



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
MARCH 14, 2023 MEETING

PROJECT: 402 Evergreen Ln Addition

FILE NUMBER: P22-033

REPRESENTATIVE: Junior Sealy, Owner

OWNER: Junior Sealy

REQUEST: Conditional Use Permit for a 710 sq ft addition to an existing residence with the Pines PUD

LOCATION: 402 Evergreen Lane (Lot 14, Block 2, The Pines P.U.D.)

ZONING: General Residential – Low Density (GR-L)

OVERLAY: None

NOTICE: A public meeting notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivisions on February 22, 2023. The notice was published in the Idaho Mountain Express on February 22, 2023. A notice was posted on the project site and the city’s website on March 7, 2023.

REVIEWER: Adam Crutcher, Associate Planner

EXECUTIVE SUMMARY

The applicant has submitted a Planned Unit Development Conditional Use Permit (PUD CUP) for a storage room and master bedroom addition that would increase the building footprint by 710 sq ft to a residence located at 402 Evergreen Ln (the “subject property”). The residence is located within the Pines Planned Unit Development (PUD) which received approval on May 1, 1989. Per KMC 16.08.140:

“Minor changes in the location, siting or character of buildings and structures may be authorized by the Administrator, if required by engineering or other circumstances not foreseen at the time the PUD conditional use permit was approved. All such requests shall be in writing supported by such documentation as reasonably required by the Administrator. No change shall be authorized by the Administrator except in writing and shall not increase the size of any building or structure, or building envelope concept, nor change the location of any building or structure outside of an approved building envelope; provided, notwithstanding the foregoing, if the Administrator determines any proposed change may have a significant impact on the approved project, the Administrator may decline to administratively approve such change and shall forward same to the City Council for consideration.”

As the request is to construct an addition which increases the size of the building and extends outside the building envelope set forth by the Pines PUD, a conditional use permit is required to amend the Pines PUD.

With the proposed addition, the footprint would increase by 710 square feet from 1,498 square feet to 2,208 square feet. Attachment E in the staff report is the approval and evaluation standards for the Pines PUD.

Based on review of the proposed application, staff believes the proposed addition meets the intent of the Pines PUD as originally approved as the proposal re-establishes entry landscaping, the addition is architecturally compatible with the rest of the PUD, does not reduce overall open space, privacy, and solar access of the overall development or immediately adjacent properties.

Staff believes the project complies with PUD standards and the intent of the Pines PUD with regard to architectural compatibility, entryway landscaping, & open space, privacy, and solar access and recommends the Commission approve the project subject to conditions as outlined below.

BACKGROUND

Pines PUD History

The Pines PUD was approved, with conditions, on May 1, 1989, to create a 26-unit, single family detached home subdivision on 3.8 acres of land in the West Ketchum neighborhood (Attachment C). The Pines has a master plan which establishes building envelopes for each sub-lot and landscaping for the entire development (Attachment D). The Pines requested, and received, waivers for certain setbacks within the development. The subject property was one of nine properties within the development to receive a waiver for the requirement of a 15 ft front yard setback, allowing for 0 ft setbacks.

Process to Date

The Planning and Building Department received the Planned Unit Development Conditional Use Permit (PUD CUP) on June 3rd, 2022. The application was reviewed by staff and deemed complete on June 21st, 2022. The Commission has reviewed the project two previous times, once at their July 26th, 2022 hearing and again on November 29th, 2022.

In the Commission's first review of the proposed addition at their July 26th, 2022 meeting, three aspects of the project were highlighted where staff requested the Commission's feedback as to whether the project met the intent of the Pines PUD:

- Architectural compatibility & increased size
- Landscaped entryway
- Open space, privacy, and solar access

Upon review of the application materials, staff and applicant presentation, and public comment, the Commission provided feedback at the July 26th, 2022 meeting as follows:

- The Commission felt the proposed addition's "tiered" design was not architecturally compatible.
- The Commission expressed concern at the lack of entryway landscaping due to the addition extending to the north yard. The landscaping plan of 4 lilac bushes and 4 evergreen trees not sufficient to meet landscaped entryway intent.
- No concern from Commission regarding open space, privacy, and solar access as proposed addition oriented away from adjacent residences

The applicant provided a revised proposal for the November 29th, 2022 hearing which sought to address the comments provided by the Commission. This resubmittal included the following changes:

- Proposed master bedroom addition relocated from north side of existing residence to east side.
- Additional landscaping located in the open space on the northern end of the subject property. Proposed landscaping is within property boundaries, not the public right of way

The Commission believed the revised proposal better addressed the architectural compatibility than the first design and better met the intent of the landscaped entryway. The Commission did express concern that the existing aspen trees within the Williams St Right-of-Way (ROW) may not be present in the future and the proposed addition wouldn't be sufficiently vegetatively screened as the building extended to the eastern property line.

ANALYSIS

The Pines PUD was approved in 1989 based upon 17 evaluation standards contained in KMC 16.08.080. Staff has reviewed the following PUD CUP application against the PUD standards and the intent of the original Pines PUD approval. Attachment E contains staffs review of the proposed project with regards to the above-mentioned standards. Aspects of the project which staff believes warrant further discussion from the Commission include expansion of building footprint & architectural compatibility, entryway landscaping, and open space, privacy, and solar access. Staffs analysis regarding these three aspects of the proposed project are discussed below.

Expansion of Footprint & Architectural Compatibility

As a Planned Unit Development, the design, size, and placement of the single-family homes are similar to each other and have been planned as a cohesive development through the PUD/CUP process. This is unlike single family homes on separate parcels within Ketchum which are only subject to the underlining development standards.

All other additions to homes in the Pines PUD have been subject to a Conditional Use Permit reviewed by the Planning and Zoning Commission. Five Conditional Use Permits for additions have been approved since its creation in 1989. These additions occurred from 1993 to 2006. Additions ranged from 18 sq ft to 388 square feet. A brief description of the size of previous additions include:

- 502 Evergreen Lane: 388 sq ft addition to building footprint in 1993
- 404 Evergreen Lane: 130 sq ft addition to building footprint in 1993
- 108 Buss Elle: 18 sq ft addition to building footprint in 1995
- 310 Williams St: 130 sq ft addition to building footprint in 1996
- 310 Williams St: 40 sq ft addition to building footprint in 2006

The additions which took place in 1993 received numerous public comments concerned about the addition and whether it would set a precedent. Commission members in the meetings for the approvals believed that because any addition would have to come through a public hearing, the Commission would then be able to review each proposal on a case-by-case basis. Additions which occurred in 1995 and for 310 Williams St (1996 and 2006) did not have any public comment and no substantive conversation between Commissioners regarding the additions. The addition at 310 Williams, approved in 2006, was permitted to extend to the property line with a zero-foot setback. The 2006 addition does differ from the current application as the zero foot setback was situated interior to the Pines development, not along the perimeter.

The project has proposed additions on the east and south side of the existing residence as shown in Attachment B. The proposed addition extends beyond the existing footprint with a storage room on the south side of the existing residence and a master bedroom to the east. The addition would increase the building footprint from its existing 1,498 sq ft to 2,208 sq ft. As stated above, there have been five requests for enlarging of the footprints within the Pines PUD which have been approved since the original PUD. This addition would be the largest, adding 710 sq ft to the building footprint while the previous largest addition was 388 sq ft.

Design review for the original approval of the Pines PUD occurred on April 24th, 1989. The conditions of approval for the design review stated that the development would use three typical designs and floor plans to be used interchangeably within project lots. As the addition would extend beyond the existing footprint, the

residence would differ in floor plan compared to other units within the PUD. The addition will use materials to match the existing siding and roofing. The proposed storage room and master bedroom additions use similar architectural styles as seen on the existing residence and other residences within the Pines.

As stated previously, the Commission had concern regarding the addition extending to the eastern property line as the existing aspen trees which are currently present adjacent to the subject property may not be present in the future. After the November 29th, 2022, hearing, staff conducted additional research and was able to locate a ROW Encroachment Agreement (Attachment F) for the plantings within the Williams St & 4th Avenue ROW. This includes the existing aspen trees which are present along the eastern property line of the subject property.

Staff believes that while the addition is larger than previous approvals, the project is architecturally compatible and meets the PUD standards and intent of the Pines PUD. Due to the location of the addition, staff believes standards regarding landscaping, open space, privacy & solar access, which will be discussed later, are met.

Landscaping

The Pines PUD was approved with 10 conditions. One of those conditions applies to the proposed addition and is indicated as Condition #2 in Attachment C. Condition #2 states, “the access entry width at 6th St shall be narrowed by additional landscaping or other means to be approved by the Ketchum Planning and Zoning Commission through design review to help deter general public use of Pine Lane”. Said access entry was developed with landscaping on both sides of the entryway as seen on the master plan (Attachment D). Although Condition #2 lists Pine Lane as the private road which cuts through the Pines development, the road has been renamed to present day Evergreen Lane. While the master plan does identify landscaping on the norther portion of the subject property, no species or quantity of plantings are specified. As seen in Figure 1, it appears this portion of the subject property was previously vegetated with evergreen and deciduous trees.



Figure 1. Entry way landscaping as of July 2008. Subject property is on left behind trees.

The trees present in Figure 1 were removed in 2022 as shown in Figure 2. To conform with the entryway landscaping requirement as conditioned in the original Pines PUD approval and the master plan, staff advised the applicant to reestablish landscaping in this area.



Figure 2. Subject property as of July 2022

At the July 26th meeting, the Commission requested additional landscaping which the applicant has responded to with a revised landscape plan (Sheet L1.0) as seen in Attachment B. The proposed landscape plan includes a diverse range of species as well as more plantings overall. The species includes Subalpine Fir, Lodgepole Pine, Black Hill Spruce, Spirea and ornamental grasses.

As the addition is situated towards the exterior of the Pines boundaries, landscaping is able to be provided at the entryway as well as on the outside of the eastern property boundary due to the ROW Encroachment Agreement discussed previously. Staff believes the proposed landscape plan meets the intent of a landscaped entryway. The mix of proposed vegetation including trees, shrubs, and grasses provides a visually appealing entryway much like the landscaping on the northern side of the entryway, adjacent to 401 Evergreen Ln, which also includes a variety of plant species and heights.

Open Space, Privacy, and Solar Access

Standards #11 and #12 in the Pines PUD approval (Attachment C), speak to how the original development would allow for open space, provide privacy between units and neighboring properties, and maintain solar access. Open space for the Pines PUD was provided through a combination of separate open space parcels and limited building footprints thereby creating open space between housing units. Parcel A and Parcel B are dedicated parcels in the PUD which are used for open space and snow storage as shown in the master plan (Attachment D). The rest of the open space is throughout the development between structures which was left open as a result of the PUD setbacks and lot coverage. With the proposed addition, the total lot coverage for the Pines PUD would increase from 39,096.5 sq ft to 39,806.5 sq ft giving the PUD a total coverage of 23.79%, below the required 35% allowable lot coverage in the GR-L Zone. This lower lot coverage created a more open and landscaped development and was in exchange for waiving reduced building setbacks. Standard #12 states how the PUD would maximize privacy and protect solar access. The “zipper lot” configuration allowed for buildings to undulate along the street frontage allowing each residence to have privacy from adjacent properties. The original development only proposed 1 and 2 story buildings allowing for solar access within the PUD and for adjacent properties. The proposed addition does not increase the height of the existing residence and the proposed master room slopes downward away from adjacent structures therefore preserving the open space, privacy, and solar access within the Pines.

Staff believes the proposed additions do not conflict with the goal of allowing for open space, providing privacy between residences and neighboring properties and maintaining solar access. The master bedroom addition which extends to the east does not reduce privacy as the property boundary borders Williams St ROW. This reorienting of the master bedroom preserves the opportunity for re-establishing the entryway landscaping on the northern side of the subject property. The garage addition which extends to the south four feet does not encroach further than the existing residence already does and so staff does not see believe the proposal compromises the open space or privacy intent of the original Pines PUD.

STAFF RECOMMENDATION:

Staff believes the project complies with PUD standards and the intent of the Pines PUD with regard to architectural compatibility, entryway landscaping, & open space, privacy, and solar access. Staff recommends approval of the PUD CUP application with the following recommended conditions of approval:

RECOMMENDED CONDITIONS

1. The issuance of the CUP shall not be considered a binding precedent for the issuance of other conditional use permits. This conditional use permit is not transferable from one parcel of land to another.
2. Failure to comply with any conditions or term of said permit shall cause said permit to be void. A PUD – Conditional Use Permit may be revoked at any time for violation of the permit or any condition thereof by motion of the City Council after a due process hearing upon ten (10) days written notice to the holder of the PUD - Conditional Use Permit.
3. All exterior lighting shall be in compliance with Ketchum Municipal Code, Chapter 17.132, Dark Skies, and approved prior the issuance of a Certificate of Completion;
4. In the event aspens located adjacent to eastern property line are damaged or do not survive construction within one year of certificate of completeness, the applicant shall replace with new aspen plantings at 3 inch caliper size.

