

**CITY COUNCIL CALENDAR OF THE CITY OF KETCHUM, IDAHO**

**Monday, August 5, 2013, beginning at 5:30 p.m.**

**480 East Avenue, North, Ketchum, Idaho**

Approximate starting time for each agenda item is indicated at left.



- 5:30 1. CALL TO ORDER.
2. COMMUNICATIONS FROM MAYOR AND COUNCILORS.
- 5:30 a) Communications from Mayor and Councilors.
3. COMMUNICATIONS FROM THE PUBLIC.
- 5:45 a) Communications from the public.
- 6:00 b) Friedman Memorial Airport Update - Rick Baird, Airport Manager. Tab 1
4. COMMUNICATIONS FROM CITY STAFF.
- 6:30 a) Ketchum Recreation and Public Purposes Project Update - Jennifer L. Smith, Director of Parks & Recreation. Tab 2
- 6:50 b) Recommendation to fix typographical errors in the 2010 Urban Renewal Agency Plan - Gary Marks, City Administrator. Tab 3
- 7:00 5. COMMUNICATIONS FROM THE PRESS.
6. PUBLIC HEARINGS.
- 7:05 a) Ordinance 1110: Amending Title 17, Chapter 17.08, Definitions, by adding missing definitions; Chapter 17.64, Community Core District, by deleting language pertaining to on site parking requirements, Building Type 4 and snowmelt requirements; and Chapter 17.136, Nonconforming uses and nonconforming buildings, by amending language so that it agrees with state statute; by adding new language; clarifying the code provisions, processes, and definitions; providing a savings and severability clause, providing a repealer clause and providing for an effective date (First Reading) - Joyce Allgaier, AICP, Planning Manager. Tab 4
- 7:45 b) Request for preliminary plat approval for the subdivision of one condominium into two condominiums at 215 Picabo Street, Unit 102; Applicant: Picabo Street Units 1 & 2, LLC - Rebecca F. Bundy, Senior Planner. Tab 5
7. AGREEMENTS AND CONTRACTS.
- 8:00 a) Reuse Building Stucco Project Contract for Services - Robyn L. Mattison, PE, Public Works Director/City Engineer. Tab 6
- 8:05 b) Warm Springs Booster Pump Station Re-roofing Project Contract for Services - Robyn L. Mattison, PE, Public Works Director/City Engineer. Tab 7
- 8:10 c) Dry Land River Run Upper Parking Lot Agreement - Lisa Horowitz, Community and Economic Development Director. Tab 8
8. ORDINANCES AND RESOLUTIONS.
- 8:15 a) Ordinance 1111: Amending Ordinance 94, the official Ketchum Zoning District Map, by changing the classification of zoning districts for certain parcels of land within the City of Ketchum from LR-1, Limited Residential - One Acre, to LR, Limited Residential, and providing for an effective date (First Reading) - Joyce Allgaier, AICP, Planning Manager. Tab 9

8:25      b) Resolution 13-012: Amending the collective bargaining agreement between the City and the Firefighters Local Union #4758 - Mike Elle, Fire Chief.      Tab 10

8:40 9. CONSENT CALENDAR.      Tab 11

- a) Approval of minutes from the July 15, 2013 Council meeting.
- b) Recommendation to approve current bills and payroll summary.
- c) Request to approve Findings of Fact and Conclusions of Law and Decision, Greyhawk Alpine Center Condominiums Preliminary Plat, 215 Picabo Street, Unit 102 (aka "Apples Bar & Grill).
- d) Approval of the 2013-14 Liquor, Beer & Wine Licenses.

10. EXECUTIVE SESSION to discuss personnel, litigation and land acquisition pursuant to Idaho Code §§67-2345 1(a) (b), (c) and (f).

11. ADJOURNMENT.

Any person needing special accommodations to participate in the above noticed meeting should contact the City of Ketchum three days prior to the meeting at (208) 726-3841.

This agenda is subject to revisions and additions. NOTE: Revised portions of the agenda are underlined in **bold**. Public information on agenda items is available in the Clerk's Office located at 480 East Ave. N in Ketchum or (208) 726-3841.

Check out our website: [www.ketchumidaho.org](http://www.ketchumidaho.org).

# City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



July 31, 2013

Mayor Hall and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Hall and City Councilors:

## August 5, 2013 City Council Agenda Report

The regular Council meeting will begin at **5:30 p.m.**

### 3. COMMUNICATION FROM THE PUBLIC.

- b) Friedman Memorial Airport Update - Rick Baird, Airport Manager.

