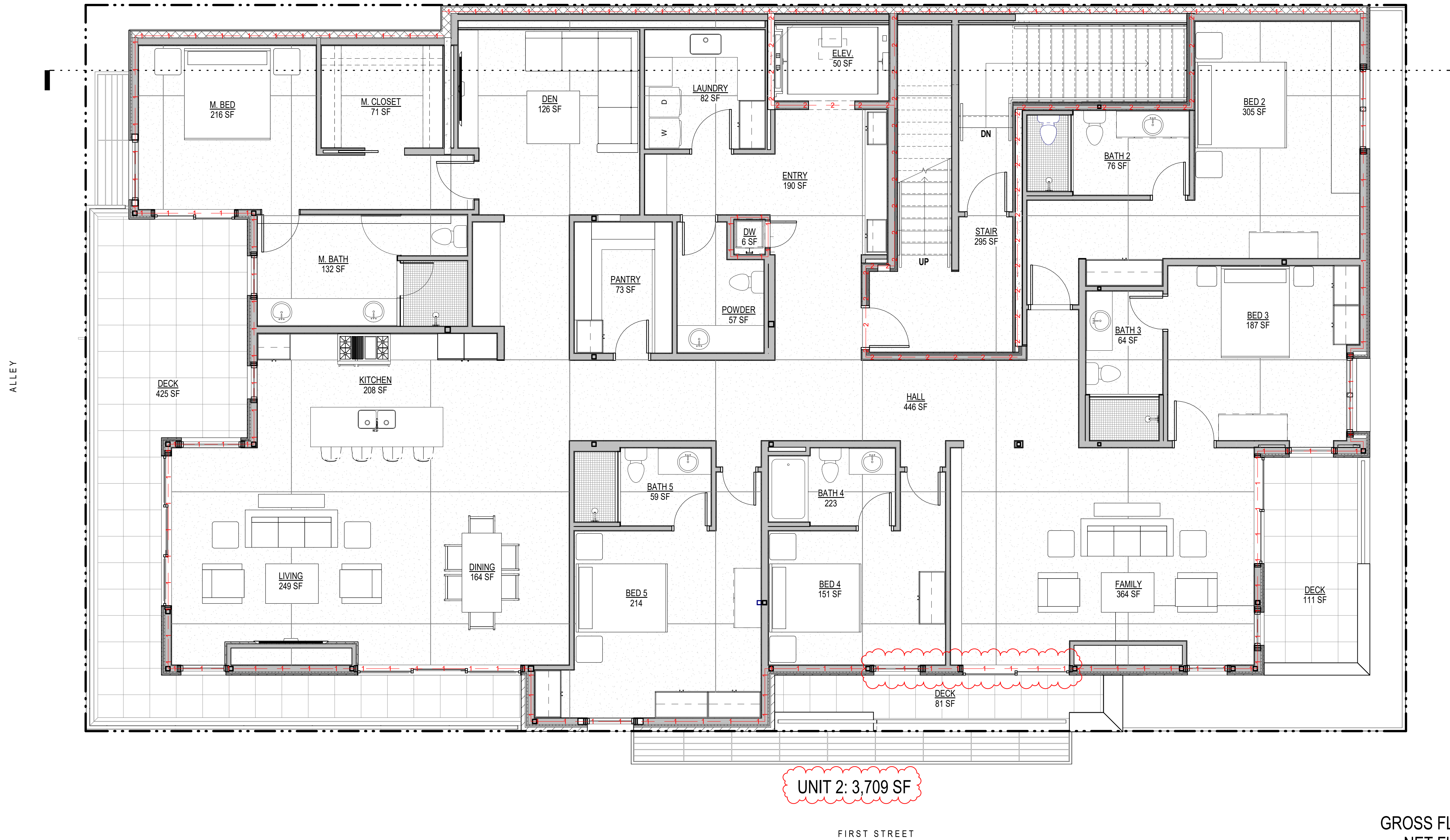
PROPOSED FIRST FLOOR PLAN

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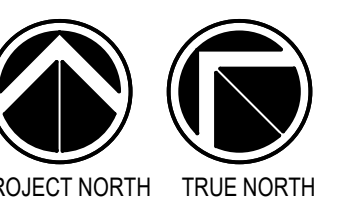




GROSS FLOOR AREA: 4,083 SF
 NET FLOOR AREA: 3,021 SF

PROPOSED SECOND FLOOR PLAN

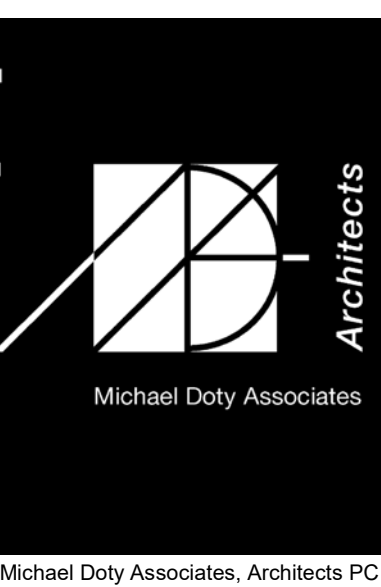
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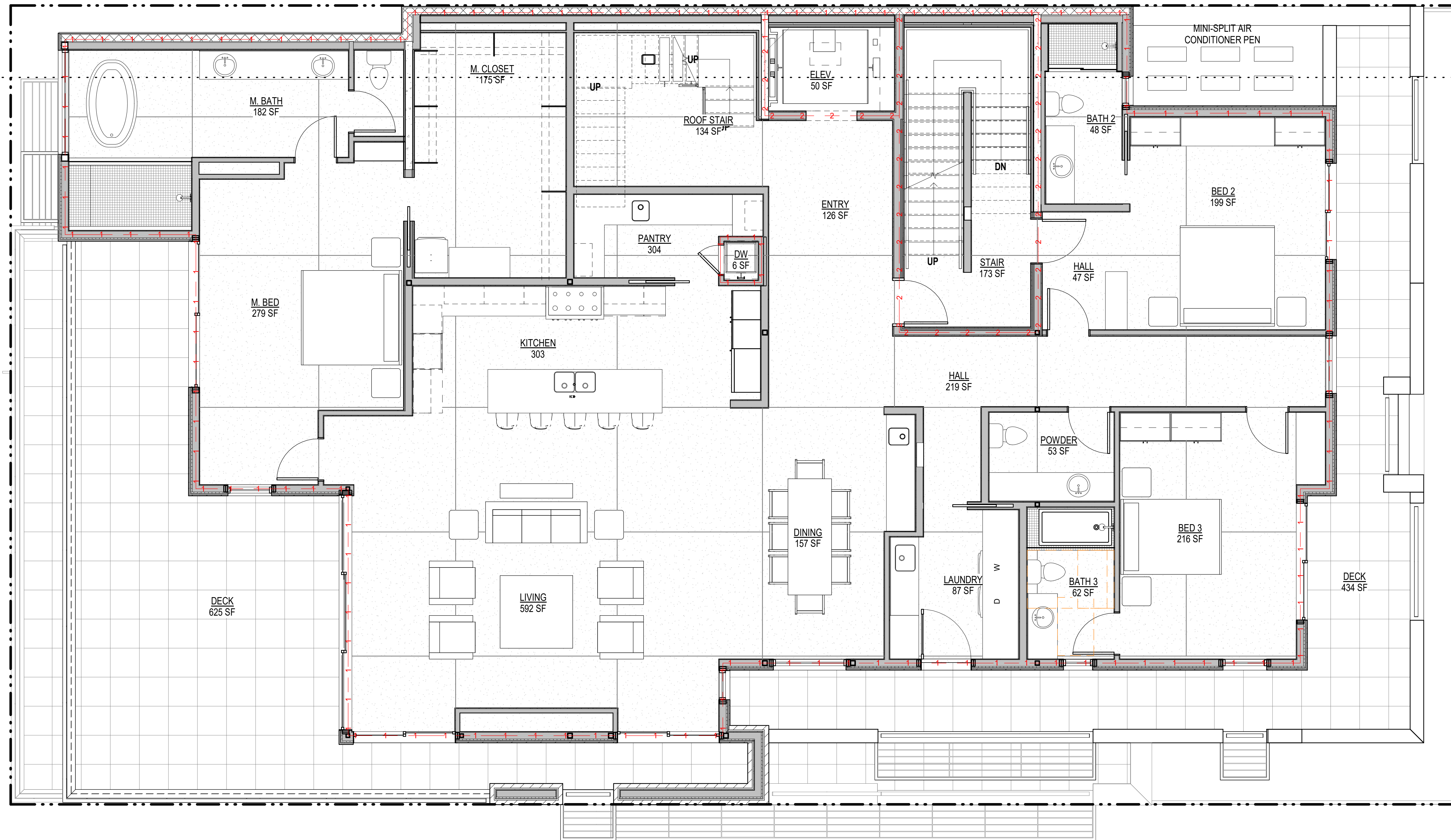
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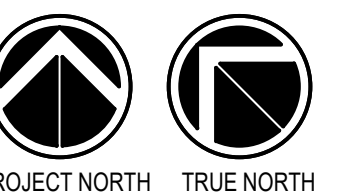
PENTHOUSE: 3,035 SF

FIRST STREET

GROSS FLOOR AREA: 3,236 SF
NET FLOOR AREA: 2,695 SF

PROPOSED THIRD FLOOR PLAN

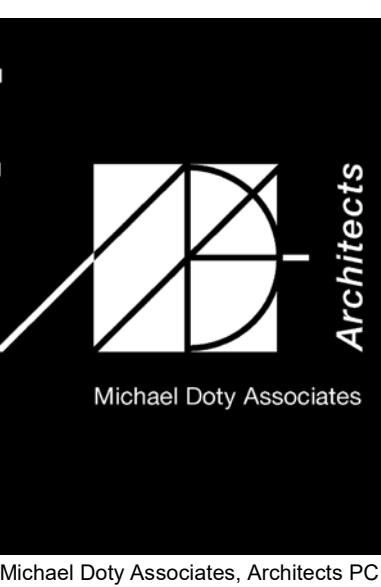
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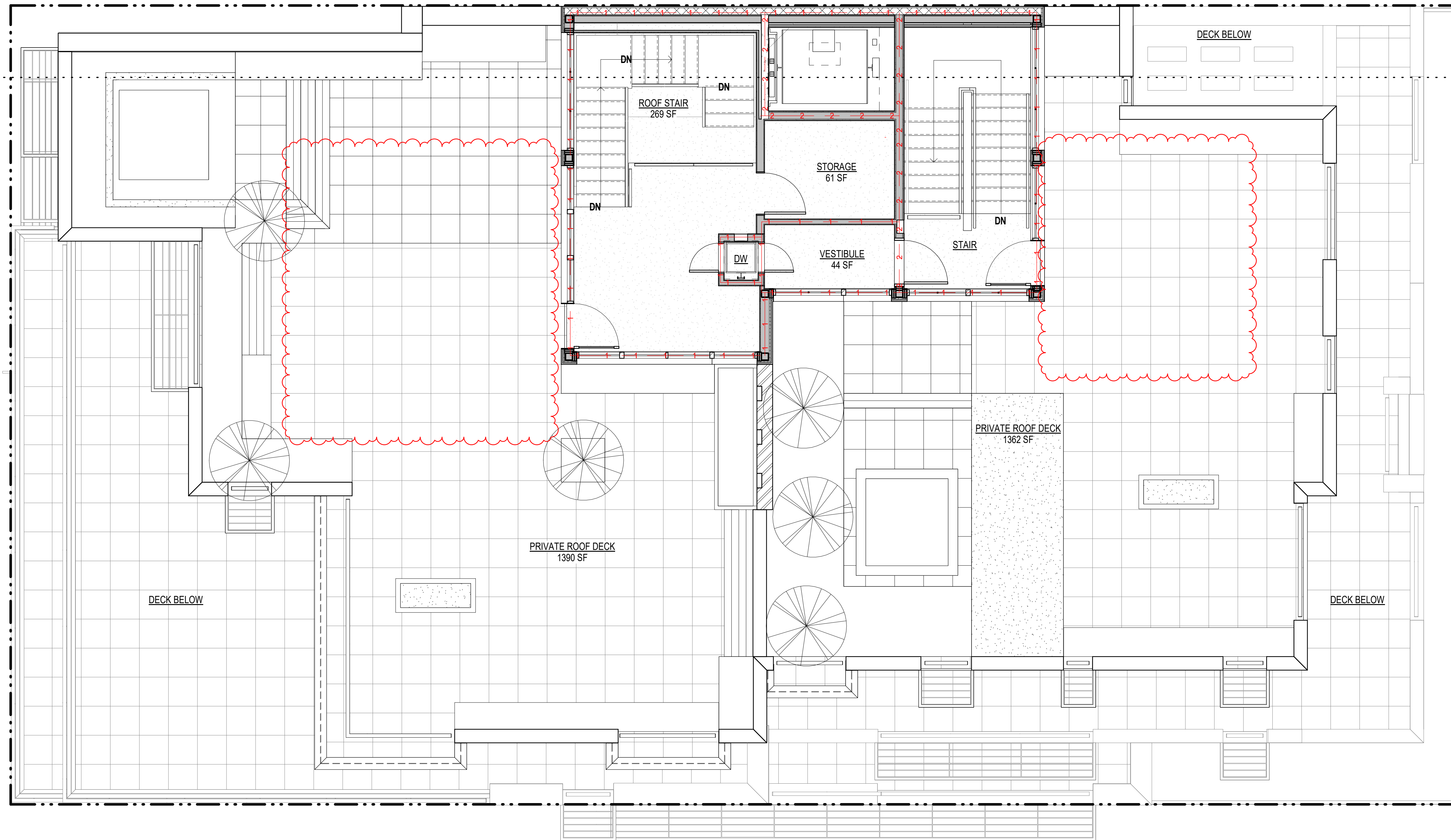
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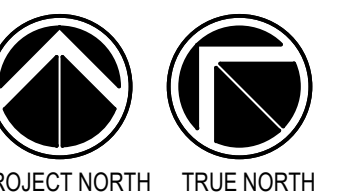
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GROSS FLOOR AREA: 278 SF
 NET FLOOR AREA: 61 SF