ATTACHMENTS:

- A. Application
- B. Project Plans
- C. 1989 Pines PUD CUP Findings of Fact
- D. Pines Master Plan
- E. PUD Evaluation Standards
- F. 1990 ROW Encroachment Agreement
- G. Public Comment

Attachment A
Application



City of Ketchum
Planning & Building

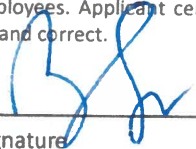
| OFFICIAL USE ONLY | |
|-------------------|--------------|
| File # | P22-033 |
| Date Received | 6/3/22 |
| By: | S. J. McCall |
| Fee Paid | 1100.00 |
| Approved Date: | |
| Denied Date: | |
| By: | |

Conditional Use Permit Application

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 191 5th St. West, Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: www.ketchumidaho.org and click on Municipal Code.

| OWNER INFORMATION | |
|--|---------------------------------------|
| Project Name: Weseal Addition | |
| Name of Owner of Record: AB Sealy Jr. & Bonnie Wescoat | |
| Physical Address: 402 Evergreen Lane | |
| Property Legal Description: Lot 14 Blk 2 Pines Townhouses Phase 1 | |
| Property Zoning District: GRL | |
| Contact Phone: 7024979783 | Contact Email: jsealy@revplastics.com |
| PROJECT INFORMATION | |
| Description of Proposed Conditional Use: Addition | |
| Description of Proposed and Existing Exterior Lighting: Existing lighting (no new): 3 down firing fully cutoff less than 2700 Kelvin | |
| ADDITIONAL COMMENTS | |
| This addition has been fully vetted and approved by the Pine HOA | |
| ACCOMPANYING SUPPORTING INFORMATION REQUIRED | |
| <ul style="list-style-type: none"> Existing Site Plan Proposed Site Plan Landscape Plan Grading and Drainage Plan Exterior Lighting Plan and Specifications Other plans and studies related to the social, economic, fiscal, environmental, traffic, and other effects of the proposed conditional use, as required by the Administrator | |

Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortuous conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

