

City of Ketchum
Planning & Zoning Commission
c/o Morgan Landers, Planning Director
191 5th Street West,
Ketchum, ID 83340

By Hand Delivery and Email: MLanders@ketchumidaho.org

November 21, 2025

Re: Design Review
Sawtooth Serenade Project
Our File No.: 12690-001

Ladies and Gentlemen:

We represent Scott and Julie Lynch, Yahn Bernier and Beth McCaw, and Distrustful Ernest Revocable Trust (“Applicants”) with respect to the Design Review Application for the Sawtooth Serenade development located at 260 N. First Avenue, in Ketchum, Idaho. To ensure the record is complete, this letter will address various issues raised by staff in the Staff Report for the meeting of September 23, 2025, which has been continued to November 25, 2025.

Initially, as we know, this application vested prior to your adoption of Interim Ordinance 1234. It was Ordinance 1234 that first added to the design review criteria the requirement of conformance with the comprehensive plan. For this application, conformance with the comprehensive plan is NOT an articulated design criteria and therefore should not be considered as part of the analysis. The law in Idaho is clear that, while requirements of applicable ordinances are binding on a body rendering a zoning or permit decision, **a comprehensive plan is not**. *Urrutia v. Blaine Cnty.*, 134 Idaho 353, 357–58, 2 P.3d 738, 742–43 (2000). To be clear, a comprehensive plan is not a legally controlling zoning law, but merely serves as a guide to local government agencies. *Evans v. Teton County*, 139 Idaho 71, 76, 73 P.3d 84, 89 (2003).

In the staff report, an evaluation of the comprehensive plan conformance is included under the analysis of KMC 17.96.050.A., Criteria 1 which states: “the project does not jeopardize the Health Safety and Welfare of the public.” The comprehensive

plan analysis does not address health safety and welfare of the public specifically. However, the Ketchum code does, in the purpose section of the zoning code:

17.04.020 - Purpose.

These regulations are designed and enacted in accordance with Idaho Code, title 67, chapter 65, for the purpose of *promoting the health, safety and general welfare* of the present and future inhabitants of Ketchum, Idaho, by accomplishing, among others, the following specific purposes:

A. Residential areas should be protected against fire, explosion, noxious fumes, floods, avalanches, and other hazards; offensive noise, vibration, smoke, dust, odors, heat, glare and other objectionable influences; the invasion of abnormal vehicular traffic; and excessive congestion of buildings.

B. Residential and tourist areas should have space off public streets for parking; access for light and air to windows; privacy by means of controls over the location of buildings; usable open space on the same lot; land to meet the needs of probable expansion, appropriate sites for those public services which are needed; and tracts for quasi-public uses which provide essential health and welfare services.

* * *

Applying these standards, nothing in the currently proposed project plans jeopardizes public health safety and welfare.

Additionally, we have reviewed city staff reports and P&Z findings on design review applications from 2021 through October of 2022, when Ordinance 1234 added conformance with the comprehensive plan as a third criteria for design review approval, and found that a comprehensive plan analysis was NEVER conducted by staff for pure design review applications in that period prior to October 2022.¹ Likewise, conformance with the Comprehensive Plan should not be considered as an evaluation criteria in this matter.

Indeed, Idaho Code §67-6535, requires that approval or denial of an application must be based on the express standards and criteria as “set forth in the express terms in land use ordinances in order that permit applicants, interested residents and decision makers alike know the express standards that must be met in order to obtain a requested permit or approval.” Further, Idaho Code § 67-6511(a) requires that all standards established within a zoning district be uniform for each class or kind of building within the

¹ Conformance with the Comprehensive Plan was considered in two applications that were combined Design Review/CUP applications as conformance with the Comprehensive Plan has been a CUP criterion since 2015.

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district. For standards to be uniform, they must be applied on a uniform basis across any given zone. Moreover, uniform application does not allow for evolving standards over time absent formal revisions to the standards.

In staff's analysis of the applicable express standards in the ordinance, it found only 2 criteria that are, in its mind, non-conforming:

17.96.060.E.1 - Compatibility of Design:

The project's materials, colors and signage shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.

17.96.060.F.5 - Architectural:

Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.

Applying these criteria on a uniform basis with other approved structures in the zone, it is clear that the proposed plan is compatible in design and provides undulation and relief on a scale at least as great as others building.