PROPOSED ROOF DECK FLOOR PLAN

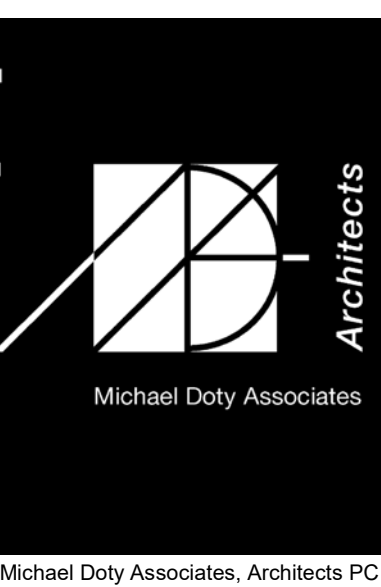
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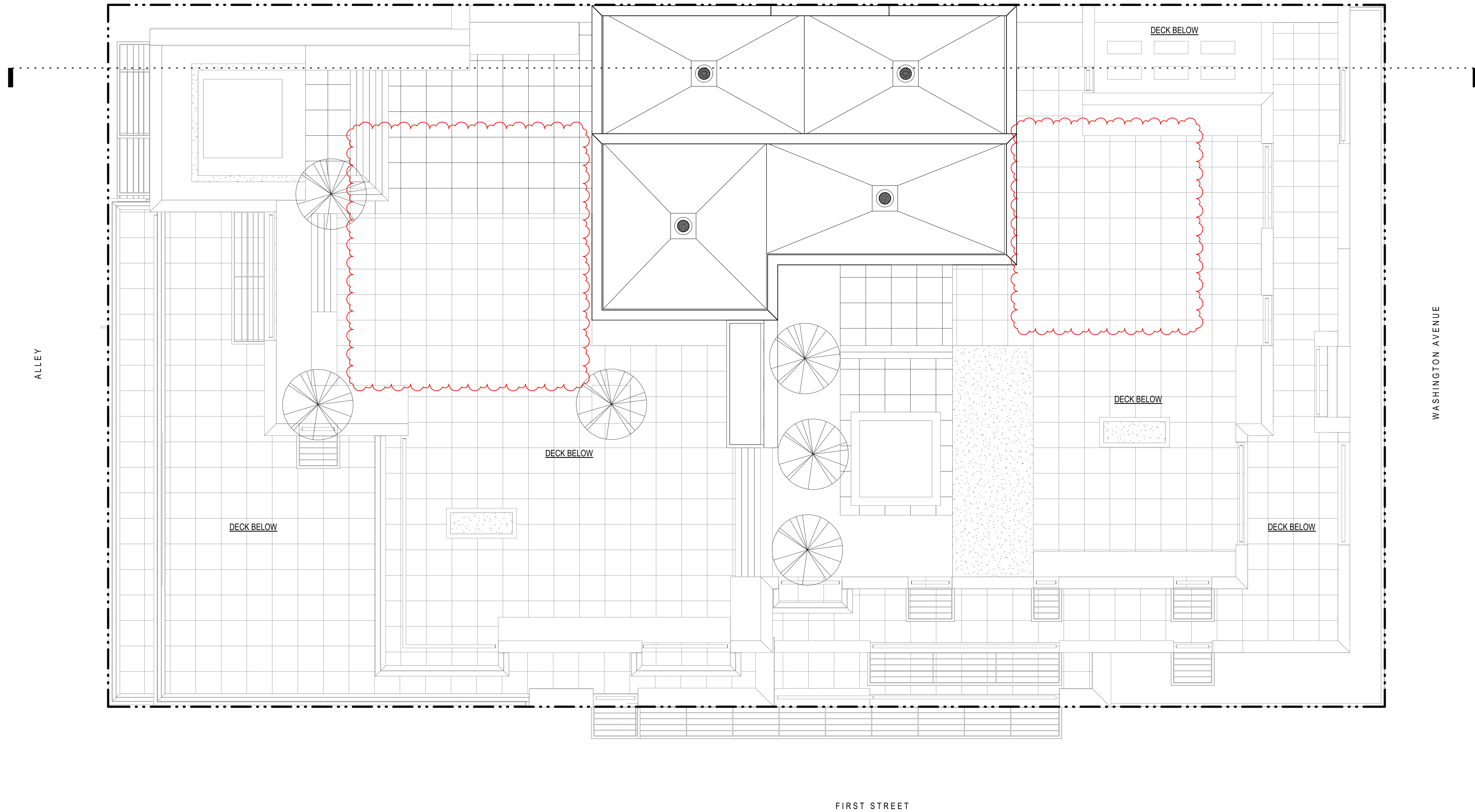
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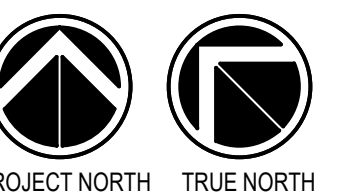


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PROPOSED ROOF PLAN

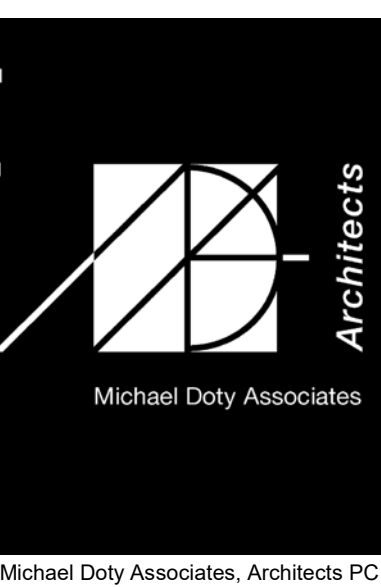
1 2 4 8 1/4" = 1'-0"



MOUNTAIN LAND DESIGN SHOWROOM AND RESIDENCES

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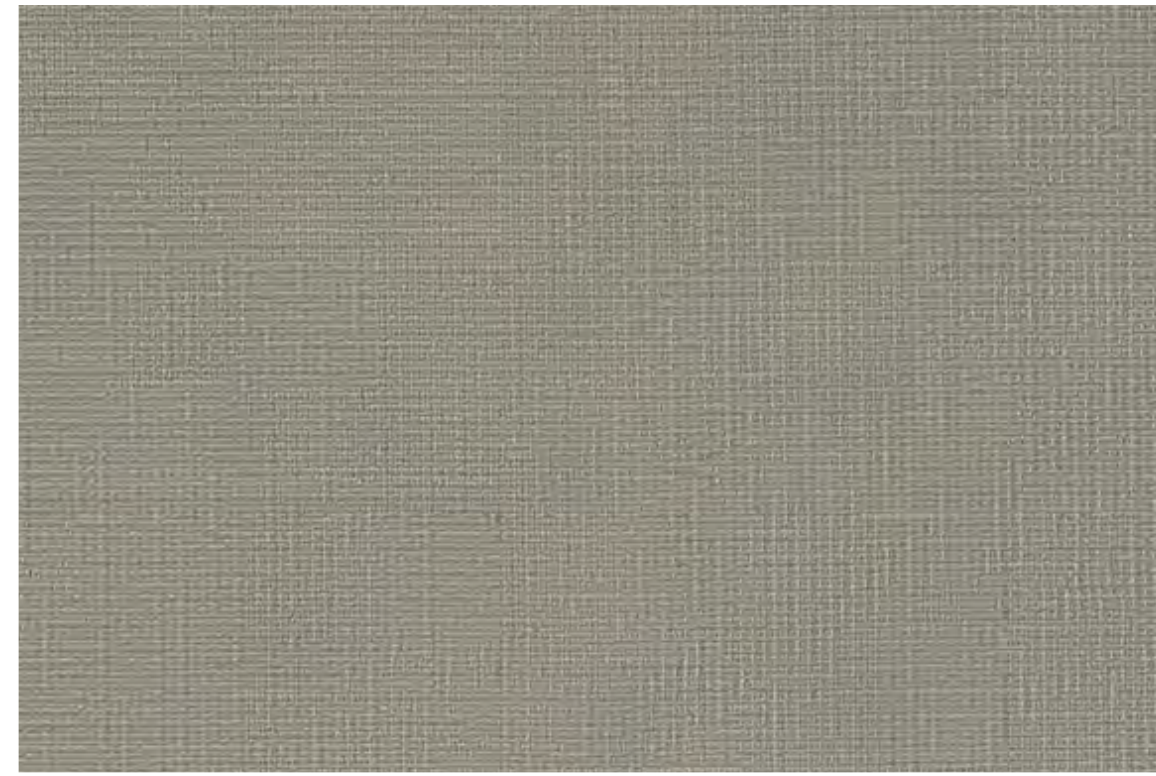
EXTERIOR FINISH 1 (EF-1):
2-3/4" MODULAR BRICK VENEER
INTERSTATE BRICK, COLOR: LONE TREE



EXTERIOR FINISH 2 (EF-2):
1x6 GARAPA RAINSCREEN, HORIZONTAL
CLEAR SEALER



EXTERIOR FINISH 3 (EF-3):
1x6 GARAPA RAINSCREEN, VERTICAL
WEATHERED PATINA



EXTERIOR FINISH 4 (EF-4):
2'x8' PHENOLIC CORE PANELS
STONEWOOD, COLOR: PEWTER MESH



EXTERIOR FINISH 5 (EF-5):
NATURAL STONE VENEER
ASHLAR PATTERN, COLOR:



EXTERIOR FINISH 6 (EF-6):
STEEL, STEEL PANELS, STEEL FLASHING
KYNAR 500, COLOR: BLACK



GUARDRAIL 1 (GR-1):
BLACK STEEL BAR



EXTERIOR DOORS AND WINDOWS:
BLACK ANODIZED STOREFRONT



PROJECTING SIGNAGE CONCEPT

ELEMENT Lighting.com

4" LED FIXED DOWNLIGHT

TRIMS

ROUND	SQUARE	FINISH
		ANTIQUE BRONZE
		BLACK
		SATIN NICKEL
		WHITE (PAINTABLE)

4" HOUSING
MAX CEILING THICKNESS: 2"

LED SOLUTIONS

LAMPING & OPTICS

	CITIZEN MAX-OUTPUT / HIGH-OUTPUT / LOW-OUTPUT			XICATO / ARTIST SERIES	LUMENETIX WARM COLOR DIMMING	LUMENETIX SPROCKET SERIES WHITE
Output (Picture Performance)	Max: 3300 / 2640	High: 2500 / 2060	Low: 1500 / 1200	1800 / 1275	1075	1075
CRI	80+ / 90+	90+	90+	80+ / 98+	90+	90+
Color Temperature	2700K / 3000K / 3500K	2700K / 3000K / 3500K	2700K / 3000K / 3500K	2700K / 3000K / 3500K	3000K-1800K Warm Dim	1600K-4000K
Dimming	Down to 5%*	Down to 5%*	Down to 5%*	Down to 5%*	Down to 1%	Down to 1%
Dimming Type	ELV, 0-10V, Hi-Lume	ELV, 0-10V, Hi-Lume	ELV, 0-10V, Hi-Lume	ELV, 0-10V, Hi-Lume	0-10V	0-10V, 2 sets
Beam Spreads	18°, 25°, 40°	18°, 25°, 40°	18°, 25°, 40°	21°, 43°, 60°	21°, 43°, 60°	21°, 43°, 60°
Power Supply	Constant Current Driver			Constant Current Driver	24V DC Constant Voltage	24V DC Constant Voltage
Wattage	Max: 32 watts	High: 32 watts	Low: 18 watts	24 watts / 22 watts	23 watts	23 watts
Title 24	At 90 CRI			—	—	—

*with ELV Driver option

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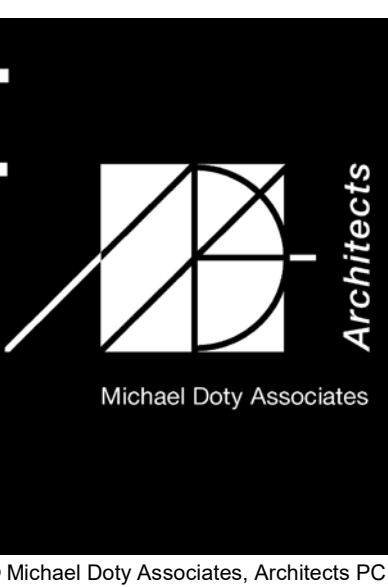
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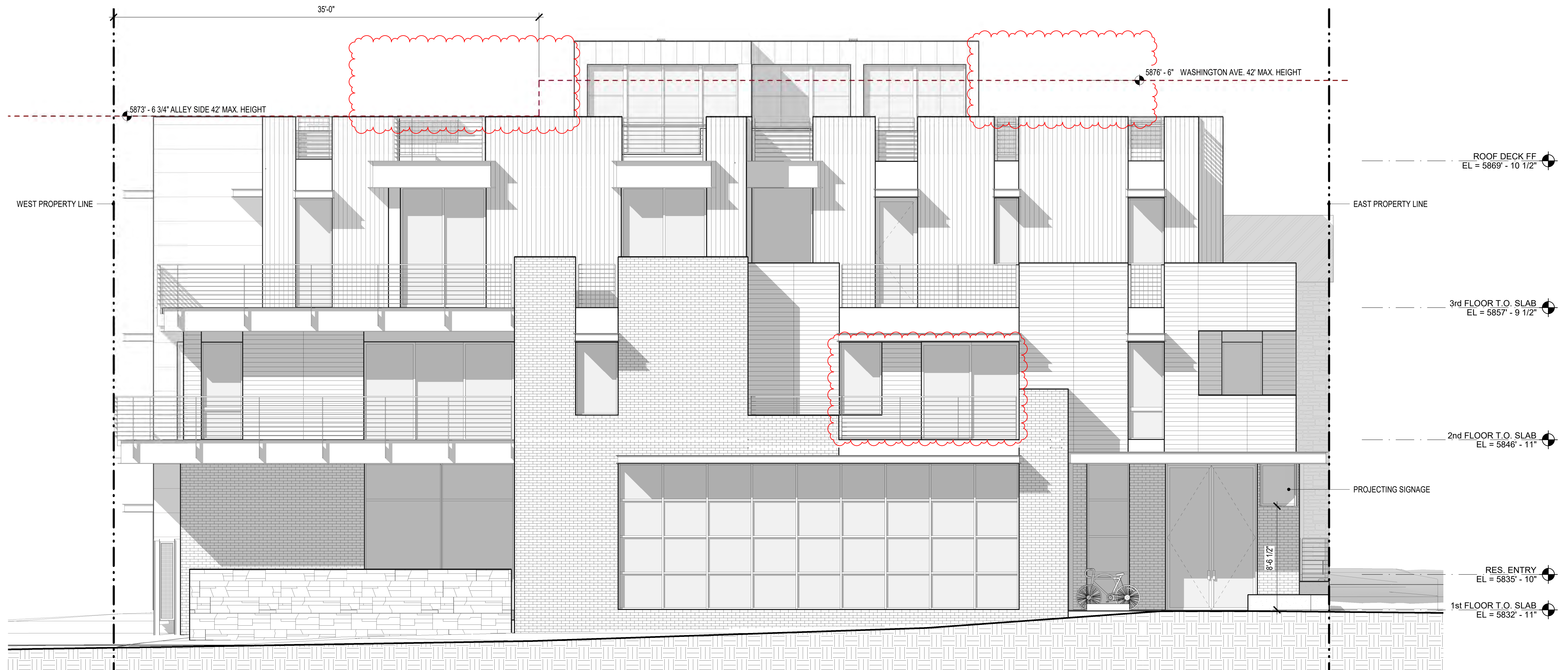
MOUNTAIN LAND DESIGN SHOWROOM AND RESIDENCES

111 NORTH WASHINGTON AVENUE
KETCHUM, IDAHO

2/28/2022 REVISION
5/19/2020



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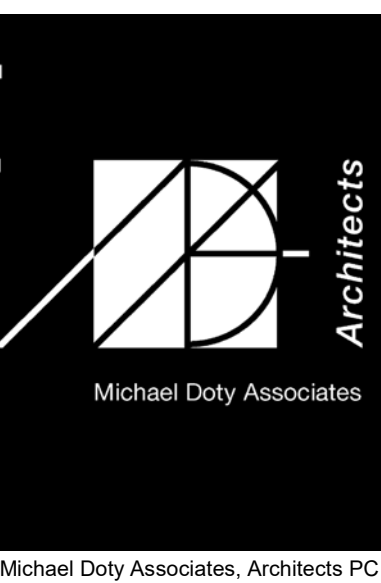
PROPOSED SOUTH (FIRST ST) ELEVATION