Applicant Signature 

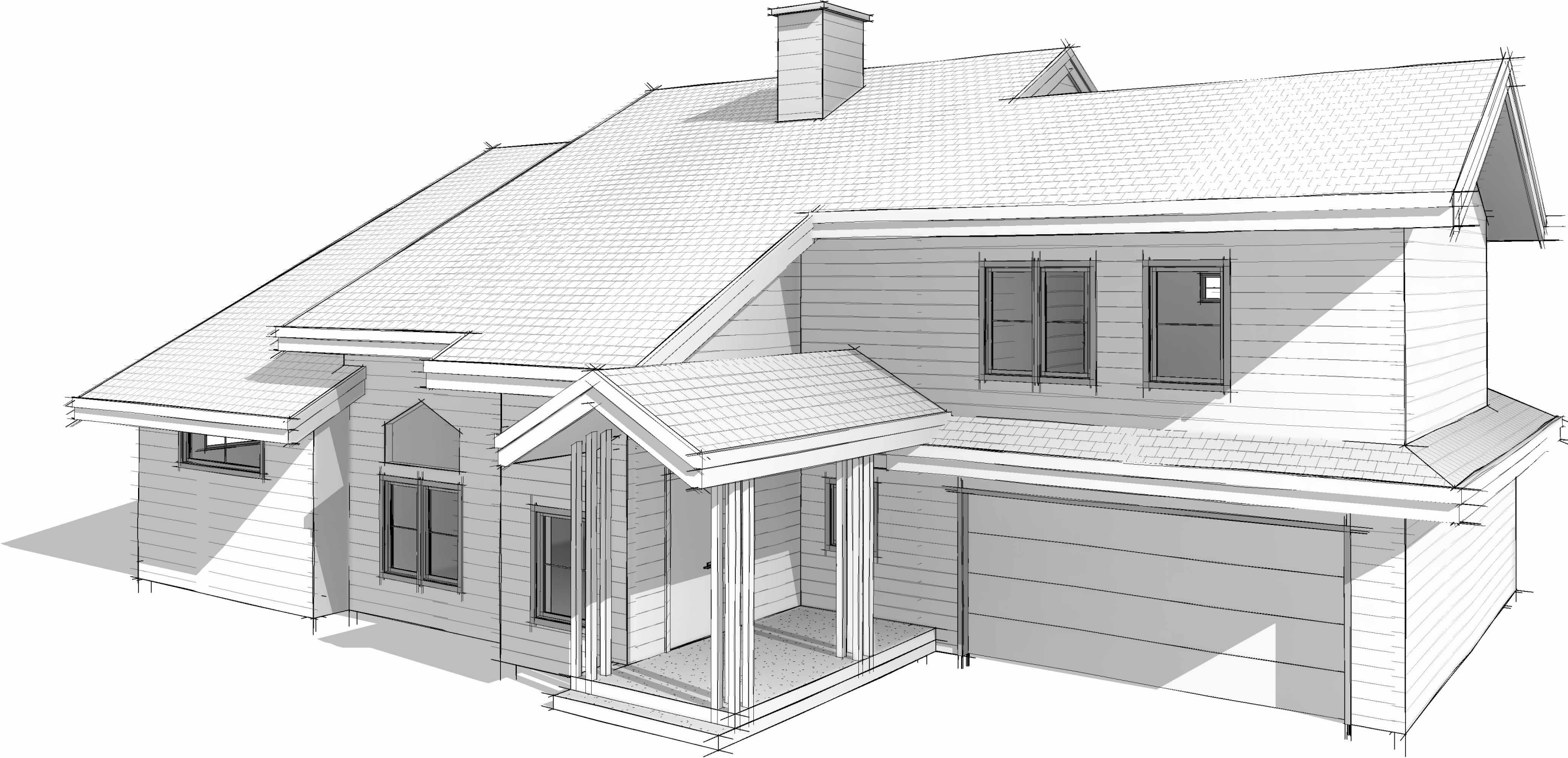
Date 5/18/2022

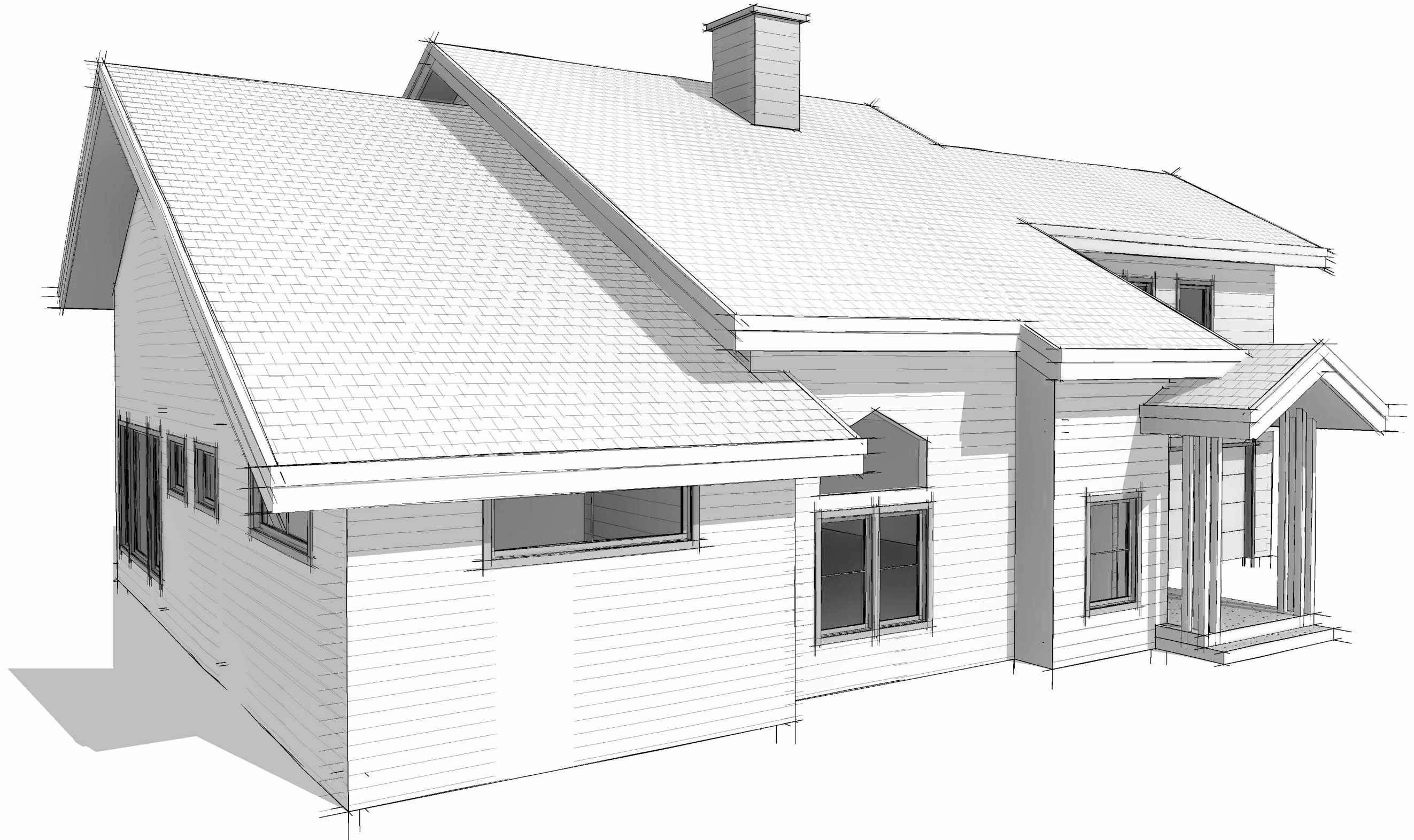
Attachment B
Project Plans

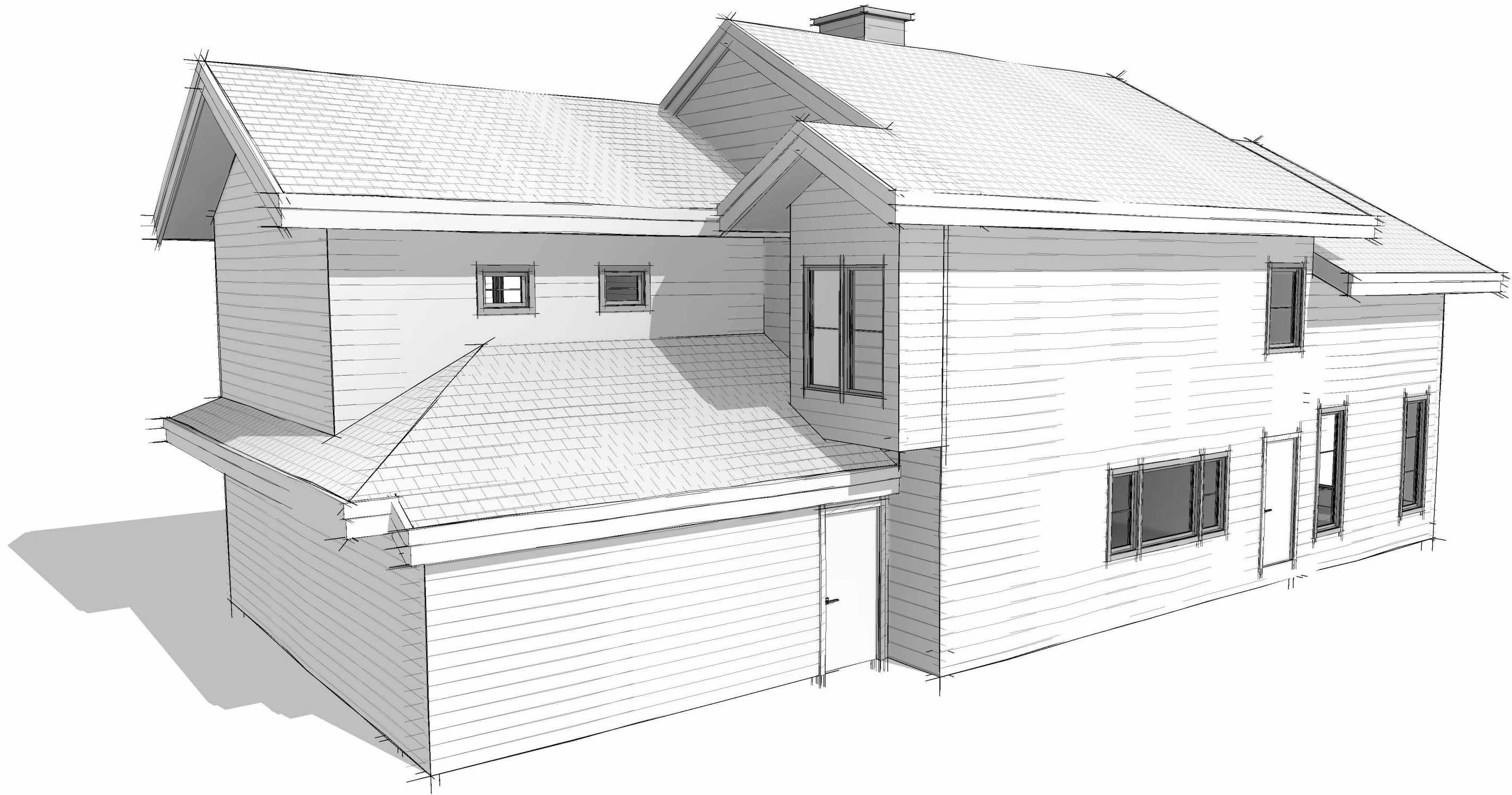


- LEGEND**
- Subject Property Boundary
 - Adjoiners Property Boundary
 - Centerline Road
 - Building Setbacks per City of Ketchum for Detached Townhomes
 - EOA = Edge of Asphalt
 - Existing Building/Structure
 - Existing Deck
 - Proposed Addition
 - FNC = Existing Fence
 - PVR = Existing Pavers
 - 5' Major Contour (Alpine 2022)
 - 1' Minor Contour (Alpine 2022)
 - Proposed 1' Minor Contour
 - Proposed Drainage Flowline
 - Existing Asphalt Driveway
 - Existing Curb & Flowline
 - Existing Sidewalk
 - Existing Water Main
 - Existing Water Service
 - Existing Sewer Main
 - Existing Sewer Service
 - Found 1/2" Rebar as Shown
 - GMTR = Gas Meter
 - SMH = Sewer Manhole
 - FND 1/2" = Found 1/2" Rebar
 - PHBOX = Phone Box
 - TVBOX = CA/TV Box
 - CMTR = Gas Meter
 - DT = Deciduous Tree
 - SIGN = Road Sign
 - SIGN = Road Sign
 - IC Illegible Cap
 - HSE House
 - GRG Garage
 - TRESH Threshold Elevation
 - SLB Slab
 - COR Corner
 - BOSW Back of Sidewalk
 - TBC Top Back of Curb
 - LIP Lip of Curb
 - TP Top of Pavement/Spot Elevation
 - GS Ground Shot/Spot Elevation
- () Record Bearing and Distance per Inst. No. 313977

- NOTES**
- 1) Basis of Bearings is Idaho State Plane Coordinate System, NAD83, Central Zone, at Grid in US Survey Feet. Vertical Datum is assumed 100.00' at point 103.
 - 2) Boundary Information is from the Plat of The Pines P.U.D. Townhouses Phase 1, Instrument Number 313977; Records of Blaine County, Idaho.
 - 3) Refer to the Plat Notes, Conditions, Covenants, and Restrictions on Original Plat.
 - 4) Utility Locations shown are based on visual surface evidence and should be verified before any Excavation.
 - 5) Current Zoning appears to be GR-L, General Residential Low Density, but are considered Townhouse Sublots.
 - 6) Several Boundary Monuments are missing, so a Record of Survey will be prepared and Recorded.













① NORTH ELEVATION
1/8" = 1'-0"



① EAST ELEVATION
1/8" = 1'-0"

PROJECT

402 EVERGREEN LANE
KETCHUM, IDAHO

DRAWING

EAST ELEVATION

DATE

02.01.2023

DWG. #

A2.1



① SOUTH ELEVATION
1/8" = 1'-0"

PROJECT

402 EVERGREEN LANE
KETCHUM, IDAHO

DRAWING

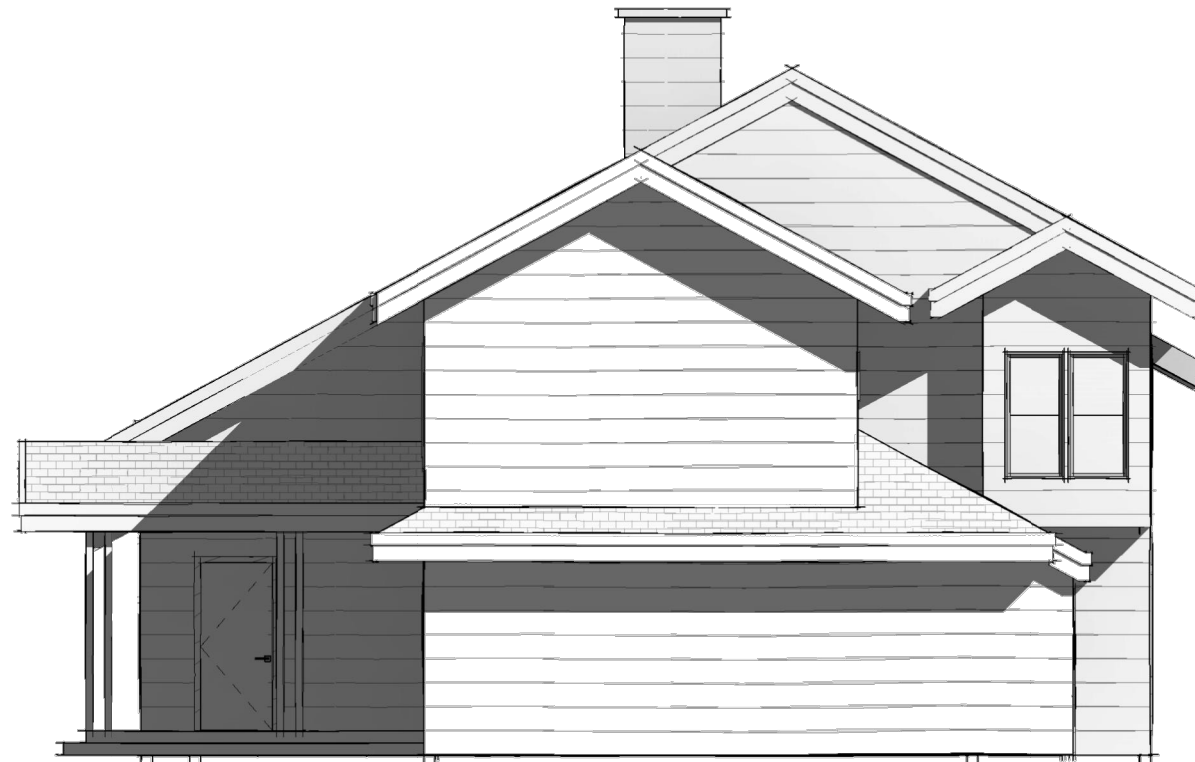
SOUTH ELEVATION

DATE

02.01.2023

DWG. #

A2.2



① WEST ELEVATION
1/8" = 1'-0"

PROJECT

402 EVERGREEN LANE
KETCHUM, IDAHO

DRAWING

WEST ELEVATION

DATE

02.01.2023

DWG. #

A2.3



| | PROJECT | DRAWING | DATE | DWG. # | |
|--|-----------------------------------|--------------------------------------|---------|------------|------|
| 208.727.7936 208.727.7335 KETCHUM, IDAHO | DEMARCHI - AUCAPURI ARCHITECTS | 402 EVERGREEN LANE KETCHUM, IDAHO | 3D VIEW | 02.01.2023 | A3.0 |

Materials



Lighting



Attachment C
1989 Pines PUD CUP

APPLICATION FOR CONDITIONAL USE PERMIT

Name of Applicant: DSK Partners

Name of Owner of Record: MMS Investments

Phone Number (home): 622-3054 (business): 726-4521

Mailing Address: Ronald J. Sharp, Post Office Box 1440, Sun Valley, Idaho 83353

Legal Description and Street Address of Property Requiring a Conditional Use Permit: (attach if necessary):

Attached hereto

Description of Proposed Conditional Use: The Pines Townhouse P.U.D.

Subdivision is a 26 Unit Single Family Detached Home Subdivision on approximately 3.8 acres.

Zoning District: GR-L

Overlay District: Flood Avalanche Pedestrian

Applicant's Signature: Ronald J. Sharp

Date: 3/30/89

-----Administrative Use Only-----

Date Application Received: 3/30/89

Date of Commission/Council Public Hearing: 4/24/89

Date Legal Notice Published: 4/5/89

Conditional Use Permit Fee: 125⁰⁰ Date Paid: _____

Mailing Fee: _____ Date Paid: _____

Date Applicant Notified: _____

Comments from Agencies: _____

Administrative Comments: _____

Action(s)/Findings Taken: _____

Permit Number: 89-005

CITY OF KETCHUM

PLANNED UNIT DEVELOPMENT
CONDITIONAL USE PERMIT

P.U.D. Ordinance Number 382

APPLICANT: H. D. McNee, Jr. and Sharon L. McNee, Trustees under Trust dated July 14, 1971

MAILING ADDRESS: Box 2028, Sun Valley, Idaho 83353

LEGAL DESCRIPTION: Attached hereto as Exhibit A and made a part hereof.

ZONING DISTRICT: General Residential - Low Density (GR-L)

APPLICATION DATED: March 30, 1989

DESCRIPTION OF CONDITIONAL USE: The Pines Townhouse Planned Unit Development (P.U.D.) consisting of twenty-six (26) single family detached townhouse units on approximately 3.8 acres of land. The development includes a recreation facility for common ownership and use by the owners within the P.U.D. Attached hereto as Exhibit B and made a part hereof is a site plan illustrating the layout of the approved Master Plan. The Master Plan in its entirety is on file in the Planning and Zoning Department of the City of Ketchum.

DATE OF PUBLIC HEARING AND ACTION BY KETCHUM PLANNING AND ZONING COMMISSION: April 24, 1989 - recommended approval

DATE OF CONSIDERATION AND ACTION BY KETCHUM CITY COUNCIL: May 1, 1989 - approved, subject to certain conditions contained hereinbelow

CONDITIONS OF PERMIT:

1. Garage spaces shall not be converted to living space or uses other than parking of vehicles and household storage.
2. The access entry width at Sixth Street shall be narrowed by additional landscaping or other means to be approved by the Ketchum Planning and Zoning Commission through design review to help deter general public use of Pine Lane. Said width shall remain satisfactory to the Ketchum Fire Department and shall not reduce width of road easement.

3. Parking on streets shall be limited to one side to facilitate access and snow storage/removal with applicable signage to be installed by developer.

4. Forty (40) foot wide road easements shall not be obstructed by trees or otherwise for purpose of adequate snow storage.

5. Owners are responsible for all maintenance of private streets and driveways including snow removal when necessary to maintain function for access and parking.

6. The five (5) of fourteen (14) existing trees identified on the P.U.D. Master Plan shall be preserved and addressed in owners documents.

7. Right-of-way agreement regarding landscaping in public right-of-ways shall be executed and referred to on all final plats. Applicants shall post a bond to secure completion of said landscaping in the rights-of-way of Buss Elle and Fourth Avenue that is not installed as part of the Phase I improvements. Said bond shall be in full force and effect through August 15, 1991, and shall be submitted to the City prior to issuance of the first building permit for the project.

8. Prior to future paving or seal coating of road(s), the owners shall notify the City Water and Wastewater Departments to ensure protection of valves and manholes on water and sewer mains.

9. Sufficient percolation to be provided for on Parcel B for adequate drainage of snow storage site.

10. All phases of development shall comply with P.U.D. Master Plan and phasing of construction shall be in accordance with the schedule as follows:

1989 Phase I: Nine (9) dwelling units; and site improvements:

1. Roads, plans to be approved by City prior to construction.
2. Sewer/Water, plans to be approved by City prior to construction.
3. Utilities.

4. Common area sprinklers and landscaping as shaded on the P.U.D. Master Plan and including the entry landscaping on Buss Elle.
5. Drainage for entire site as shown on landscape plan.
6. Preparation of building pad for each building.
7. Recreation facilities, including cabana, barbecue and spa.

1990 Phase II: Eight (8) dwelling units.

1991 Phase III: Nine (9) dwelling units

All of the first phase elements shall be completed prior to City approval of the first final plat of any townhouse sub-lot. Further, no permits shall be issued for any second phase construction until the first phase is complete.

THIS CONDITIONAL USE PERMIT IS HELD BY THE APPLICANT AND IS NON-TRANSFERABLE.

EFFECTIVENESS OF THIS CONDITIONAL USE PERMIT IS SUBJECT TO COMPLIANCE WITH CONDITIONS STATED ABOVE.

The undersigned does hereby accept the above Conditional Use Permit subject to all terms, provisions, conditions, restrictions and obligations therein. Non-compliance therewith shall be grounds for revocation of the Permit by Ketchum.

