



## Planning and Zoning Commission Special Meeting MINUTES

Tuesday, January 26, 2021 at 4:30 PM  
Ketchum City Hall  
480 East Avenue North, Ketchum, ID 83340

### **CALL TO ORDER**

The meeting was called to order at 4:30 PM by chairman Neil Morrow.

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

Commissioner Moczygamba disclosed that she lives within 300 feet of the project. After conferring with the City Attorney, she was advised proximity alone was not a conflict of interest.

Commissioner Carter disclosed that he lives outside the 300 ft project radius but did not feel it was a conflict. He also revealed he spoke to John Gaeddart regarding the Wood River Land Trust and he spoke to Director Frick about some legal questions.

Commissioner Cosgrove disclosed that she lives in Warm Springs but did not feel it would be a conflict.

Chairman Morrow disclosed that he has had discussions with the owner about the future of the site.

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

1. Presentation, public comment and Planning and Zoning Commission comments on the Warm Springs Ranch proposed Development Agreement (P21-003), proposed Preliminary Plat for Block 1 Subdivision (P21-001), proposed Floodplain Overlay Permit (P21-002) and proposed Preliminary Large Block Plat (P21-010). The project is located at 1803 Warm Springs Road and the applicant is Robert Brennan.

Director Frick introduced the project stating some of the existing entitlements associated with this property are a Planned Unit Development, a Development Agreement, Design Review, and others that were granted in August 2009. These entitlements include 728,446 sq ft of development for hotel, condominiums, private residences, and work-force housing. This covered eight blocks in the Tourist Zone and the Recreation Use Zone. This agreement would rescind all the prior entitlements but retain the Tourist and Recreation Use Zones for Blocks 2-8. Block 1 is currently Tourist but would be changed to GR-L Zoning. This proposal is for a Development Agreement to re-zone Block 1 but retain the zoning on Blocks 2-8. Also retaining a Subdivision Map for a 36-unit single-family residence development, a Floodplain Permit, and the Development Agreement. The proposed Development Agreement would not allow development on Blocks 2-8 unless there is a future Subdivision Application and a Planned Unit Development application for those blocks. She noted that the City and the owner are working on an option to purchase Blocks 2-8 and that Purchase Agreement should be part of the packet for the next meeting. If the purchase should not occur, the owner would retain the current zoning. Any proposed development would come before the Planning and Zoning Commission.

Applicant Bob Brennan gave a history of his prior development experiences in Ketchum and how he came to purchase this property. His goal was to develop the 14-acre portion of the property but to preserve the majority of the property to be owned by the City.

Kurt Eggers of the development team presented the project. An aerial photo of the property was shown indicating the portion to be developed and the portion left undeveloped as well as the path of Warm Springs Creek. He described the existing development in the surrounding area. He explained the re-routing of Bald Mountain Road, and the location and materials for a new retaining wall, the location of a new bus stop and shelter, and the riparian restoration. He outlined the history of the area as the site of the former Helios Development project named Warm Springs Ranch Resort consisting of a hotel and residential development. The proposed height in Block 1 was 93 feet. The current proposal would be a maximum height of 35 feet. He showed renderings of the size and mass of the prior proposed hotel and the road layout. He then explained the current proposal for the roadways considering road width and turning radius. He outlined the 4 phases of construction, including the opening and closing of roadways, the construction of the new Bald Mountain Road, construction of the new Mountain Creek Rd, and the new Townhouse Ln.

Eggers went over the submittal including the Large Block Plat, Preliminary Plat, Existing Conditions Map and Roadways Plan, Grading and Drainage, Water Plan, etc.

Commissioner Moczygemba asked about the percentage of grade of the new roads. Eggers indicated the grade was between 2% and 10% for a short section. Bald Mountain Road has a section of 7.5%. The Commissioner asked about the fill and grading. Eggers replied the diversion canal from the old restaurant would be filled in and the road grade would be evened out.

Commissioner Cosgrove asked if an HOA would be responsible for the enforcement of the riparian regulations. Eggers replied the channel upstream from the property is very narrow and mostly rip-rapped. At the point of this property, the stream bed opens up with pools and drops. It is the intention of this project to maintain the natural course of the river. Any future work would be overseen by the HOA and done in a comprehensive manner. Eggers indicated that by bringing the riparian area up to a healthy state now, individuals will be less likely to make unique changes to the riparian zone.

Vice-Chair Mead asked about the road layout and if there was a parking plan. Eggers indicated a parking area just across the bridge. Bob Brennan added that the parking area would be for 12-20 parking spaces. The bike path would enable pedestrian and bicycle access to the park. He wanted to limit the amount of parking at the park to help alleviate over-crowding. He considered this a "magical" piece of property to be kept as more than just a preserve and a dog park. He wanted everyone to be able to enjoy the property and not be over-run with cars. Vice-Chair Mead asked about the open area at the West end of the property. Eggers indicated it was privately owned and not part of the Warm Springs Ranch property. Vice-Chair Mead commented on the retaining wall materials and expressed preference for the Gabion wall materials.

Commissioner Cosgrove agreed on the choice of retaining wall materials.

Commissioner Moczygemba asked about the height of the wall. Eggers replied it was between 6 and 15 feet.