Rick Baird, Airport Manager, will update the Council on developments at the Friedman Memorial Airport in Hailey.

RECOMMENDATION: None at this time.

**RECOMMENDED MOTION: None.**

This is a legislative matter.

### 4. COMMUNICATIONS FROM CITY STAFF.

- a) Ketchum Recreation and Public Purposes Project Update - Jennifer L. Smith, Director of Parks & Recreation.

Jen Smith will update the Council on developments within the Recreation and Public Purposes Patent process with the Bureau of Land Management. A detailed staff report from Jen has been provided in the packet for Council review.

RECOMMENDATION: None at this time.

**RECOMMENDED MOTION: None.**

This is a legislative matter.

- b) Recommendation to fix typographical errors in the 2010 Urban Renewal Agency Plan - Gary Marks, City Administrator.

A review of the 2010 Urban Renewal Plan has discovered an error on page 22 concerning the termination date of the plan. The error has been corrected and needs to be approved by the City Council. A detailed staff report from Sandy Cady has been provided in the packet for Council review.

RECOMMENDATION: Staff respectfully recommends the Council approved the revision of page 22 of the 2010 Urban Renewal Plan.

**RECOMMENDED MOTION: *"I move to approve the revision of page 22 of the 2010 Urban Renewal Plan to correct the first paragraph of Section 8, "Termination Date and Disposition of Assets."***

This is a legislative matter.

6. PUBLIC HEARINGS.

- a) Ordinance 1110: Amending Title 17, Chapter 17.08, Definitions, by adding missing definitions; Chapter 17.64, Community Core District, by deleting language pertaining to on site parking requirements, Building Type 4 and snowmelt requirements; and Chapter 17.136, Nonconforming uses and nonconforming buildings, by amending language so that it agrees with state statute; by adding new language; clarifying the code provisions, processes, and definitions; providing a savings and severability clause, providing a repealer clause and providing for an effective date (First Reading) - Joyce Allgaier, AICP, Planning Manager.

Ordinance 1110 is a housekeeping measure to address inconsistencies, unclear or missing language and difficulties with the planning codes. A detailed staff report from Joyce Allgaier detailing the changes contained in the ordinance has been provided in the packet for Council review.

RECOMMENDATION: Staff respectfully recommends the Council conduct the first reading of Ordinance 1110.

**RECOMMENDED MOTION: *"I move to approve the first reading of Ordinance 1110 making text changes, amending Ketchum Municipal Code, Title 17, Chapter 17.08 – Definitions, Chapter 17.64 – Community Core District, and Chapter 17.136 – Nonconforming Uses and Nonconforming Buildings and set a second reading of the Ordinance for August 19, 2013."***

This is a legislative matter.

- b) Request for preliminary plat approval for the subdivision of one condominium into two condominiums at 215 Picabo Street, Unit 102; Applicant: Picabo Street Units 1 & 2, LLC - Rebecca F. Bundy, Senior Planner.

Chris Kraatz, owner of Picabo Street Units 1 & 2, LLC, is seeking preliminary plat approval for the subdivision of one condominium (Unit 102) into two condominiums (Units 102A and 102B) located at 215 Picabo Street. A detailed staff report from Rebecca F. Bundy has been provided in the packet for Council review.

RECOMMENDATION: Staff respectfully recommends the Council approve the preliminary plat subdivision of Greyhawk Alpine Center Condominiums, Unit 102, into two units, Units 102A and 102B.

**RECOMMENDED MOTION: *"I move to approve the application for preliminary plat subdivision of Greyhawk Alpine Center Condominiums, Unit 102, into two units, Units 102A and 102B, finding that the application meets with the applicable standards with Conditions 1 through 8, as noted in the staff report."***

This is a quasi-judicial matter.

7. AGREEMENTS AND CONTRACTS.

- a) Reuse Building Stucco Project Contract for Services - Robyn L. Mattison, PE, Public Works Director/City Engineer.

The Wastewater Division Capital Improvement Plan for FY2012-13 includes a project to complete the exterior finish work on the new Recycled Water Pump Station. The project was budgeted at \$20,000. After a bidding process, PASCO (Plastering and Stucco Company) of Boise was identified as the lowest responsible bidder with a bid of \$14,664. A detailed staff report from Robyn Mattison has been provided in the packet for Council review.

RECOMMENDATION: Staff respectfully recommends the City Council approve the contract for services from PASCO for the Reuse Building Stucco Project in the amount of \$14,644.