SIGNATURE OF APPLICANT

By *H. D. McNee, Jr.*
H. D. McNee, Jr.
Trustee

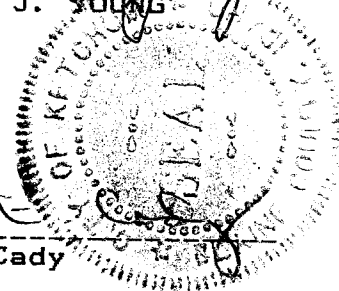
By *Sharon L. McNee*
Sharon L. McNee
Trustee

CITY OF KETCHUM

By *Lawrence J. Young*
LAWRENCE J. YOUNG
Mayor

ATTEST:

Sandra E. Cady
Sandra E. Cady
City Clerk

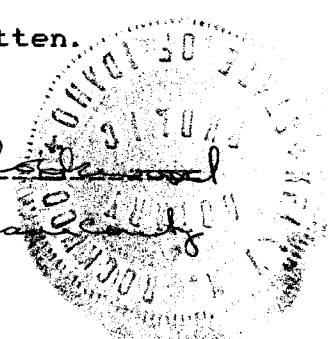


STATE OF IDAHO)
) ss.
County of Blaine)

On this 5th day of June, 1989, before me, a Notary Public in and for said State, personally appeared H. D. McNEE, JR. AND SHARON L. McNEE, TRUSTEES under Trust dated July 14, 1971, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of said Trust.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Kelly M. Robinson
Notary Public
Residing at: *Blaine, Idaho*



Individual Acknowledgment PLANNED
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO } ss.
On this 2ND day of JUNE, in the year 1989, before me, the undersigned, a Notary Public in and for said County and State, personally appeared

* * * H. D. MCNEE, JR., TRUSTEE * * * * *
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person
whose name is subscribed to this instrument and acknowledged that he executed it.

WITNESS my hand and official seal.

Melody L. Royval
Notary Public in and for said County and State



Through the courtesy of
Fidelity National Title
INSURANCE COMPANY

A parcel of land located within Government Lot 3, Section 13, Township 4 North, Range 17 East, Boise Meridian, City of Ketchum, Blaine County, Idaho, being more particularly described as follows:

Commencing at the brass cap marking the Southeast corner of said Government Lot 3; thence North 21°42'09" West 520.73 feet to a 5/8" bar, which point is the REAL POINT OF BEGINNING; thence North 89°11'03" West 360.39' to a 5/8" bar; thence North 0°04'11" West 337.14 to a 1/2" bar on the South side of Buss Elle Road; thence South 88°49'32" East 382.55' along Buss Elle Road to a 5/8" bar on the Southwesterly side of Fourth Avenue; thence South 44°40'27" East 212.76' to a 5/8" bar on the Westerly side of Williams Street; thence South 0°11'27" East 71.83' to a 5/8" bar; thence South 89°15'27" East 1.01' to a 5/8" bar; thence South 0°04'12" East 114.35' along Williams Street to a 1" pipe; thence North 89°11'03" West 172.70' to the REAL POINT OF BEGINNING, containing 3.8 acres more or less.

Also referred to as the Wood River Motel property located adjacent to Williams, and Fourth Streets and Buss Ell Road.

3 0 6 3 4 7

BLAINE CO. REQUEST
OF: FIRST AMERICAN TITLE CO.

89 JUN 12 PM 3 19

MARY GREEN, CLERK

FEES \$ 21.00

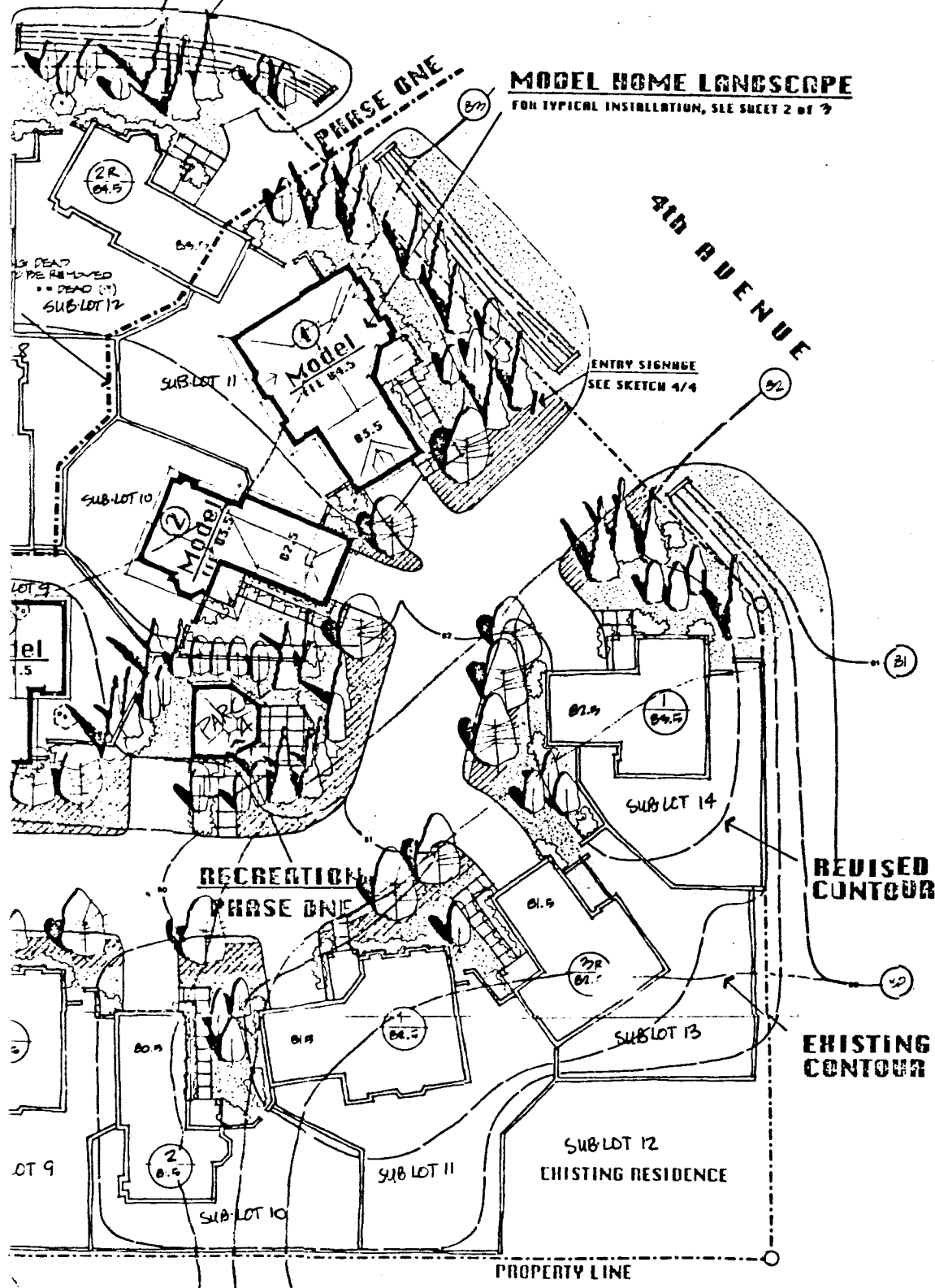
EXHIBIT A

COMMON AREA LANDSCAPE

SOLID AREA DENOTES EXTENT OF ASSOC. COMMONS

MODEL HOME LANDSCAPE

FOR TYPICAL INSTALLATION, SEE SHEET 2 OF 9



SITE LANDSCAPE
THE PINES P.U.D.
MASTER PLAN

Steven e. Job
LANDSCAPE ARCHITECTURE - LAND PLANNING
BOX 837 SUN VALLEY, IDAHO 83333
208/756-1887



SNOW STORAGE CALCULATIONS

| |
|--------------------------------------|
| 21,000 SQ. FT. TOTAL ROADWAY |
| 12,360 SQ. FT. A.O.W. STORAGE |
| 5,240 SQ. FT. PARCEL IN STORAGE |
| 17,600 SQ. FT. TOTAL SQ. FT. STORAGE |



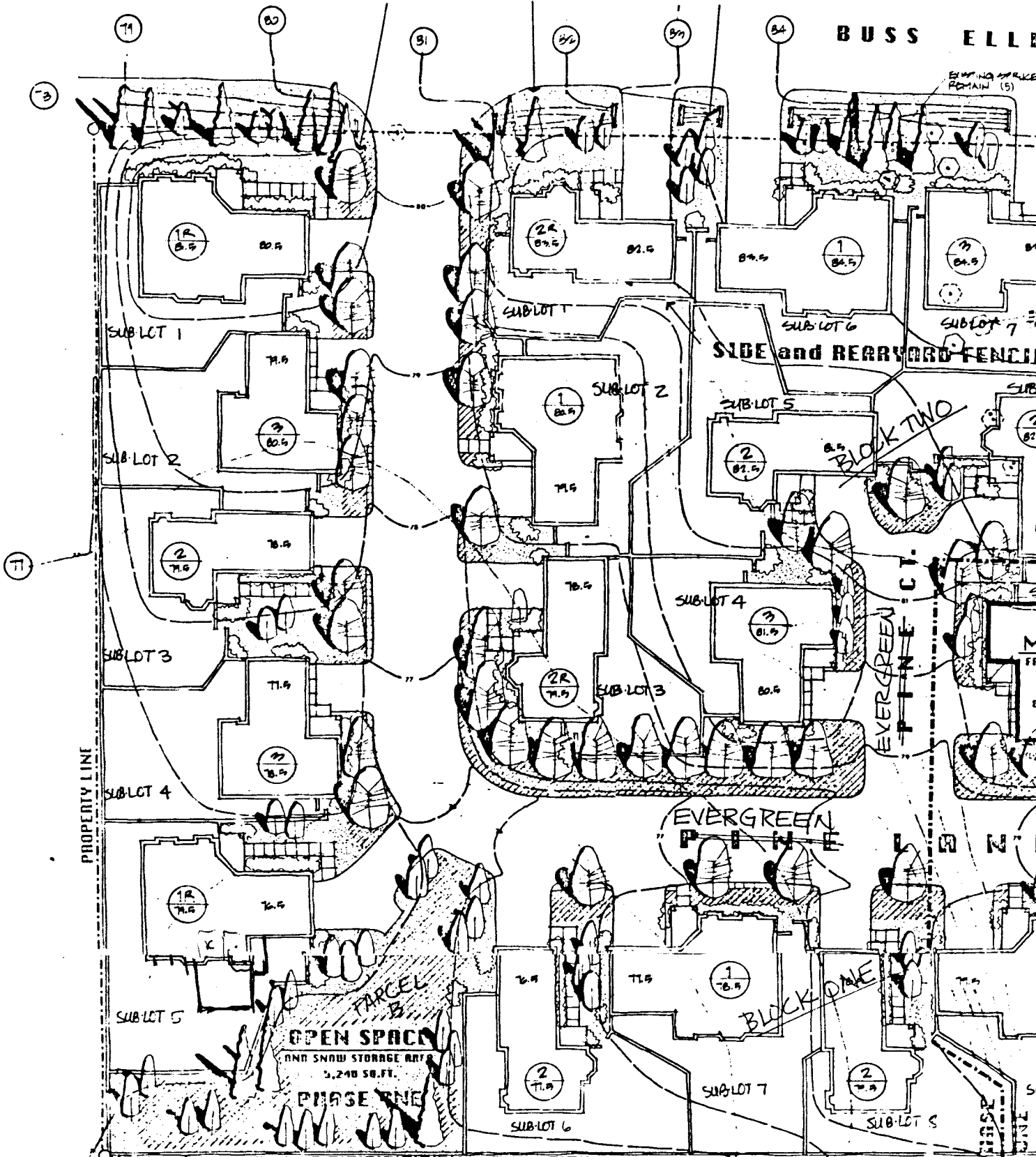
SCALE 1" = 20'-0"

10'-12" FLOWERING CHERRY
typical symbol

10'-12" EUROPEAN SPRUCE
typical symbol

10'-12" QUAKING ASPEN
typical symbol

BUSS ELLI



THE PINES

A SITE AND LANDSCAPE DEVELOPMENT FOR
DSK PARTNERS
 KETCHUM, IDAHO

SNOW STORAGE AREA
 TOTAL CAPACITY 17,600 SQ. FT.
 (SHOWN BY HATCHED SHADING)

EXHIBIT B

CITY OF KETCHUM
CITY COUNCIL

THE PINES P.U.D.

The Ketchum City Council received the recommendation of the Ketchum Planning and Zoning Commission on May 1, 1989, and evaluated the proposed P.U.D. according to the seventeen standards contained in P.U.D. Ordinance Number 382. The Council accepted the evaluation standards as written and adopted them as findings of fact:

1. Minimum lot size of three (3) acres. All land within the development shall be contiguous except for intervening streets and waterways;

The property contains approximately 3.8 acres.

2. That the proposed project will not be detrimental to the present and permitted uses of surrounding areas;

The property abuts General Residential - Low Density (GR-L) zoned lands on three (3) sides, which generally are developed with duplex structures. On the west, the adjacent property is zoned Limited Residential (LR) and is developed as single family.

3. That the proposed project will have a beneficial effect not normally achieved by standard subdivision development;

A standard subdivision would require 8,000 square foot lots, each being eligible for one (1) single family dwelling or one (1) duplex (2-unit) structure. The project is planned for detached single family townhouse units on individual sub-lots that cannot be achieved through a standard subdivision development.

4. The development shall be in harmony with the surrounding area;

No commercial uses or other uses not normally permitted in the GR-L are proposed. Single family townhouse units providing for individual ownership, yet common ownership and maintenance of amenities, landscaping and roads, are harmonious with surrounding single family and duplex uses.