1 2 4 8 1/4" = 1'-0"

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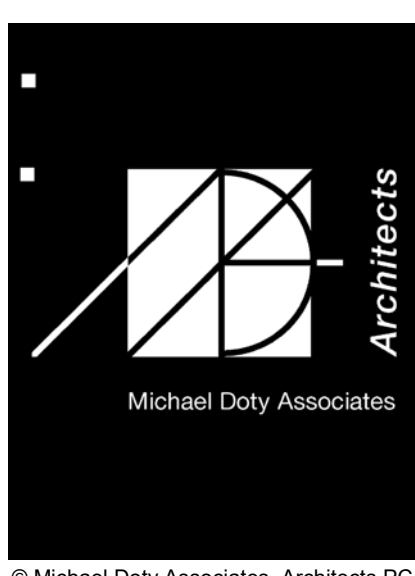
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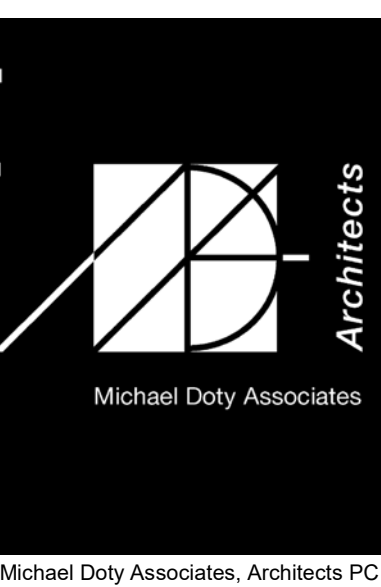
PROPOSED EAST (WASHINGTON) ELEVATION

1 2 4 8 1/4" = 1'-0"

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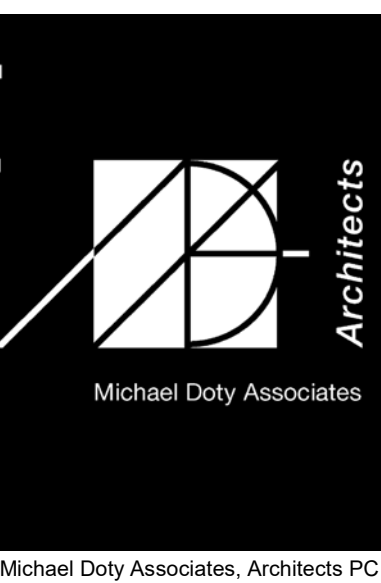
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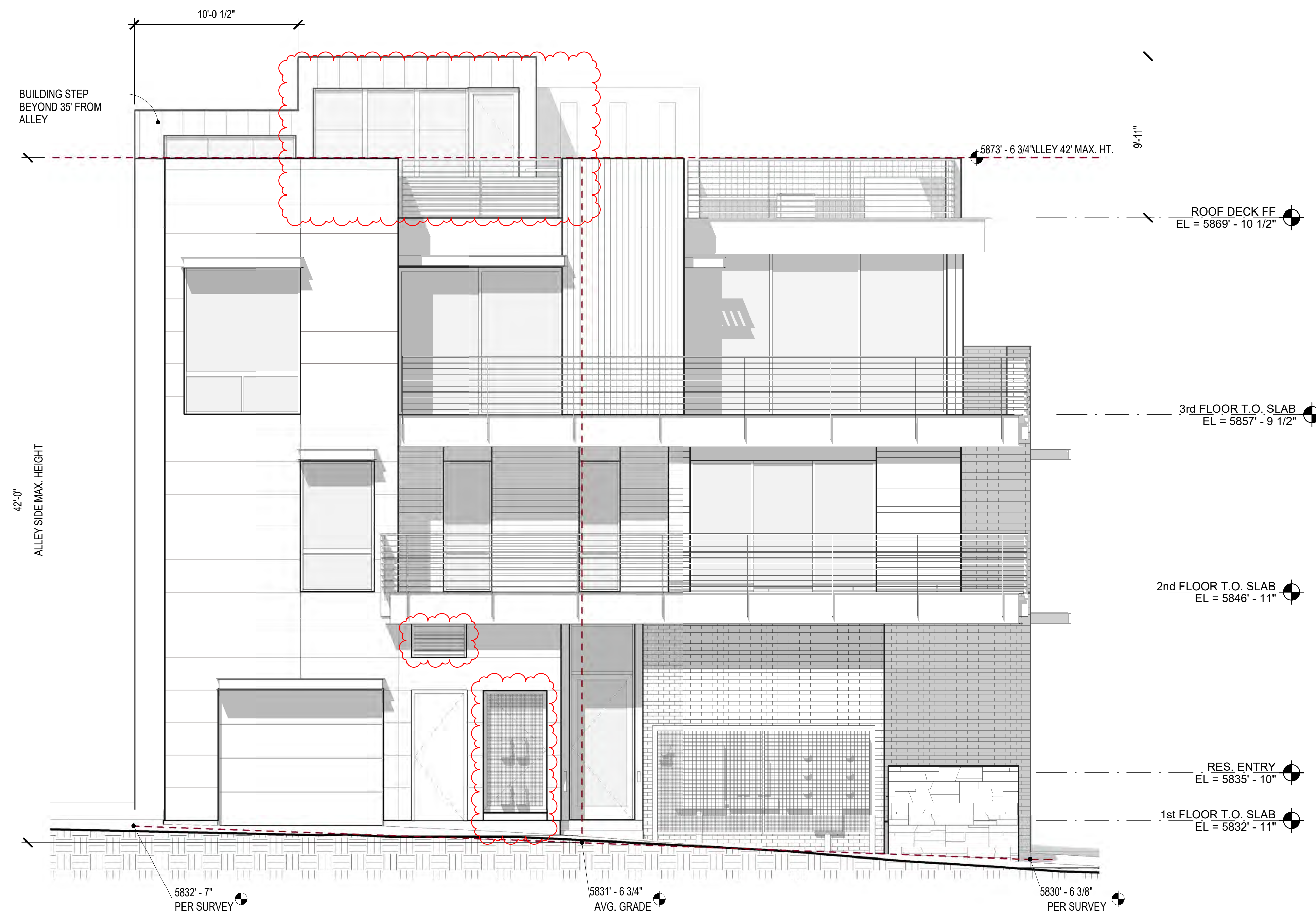
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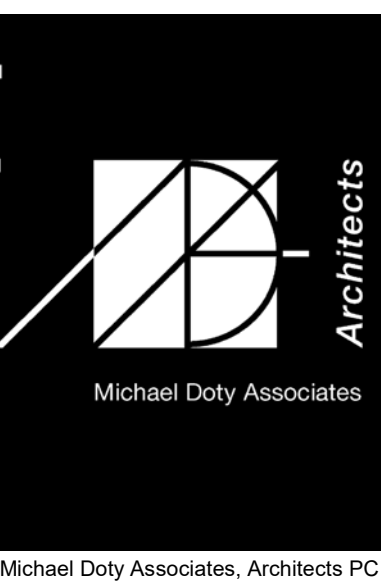


PROPOSED WEST (ALLEY) ELEVATION

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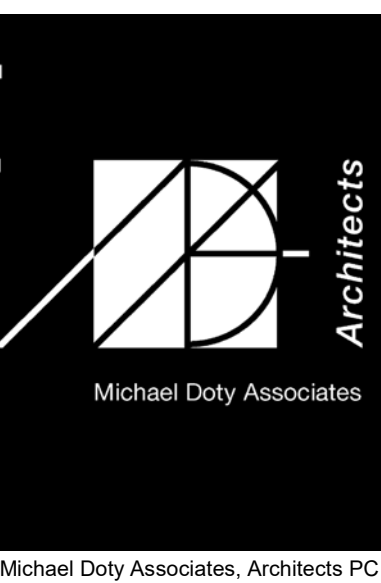
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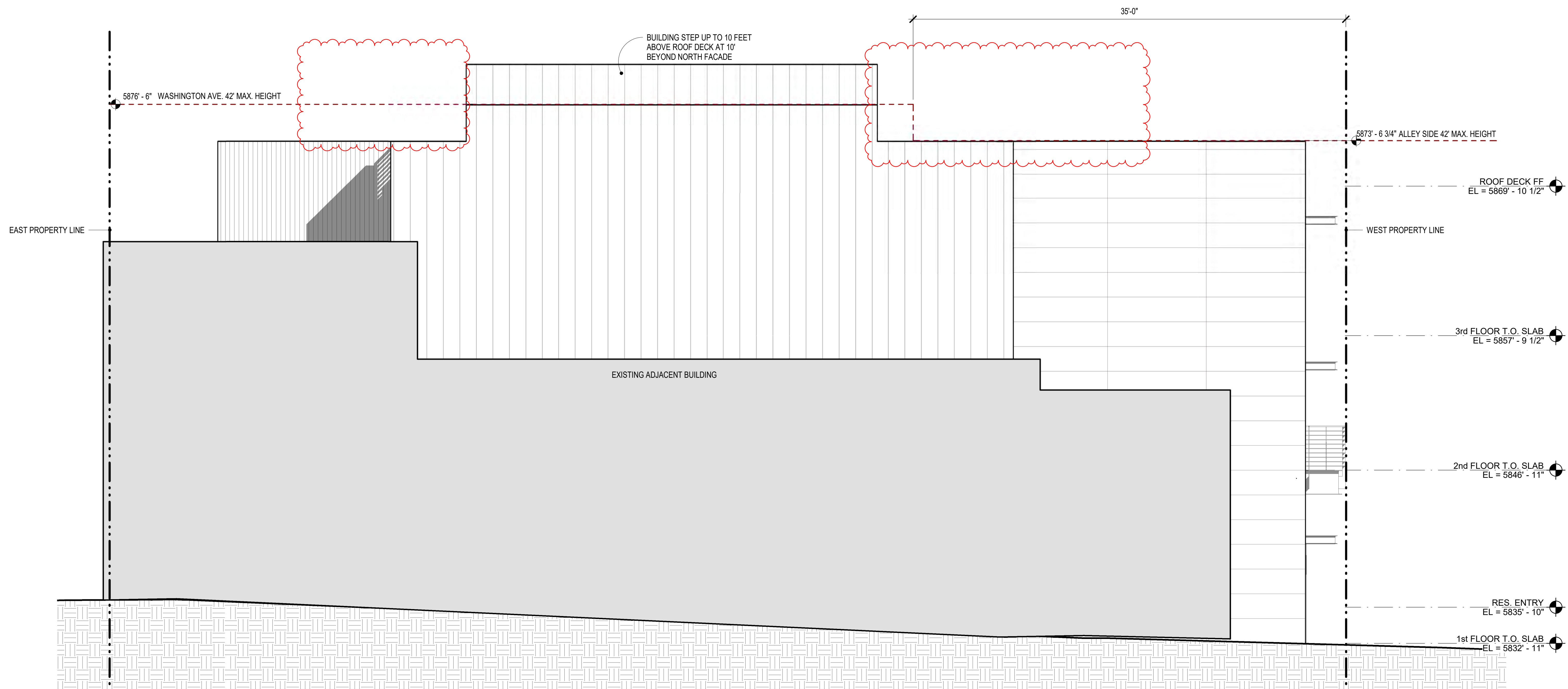
1 2 4 8 1/4" = 1'-0"

MOUNTAIN LAND DESIGN SHOWROOM AND RESIDENCES

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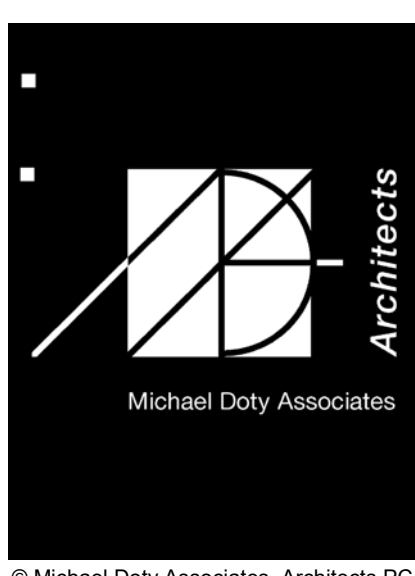
PROPOSED NORTH ELEVATION

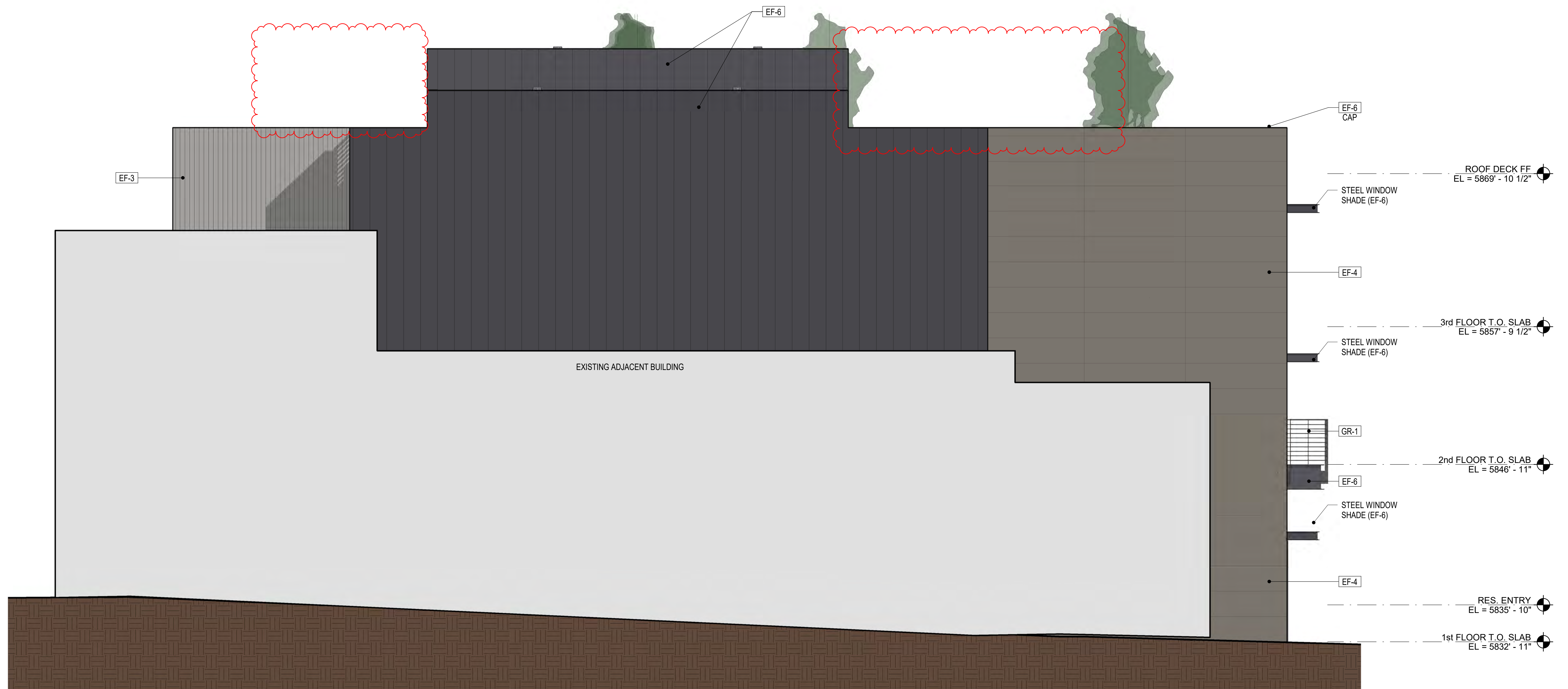
1 2 4 8 1/4" = 1'-0"