**RECOMMENDED MOTION: *"I move to approve the contract for services from PASCO for the Reuse Building Stucco Project in the amount of \$14, 644."***

This is a legislative matter.

- b) Warm Springs Booster Pump Station Re-roofing Project Contract for Services - Robyn L. Mattison, PE, Public Works Director/City Engineer.

The condition of the Warm Springs Booster Pump Station building roof is in a deteriorated condition with operators reporting visible holes in the roof area. A new roof is necessary to prevent leakage and protect the facility's equipment. A proposal from Associated Construction Services, Inc. of Hailey

sets the cost of a new roof at \$7,213.83. A detailed staff report from Robyn Mattison has been provided in the packet for Council review.

RECOMMENDATION: Staff respectfully recommends the City Council approve the contract for services from Associated Construction Services, Inc. in the amount of \$7,213.83.

**RECOMMENDED MOTION: *"I move to approve the contract for services from Associated Construction Services, Inc. in the amount of \$7,213.83."***

This is a legislative matter.

- c) Dry Land River Run Upper Parking Lot Agreement - Lisa Horowitz, Community and Economic Development Director.

As in past years, the subject agreement will provide a lease to the City during the Wagon Days Celebration for the use of the Sun Valley Company's Dry Land River Run Upper Parking Lot and the pasture located on the west side of Sun Valley Road, between the red barn and Dollar Road. The parking lot is used for parking RV's and the pasture is used for grazing of livestock. In accordance with the lease agreement, the City will pay Sun Valley Company 25 percent of all profits generated from charging RV's to park, and one dollar for grazing of livestock. A staff report from Lisa Horowitz has been provided in the packet for Council review.

RECOMMENDATION: Staff respectfully recommends the City Council approve the Dry Land River Run Upper Parking Lot Agreement."

**RECOMMENDED MOTION: *"I move to approve the Dry Land River Run Upper Parking Lot Agreement."***

This is a legislative matter.

## 8. ORDINANCES AND RESOLUTIONS.

- a) Ordinance 1111: Amending Ordinance 94, the official Ketchum Zoning District Map, by changing the classification of zoning districts for certain parcels of land within the City of Ketchum from LR-1, Limited Residential - One Acre, to LR, Limited Residential, and providing for an effective date (Second Reading) - Joyce Allgaier, AICP, Planning Manager.

Ordinance 1111 confirms the Council's May 20, 2013 approval of a change in zoning at 91 Meadow Circle. A staff report from Joyce Allgaier has been provided in the packet for Council review.

RECOMMENDATION: Staff respectfully recommends the Council conduct the first reading Ordinance 1111.

**RECOMMENDED MOTION: *"I move to acknowledge this as the first reading of Ordinance 1111, and direct staff to schedule the second reading and adoption on August 19, 2013."***

This is a legislative matter.

- b) Resolution 13-012: Amending the collective bargaining agreement between the City and the Firefighters Local Union #4758 - Mike Elle, Fire Chief.

Resolution 13-012 approves an amendment to the Collective Bargaining Agreement with the International Firefighters Local Union #4758. Specifically the amendment is to Schedule B of the agreement, which provides a work schedule based on the 24 hours, 19 day work cycle. A detailed staff report from Chief Elle and a copy of the resolution have been provided in the packet for Council review.

RECOMMENDATION: Staff respectfully recommends the City Council approve Resolution 13-012, amending Schedule B of the International Firefighters Local #4758 Collective Bargaining Agreement.

**RECOMMENDED MOTION: *"I move to approve Resolution 13-012, amending Schedule B of the International Firefighters Local #4758 Collective Bargaining Agreement."***

This is a legislative matter.

9. CONSENT AGENDA.

- a) Approval of minutes from the July 15, 2013 Council meeting.

Copies of the minutes from the July 15, 2013 Council meetings have been provided in the packet for Council review.

- b) Recommendation to approve current bills and payroll summary.

A list of bills for approval and the payroll summary have been included in the packet for Council review.

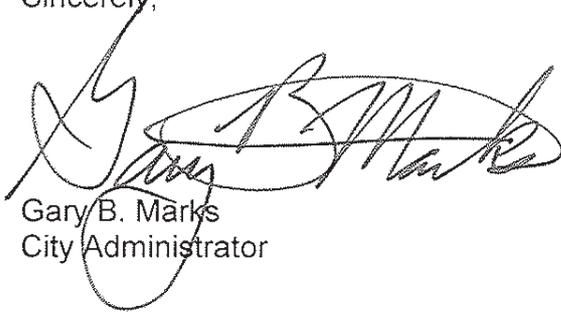
- c) Request to approve Findings of Fact and Conclusions of Law and Decision, Greyhawk Alpine Center Condominiums Preliminary Plat, 215 Picabo Street, Unit 102 (aka "Apples Bar & Grill).