5. Densities and uses may be transferred between zoning districts within a P.U.D. as permitted under this Ordinance including but not limited to the limitations on development of lands zoned Limited Residential Zoning District provided the aggregate overall allowable density of units and uses shall be no greater than that allowed in the zoning district or districts in which the development is located, except, that the Council may grant additional density to any project which constructs employee housing or low cost housing, as determined by the City Council, and guarantees the use, rental cost, or resale cost thereof shall be based upon the method approved by the City Council;

Total project area: 3.852 acres = 167,800 square feet

GR-L Zoning allows 1 unit per 4,000 square feet of land in P.U.D. = a maximum of 41 units without area devoted to streets, etc.

Net project area (less roads, open space and amenities = 127,800 square feet

P.U.D. proposed density = 26 units = 1 per 4,915 square feet

GR-L base density = 31 units = 1 per 4,000 square feet

P.U.D. proposed sub-lot sizes range from 3,920 square feet to 7,841 square feet and average 5,194 square feet

6. That the proposed vehicular and non-motorized transportation system is:

- a. Adequate to carry anticipated traffic consistent with existing and future development of surrounding properties;

The interior road is proposed to be privately owned and maintained and is designed solely for access to the P.U.D. and is not needed as access to any adjacent or surrounding properties. The points of access onto Buss Elle and Fourth Avenue are suitable for this development considering their relationship to existing intersections and road pattern.

- b. Will not generate vehicular traffic to cause "undue congestion" of the public street network within or outside the P.U.D.;

Parking per unit (2 spaces) exceeds the minimum required in GR-L (1 1/2 spaces) and private covenants, as proposed, prohibit conversion of garage spaces to living space or uses other than parking of vehicles and household storage. There are two points of entry and exit onto public streets. Narrowing the access at the bottom of Sixth Street by additional landscaping (not narrowing the road easement width) would help deter general public use of the private road for other than access by residents and guests, i.e. unfamiliar persons either thinking the road extends through to Wood River Drive or others envisioning a "short-cut". Vehicular traffic generated by twenty-six (26) single family units would be expected to be less than traffic generated by the maximum number of units (41) allowed on the property or the net maximum of 31 units.

The driveways for Lots 1, 6 and 7, as designed, require cars to back out onto Buss Elle. This is acceptable provided the City continues to control speed on Buss Elle, i.e. with speed bumps. The majority of existing homes along Buss Elle have driveways which require backing out onto the road. Lot 12, accessing onto Fourth Avenue, does have back-up area so that cars may head.

- c. **Designed to provide automotive and pedestrian safety and convenience;**

Sidewalks adjacent to interior roads are provided on the south and west side of Pine Lane. Pedestrian pathways need not be provided for access to recreation facility by those lots (6, 7 and 12 in Block 2) with vehicular access from Buss Elle Road and not from the interior road system (all other lots are adjacent to the interior road system). Open grassy area is provided along Buss Elle to accommodate pedestrian access off the travel lanes.

- d. **Designed to provide adequate removal, storage and deposition of snow;**

Private covenants require parking on one side of the interior streets only which will facilitate snow storage and removal. Parcel B is set aside as a commonly owned lot for purpose of snow storage in winter. Access to Parcel B appears adequate for its function. The forty (40) foot wide road easement, if unobstructed by trees and other planting, with twenty-eight (28) feet of paving is adequate for snow storage until it can be removed by owners. Gross area available on-site for snow storage equals approximately 47% of the area to be kept clear of snow.

Private covenants specifically call for no obstruction by landscaping to 40-foot road easement to facilitate snow storage. The placement of trees on Parcel B should be carefully scrutinized to provide for maximum area available for snow storage.

7. That the plan is in conformance with and promotes the purposes and goals of the Comprehensive Plan, Zoning Ordinance, and other applicable ordinances of the City, and not in conflict with the public interest;

Comprehensive Plan: Preserve and protect existing residential neighborhoods (Population I.A.1.); Preserve...provide adequate land areas for new, long-term residential...varying densities...(Residential Land Use Policy A); Allow minimum lot sizes appropriate for townhouse...(Residential Land Use Policy F); Protect solar access...(Energy II.B.6.)

Zoning Ordinance: P.U.D. plan conforms to the Zoning Ordinance with the two (2) modifications specifically approved in Evaluation Standard #17 herein.

Other applicable codes: Plans for water and wastewater extensions and services, fire protection water supply and roads are to be approved by the City using applicable ordinances prior to construction.

8. That the development plan incorporates the site's significant natural features;

Five (5) out of fourteen (14) existing mature pine trees will be saved. Drainage of site is planned to culminate at open space/snow storage Parcel B. Sufficient percolation will be provided for on Parcel B for adequate drainage of the snow storage site.

9. Substantial buffer planting strips or other barriers are provided where no natural buffers exist;

Landscaping in public right-of-way of Buss Elle, Williams and Fourth require approval and standard right-of-way agreement executed. Perimeter fencing of the P.U.D. parcel is contemplated to be built as part of the individual privacy fences upon construction of each unit.

Landscaping around perimeter of Parcel B should conceal from neighbors potential snow piles in winter, but be placed to provide maximum snow storage.

10. Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner;

Utilities and road work for whole development including individual service connections, the recreation facilities, and common area landscaping will be completed during the first of three planned phases. The proposed phasing schedule is attached. The first phase improvements shall be completed before the first final plat of a townhouse sub-lot and, therefore, each phase will be able to stand on its own. Eight or nine units per year for three years is a reasonable development period.

11. Adequate and usable open space shall be provided. The applicant shall dedicate to the common use of the homeowners or to the public adequate open space in a configuration usable and convenient to the residents of the project. The amount of usable open space provided shall be greater than that which would be provided under the applicable "aggregate lot coverage" requirements for the zoning district or districts within the proposed project. Provision shall be made for adequate and continuing management of all open spaces and common facilities to ensure proper maintenance thereof;

Parcel A is 2,700 square feet in size and Open Space/Snow Storage Parcel B is 6,200 square feet, totaling 8,900 square feet of usable open space and recreation facilities. This is 7% of the net project area that is in addition to open space created by zoning regulations such as setbacks and lot coverage. The proposed private covenants provide for management and maintenance through an association of owners and board of directors.

12. Location of buildings, parking areas and common areas shall maximize privacy within the project and in relationship to adjacent properties and protect solar access to adjacent properties;

The concept of "zipper lots" indicate privacy has been addressed. Fencing is proposed to further the concept. Design review is required prior to construction. The orientation of the property and relationship to adjacent streets is such that the development (limited to 1 and 2 story buildings) does not significantly affect solar access by adjacent properties.

13. "Adequate recreational facilities" shall be provided. Provision of adequate on-site recreational facilities may not be required if it is found that the project is of insufficient size or density to warrant same and the occupant's needs for recreational facilities will be adequately provided by payment of a recreation fee in lieu thereof to the City of Ketchum for development of additional active park facilities;

The cabana, spa and barbecue, constituting the recreation facilities, and the open space lot (snow storage in winter) are to be built/landscaped in first phase, and will, therefore, be available to all owners. Adequate recreation facilities are located in close proximity to the P.U.D.

14. There shall be special development objectives and special characteristics of the site or physical conditions that justify the granting of the P.U.D. - Conditional Use Permit;

One special development objective is to offer single family, detached townhouse units and a special characteristic of the site is the location in and adjacent to GR-L zoning and adjacent to LR zoning. Private yards are provided for each unit.

15. The development will be completed within a reasonable time;

The 3-year schedule is reasonable for the construction of 26 townhouses with the common facilities, road and utilities completed in the first phase during the first year 1989.

16. That public services, facilities and utilities are adequate to serve the proposed project and anticipated development within the appropriate service areas;

Public water and sewer service shall comply with City requirements and be approved prior to construction. Prior to future paving or seal coating of road(s), the owners shall notify the City Water and Wastewater Department to ensure protection of valves and manholes. All necessary utility easements shall be provided prior to construction and on all final plats.

17. That the project complies with all applicable ordinances, rules and regulations of the City of Ketchum, Idaho except as modified or waived pursuant to Section 8(a) hereinafter. "...Modification or waiver from certain standard zoning and subdivision requirements may be permitted subject to such conditions, limitations and/or additional development standards...as the City Council may prescribe to mitigate adverse impacts at the proposed planned unit development, or to further the land use policies of the City, or to ensure that the benefits derived from the development justify a departure from such regulations..."

A. Modification requested is to Section 7A.1 Uses Permitted, "(4) Townhouse development limited to a single building containing two (2) townhouse units". A P.U.D. is a conditional use in GR-L. Section 8(a) of the P.U.D. Ordinance provides for modifications as stated above. The proposal is to allow detached single family townhouse units rather than requiring that all units be contained within duplex structures.

Using a standard subdivision approach, fifteen (15) lots of 8,000 square feet each would be allowed with the proposed road system. Thirty (30) units in fifteen (15) structures (duplexes) would be permitted. Single family use is a use permitted in the GR-L Zone. Many surrounding property owners expressed support of the single family detached townhouse concept, as proposed. The 3-acre P.U.D. as proposed is unique in its location in West Ketchum. The modification is appropriate to further land use policies in the Comprehensive Plan.

B. Modification is requested to Section 7A.6, which requires a fifteen (15) foot setback on the front-defined as that property line which divides the property from the street (public or private) - to accommodate the design features of the "zipper lots". Specifically those lots are: in Block 1, Lots 2, 4, 7, 9, 11 and 14; and in Block 2, Lots 1, 2 and 3.

The rear yard living spaces are enhanced by being away from the road. Staggered building fronts along the interior road are a positive design feature as well as facilitate the yard/privacy concept.



PLANNING AND ZONING DEPARTMENT P.O. BOX 2315 KETCHUM, IDAHO 83340

June 9, 1989

Jan Burrell
First American Title Company
P. O. Box 756
Ketchum, Idaho 83340

Re: The Pines PUD Conditional Use Permit

Dear Jan:

Enclosed herewith is the original of the Conditional Use Permit No. 89-005, fully executed and ready for recordation.

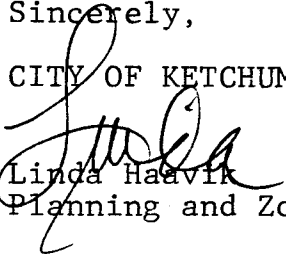
As instructed by Ron Sharp, I am forwarding it to you to record prior to recordation of The Pines Subdivision plat, and to reference the Instrument Number under which it is recorded on the face of the Subdivision plat.

The original of the Permit should be returned to the City after recordation.

Thank you for your attention to this matter. If you have any questions, please let me know.

Sincerely,

CITY OF KETCHUM


Linda Haavik
Planning and Zoning Administrator

cc: Ron Sharp
Galena Engineers

MEMORANDUM

*CUP app.
update
Dec'd
4/18/89*

TO: Linda Haavik, Planning and Zoning Administrator
FROM: D.S.K. Partners
RE: Conditional Use Permit for Pines Project
DATE: April 18, 1989

Please include in our Conditional Use Permit Application for The Pines, a request for Single Family Detached Units as shown on the proposed Application. This request is specifically in difference to Section 7A.1(4) of the Zoning Ordinance which calls for "townhouse" developments to be limited to a single building containing two (2) townhouse units.

We are also requesting that the Preliminary Plat approval for the 26 Townhouse Sublots be extended for a three (3) year period in order to allow each final plat of Townhouse Units and Sublots to come in directly for Final Plat (rather than to Preliminary Plat approval each time) so long as each Townhouse is consistent with the Master Plan and Preliminary Plat of the Townhouse Sublots.

The front yard setback for Lots 2, 4, 7, 9, 11 and 14 of Block 1, and Lots 1, 2 and 3 of Block 2 are less than fifteen (15) feet to break up the line of the homes along the private lane. To accommodate this design feature, we request that the fifteen (15) foot setback along the private lane be waived.

DSK\HAAVIK.MEM

CUP app

MEMORANDUM

old

TO: Linda Haavik, Planning and Zoning Administrator
FROM: D.S.K. Partners
RE: Conditional Use Permit for Pines Project
DATE: March 30, 1989

Please include in our Conditional Use Permit Application for The Pines, a request for Single Family Detached Units as shown on the proposed Application. This request is specifically in difference to Section 7A.1(4) of the Zoning Ordinance which calls for "townhouse" developments to be limited to a single building containing two (2) townhouse units.

We are also requesting that the Preliminary Plat approval for the 26 Townhouse Sublots be extended for a three (3) year period in order to allow each final plat of Townhouse Units and Sublots to come in directly for Final Plat (rather than to Preliminary Plat approval each time) so long as each Townhouse is consistent with the Master Plan and Preliminary Plat of the Townhouse Sublots.