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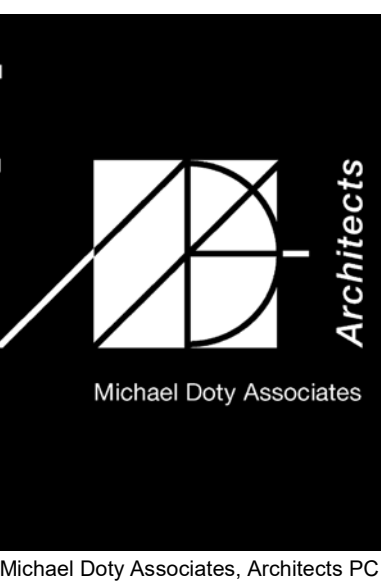
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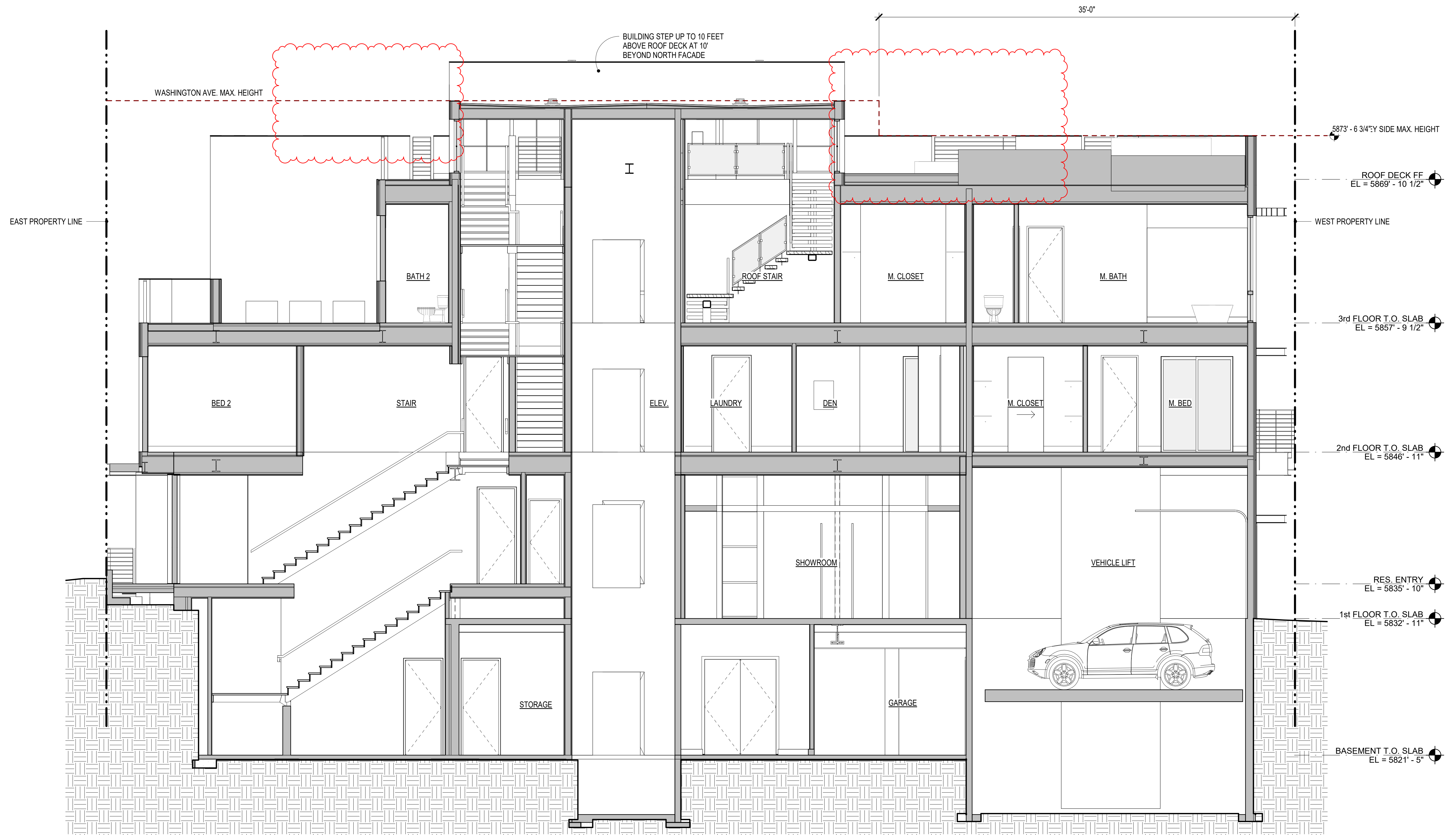
1/4" = 1'-0"

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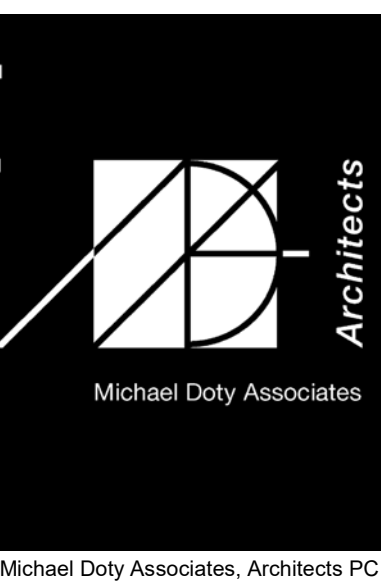
PROPOSED BUILDING SECTION

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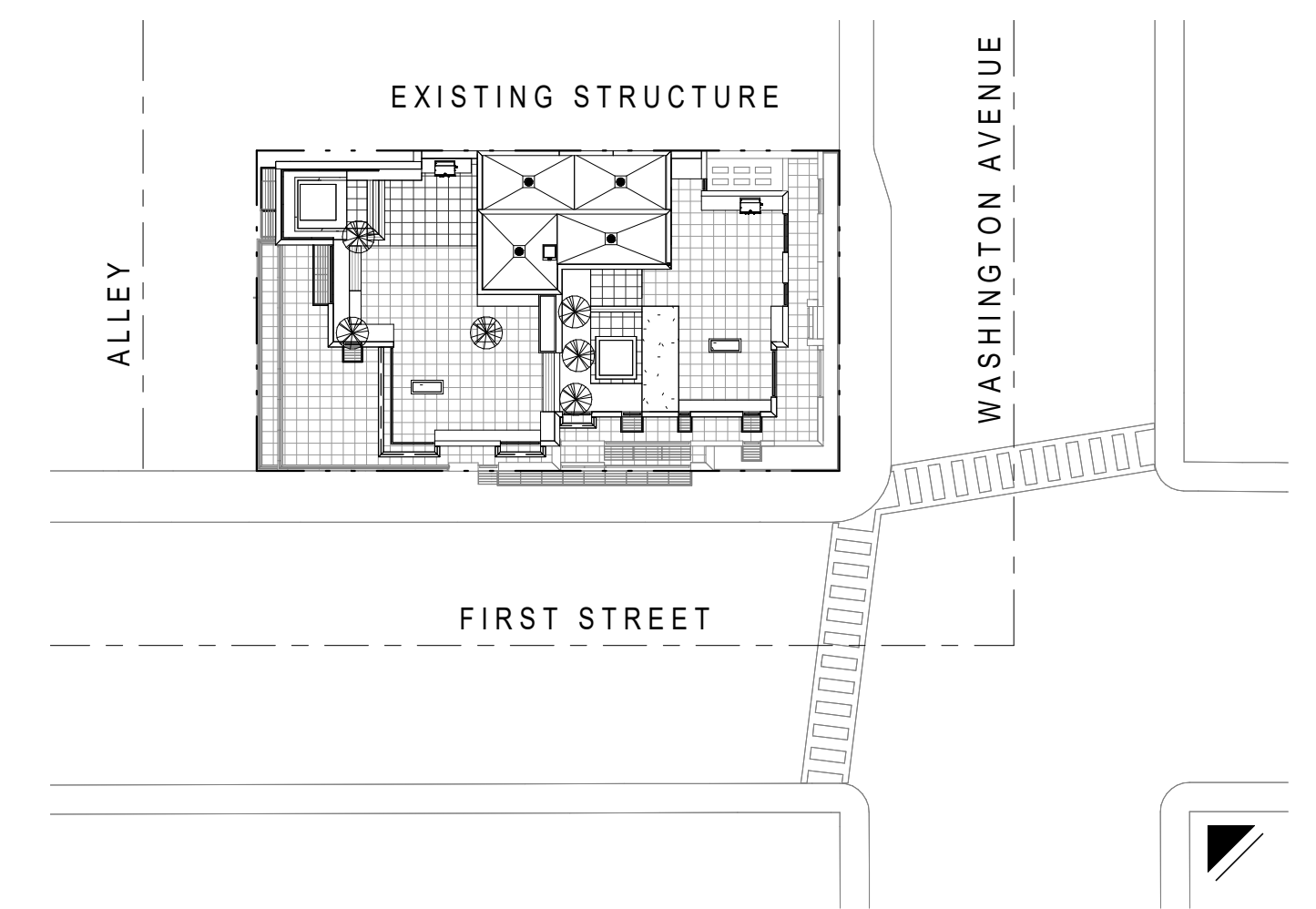
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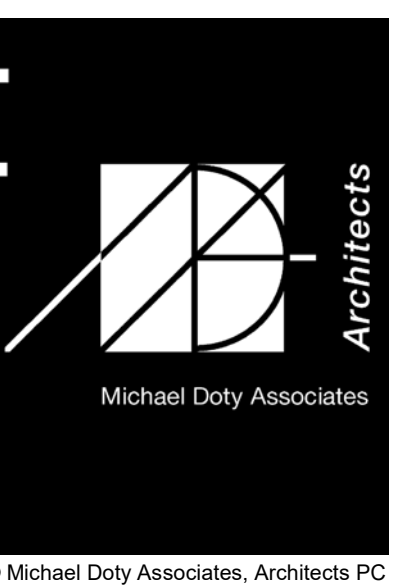
VIEW FROM FIRST AND WASHINGTON



MOUNTAIN LAND DESIGN SHOWROOM AND RESIDENCES

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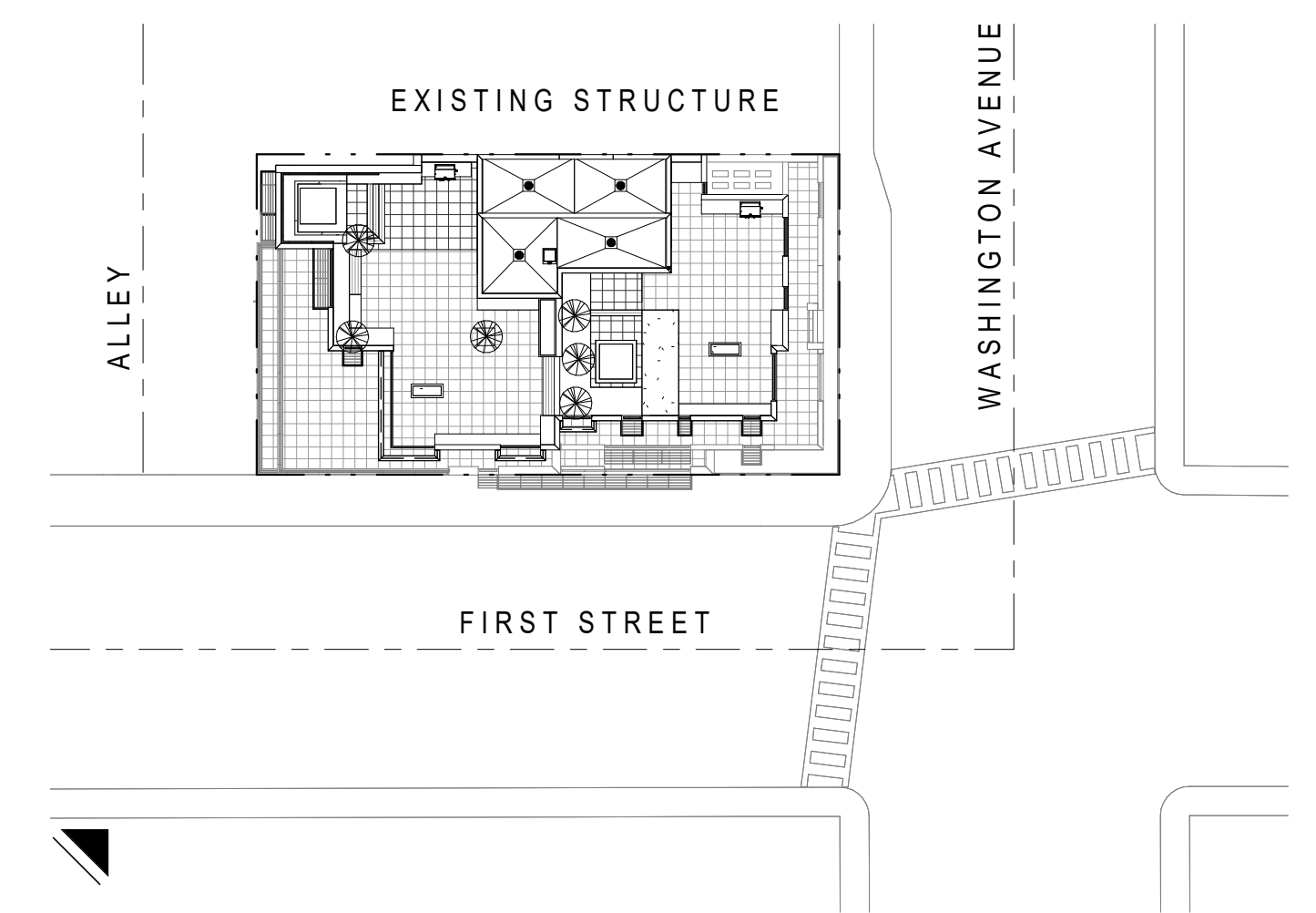
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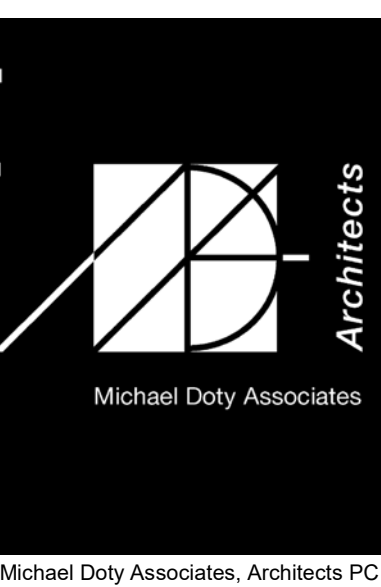
VIEW FROM FIRST AND ALLEY