The comparisons below, which will be presented in in greater detail at the hearing, serve to highlight this inescapable fact:

Sawtooth Serenade:



FAR of 1.45 or 64% of allowable, compared to:

THE PERRY BLDG - 4TH ST

3 TOWNSITE LOTS:	24,703 SQ FT
GROSS SQ FT:	53,756 SQ FT
FAR:	2.18 (97%)

FAR 2.18
97% OF ALLOWABLE

460 MAIN ST BLDG

2 TOWNSITE LOTS:	11,000 SQ FT
GROSS SQ FT:	24,391 SQ FT
FAR:	2.22 (99%)

FAR 2.22
99% OF ALLOWABLE

1ST AVE & 4TH ST MIXED-USE BLDG

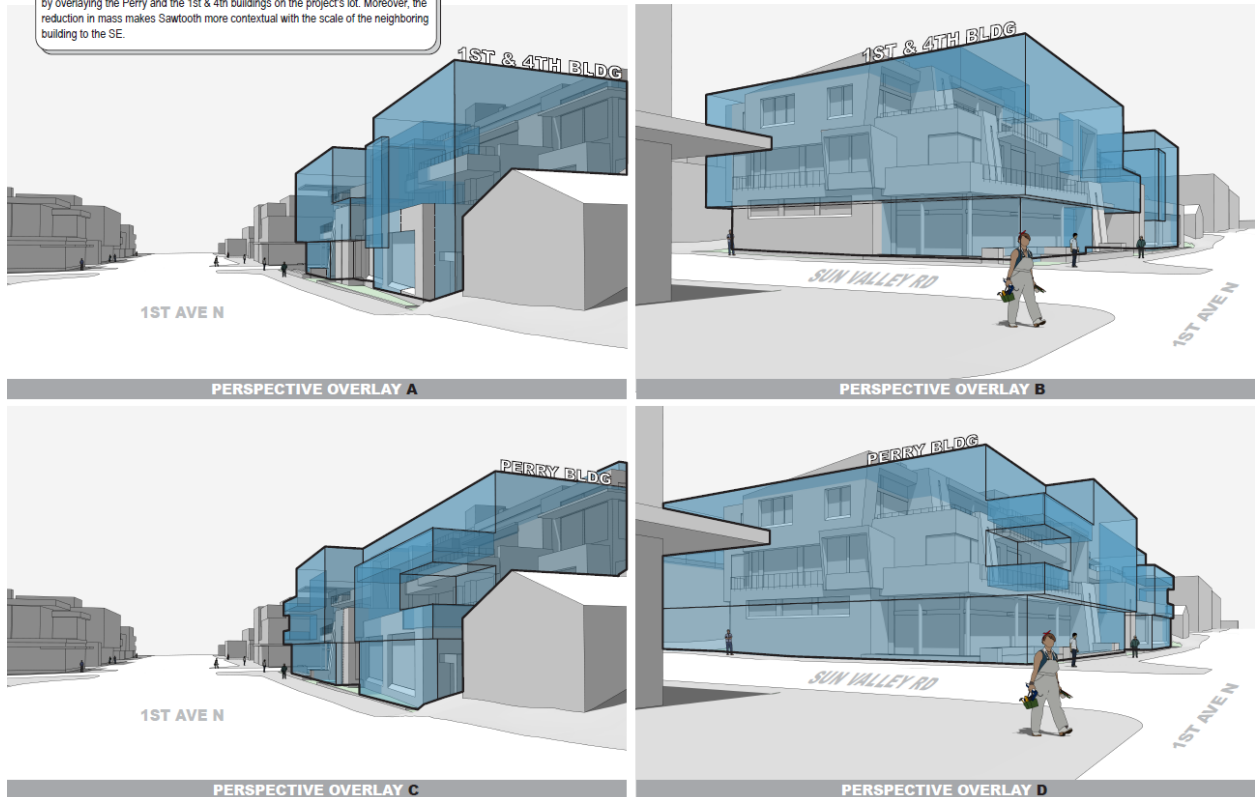
2 TOWNSITE LOTS:	18,163 SQ FT
GROSS SQ FT:	37,211 SQ FT
FAR:	2.05 (91%)

FAR 2.05
91% OF ALLOWABLE

Not only do these demonstrate Sawtooth Serenade has significantly less bulk on an objective basis, and FAR of 1.45 as opposed to FAR's of over 2, but they show significant undulation at least consistent with the others and materials which are no less complementary than the others. Moreover, the diagram below illustrates the scale of the present project by overlaying the approved designs (in blue) on the Sawtooth Serenade design clearly shows the Sawtooth Serenade project to have less bulk, mass and flatness and greater undulation.