NOTICE OF PUBLIC HEARING BEFORE THE
KETCHUM PLANNING AND ZONING COMMISSION UPON
APPLICATIONS FOR A CONDITIONAL USE PERMIT FOR A
PLANNED UNIT DEVELOPMENT OF TOWNHOUSE UNITS AND FOR
DESIGN REVIEW

NOTICE IS HEREBY GIVEN that on Monday, April 24, 1989, at 7:00 p.m., in City Hall at 480 East Avenue North, Ketchum, Idaho, the Ketchum Planning and Zoning Commission will hold a Public Hearing upon the applications of DSK PARTNERS for a conditional use permit for a planned unit development and design review with regard to the following described property:

A parcel of land located within Government Lot 3, Section 13, Township 4 North, Range 17 East, Boise Meridian, City of Ketchum, Blaine County, Idaho, being more particularly described as follows:

Commencing at the brass cap marking the Southeast corner of said Government Lot 3; thence North 21°42'09" West 520.73 feet to a 5/8" bar, which point is the REAL POINT OF BEGINNING; thence North 89°11'03" West 360.39' to a 5/8" bar; thence North 0°04'11" West 337.74' to a 1/2" bar on the South side of Buss Elle Road; thence South 88°49'32" East 382.55' along Buss Elle Road to a 5/8" bar on the Southwesterly side of Fourth Avenue; thence South 44°40'27" East 212.76' to a 5/8" bar on the Westerly side of Williams Street; thence South 0°11'27" East 71.83' to a 5/8" bar; thence South 89°15'27" East 1.01' to a 5/8" bar; thence South 0°04'12" East 114.35' along Williams Street to a 1" pipe; thence North 89°11'03" West 172.70' to the REAL POINT OF BEGINNING, containing 3.8 acres more or less.

Also referred to as the Wood River Motel property located adjacent to Williams, and Fourth Streets and Buss Elle Road.

The proposed Pines Townhouse Planned Unit Development (P.U.D.) consists of twenty-six (26) single family detached townhouse units on approximately 3.8 acres of land. The development includes a recreation facility for common ownership and use by the owners within the P.U.D. Twenty-one (21) units are accessed from a private road on the interior of the P.U.D. and four (4) access directly from Buss Elle Road and one (1) accesses from Williams Street. The application is being processed under the P.U.D. Ordinance Number 382 of the City of Ketchum. The Ketchum Planning and Zoning Commission recommends to the Ketchum City Council based on seventeen (17) evaluation standards contained in the Ordinance. The Ketchum City Council upon receipt of the recommendation takes final action on the application.

The property is zoned General Residential - Low Density (GR-L) Zoning District which permits on a conditional use basis a P.U.D. as well as townhouse development. The applicant is requesting a modification to Section 7A.1(4) of Zoning Ordinance Number 208 which limits townhouse development in the GR-L Zoning District to single buildings containing two (2) townhouse units, or duplex structures. The modification if allowed through the P.U.D. Ordinance Number 382 would provide for the detached, single family units as proposed.

As part of the P.U.D. the preliminary plat of the twenty-six (26) townhouse sub-lots is proposed. If approved, that preliminary plat will be the basis for all future final plat approvals of each of the townhouse units as they are completed. The applicants are requesting that the year limit on such preliminary plat approval be extended to three (3) years to accommodate the proposed phasing schedule.

The proposed phasing is that site improvements, including roads, utilities, partial landscaping, and eight (8) units be completed during 1989. One unit exists on the property presently. Eight (8) additional uses are proposed to be built in 1990 and nine (9) for 1991.

The Ketchum Planning and Zoning Commission will conduct its design review of each unit proposed in the P.U.D. at this meeting. The applicants are requesting that the approval period be extended from six (6) months to three (3) years to accommodate the proposed phasing of the project. Should there be any change to the project or design of the units after approval is granted, those changes would have to be re-submitted and reviewed by the City before approved.

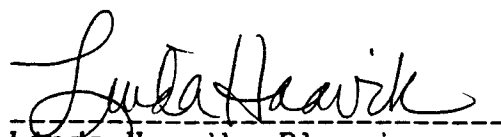
Copies of the plans for the P.U.D. and for the design review of the dwelling units may be reviewed in City Hall by contacting the Planning Department.

NOTICE IS FURTHER GIVEN that at the aforementioned time and place, all interested persons may appear and shall be given an opportunity to comment on the matter stated above.

Comments and questions prior to the hearing should be directed to the Ketchum Planning Department. Written comments received prior to the hearing shall be made part of the public record at the hearing.

BY ORDER OF THE KETCHUM PLANNING AND ZONING COMMISSION.

DATED this 31st day of March, 1989.



Linda Haavik, Planning and
Zoning Administrator

Publish: April 5, 1989
Idaho Mountain Express
P.O. Box 1013
Ketchum, Idaho 83340

DSK Partners
c/o Ron Sharp
P.O. Box 1440
Sun Valley, Idaho 83353

Bailey Taplin
20621 Goshawk Lane
Huntington Beach, CA 92646

Steamboat Bay Development
P.O. Box 2121
Sun Valley, Idaho 83353

Richard & Shirley Metz
34677 Camino Capistrano
Capistrano Beach, CA 92624

Robert Monge
c/o Tom Monge
P.O. Box 307
Sun Valley, Idaho 83353

Joe Henderson, etux
1950 Miller Ave.
Burley, Idaho 83318

Ski Resort Development Corp.
150 White Plains Rd.
Tarrytown, NY 10591

Gladys Wingate
P.O. Box 58
Ketchum, Idaho 83340

Richard Walton
1790 Alta Vista Dr.
Vista, CA 92083

Janice Corkery
P.O. Box 1063
Ketchum, Idaho 83340

Michael McCray
P.O. Box 2354
Ketchum, Idaho 83340

Barry Luboviski
Janet Wygle
P.O. Box 1172
Ketchum, Idaho 83340

Maria Schenkel
P.O. Box 142
Ketchum, Idaho 83340

Dale Hobson
615 Opal St.
Boise, Idaho 83705

MMS Investments
P.O. Box 1440
Sun Valley, Idaho 83353

Paul & Chris Potters
P.O. Box 416
Ketchum, Idaho 83340

William & Lisel Irons
1127 Fierro Dr.
Ojai, CA 93023

Alan & Elaine Durkheimer
P.O. Box 2321
Ketchum, Idaho 83340

Barbara Bowen
Michael Cullen
313 Granite St.
Ashland, OR 97520

Suzanne Werner
P.O. Box 1309
Sun Valley, Idaho 83353

Barbara McQueen
P.O. Box 702
Bellevue, Idaho 83313

William & Margaret Orr
19470 Sunshine Way
Bend, OR 97702

Norman & Charlene Daluiso
P.O. Box 3013
Ketchum, Idaho 83340

Christopher Negreponte
Paul Negreponte
P.O. Box 2277
Ketchum, Idaho 83340

Robert Silacci
Gary Grimes
Steve Silacci
P.O. Box 1540
Ketchum, Idaho 83340

Candice Anderson
P.O. Box 3784
Ketchum, Idaho 83340

Charles & Joan Scherban
Harry & Sandra Balmer, IV
P.O. Box 3326
Ketchum, Idaho 83340

Sander, Steen, Charon
P.O. Box 1382
Sun Valley, Idaho 83353

Kevin & Sharon Sosch
2815 Monte Cresta
Belmont, CA 94002

Michael & Jane Donovan
P.O. Box 235
Ketchum, Idaho 83340

Phyllis Hall
c/o Havenhall Management
650 Sepulveda Blvd., Ste. 3
Los Angeles, CA 90049

Charles Webb, etux
P.O. Box 892
Sun Valley, Idaho 83353

Frank & Kate Gleeson
2800 Breezy Heights Rd.
Wayzata, MN 55391

Marshall & Pricilla White, Jr.
214 Williams
Ketchum, Idaho 83340

Idaho Mountain Express
P.O. Box 1013
Ketchum, Idaho 83340

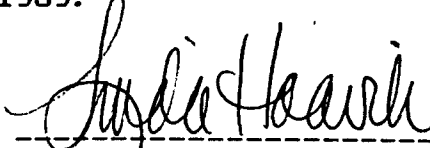
CERTIFICATION OF MAILING

I, LINDA HAAVIK, the Planning and Zoning Administrator of the City of Ketchum, Idaho, hereby certify that I did on the 31st day of March, 1989, mail a copy of the Notice of Public Hearing upon the applications of DSK PARTNERS for a Conditional Use Permit for a Planned Unit Development and for design review to the attached list of property owners and newspaper:

I, FURTHER, CERTIFY that the cost of processing these applications for hearing before the Ketchum Planning and Zoning Commission is as follows:

| | | |
|---|----------------|-----------------|
| Notices | 35 at .20 each | \$ 7.00 |
| Postage | 35 at .25 each | 8.75 |
| Publication | | 74.75 |
| Administration Fees: | | |
| 2-lot Large Block Subdivision Plat | | 300.00 |
| 26-lot Townhouse Plat (PUD) (Paid 3-2-89) | | (3,900.00) |
| PUD Conditional Use Permit Application | | 125.00 |
| Design Review of 25 Townhouse Units | | <u>1,000.00</u> |
| | TOTAL DUE | \$1,515.50 |

CERTIFIED this 31st day of March, 1989.



Linda Haavik
Planning and Zoning
Administrator

Attachment D
Pines Master Plan

Attachment E
PUD Evaluation Standards

Planned United Development Standards

| Planned Unit Developments: 16.08.080 – Standards: | | | | |
|---|--------------------------|-------------------------------------|----------------------|---|
| Yes | No | N/A | City Code | City Standards and <i>Staff Comments</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 16.08.080 A | <p>Minimum lot size of three acres. All land within the development shall be contiguous except for intervening waterways. Parcels that are not contiguous due to intervening streets are discouraged. However, the commission and the council may consider lands that include intervening streets on a case by case basis. The commission may recommend waiver or deferral of the minimum lot size, and the council may grant such waiver or deferral only for projects which:</p> <ol style="list-style-type: none"> 1. Include a minimum of 30 percent of community or employee housing, as defined in section 16.08.030 of this chapter; 2. Guarantee the use, rental prices or maximum resale prices based upon a method proposed by the applicant and approved by the Blaine County Housing Authority and/or the Ketchum City Council; and 3. Are on parcels that are no less than one and one-half acres (65,340 square feet). Application for waiver or deferral of this criteria shall include a description of the proposed community or employee housing and the proposed guarantee for the use, rental cost or resale cost. 4. For a hotel which meets the definition of "hotel" in section 17.08.020, "Terms defined", of this Code, and conforms to all other requirements of section 17.18.130, "Community Core District (CC)", or section 17.18.100, "Tourist District (T)", of this Code. Waivers from the provisions of section 17.18.130 of this Code may be granted for hotel uses only as outlined in section 17.124.040 of this Code. Waivers from the provisions of section 17.18.100 of this Code may be granted for hotel uses only as outlined in section 17.124.040 of this Code. |
| | | | <i>Staff Comment</i> | <i>N/A. The subject property is currently within the Pines PUD which has a lot area greater than three (3) acres. The applicant is requesting a modification to the existing PUD.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16.08.080 B | <p>The proposed project will not be detrimental to the present and permitted uses of surrounding areas.</p> |
| | | | <i>Staff Comment</i> | <i>The subject property is currently zoned General Residential – Low Density (GR-L) and exists as a single family residence. Other properties adjacent to the subject property and across Fourth Avenue are zoned the same and have either single family homes or duplexes. No change in use is proposed.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 16.08.080 C | <p>The proposed project will have a beneficial effect not normally achieved by standard subdivision development.</p> |
| | | | | <i>N/A. The proposed project is not proposing a subdivision development.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16.08.080 D | <p>The development shall be in harmony with the surrounding area.</p> |
| | | | <i>Staff Comment</i> | <i>The subject property is currently zoned General Residential – Low Density (GR-L) and exists as a single family residence. Other properties adjacent to the subject property and across Fourth Avenue are zoned the same and have either single family homes or duplexes. The proposed addition does not change the proposed use and does not negatively impact the surrounding area.</i> |