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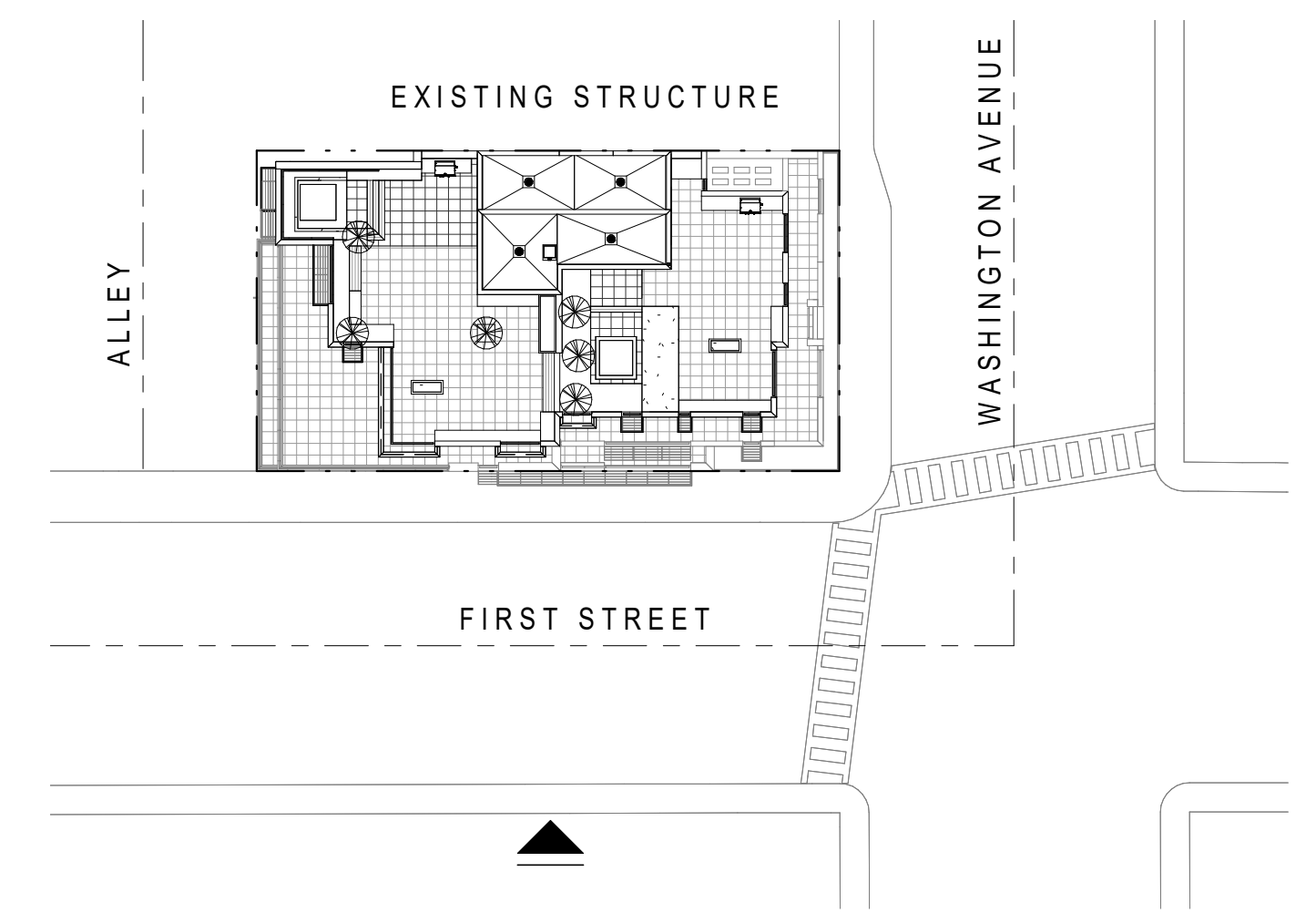
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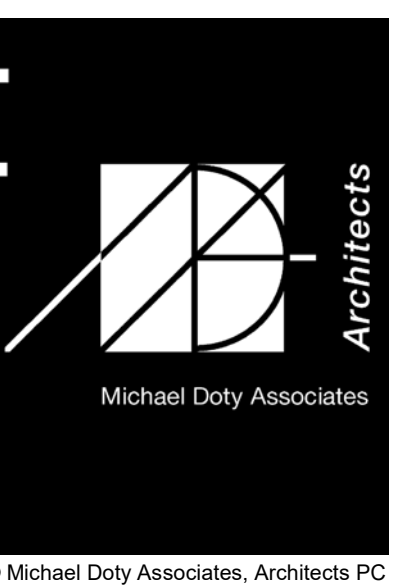
VIEW FROM FIRST STREET



MOUNTAIN LAND DESIGN SHOWROOM AND RESIDENCES

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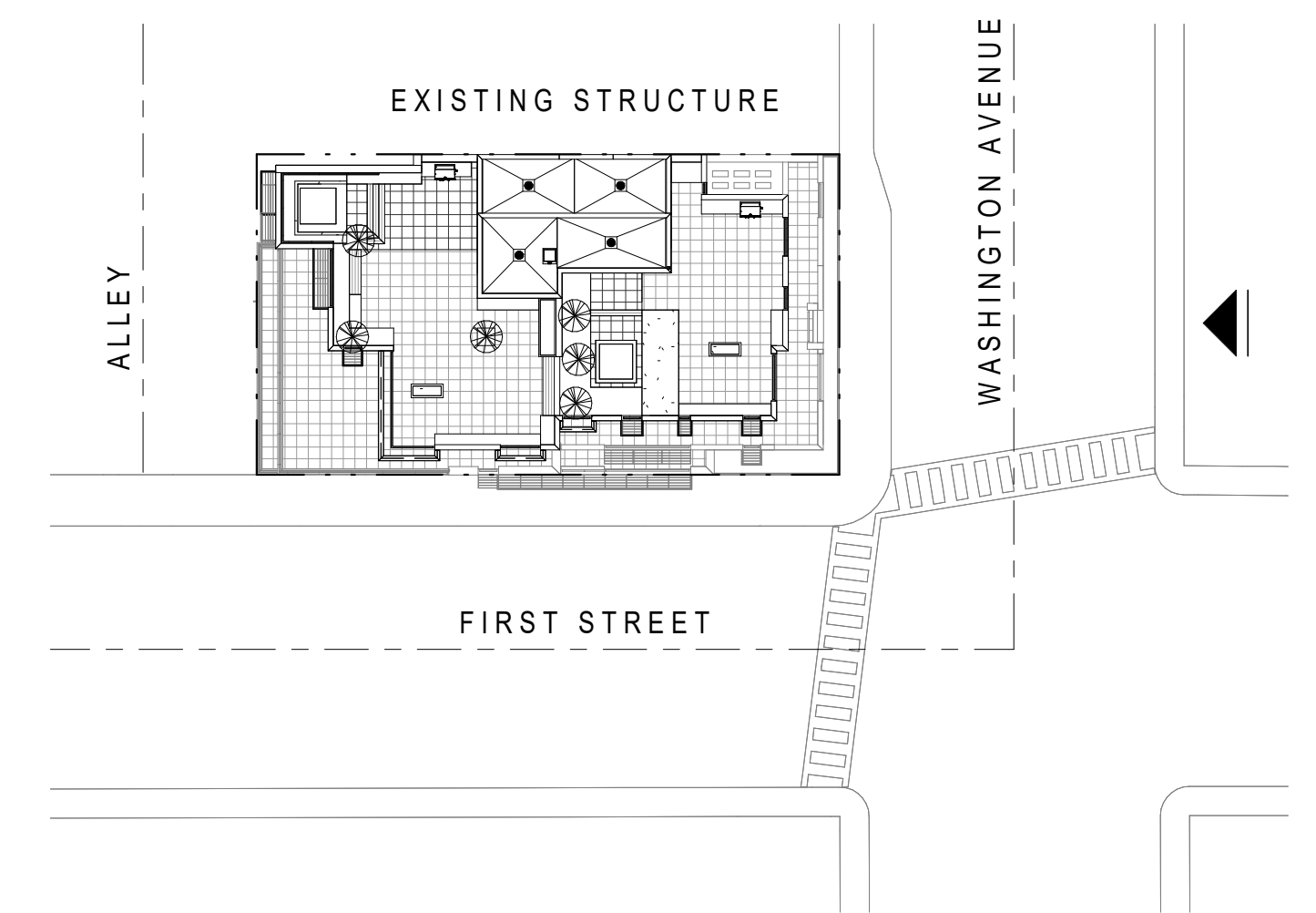
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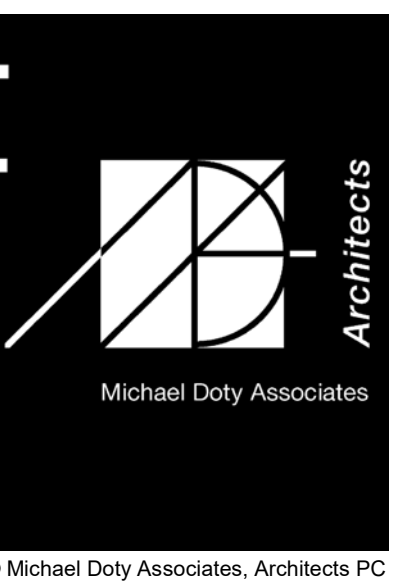
VIEW FROM WASHINGTON AVENUE