Commissioner Carter appreciated the plan to preserve public access to the property. He questioned the plans for the riparian restoration. Eggers indicated there would be minimal work to the streambank at this time. Hazardous trees had already been removed and any other restoration work was anticipated to be above the high water mark.

Commissioner Carter also asked about the private vs public roads. Eggers related that currently Geezer and Townhouse Lanes are private roads. This is typical of many subdivisions. All the roads, public and private, will be open to the public by car, bike or walking. Director Frick explained the difference between public vs private roads. She indicated they are virtually the same in standards of construction, placement, width, etc. The current roads are now on private property. Staff recommends Bald Mountain Road be a public right of way in order to service city snowplows. There was no objection to the other roads being private provided there is still public access. The HOA would be responsible for plowing and maintenance of the private roads.

Commissioner Carter asked if the prior Development Agreement expired on December 19, 2020, why did it need to be rescinded? Director Frick stated that it was not just the Development Agreement but the entire package including a PUD, Design Review, etc. By rescinding the entire package, there is no confusion as to what is in effect and what is not.

Commissioner Moczygemba asked what the zoning had been on Blocks 2-8 prior to the previous Development Application and had it ever been subdivided. Director Frick indicated the zoning prior to 2009 would be provided to the Commission.

Commissioner Cosgrove thought the proposed Development Agreement Phase 2 to be ambiguous as to the future of Blocks 2-8 and possible development. Eggers replied the goal was to transfer the open space to the City. If not, then a new application would come before the Commission. Ed Lawson, attorney for the applicant, expressed the intention of the applicant was for the City to own the property but if that is not possible, then a new application for a Planned Unit Development would be submitted. There were no specific plans for that currently. Commissioner Cosgrove wanted assurance that it would remain as open space. Lawson related the applicant and the City are engaged in an option agreement to purchase the property. Applicant Bob Brennan felt sure the negotiations with the City would be successful and if not there would still be a dog pack and open space, just not a total preserve.

Director Frick told the Commission the previous zoning of Tourist is proposed to be GR-L. Blocks 2-8 under the former County Zoning was GR-L. The area could have been developed as residential.

Chairman Morrow opened the floor for Public Comment.

Tara Martin, Warm Springs resident, asked about the trail along the property. Eggers responded that the trail is not on the property but on Forest Service property.

Scott Boettger, Executive Director of the Wood River Land Trust, wanted to see Blocks 2-8 rezoned to Recreational Use.

Bill Robertson, Bald Mountain Rd resident, asked about the width of the roads and enforcement of *No Parking* areas. He also asked about the clean-up of the riparian zone. Frick replied parking would be enforced by the Community Service Officers.

Perry Boyle, Ketchum resident, asked why Blocks 2-8 had not already been purchased by the City. He thought the Land Trust was a good fall back. He liked the Gambion wall treatment. He asked if Community Housing was a part of this development. Brennan replied he spoke to the Land Trust about purchasing the open space, but they did not share the same vision. He invited the Land Trust to partner with the City in the purchase of Blocks 2-8.

Commissioner Cosgrove asked if there was a requirement for workforce housing on this project. Director Frick replied the 36 single-family homes did not meet the requirement for Community Housing.

Ryan Roth asked about the speed limit of 25 mph as being too fast for a narrow road with bikes children present. Director Frick related that 25 mph was the standard but could be lowered with a supporting Traffic Study.

Being no further comments, Public Comment was closed.

Commissioner Cosgrove asked if the 36 lots were to be sold individually or as a total development. Bob Brennan replied he had not yet decided since he has been approached to sell all the lots to a developer and been asked by individuals about purchasing single lots. Cosgrove believed a single development of homes all looking alike would not be acceptable to the community. Brennan was of the same opinion so was inclined to sell lots individually. He wants to limit house size to under 6,000 square feet for the larger lots and under 3,000 square feet on the smaller lots.

Commissioner Carter expressed concern over the uncertainty of the future of Blocks 2-8. He felt there was a connection between the option to purchase and the Development Agreement and should be considered together. Brennan replied they will try to have a resolution before the next meeting.

Vice-Chair Mead agreed with Commissioner Carter. He wanted to know if the City was interested in the purchase. Frick replied the discussions have been positive and an agreement or a draft of an agreement should be available by the next meeting. Mead appreciated the thoughtful comments of former Chair of the PZ Commission Jeff Lamoureaux regarding maintaining access for pedestrians and traffic. He urged consideration of traffic circulation. Mead questioned the short access area to Warm Springs Road and the possibility it could be a point of congestion.

Brennan assured the Commission there would be an agreement with the City for purchase of Blocks 2-8 prior to the next meeting.

Commissioner Cosgrave pointed out the need for a transportation plan, the importance of the open space and the preservation of the riparian areas.

Brennan replied he was aware of the sensitivity of the property.

Commissioner Moczygemba agreed with the other commissioners. She expressed concern over the width of the streets, the slope of Townhouse Ln, and the future of Blocks 2-8.

Chairman Morrow thanked the applicant for his vision and the Commission for their thoughtful questions. He expressed confidence that the City would purchase Blocks 2-8. He emphasized that any development in Blocks 2-8 would have to come before the Commission for approval.

**ADJOURNMENT**

The meeting was adjourned at 6:50 PM.

**Motion to adjourn.**

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

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

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Neil Morrow  
Planning and Zoning Commission Chairman