| | | | | |
|-------------------------------------|--------------------------|-------------------------------------|----------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 16.08.080 E (1) | <p>Densities and uses may be transferred between zoning districts within a PUD as permitted under this chapter, provided, the aggregate overall allowable density of units and uses shall be no greater than that allowed in the zoning district or districts in which the development is located. Notwithstanding the above, the commission may recommend waiver or deferral of the maximum density and the council may grant additional density above the aggregate overall allowable density only for projects which construct community or employee housing and which:</p> <p>a. Include a minimum of 30 percent of community or employee housing, as defined in section 16.08.030 of this chapter; and</p> <p>b. Guarantee the use, rental prices or maximum resale prices thereof based upon a method proposed by the applicant and approved by the Blaine County Housing Authority and/or the Ketchum City Council.</p> |
| | | | <i>Staff Comment</i> | <i>N/A. Densities are not proposed to be transferred.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 16.08.080 E (2) | <p>Application for waiver or deferral of this criteria shall include a description of the proposed community or employee housing and the proposed guarantee for the use, rental cost or resale cost.</p> |
| | | | <i>Staff Comment</i> | <i>N/A. No waiver requested as density transfer not being proposed.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 16.08.080 F | <p>The proposed vehicular and nonmotorized transportation system:</p> <ol style="list-style-type: none"> 1. Is adequate to carry anticipated traffic consistent with existing and future development of surrounding properties. 2. Will not generate vehicular traffic to cause undue congestion of the public street network within or outside the PUD. 3. Is designed to provide automotive and pedestrian safety and convenience. 4. Is designed to provide adequate removal, storage and deposition of snow. 5. Is designed so that traffic ingress and egress will have the least impact possible on adjacent residential uses. This includes design of roadways and access to connect to arterial streets wherever possible, and design of ingress, egress and parking areas to have the least impact on surrounding uses. 6. Includes the use of buffers or other physical separations to buffer vehicular movement from adjacent uses. 7. Is designed so that roads are placed so that disturbance of natural features and existing vegetation is minimized. 8. Includes trails and sidewalks that create an internal circulation system and connect to surrounding trails and walkways. |
| | | | <i>Staff Comment</i> | <i>N/A. There will be no changes to the vehicular and nonmotorized transportation system.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16.08.080 G | <p>The plan is in conformance with and promotes the purposes and goals of the comprehensive plan, zoning ordinance, and other applicable ordinances of the City, and not in conflict with the public interest:</p> <ol style="list-style-type: none"> 1. |

| | | | | |
|-------------------------------------|--------------------------|--------------------------|----------------------|---|
| | | | | <p>Pursuant to subsection 16.08.070.D of this chapter, all of the design review standards in chapter 17.96 of this Code shall be carefully analyzed and considered. This includes detailed analysis of building bulk, undulation and other design elements. The site plan should be sensitive to the architecture and scale of the surrounding neighborhood.</p> <p>2. The influence of the site design on the surrounding neighborhood, including relationship of the site plan with existing structures, streets, traffic flow and adjacent open spaces, shall be considered.</p> <p>3. The site design should cluster units on the most developable and least visually sensitive portion of the site.</p> |
| | | | <i>Staff Comment</i> | <p>Proposed addition conforms to comprehensive plan. The future land use map identifies the location as Medium Density Residential which includes a “variety of residential types including single-family residences, duplexes, and other attached-unit types.” The proposal is in keeping with the future land use in the area.</p> <p>1. Addition has been reviewed for architectural compatibility within the Pines development. Architectural features and styles used by addition are seen in existing building and other residences with the Pines. Proposed materials are to match existing and addition does not increase height of residence.</p> <p>2. The proposed addition will not significantly affect streets or traffic flow. Majority of addition is located on eastern portion of lot, away from adjacent structures.</p> <p>3. Addition is oriented towards the eastern portion of the subject property, away from Evergreen Lane. Proposed addition is adjacent to Williams St ROW where a ROW Encroachment Agreement was approved in 1990 allowing for planting of aspen trees. These aspen trees help to reduce visibility of subject property and other lots within the Pines seen from 4th Avenue & Williams St. Williams St ROW is wider than surrounding streets and contains a large distance between the roadway and subject property, further reducing any potential visual impact.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16.08.080 H | The development plan incorporates the site's significant natural features. |
| | | | <i>Staff Comment</i> | <p>The original Pines PUD approval included preserved five out of fourteen existing mature pine trees. Location of five pine trees were not identified in review of Pines PUD documents. The subject property does not contain existing pine trees. No other significant features are found on the subject property. As noted in Condition #4, if aspen trees within Williams St ROW are damaged or do not survive construction, applicant will replace with new 3 inch caliper aspen trees.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16.08.080 I | Substantial buffer planting strips or other barriers are provided where no natural buffers exist. |
| | | | <i>Staff Comment</i> | <p>The east side of the property currently has a row of aspen trees to shield view of the PUD from 4th Avenue & Williams St. These aspen trees are permitted through a Right of Way Encroachment Agreement approved in 1990. The northern end of the subject property previously contained multiple coniferous & deciduous trees to achieve the entry way landscaping requirement of the Pines PUD. The proposal includes Black Hill Spruce, Lodgepole Pine, Subalpine Fir, Spirea shrubs and ornamental grasses. The proposed plantings achieve the entry way landscaping required by the Pines and is a substantial buffer planting strip.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16.08.080 J | Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner. |

| | | | | |
|-------------------------------------|--------------------------|-------------------------------------|----------------------|--|
| | | | <i>Staff Comment</i> | <i>The proposed project will be completed in one phase.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 16.08.080 K | Adequate and usable open space shall be provided. The applicant shall dedicate to the common use of the homeowners or to the public adequate open space in a configuration usable and convenient to the residents of the project. The amount of usable open space provided shall be greater than that which would be provided under the applicable aggregate lot coverage requirements for the zoning district or districts within the proposed project. Provision shall be made for adequate and continuing management of all open spaces and common facilities to ensure proper maintenance. |
| | | | <i>Staff Comment</i> | <i>Parcels A & B of the Pines PUD still remain and provide open space, snow storage and recreation facilities for all residents of the Pines. Proposed project is located on private property and does not encroach on open space within the Pines PUD.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16.08.080 L | Location of buildings, parking areas and common areas shall maximize privacy within the project and in relationship to adjacent properties and protect solar access to adjacent properties. |
| | | | <i>Staff Comment</i> | <i>A majority of the addition will be located on the eastern side of the subject property. No other lots are adjacent to this portion of the project. The southern portion of the subject property is where the proposed garage addition would be located. This proposed addition does not extend further south than the existing residence. A fence also exists between the subject property and property to the south. Orientation of bedroom addition and size of garage addition do not minimize privacy within the project or negatively impact solar access.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 16.08.080 M | Adequate recreational facilities and/or daycare shall be provided. Provision of adequate on site recreational facilities may not be required if it is found that the project is of insufficient size or density to warrant same and the occupant's needs for recreational facilities will be adequately provided by payment of a recreation fee in lieu of such facilities to the City for development of additional active park facilities. On site daycare may be considered to satisfy the adequate recreational facility requirement or may be required in addition to the recreational facilities requirement. |
| | | | <i>Staff Comment</i> | <i>N/A. The proposed project is on an existing lot and is not proposing a new development which would require recreational facilities.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16.08.080 N | There shall be special development objectives and special characteristics of the site or physical conditions that justify the granting of the PUD conditional use permit. |
| | | | <i>Staff Comment</i> | <i>Special development objectives of the Pines PUD include entry way landscaping, privacy, open space, & solar access as well as architectural compatibility. The proposed addition does not reduce privacy, open space, & solar access due to the orientation of the bedroom addition and the size of the garage addition. The entry-way landscaping is being achieved through the proposed tree, shrub, and grass species. The addition uses the same architectural elements present in the existing residence & other residences within the Pines PUD.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16.08.080 O | The development will be completed within a reasonable time. |
| | | | <i>Staff Comment</i> | <i>Project will be completed within reasonable amount of time per building permit expiration timeline.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 16.08.080 P | Public services, facilities and utilities are adequate to serve the proposed project and anticipated development within the appropriate service areas. |
| | | | <i>Staff Comment</i> | <i>N/A. The existing lot is a single family residence which will not change. Existing public services will not be significantly impacted from the proposed addition.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 16.08.080 Q | The project complies with all applicable ordinances, rules and regulations of the City of Ketchum, Idaho, except as modified or waived pursuant to this section. |

| | | | | |
|--|--|--|--------------------------|---|
| | | | Staff Comment | <i>The proposed project will require PUD amendment and building permit approval by the City. All applicable ordinances, rules and regulations of the City of Ketchum will be complied with through these processes.</i> |
|--|--|--|--------------------------|---|

Attachment F
1990 ROW Encroachment Agreement

AGREEMENT

THIS AGREEMENT, made and entered into this 18 day of JUNE, 1990, by and between DEVELOPMENT ASSOCIATES, a Partnership: Western Development, Inc., Partner, and Ronald J. Sharp, Inc., Partner, owner of the property more particularly described on Exhibit A attached hereto, (referred to herein as "Owner") and the CITY OF KETCHUM, IDAHO, a municipal corporation, (hereinafter referred to as "Ketchum").

W I T N E S S E T H:

WHEREAS, Owner wishes to install and maintain certain landscaping and automatic irrigation improvements in the public rights-of-way of Williams Street and Fourth Avenue as part of the private landscape improvements associated with The Pines and The Pines East P.U.D., and, as shown on Exhibit B attached hereto and made a part hereof; and,

WHEREAS, the City of Ketchum finds that said improvements will not impede the use of said streets at this time subject to the terms and provisions of this Agreement.

NOW, THEREFORE, the parties hereto mutually covenant and agree as follows:

1. Ketchum shall permit Owner to install and maintain said landscaping and automatic irrigation improvements within the public rights-of-way of Williams Street and Fourth Avenue, as set forth on Exhibit B, until notified by Ketchum to remove the same provided that all sod shall be held five (5) feet back from the roadway asphalt and that no berms shall be constructed. Owner

agrees upon written notification by Ketchum to remove said improvements within ninety (90) days of receipt of such notice and if same is not so removed, Owner authorizes Ketchum to cause the same to be removed at Owner's sole expense and to specially assess the costs thereof against said real property.

2. In consideration of Ketchum allowing Owner to install and maintain said landscaping and automatic irrigation improvements in the public rights-of-way, Owner agrees to defend and hold harmless the City of Ketchum from any and all claims, damages and causes of action arising out of or in any way related to said improvements maintained on the public rights-of-way pursuant to this Agreement.

3. Owner understands and agrees that by placing said improvements on the public rights-of-way pursuant to this Agreement, Owner obtains no claim or interest in said real property which is adverse to that of the City of Ketchum.

4. This Agreement shall be a covenant running with the land more particularly described on Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, the parties hereto execute this Agreement the day and year first above written.

OWNER:

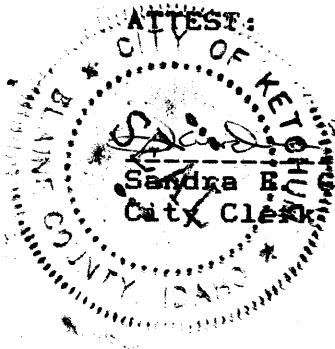
DEVELOPMENT ASSOCIATES,
a Partnership

By Ronald J. Sharp
Ronald J. Sharp, Inc. Partner
Ronald J. Sharp, President

By *Ronald J. Sharp*
Western Development, Inc.,
Partner
_____, President

CITY OF KETCHUM


Lawrence J. Young
LAWRENCE J. YOUNG
Mayor

ATTEST:
Sandra B. Gady
Sandra B. Gady
City Clerk


STATE OF IDAHO)
) ss.
County of Blaine)

On this 18th day of June, 1990, before me, a Notary Public in and for said State, personally appeared RONALD J. SHARP, known to me to be the President of RONALD J. SHARP, INC., a partner in the general partnership of DEVELOPMENT ASSOCIATES, who subscribed said partnership's name to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

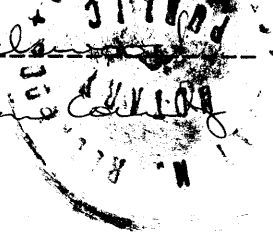
Kelly M. P...
Notary Public
Residing at: *Blaine, Idaho*


STATE OF IDAHO)
) ss.
County of Blaine)

On this 19th day of June, 1990, before me, a Notary Public in and for said State, personally appeared H. D. McNeel, Jr., known to me to be the President of WESTERN DEVELOPMENT, INC., a partner in the general partnership of DEVELOPMENT ASSOCIATES, who subscribed said partnership's name to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Kelly M. Paul
Notary Public
Residing at: Blaine, Idaho



A parcel of land lying within Section 13, Township 4 North, Range 17 East, Boise Meridian, City of Ketchum, Blaine County, Idaho, being the vacated plat of Wilson Subdivision, and being more particularly described as follows:

Commencing at the brass cap marking the southwest corner of the NE1/4, SE1/4, said Section 13;

thence South 89°12'00" East, 43.20 feet to the easterly side of Williams Street;

thence North 0°14'00" West, 256.30 feet to a brass cap, marking the TRUE POINT OF BEGINNING;

thence continuing North 0°14'00" West, 280.62 feet to a 1/2" bar;

thence North 89°48'50" East, 67.89 feet to a 1/2" bar;

thence South 44°30'46" East, 26.61 feet to a 1/2" bar;

thence South 0°14'24" East, 361.38 feet to a 1/2" bar;

thence North 89°22'45" West, 320.23 feet to the TRUE POINT OF BEGINNING, based on the original plat of Wilson Subdivision.