Staff recommends approval of the Findings of Fact and Conclusions of Law and Decision for this preliminary plat. Materials have been provided in the packet for Council review.

- d) Approval of the 2013-14 Liquor, Beer & Wine Licenses.

Staff recommends approval of the list of 2013-2014 Liquor, Beer & Wine Licenses included in the packet.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary B. Marks". The signature is written in a cursive style with a large, sweeping initial "G" and "B".

Gary B. Marks  
City Administrator

# City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



August 5, 2013

Mayor Hall and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Hall and City Councilors:

## **Airport Update**

### Introduction/History

Rick Baird, Airport Manager for Friedman Memorial Airport will be at the meeting to make a presentation of airport issues.

### Current Report

Rick Baird will make a short presentation to the Council.

### Financial Requirement/Impact

This is informational only, and has no financial impact.

### Recommendation

There is no recommended action for the City Council: this item is informational at this time.

Sincerely,

Lisa Horowitz  
Community and Economic Development Director

# City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



July 30, 2013

Mayor Hall and City Councilors  
City of Ketchum  
Ketchum, Idaho

**Ketchum Recreation & Public Purposes Update:  
Environmental Assessment Progress  
Final Design Process  
Public Outreach and Education  
Maintenance and Management Plan**

Mayor Hall and City Councilors:

Introduction/History

The City of Ketchum applied for a Recreation and Public Purposes (R&PP) patent in 2008 for an approximate total of 316 acres of land owned by the United States and administered by the Bureau of Land Management. Part of the yet to be adopted management plan for the patent includes creation of a River Park along the Big Wood River about two miles north of City limits adjacent to the Hulen Meadows subdivision.

The City's partner in the R&PP patent application is the Wood River Land Trust. Additionally, myriad stakeholders are engaged in multiple components of the patent including, but not limited to habitat restoration, flood mitigation, recreation and accessibility.

The City undertook a formal master planning effort for an "area of intense study" within what is commonly known as the North Parcel in July 2011. S2o Design and Engineering, a Lyons, Colorado firm specializing in whitewater park and river recreation planning, was hired in January 2012 to provide professional design and engineering to create a master plan for a river park known as the River Park at Sun Peak. The River Park at Sun Peak is a focused area of recreational use while the remainder of the R&PP properties' uses will remain largely as they are today.

Between application for an R&PP patent in 2008 and present, City staff and BLM staff continue to work on the R&PP process. Important benchmarks have occurred thus far:

**Parks & Recreation Department**

Jennifer L. Smith, Director | [jsmith@ketchumidaho.org](mailto:jsmith@ketchumidaho.org)  
208.726.7820 | [www.ketchumidaho.org](http://www.ketchumidaho.org)

- The City of Ketchum applied for a “patent” in 2008 for two parcels of land described above. A potential well site at Sun Peak Picnic Site was included in the original application.
- Amendments to the original Ketchum R&PP occurred in 2009 including recreation enhancements adjacent to the Hulen Pond area. A white water park, a wheelchair accessible fishing pier, and a dog agility course were included. The dog agility course has since been removed.
- A “scoping open house” was performed by BLM in 2009.
- At the request of BLM, the City undertook a “master planning” effort for a
- The Ketchum R&PP and a land exchange between Wood River Land Trust and Blue Canyon Corporation were bifurcated in 2011 under the direction of the BLM State Director.
- The City was informed that the “discretionary” Ketchum R&PP would be discontinued due to other litigation mandates in the state of Idaho and federal budget cuts in late 2012; however, due to a concerted effort by the City, its partners and stakeholders, federal congressional representatives, and the BLM, the process was continued
- In January 2012, BLM State Director Steve Ellis suggested creating a “steering committee” comprised of BLM staff, City staff, and City contractors (legal and EA) for the purpose of discovering what needed to be done to continue the R&PP process under the National Environmental Policy Act (NEPA) process considering BLM constraints.
- The steering committee met for the fifth and final time on July 15, 2013 and accomplished several key items including:
  - Continuation of the Environmental Assessment process (previously, this contract was frozen at Mayor Hall’s direction)
  - Finalization of a Memorandum of Understanding between the BLM and the City outlining roles and responsibilities, conditions, and procedures to be followed during the preparation of the environmental documentation process;
  - Securing a NEPA Review Contractor under an Administrative Support Agreement to perform the work of a BLM Interdisciplinary Team at the City’s cost (again, due to federal budget constraints);
  - Execution of a Final Design process led by S2o Design and Engineering.
  - Set schedule for follow-up conference calls between BLM and designated City points-of-contact.