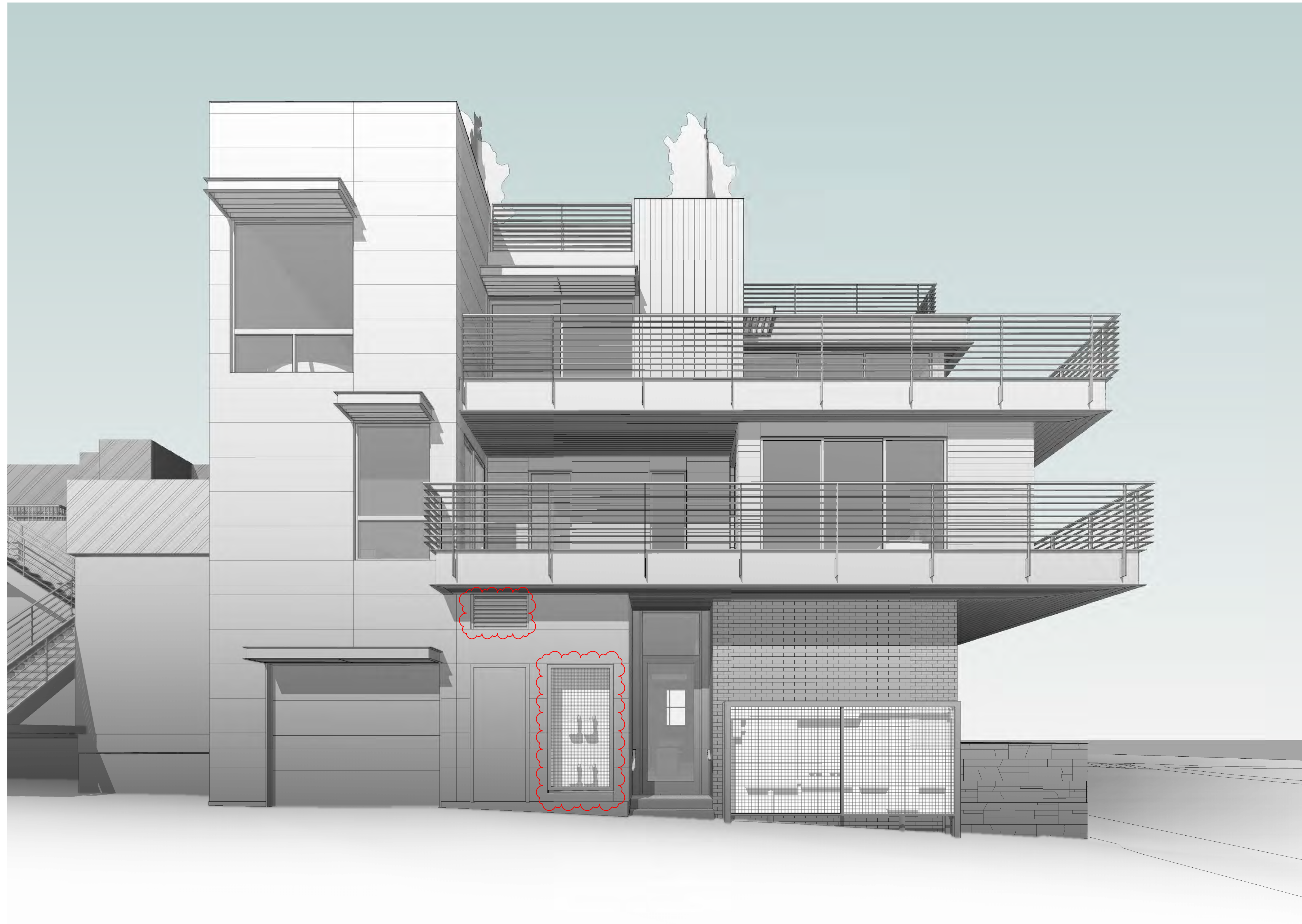


MOUNTAIN LAND DESIGN SHOWROOM AND RESIDENCES

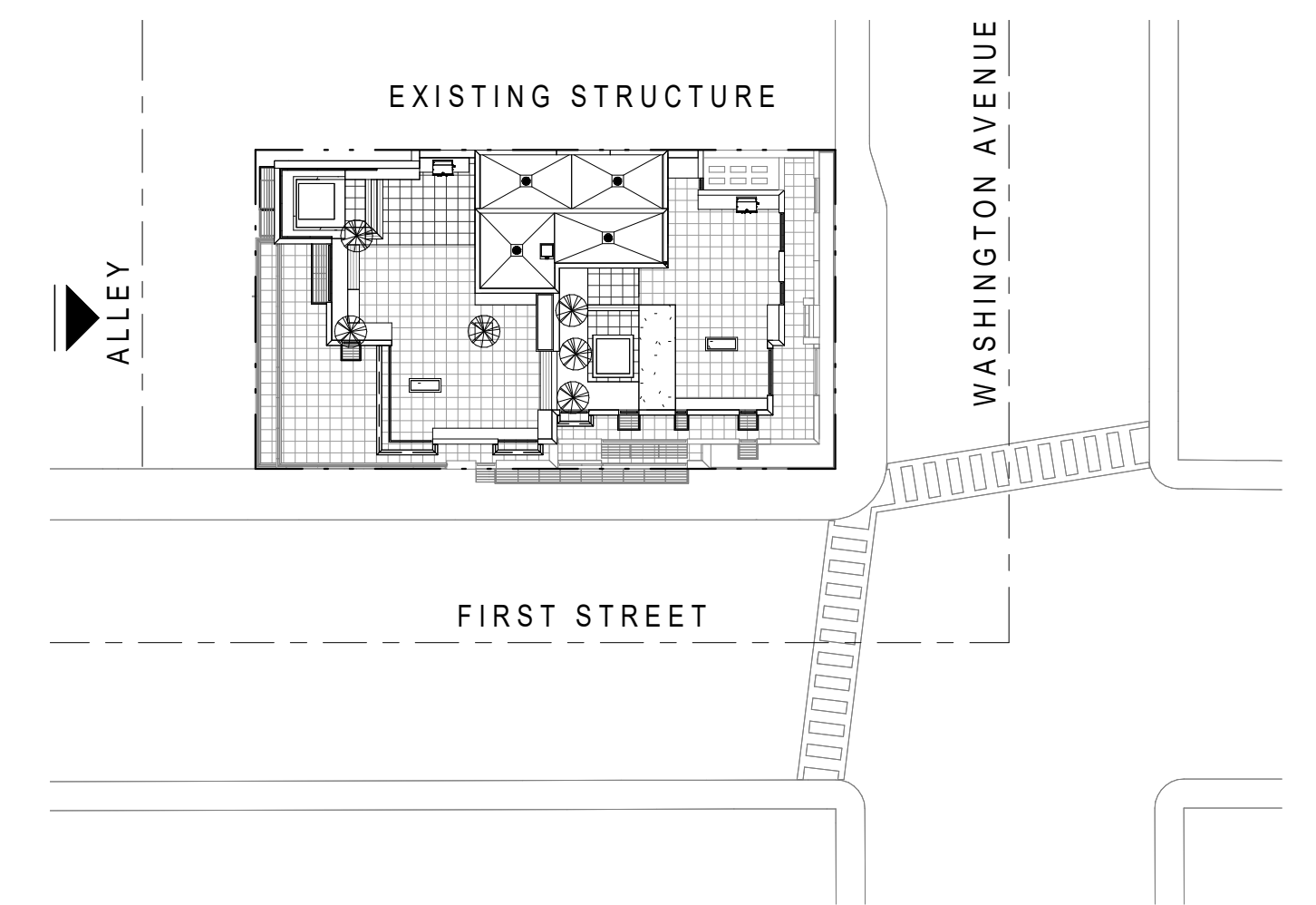
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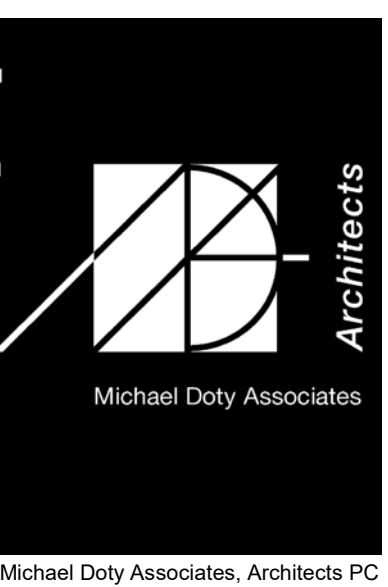
VIEW FROM ALLEY



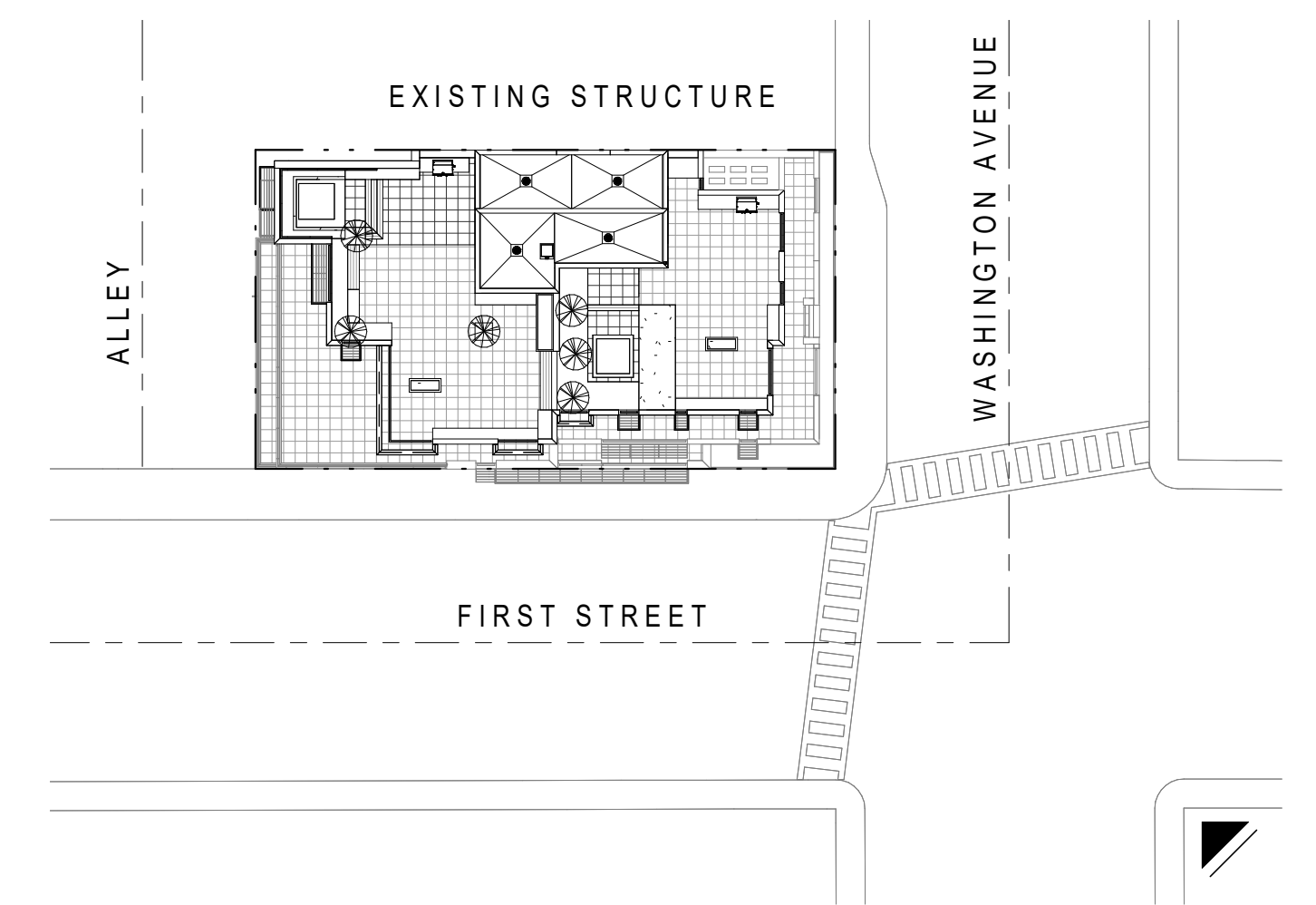
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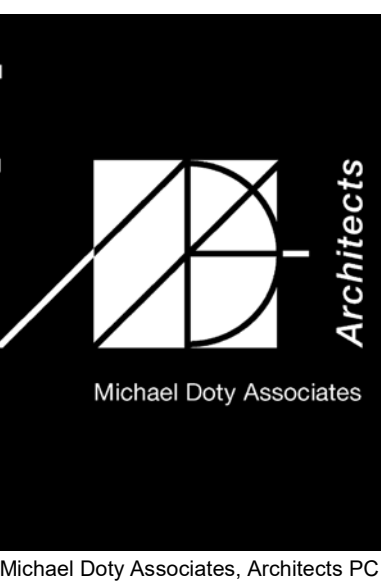


VIEW FROM FIRST AND WASHINGTON

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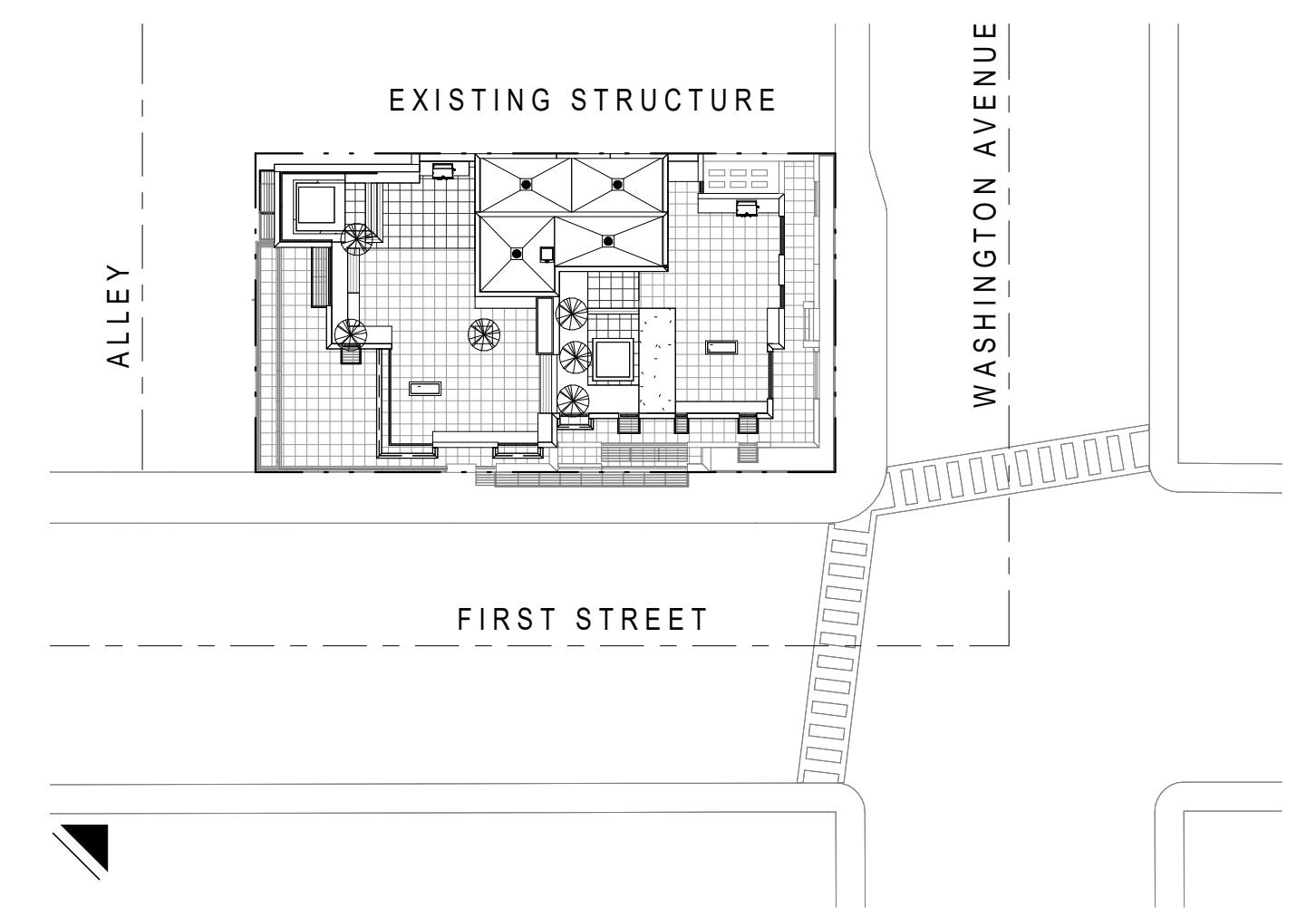
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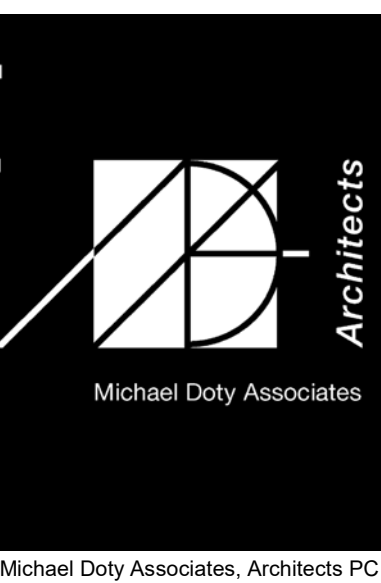
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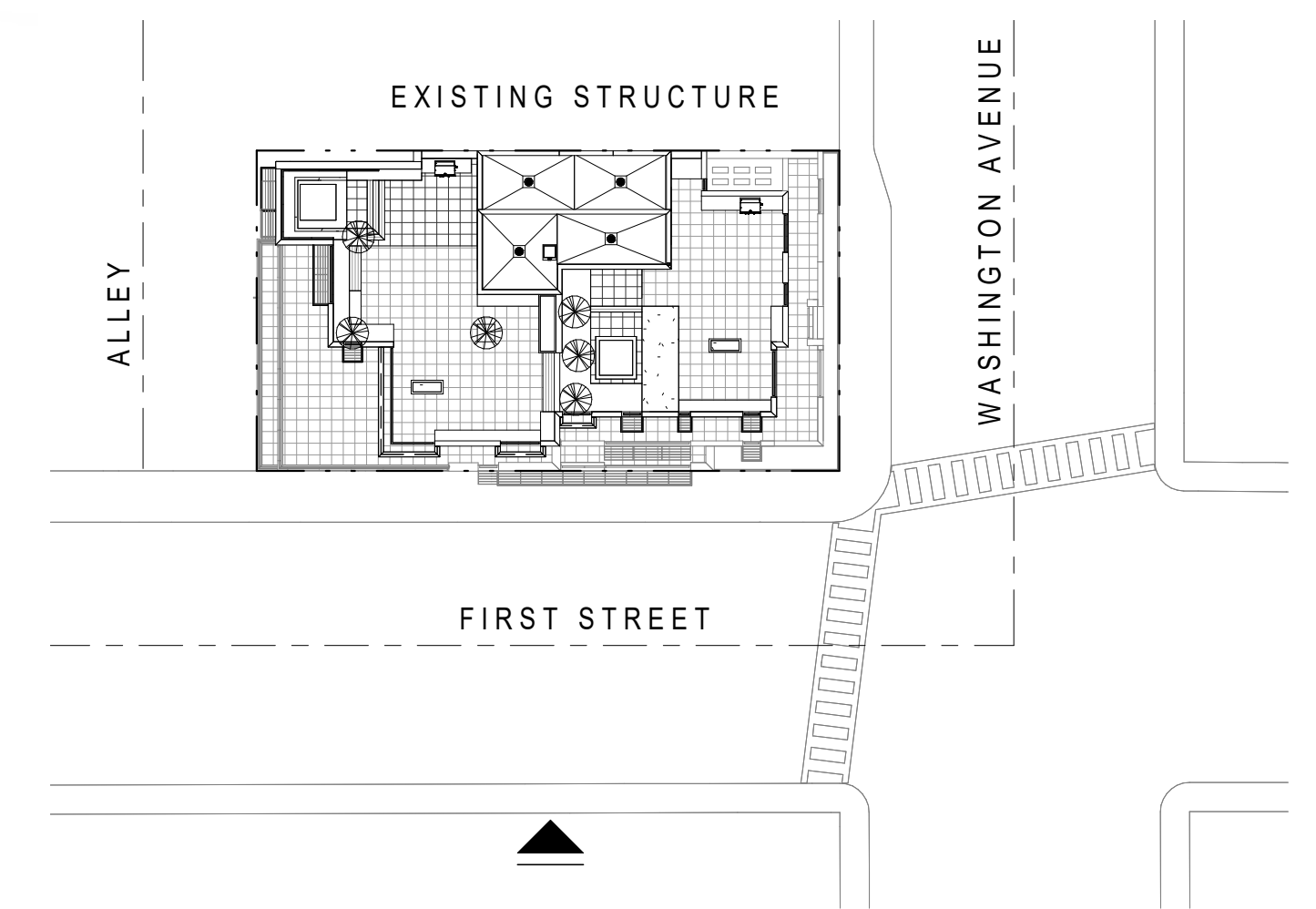
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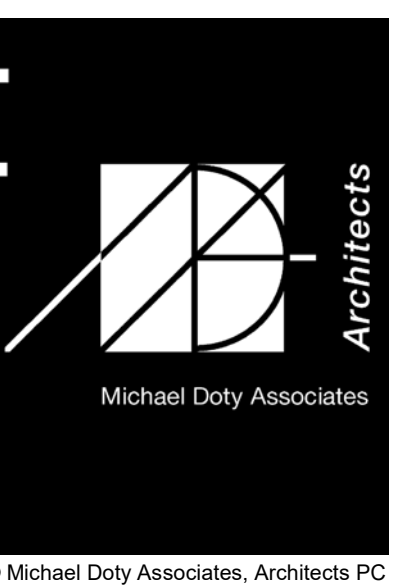
VIEW FROM FIRST STREET