321591

BLAINE CO. REQUEST

OF: *City of Ketchum*

Mary Green Clerk

'90 JUL 11 PM 1 53

MARY GREEN, CLERK *MGP*

FEES \$ *18.00*

6 SIXTH STREET

THE PIVERS

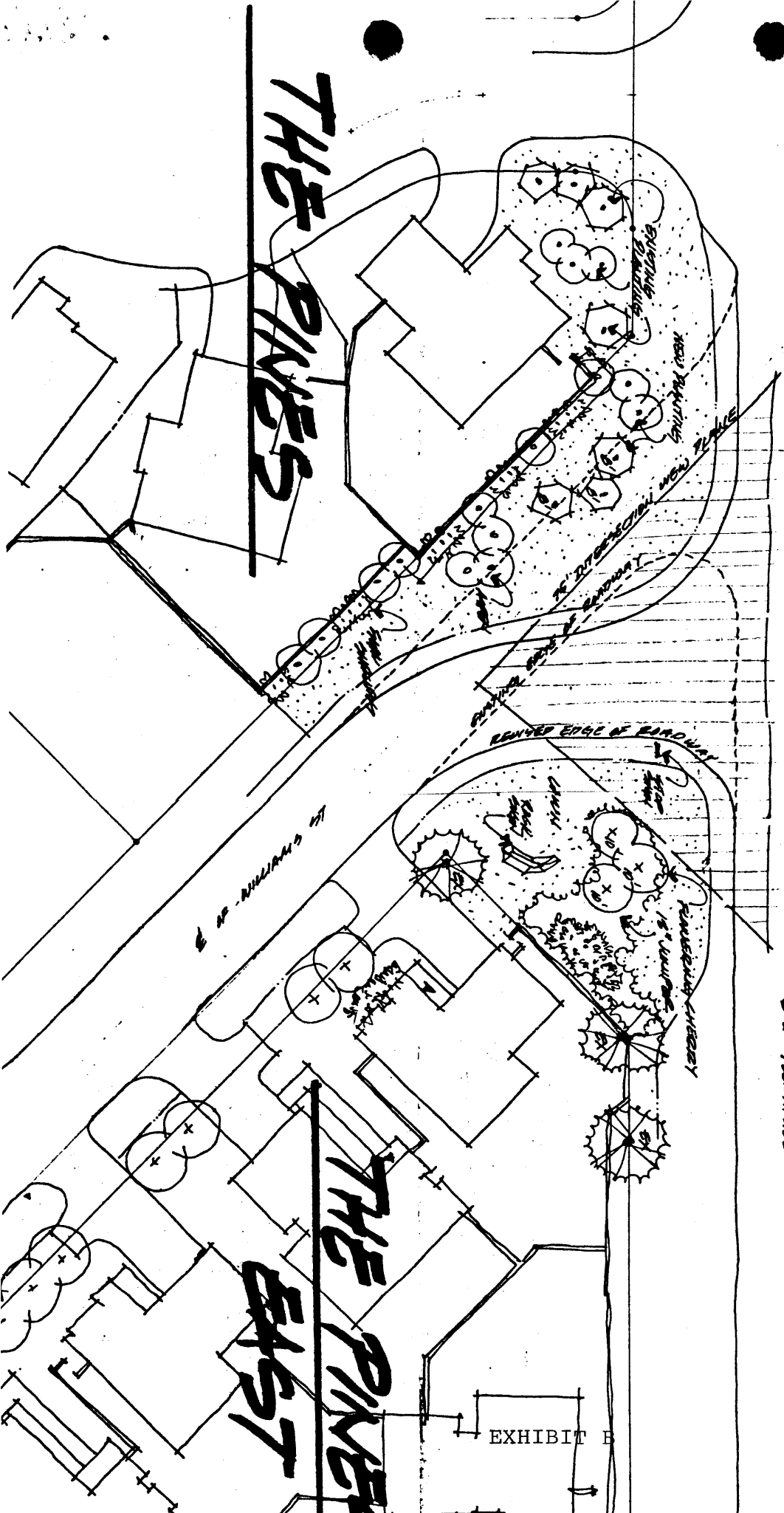


EXHIBIT B

THE PIVERS
EXIST

E. OF FOURTH ST.

Attachment G
Public Comment

From: [Heather Nicolai](#)
To: [Adam Crutcher](#)
Cc: [Morgan Landers](#); [Heather Nicolai](#)
Subject: FW: 402 evergreen lane
Date: Wednesday, March 8, 2023 8:34:30 AM

Adam,

PC on 402 Evergreen Ln to for you to include in your staff report for the 3/14 Meeting.

HEATHER NICOLAI | CITY OF KETCHUM

Planning Technician & Office Administrator

P.O. Box 2315 | 191 Fifth St. W. | Ketchum, ID 83340

o: (208) 727-5072

planningandzoning@ketchumidaho.org

hnicolai@ketchumidaho.org | www.ketchumidaho.org

****Please sign up for the NEW Planning and Building quarterly newsletter. Click [HERE](#) and select "Planning and Development"**

From: Participate <participate@ketchumidaho.org>
Sent: Tuesday, March 7, 2023 4:46 PM
To: Heather Nicolai <HNicolai@ketchumidaho.org>
Cc: Morgan Landers <MLanders@ketchumidaho.org>
Subject: FW: 402 evergreen lane

Public comment.

LISA ENOURATO | CITY OF KETCHUM

Public Affairs & Administrative Services Manager

P.O. Box 2315 | 191 Fifth St. W. | Ketchum, ID 83340

o: 208.726.7803 | f: 208.726.7812

lenourato@ketchumidaho.org | www.ketchumidaho.org

From: Mary Ann Timbuck <timbuckrivera@yahoo.com>
Sent: Tuesday, March 7, 2023 4:27 PM
To: Participate <participate@ketchumidaho.org>
Subject: Fwd: 402 evergreen lane

Sent from my iPhone

Begin forwarded message:

From: Mary Ann Timbuck <timbuckrivera@yahoo.com>
Date: March 7, 2023 at 3:11:29 PM PST

To: Timbuck <timbuckrivera@yahoo.com>

Subject: 402 evergreen lane

To whom it may concern:

I'm writing to you concerned about the conditional use permit that has been proposed for 402 Evergreen Ln.

My husband and I have owned our home at 5:10 Evergreen for 20 years and feel very strongly that this request should not be approved.

Their request to enlarge their home at the expense of all the neighbors is not in keeping with the intent of the pines PUD.

It is not consistent with the size, scale, density, and design of the Pines homes.

I hope that the facts listed above help you decide in favor for the good of the whole, not one individual. Thankyou.

Mary Ann and Lyle Rivera
510 Evergreen Ln.

Sent from my iPhone

From: [Heather Nicolai](#)
To: [Adam Crutcher](#)
Cc: [Morgan Landers](#); [Heather Nicolai](#)
Subject: FW: Conditional Use Permit - File P22-033
Date: Wednesday, March 8, 2023 8:38:46 AM

Adam,

PC on 402 Evergreen Ln to for you to include in your staff report for the 3/14 Meeting.

HEATHER NICOLAI | CITY OF KETCHUM

Planning Technician & Office Administrator

P.O. Box 2315 | 191 Fifth St. W. | Ketchum, ID 83340

o: (208) 727-5072

planningandzoning@ketchumidaho.org

hnicolai@ketchumidaho.org | www.ketchumidaho.org

****Please sign up for the NEW Planning and Building quarterly newsletter. Click [HERE](#) and select "Planning and Development"**

From: Participate <participate@ketchumidaho.org>
Sent: Tuesday, March 7, 2023 4:45 PM
To: Heather Nicolai <HNicolai@ketchumidaho.org>
Cc: Morgan Landers <MLanders@ketchumidaho.org>
Subject: FW: Conditional Use Permit - File P22-033

Public comment.

LISA ENOURATO | CITY OF KETCHUM

Public Affairs & Administrative Services Manager

P.O. Box 2315 | 191 Fifth St. W. | Ketchum, ID 83340

o: 208.726.7803 | f: 208.726.7812

lenourato@ketchumidaho.org | www.ketchumidaho.org

From: Steve Deffé <sdeffe@gmail.com>
Sent: Tuesday, March 7, 2023 3:20 PM
To: Participate <participate@ketchumidaho.org>
Subject: Conditional Use Permit - File P22-033

Ketchum Planning Commission,

I own and live in west Ketchum, one block from the Pines at 311 West 5th Street. This is the third letter I have written in opposition to 416 Evergreen Lane addition. Why this project has not been denied makes no sense to me at all. When the Pines PUD was approved it was clearly stated what the setbacks were, where the common areas were located, and as PUD projects are supposed to insure, that a consistent and conforming building design is to be maintained. Not only is this proposed addition so out of size, scale, and architectural uniformity as to have a negative effect on

on the harmonious look and feel of the Pines PUD development, but I believe this gateway piece of property is in current violation of the CC&R's and the conditional requirement of the substantial landscaping that was removed over the course of the last few years. It is time to hand the owner a copy of the approved PUD for his understanding of what density is allowed in the Pines PUD. It is also important that the city require the owner and/or the association to landscape the south side of the gateway entrance to match the north side as was required in the approval of the PUD, by the end of summer 2023. The other homeowners don't approve of this addition and neither should you. To state it yet again, do the right thing and follow the PUD design rules that were approved at the time. The citizens of Ketchum, as well as the other Pines owners are watching and hoping that you follow your own rules and guidelines and oppose this permit application.

Sincerely yours, Steve Deffe'

PO BOX 4663 Ketchum Idaho 83340 208-726-4014

From: [Morgan Landers](#)
To: [Adam Crutcher](#)
Cc: [Heather Nicolai](#)
Subject: FW: Conditional Use Permit - File P22-033
Date: Tuesday, March 7, 2023 11:11:43 AM

FYI

MORGAN LANDERS, AICP | CITY OF KETCHUM

DIRECTOR OF PLANNING AND BUILDING

o: 208.727.5085

****Please sign up for the NEW Planning and Building quarterly newsletter. Click [HERE](#) and select “Planning and Development”**

From: Participate <participate@ketchumidaho.org>
Sent: Tuesday, March 7, 2023 10:29 AM
To: Heather Nicolai <HNicolai@ketchumidaho.org>
Cc: Morgan Landers <MLanders@ketchumidaho.org>
Subject: FW: Conditional Use Permit - File P22-033

Public comment.

LISA ENOURATO | CITY OF KETCHUM

Public Affairs & Administrative Services Manager

P.O. Box 2315 | 191 Fifth St. W. | Ketchum, ID 83340

o: 208.726.7803 | f: 208.726.7812

lenourato@ketchumidaho.org | www.ketchumidaho.org

From: Biondi, Jim <Jim.Biondi@nrmk.com>
Sent: Monday, March 6, 2023 5:19 PM
To: Participate <participate@ketchumidaho.org>
Cc: Roger Bergdahl (rogerbergdahl@gmail.com) <rogerbergdahl@gmail.com>
Subject: Conditional Use Permit - File P22-033

Ketchum Planning Commission,

My wife and I reside at 416 Evergreen Lane in the Pines project. With regards to the proposed Conditional Use Permit application for the building addition at 402 Evergreen Lane I have reviewed the revised design and proposed elevations and object to the granting of a CUP for the following reasons:

- a. **The revised design increases the building square footage by 710**

square feet or about 40% which goes beyond the purview of the Pines PUD. This does not include a second story (not certain there is a second story, but it is likely).

- b. The proposed addition is not consistent in size, scale, density, and architectural configuration with other homes in the Pines. It is more dramatic as it is located at the gateway to the Pines project.
- c. The northeasterly portion of the of the addition encroaches on the common area front yard portion of the lot which is in violation of the CC&R's and the PUD landscape condition.
- d. The purpose of the Pines PUD as well as all other PUD projects is to insure a consistent and conforming building design, footprints, density, and open space throughout the project. The proposed expansion violates those provisions and protections.
- e. The proposed addition reduces the open space element of the Pines project which is a condition of the PUD.
- f. It appears from visual inspection the power or communication line(s) run very close to where the proposed addition is located. The provider(s) of these lines need to confirm whether this is a problem.
- g. All these issues subtract from the harmonious look and feel of the Pines development and can negatively affect property values. As one property owner stated, "what I love about the Pines is that the homes are small, tasteful, not overbearing to their lots and they are all about the same size...."
- h. If this addition is approved by the city, it will create a precedent for other Pines homes to be expanded which will further compromise the intent of the PUD.

Thank you for your consideration of these important issues.

James Biondi
416 Evergreen Lane, Ketchum

James F. Biondi, SIOR
Executive Managing Director

NEWMARK

2301 Rosecrans Avenue, Suite 4100

El Segundo, CA 90245

t 310-491-2002

m 310-259-5530

jim.biondi@nmrk.com

nmrk.com

[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

CA RE License #00468745



NOTICE: This e-mail message and any attachments are intended solely for the use of the intended recipient, and may contain information that is confidential, privileged and exempt from disclosure under applicable law. If you are not the intended recipient, you are not permitted to read, disclose, reproduce, distribute, use or take any action in reliance upon this message and any attachments, and we request that you promptly notify the sender and immediately delete this message and any attachments as well as any copies thereof. Delivery of this message to an unintended recipient is not intended to waive any right or privilege. Newmark is neither qualified nor authorized to give legal or tax advice, and any such advice should be obtained from an appropriate, qualified professional advisor of your own choosing.