The last Ketchum R&PP update to City Council was presented on June 17, 2013.

### Current Report

#### **General Updates**

*Environmental Assessment and NEPA Review Contractor update:* The target date for completion of the Environmental Assessment document is August 6.

#### **Parks & Recreation Department**

Jennifer L. Smith, Director | [jsmith@ketchumidaho.org](mailto:jsmith@ketchumidaho.org)  
208.726.7820 | [www.ketchumidaho.org](http://www.ketchumidaho.org)

Chapters of the EA are currently being reviewed by City staff and legal director, Chereese McLain. Additionally, EA chapters are being given a cursory review by NEPA Review contractor, AECOM. Following completion of the draft EA, the document will be reviewed in its entirety by AECOM and forwarded to BLM staff for review. Once the draft EA is approved by BLM, it will be released for a 30 (thirty) day public comment period. Comments will be assimilated and vetted prior to BLM making its final determination of whether to approve the EA.

As indicated in the most recent report to City Council, AECOM is the chosen NEPA Review contractor for BLM. All correspondence and communication between the review contractor, the EA contractor, the City and BLM occurs within strict parameters to ensure adherence to NEPA policy.

Of significance relative to EA work is Change Order No. 8 for a Minerals Potential Assessment. Previously, it was unknown whether this report was necessary for EA incorporation. BLM recently indicated to the City and its contractor that yes, indeed it is a necessity. The total charge to the City for the minerals report is \$4,000 which was negotiated down from a \$15,400 estimate.

*Final Design process:* A kick-off meeting between the Final Design contractor, S2o Design and Engineering, occurred on July 2, 2013 between the design team and client (represented by this writer). An indoor session reviewing the latest concept master plan, any comments received between adoption of the master plan on October 5, 2012 and any information gained through EA data-gathering process was discussed. A thorough site visit was performed by the design team and task assignments were handed out. The day concluded with an indoor meeting with the client to discuss timeline and other pertinent issues.

Two conference calls have occurred between the design team and client since July 2. Details are being vetted and incorporated through feasibility analysis and public feedback.

An anticipated public unveiling of the final design will occur in October or November of this year. The unveiling will take place in a public setting and will involve the entire design team. The public will have the opportunity to comment on detailed elements of the plan. Members of the public are also encouraged to stage engaged with the director of parks & recreation regarding final design process.

*Public Outreach and Education:* Elements of an outreach plan are nearing completion. These elements include an updated River Park at Sun Peak/Ketchum R&PP web page on the City's website, a one-page flyer, and a display to be installed at the Ketchum Town Square. Additionally, members of the Mayor's Task Force have agreed to provide information and solicit feedback from individuals and community groups. BLM will provide written notice of

#### **Parks & Recreation Department**

Jennifer L. Smith, Director | [jsmith@ketchumidaho.org](mailto:jsmith@ketchumidaho.org)  
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opportunities for public comment on the NEPA and R&PPA processes currently underway; the City will also provide notification through avenues such as the City website, City e-newsletter, and press releases.

*Maintenance and Management Plan:* Of significance to several stakeholders is a stated “maintenance and management plan” which would ensure the long-term viability of the River Park at Sun Peak. Maintenance and management of the entire two-parcel R&PP application property are included in two approved documents submitted to BLM: the *Updated Plan of Development November 2012* and *Master Plan Document: Ketchum River Park at Sun Peak October 2012*. Maintenance and management plans for the two parcels including the River Park at Sun Peak and including estimated annual, periodic, and long-term costs are included in these documents. Specific recommended annual budget amounts are currently being developed based upon scope of the final design and outcome of the NEPA process.

Financial Requirement/Impact

No financial requirement/impact exists at this time; however, specific determinations for budgetary recommendations regarding annual allocation, construction costs and other associated costs for maintenance and management are forthcoming.

Recommendation

No recommendation.