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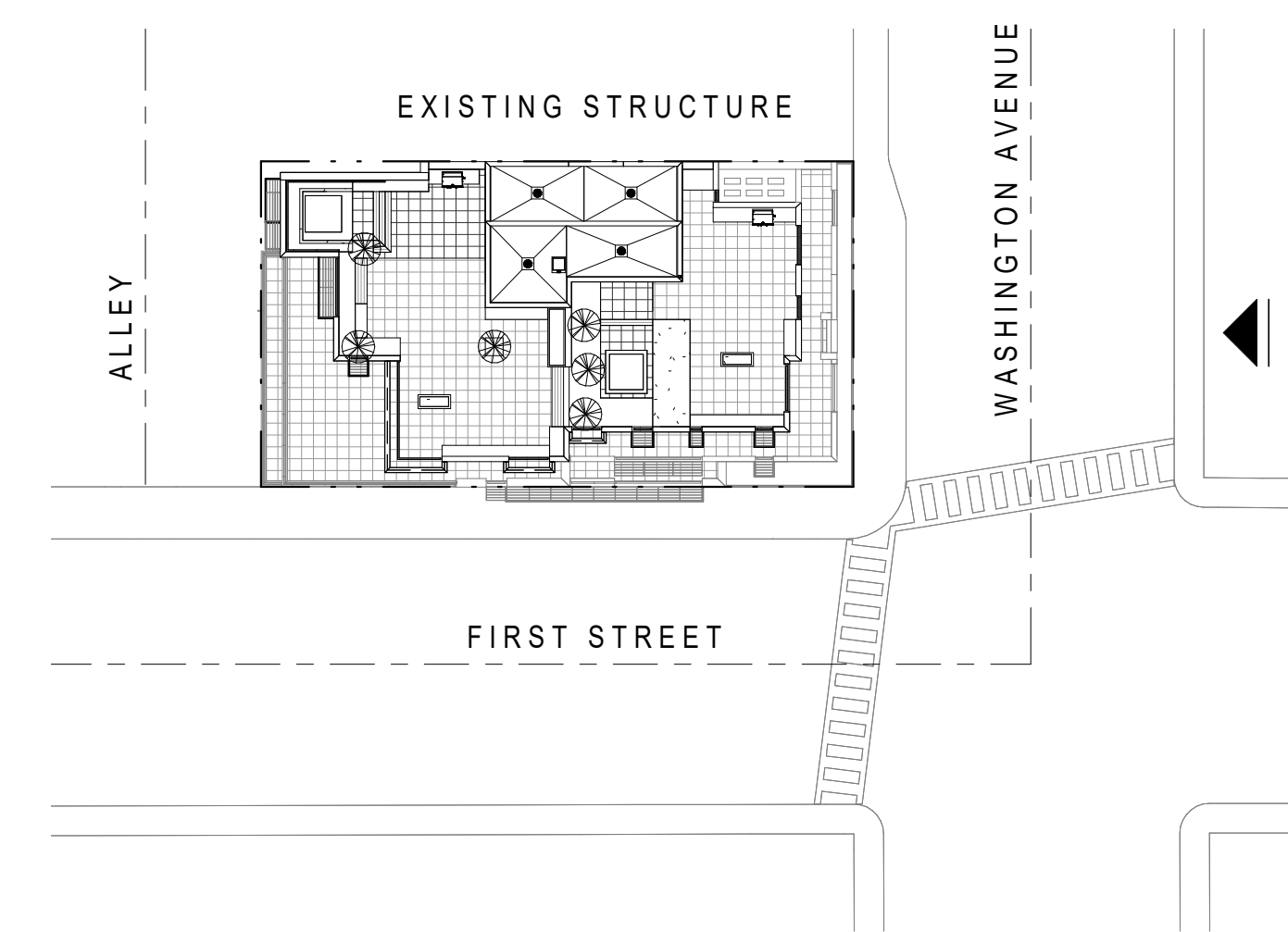
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VIEW FROM WASHINGTON AVENUE



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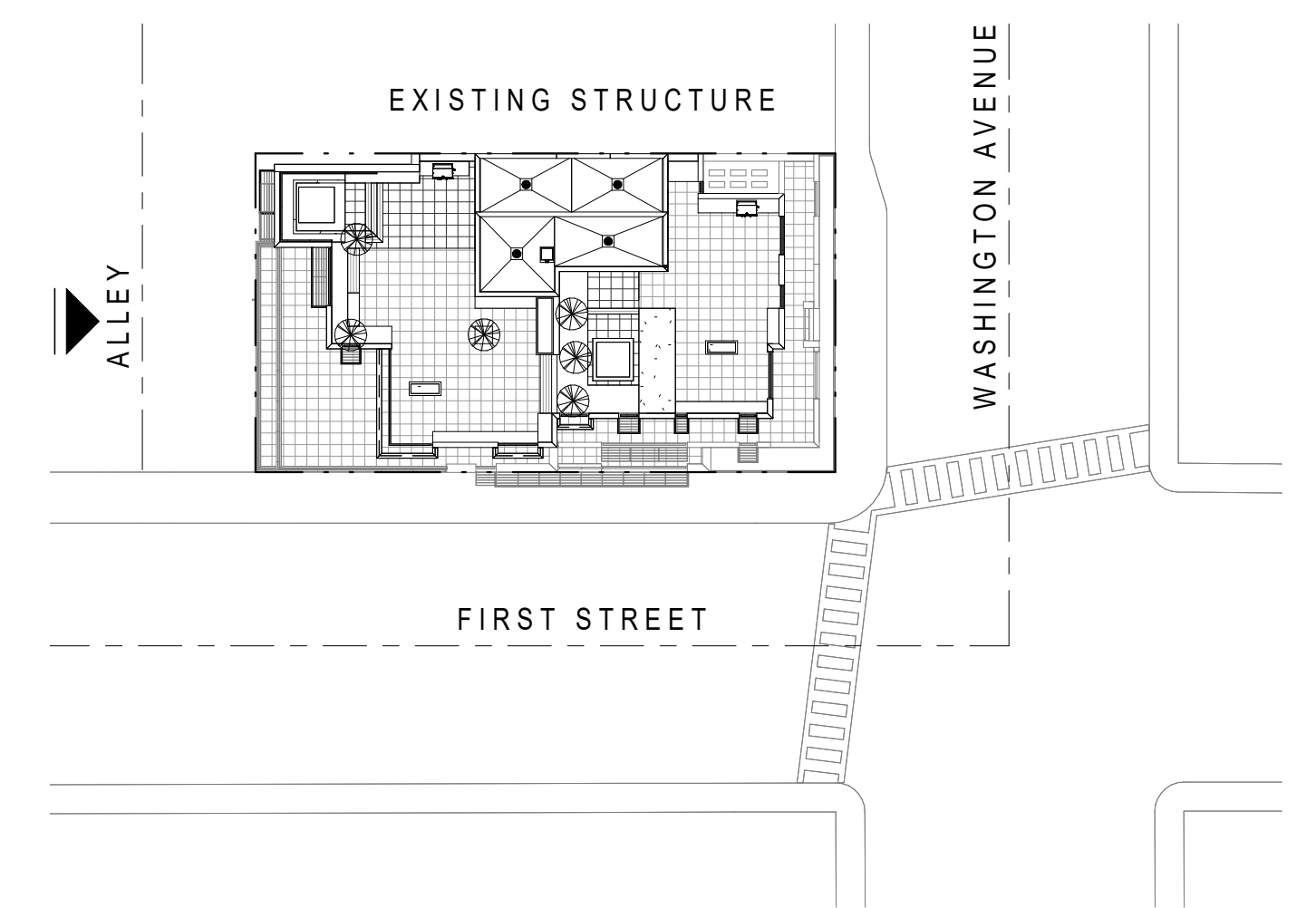
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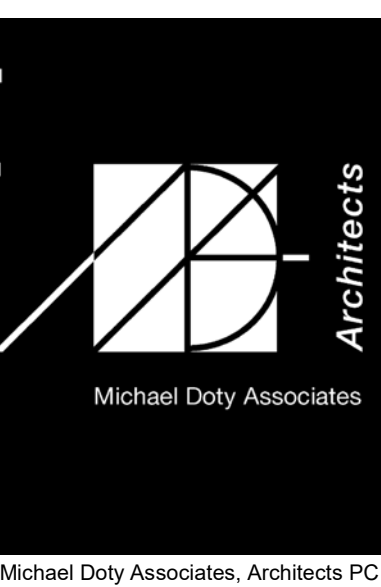
VIEW FROM ALLEY



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Attachment B

Condominium Subdivision

Preliminary Plat P22-014:

Draft Findings of Fact,

Conclusions of Law, and

Decision



**City of Ketchum
Planning & Building**

IN RE:)
)
 Mountain Land Design Showroom & Residences) KETCHUM PLANNING AND ZONING COMMISSION
 360 Views Condominiums) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
 Condominium Subdivision Preliminary Plat) DECISION
)
 Date: June 14, 2022)
)
 File Number: P22-014)

PROJECT: Mountain Land Design Showroom & Residences (360 Views Condominiums)

APPLICATION TYPE: Condominium Subdivision Preliminary Plat

FILE NUMBER: P22-014

ASSOCIATED APPLICATIONS: Design Review P20-027 & Design Review Amendment P20-027A

REPRESENTATIVE: Bruce Smith, P.L.S, Alpine Enterprises

PROPERTY OWNER: 360 Views LLC

LOCATION: 111 N Washington Avenue (Ketchum Townsite: Block 39: Lot 4)

ZONING: Mixed-Use Subdistrict of the Community Core (CC-2)

OVERLAY: None

RECORD OF PROCEEDINGS

The Planning and Zoning Commission considered the 360 Views Condominium Subdivision Preliminary Plat Application File No. P22-014 for the Mountain Land Design Showroom & Residences project during their regular meeting on May 24th, 2022. The application was considered concurrently with Design Review Amendment Application File No. P20-027A and the public hearings were combined in accordance with Idaho Code §67-6522.

Public Hearing Notice

The public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on May 4th, 2022. The public hearing notice was published in the Idaho Mountain Express the on May 4th, 2022. A notice was posted on the City’s website on May 4th, 2022. The public hearing notice was posted on the project site on May 17th, 2022.

FINDINGS OF FACT

The Ketchum Planning and Zoning Commission having reviewed the project record does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

Project History and Background

The Planning and Commission first reviewed and approved a Design Review application for the Mountain Land Design Showroom & Residences on August 13th, 2019. At that time, the plans proposed an addition and exterior façade upgrades to the existing building on the property. The existing building was constructed in 1983 and was occupied by Solavie Spa Retreat. Demolition work exposed structural deficiencies that made the addition unfeasible. The applicant then proposed a complete tear down of the existing spa to construct the new mixed-use building.

The Commission approved Design Review Permit P20-027 on June 8th, 2020 for the new mixed-use building located at 111 N Washington Avenue within the Mixed-Use Subdistrict of the Community Core (CC-2 Zone). The mixed-use building as approved by the Commission included a showroom on the ground level, an underground parking garage, and four residential units consisting of two multi-family residential units on the second floor, a penthouse residential unit on the third floor, and a community housing unit in the basement.

The Ketchum City Council approved Floor Area Ratio (FAR) Exceedance Agreement Contract #20491, recorded as Instrument number #671206 in records of Blaine County, on July 20th, 2020. The FAR Exceedance Agreement memorialized the applicant's community housing requirement in exchange for the project's increased FAR. The applicant will provide a 978-square-foot community housing unit with an associated 59-square-foot storage area in the basement of the new mixed-use building targeted for Blaine County Housing Authority Income Category 4 or lower. In addition to approving the applicant's community housing contribution, the FAR Exceedance Agreement memorialized the approved project, including not only the size of the mixed-use building, but also its mixture of retail and multi-family residential uses.

The project was issued a building permit (Application File No. B20-060) on August 3rd, 2020 and is currently under construction.

The applicant proposed both exterior and interior changes to the project plans approved by the Commission with Design Review Permit P20-027. The building program as approved by the Commission through Design Review Permit P20-027 included 4 residential units—1 community housing unit in the basement and 3 market-rate residential units on the second and third floors. The applicant proposed to combine the 2 residential units on the second floor. The total area of the combined residential unit on the second floor is 3,709 square feet. The Commission acknowledged that the request to combine the two dwelling units conflicts with the City's goal of increasing residential density downtown. Even though this proposed change reduced residential density, some of the Commissioners voted to approve the modification because the amended project would

contain a total of 3 residential units, which complies with current zoning code standards that require a minimum of 2 dwelling units within multi-family residential developments. The Commission reviewed these modifications and approved Design Review Amendment P20-027A on May 24th, 2022.

The mixed-use development was not contemplated to be subdivided into condominium units for individual sale when the project was entitled. The Condominium Subdivision Preliminary Plat Application will subdivide the mixed-use building into 4 units and associated common area. As conditioned, the request to subdivide meets all applicable standards for Condominium Preliminary Plats outlined in Ketchum Municipal Code’s Subdivision (Title 16) and Zoning (Title 17) Zoning regulations.

FINDINGS REGARDING COMPLIANCE WITH PRELIMINARY PLAT SUBDIVISION REQUIREMENTS

Preliminary Plat Requirements					
Compliant			City Code	City Standards	
Yes	No	N/A			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.	
			<i>Findings</i>	The City of Ketchum Planning and Building Department received the subdivision application and all applicable application materials on March 15, 2022.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	Contents Of Preliminary Plat: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application.	
			<i>Findings</i>	The subdivision application was deemed complete on April 12, 2022.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following: The scale, north point and date.	
			<i>Findings</i>	This standard is met.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .2	The name of the proposed subdivision, which shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho.	
			<i>Findings</i>	The subdivision is named “360 Views Condominiums” which is not the same as any other subdivision in Blaine County, Idaho.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .3	The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.	
			<i>Findings</i>	This standard has been met.	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	Legal description of the area platted.	
			<i>Findings</i>	The legal description of the area platted is shown on Sheet 1 of the preliminary plat.	