MASSING - BULK, FLATNESS & SYMMETRY

When compared to recently approved projects of similar lot size, Sawtooth Serenade has significantly less mass, bulk & flatness along the Right-of-Way. This is illustrated by overlaying the Perry and the 1st & 4th buildings on the project's lot. Moreover, the reduction in mass makes Sawtooth more contextual with the scale of the neighboring building to the SE.

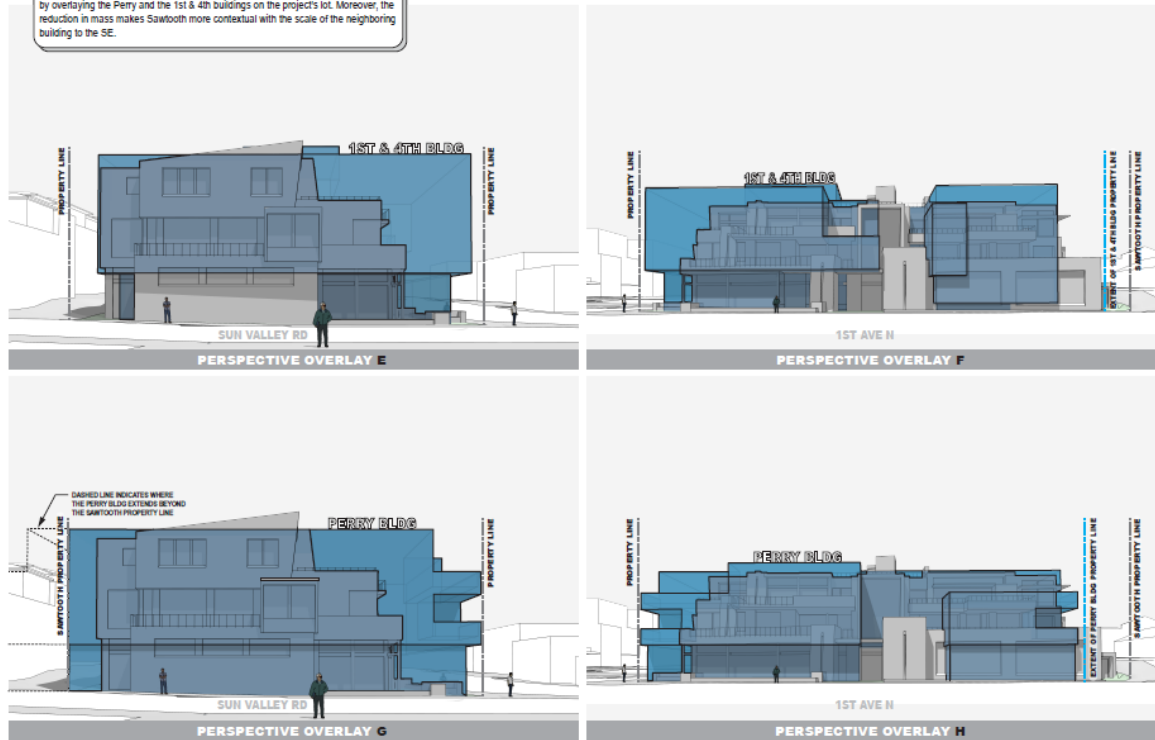


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■ COMPARATIVE BLDG VOLUME
■ SAWTOOTH BLDG VOLUME



THIELSEN ARCHITECTS
200 N 1ST AVE
RECHUMD

PROJECT: SAWTOOTH SERENADE
200 N 1ST AVE
RECHUMD

DATE: 11/21/2025

SCALE: AS SHOWN

Drawn: [Name]
Checked: [Name]
Reviewed: [Name]

Sheet: A0.9a
Project No. 2002

Based on the foregoing, appropriately applying the applicable criteria uniformly to other approved permits in the same zone, the Sawtooth Serenade project should be granted design review approval.

Thank you for your consideration.

Sincerely,

LAWSON LASKI CLARK, PLLC

James R. Laski

Cc: clients
Matthew A. Johnson, Esq. (by email: mjohnson@whitepeterson.com)