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
			<i>Findings</i>	Sheet 1 of the preliminary plat indicates the boundary lines of adjacent Lot 3 to the north along Washington Avenue and the First & First Condominiums to the west across the alley.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .6	A contour map of the subdivision with contour lines and a maximum interval of five feet (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
			<i>Findings</i>	Existing site conditions, including topography, are included with the project plans approved with Design Review Application File Nos. P20-27 & P20-027A and Building Permit B20-060.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I 7	The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.
			<i>Findings</i>	The project plans show the scaled location of existing building, streets, roadways, and easements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	Boundary description and the area of the tract.
			<i>Findings</i>	Sheet 1 provides the boundary description of the area and includes square footage and acreage of the lot. Sheets 2, 3, 4, 5, and 6 indicate the areas and boundaries of each condominium unit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	Existing zoning of the tract.
			<i>Findings</i>	The property is located within the Mixed-Use Subdistrict of the Community Core (CC-2 Zone).
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .10	The proposed location of street rights of way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.
			<i>Findings</i>	N/A as no new streets, lots, easements, or rights-of-way are proposed with the Mountain Land Design Showroom & Residences project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .11	The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
			<i>Findings</i>	This standard is not applicable as there is no requirement or proposal for land dedicated for public or common use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .12	The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.
			<i>Findings</i>	The project plans approved with Design Review Permits P20-027 and P20-027A and Building Permit B20-060 show these existing and proposed improvements.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .13	The direction of drainage, flow and approximate grade of all streets.
			<i>Findings</i>	This standard does not apply as no new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .14	The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.

			<i>Findings</i>	This standard does not apply as no new drainage canals or structures are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .15	All percolation tests and/or exploratory pit excavations required by state health authorities.
			<i>Findings</i>	This standard does not apply as no additional tests are required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .16	A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.
			<i>Findings</i>	The applicant provided a draft copy of the articles of incorporation, bylaws, and declarations with the application submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .17	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
			<i>Findings</i>	The project plans a vicinity map that satisfies this requirement.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .18	The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.
			<i>Findings</i>	N/A. The subject property is not within a floodplain, floodway, or avalanche zone district.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .19	Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.
			<i>Findings</i>	A building envelope is not required as the subject property is not within the floodway, floodplain, or avalanche zone. The subject property is not adjacent to the Big Wood River, Trail Creek or Warm Springs. The subject property does not contain slopes greater than 25%. This application will subdivide a mixed-use building currently under construction into condominium units and does not create a new lot.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			<i>Findings</i>	The preliminary plat map shows the area of the overall lot and the boundaries and areas of each condominium unit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			<i>Findings</i>	No mature trees or established shrub masses exist on the subject property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .22	A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.
			<i>Findings</i>	The applicant provided a title commitment and a warranty deed with the initial application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .23	Three (3) copies of the preliminary plat shall be filed with the administrator.
			<i>Findings</i>	The City of Ketchum received digital copies of the preliminary plat at the time of application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat.

				<p>Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.</p>
			<i>Findings</i>	<p>This standard has been met. Pursuant to condition of approval #2 of Design Review Amendment P20-027A, the applicant shall submit revised project plans that reflect all architectural and structural changes for final review and approval by City Departments. All improvements indicated on the project plans, including landscaping and right-of-way improvements, shall be installed prior to issuance of a Certificate of Occupancy for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.B	<p>Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.</p>
			<i>Findings</i>	<p>The construction drawings for the improvements have been approved by the City Engineer through the review of Building Permit B20-060. Pursuant to condition of approval #2 of Design Review Amendment P20-027A, the applicant shall submit revised project plans that reflect all changes for final review and approval by City Departments. Pursuant to Ketchum Municipal Code §16.04.070.C, a Certificate of Occupancy must be issued prior to final plat approval. The developer will be required to complete required improvements prior to issuance of a Certificate of Occupancy for the mixed-use building.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.C	<p>Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</p>

			<i>Findings</i>	See above analysis for Ketchum Municipal Code §16.04.40B. All required improvements shall be completed by the applicant and inspected and approved by City Departments prior to the issuance of a Certificate of Occupancy for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.D	<p>As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.</p>
			<i>Findings</i>	The building permit plans shall conform to the project plans approved by the Commission through Design Review P20-027 and Design Review Amendment P20-027A and shall be installed prior to issuance of a Certificate of Occupancy for the project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.E	<p>Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> 1. All angle points in the exterior boundary of the plat. 2. All street intersections, points within and adjacent to the final plat. 3. All street corner lines ending at boundary line of final plat. 4. All angle points and points of curves on all streets. 5. The point of beginning of the subdivision plat description.
			<i>Findings</i>	The applicant shall meet the required monumentation standards prior to recordation of the final plat.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.F	<p>Lot Requirements:</p> <ol style="list-style-type: none"> 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut

				<p>and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following:</p> <ol style="list-style-type: none"> a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met. b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section. <p>3. Corner lots shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.</p> <p>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</p> <p>5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts.</p> <p>6. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.</p>
			<i>Findings</i>	This standard is not applicable as no new lots are being created.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	<p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ol style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features. 4. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.
			<i>Findings</i>	This standard is not applicable as no new lots or blocks are being created.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H	<p>Street Improvement Requirements:</p> <ol style="list-style-type: none"> 1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and

			<p>shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;</p> <p>2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified;</p> <p>3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features;</p> <p>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</p> <p>5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing;</p> <p>6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated;</p> <p>7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;</p> <p>8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;</p> <p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p>
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		<i>Findings</i>	<p>No new streets or changes to the travel lanes or street designs are proposed with this project. The applicant has proposed to install new 8-foot-wide, heated, paver sidewalks along Washington Avenue and 1st Street. The construction drawings for the right-of-way improvements have been approved by the City Engineer through the review of Building Permit B20-060. Pursuant to condition of approval #2 of Design Review Amendment P20-027A, the applicant shall submit revised project plans that reflect all changes for final review and approval by City Departments.</p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.I	<p>Alley Improvement Requirements: Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p>
			<i>Findings</i>	<p>The construction drawings for the alley improvements have been approved by the City Engineer through the review of Building Permit B20-060. Pursuant to condition of approval #2 of Design Review Amendment P20-027A, the applicant shall submit revised project plans that reflect all changes for final review and approval by City Departments.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.J	<p>Required Easements: Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.</p> <ol style="list-style-type: none"> 1. A public utility easement at least ten feet (10') in width shall be required within the street right of way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the city engineer to be necessary for the provision of adequate public utilities. 2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse. 3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision. 4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion. 5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.

				6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.
			<i>Findings</i>	No new easements are required for this project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.K	Sanitary Sewage Disposal Improvements: Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the city engineer, council and Idaho health department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho department of health and the council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.
			<i>Findings</i>	The new mixed-use building will connect to the municipal sewer system. The project shall meet all requirements of the Wastewater Department.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.L	Water System Improvements: A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the city under the supervision of the Ketchum fire department and other regulatory agencies having jurisdiction. Furthermore, the central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted. All water systems shall be connected to the municipal water system and shall meet the standards of the following agencies: Idaho department of public health, Idaho survey and rating bureau, district sanitarian, Idaho state public utilities commission, Idaho department of reclamation, and all requirements of the city.
			<i>Findings</i>	The mixed-use building will connect to the municipal water system. All utilities necessary must be improved and installed at the sole expense of the applicant. The project shall meet all requirements of the Utilities Department.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	Planting Strip Improvements: Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.

			<i>Findings</i>	This standard does not apply as the mixed-use building is within the original Ketchum Townsite subdivision and no planting strip improvements are required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N	<p>Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p> <ol style="list-style-type: none"> 1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or council as part of the preliminary plat application. 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: <ol style="list-style-type: none"> a. Proposed contours at a maximum of five foot (5') contour intervals. b. Cut and fill banks in pad elevations. c. Drainage patterns. d. Areas where trees and/or natural vegetation will be preserved. e. Location of all street and utility improvements including driveways to building envelopes. f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements. 3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways. 4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision. 5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion. 6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply: <ol style="list-style-type: none"> a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability. b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American standard testing methods). c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.

				<p>d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.</p> <p>e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.</p>
			<i>Findings</i>	The project shall meet all cut, fill, and grading standards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.O	<p>Drainage Improvements: The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the city on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.</p>
			<i>Findings</i>	All storm water shall be retained on site, including water from roof drains. The construction drawings for the drainage improvements have been approved by the City Engineer through the review of Building Permit B20-060. Pursuant to condition of approval #2 of Design Review Amendment P20-027A, the applicant shall submit revised project plans that reflect all changes for final review and approval by City Departments.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.P	<p>Utilities: In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.</p>
			<i>Findings</i>	All utilities shall be installed as a required improvement by the developer. The construction drawings for the utility improvements have been approved by the Utilities Department through the review of Building Permit B20-060. Pursuant to condition of approval #2 of Design Review Amendment P20-027A, the applicant shall submit revised project plans that reflect all changes for final review and approval by City Departments.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.Q	<p>Off Site Improvements: Where the offsite impact of a proposed subdivision is found by the commission or council to create substantial additional traffic,</p>

				improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
			<i>Findings</i>	The proposed condominium development does not create substantial additional traffic; therefore, no off-site improvements are required.

FINDINGS REGARDING COMPLIANCE WITH CONDOMINIUM SUBDIVISION REQUIREMENTS

Condominium Plat Requirements				
Compliant			City Code	Standards
Yes	No	N/A		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.B	The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed bylaws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities and open space.
			<i>Findings</i>	The applicant provided a draft copy of the articles of incorporation, bylaws, and declarations with the application submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.D	All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.
			<i>Findings</i>	The spaces in the underground parking garage are designated as limited common area for the 2 upper-level residential units.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.E	Adequate storage areas shall be provided for boats, campers and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.
			<i>Findings</i>	The community housing unit includes a separate 59-square-foot storage unit within the basement. The condominium subdivision preliminary plat designates this storage area as limited common area for the community housing unit. The upper-level residential units are large with total floor areas exceeding 3,000 square feet. Adequate interior storage space for personal property of the residents of each penthouse may be accommodated within the dwelling units.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.F	A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.
			<i>Findings</i>	The basement common area includes room for the storage of maintenance equipment and supplies by the trash room.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.G	The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.
			<i>Findings</i>	The upper-level residential units have private balconies fronting Washington Avenue and 1st Street. The condominium subdivision preliminary plat also designates the rooftop deck as limited common area for the two penthouse

				dwelling units. The window well along Washington Avenue is required egress for the basement community housing unit. The window well feature provides the community housing unit with a 50-square-foot sunken patio as well as solar access.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.H	All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.
			<i>Findings</i>	The project has been reviewed for compliance with the City’s subdivision standards and all applicable ordinances. The project shall comply with all City rules and regulations.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Condominium Subdivision Preliminary Plat application for the development and use of the project site.
2. The Planning and Zoning has authority to review the applicant’s Condominium Subdivision Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §16.04.030.
4. The Condominium Subdivision Preliminary Plat application is governed under Chapter 16.04 of Ketchum Municipal Code.
5. The 360 Views (Mountain Land Design Showroom & Residences) Condominium Subdivision Preliminary Plat application meets all applicable standards specified in Title 16 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **approves** this Condominium Subdivision Preliminary Plat Application File No. P22-014 this Tuesday, May 24th, 2022 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. This Condominium Subdivision Preliminary Plat Application File No. P22-014 is subject to Design Review Application File No. P20-027 and Design Review Amendment Application File No. P20-027A. All associated conditions of approval shall apply to the project.

2. FAR Exceedance Agreement Contract #20491 shall be revised to reflect the modified project and the amended agreement shall be reviewed and approved by the Ketchum City Council concurrently with their review of Condominium Subdivision Preliminary Plat Application File No. P22-014.
3. Unit 1 within the 360 View Condominiums shall be designated as a retail unit on the subdivision plat. In addition, the applicant shall add the following plat note: *Unit 1 is designated as retail and shall not be converted to another commercial use.*
4. The applicant shall add the following plat note: *Unit A is a deed-restricted community housing unit targeted for Blaine County Housing Authority Income Category 4 or lower. The configuration and floor area of this unit shall not be modified.*
5. Failure to record a Final Plat within two (2) years of Council's approval of a Preliminary Plat shall cause the Preliminary Plat to be null and void.

Findings of Fact **adopted** this 14th day of June 2022.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission

Attachment C
Applicant Comment

From: [Participate](#)
To: [Abby Rivin](#)
Subject: Fwd: Design Review Meeting 5/24
Date: Thursday, May 26, 2022 9:22:26 PM
Attachments: [image001.png](#)

To be included with the P&Z staff report for approval of the findings.

Begin forwarded message:

From: Mike Allaire <mallaire@mda-arc.com>
Date: May 25, 2022 at 12:21:36 PM MDT
To: Participate <participate@ketchumidaho.org>
Cc: Neil Morrow <nmorrow@ketchumidaho.org>, Matthew Mead <mmead@ketchumidaho.org>, Tim Carter <tcarter@ketchumidaho.org>, Spencer Cordovano <SCordovano@ketchumidaho.org>, Brenda Moczygemba <BMoczygemba@ketchumidaho.org>
Subject: Design Review Meeting 5/24

This is in response to the chairman's comments during the deliberation of the Mountain Land Design revision application on 5/24. I do not feel I had the chance to defend myself or the development team as our presentation was complete and the public comment period was closed.

While I appreciate the final outcome and the levelheaded response of the majority of the commission, the chairman's comments were harsh, aggressive, and frankly insulting. While I agree in spirit with the chairman's argument that there should not be a precedent set that it is okay to build first and ask questions later, this was not a case of that. To suggest that any of the professionals on this development team had any intent to circumvent the processes in place for revisions or modifications that come up during construction is offensive at best. All studies for egress, life safety, and structural modifications were performed by the design team at the time of the revision request. The structural modifications, while real, are minor, and involve a slight shift of 4 columns along the midspan of beams; certainly, something that is commonly done to react to field conditions and discussed with inspectors on site without drawing revisions.

To reiterate the timeline, we started asking for review in writing on April 12, 2021. We spent a month of constant calls and emails trying to get any sort of response. I would have been very happy to stand in front of the commission a year ago to give the same presentation for the same modifications and would have accepted a denial at that time with some disappointment, but no real loss. The chairman's suggestion that the answer was to walk down and demand to be seen like an entitled brat is laughable, especially during a time when city offices were basically closed to the public due to Covid 19

restrictions. We are professionals who respect people's time, and we expect to be treated with the same respect. The precedent that would have been set if the application was denied is one of a planning staff who, in the event they don't like or agree with a particular application, can simply ignore it to death.

Photograph taken on 4/28/2021 – 1 week after our first written request for a revision. 2nd floor beams are being placed. The columns discussed as being moved for the revision are not yet delivered to the site. We are asking questions before building; getting answers is the difficult part. In addition to holding applicants to account for keeping in line with the processes, it would be helpful if city staff was also held to a standard of response in a reasonable timeframe, especially with projects under construction.



Respectfully,

mike allaire, aia

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