Suggested Motion

*No suggested motion.*

Respectfully Submitted,



Jennifer L. Smith  
Director of Parks & Recreation

**Parks & Recreation Department**

Jennifer L. Smith, Director | [jsmith@ketchumidaho.org](mailto:jsmith@ketchumidaho.org)  
208.726.7820 | [www.ketchumidaho.org](http://www.ketchumidaho.org)

# City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



August 5, 2013

Mayor Hall and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Hall and City Councilors:

## Recommendation to fix typos in the 2010 URA Plan

### Introduction/History

The Ketchum Urban Renewal Agency was established by Ketchum Ordinance Number 980 approved by the Ketchum City Council on April 3, 2006. The Agency is charged with implementing the projects identified by the Ketchum City and adopted by the Council in the Ketchum Urban Renewal Plan. This Plan is a legal document which gives the Agency the powers, duties and obligations to implement a program of redevelopment and revitalization within the "Revenue Allocation Area".

On November 15, 2010 the City of Ketchum adopted Ordinance No. 1077, adopting a Revised Urban Renewal Area Plan, which included the addition of the River Run parcels into the Revenue Allocation Area and a revision to the Urban Renewal Area Capital Improvement Plan.

### Current Report

In reviewing the termination date of the 2010 URA Plan, we discovered the Plan had conflicting termination dates. In the 2010 URA Plan, Page vii under "Development Agreements" it states November 15, 2034, while under Section 8, "Termination Date and Disposition of Assets", Page 22 it states November 15, 2030. The correct termination date for the 2010 URA Plan is November 15, 2034.

We need to correct the first paragraph under Section 8, "Termination Date and Disposition of Assets" on Page 22 as follows:

Except for the nondiscrimination and non-segregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective. The provisions of other documents formulated pursuant to this Plan shall be effect through ~~November 15, 2030~~ November 15, 2034, (the "Plan Termination Date") which is twenty-four (24) years from the date of adoption of the original Urban Renewal Plan (~~November 15, 2006~~) (November 15, 2010) by the City Council. The Revenue Allocation Area and Revenue Allocation Financing Provisions shall be effective through October 15, 2034 (the "Revenue Allocation Area Termination Date") recognizing that during the time period between the Plan Termination Date

and the Revenue Allocation Area Termination Date, any Revenue Allocation Area revenues exceeding the amount necessary to repay the bonds shall be returned to the taxing districts in the Revenue Allocation Area on a pro rata basis.

Financial Requirement/Impact

None.

Recommendation

I respectfully recommend the Ketchum City Council approve the revision of Page 22 of the 2010 URA Plan to correct the first paragraph of Section 8, "Termination Date and Disposition of Assets". (See Revised Page 22 attached.)

Recommended Motion

*I move to approve the revision of Page 22 of the 2010 URA Plan to correct the first paragraph of Section 8, "Termination Date and Disposition of Assets".*

Sincerely,



Sandra E. Cady, CMC  
City Treasurer/Clerk

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Revenue Allocation Area may be enforced by such owners.

## **8. TERMINATION DATE AND DISPOSITION OF ASSETS**

Except for the nondiscrimination and non-segregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective. The provisions of other documents formulated pursuant to this Plan shall be effective through ~~November 15, 2030~~ November 15, 2034, (the "Plan Termination Date") which is twenty-four (24) years from the date of adoption of the ~~original~~ Urban Renewal Plan (~~November 15, 2006~~) (November 15, 2010) by the City Council. The Revenue Allocation Area and Revenue Allocation Financing Provisions shall be effective through October 15, 2034 (the "Revenue Allocation Area Termination Date") recognizing that during the time period between the Plan Termination Date and the Revenue Allocation Area Termination Date, any Revenue Allocation Area revenues exceeding the amount necessary to repay the bonds shall be returned to the taxing districts in the Revenue Allocation Area on a pro rata basis.

Upon the Plan Termination Date, the Agency shall retain assets and revenues generated from such assets as long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets. In the event that the Agency has no such resources or has only inadequate resources, or in the event that the Agency is dissolved, then any remaining assets shall be given without consideration to the City of Ketchum, an Idaho municipal corporation, subject to any and all liens or other encumbrances.

## **9. PROCEDURE FOR AMENDMENT**

The Urban Renewal Plan may be further modified at any time by the Agency subject to variations and exemptions set forth in any previously executed disposition and development agreements or owner participation agreements. Where the proposed modification will substantially change the Plan, the modifications must be approved by the City Council in the same manner as the original Plan. Substantial changes for City Council approval purposes shall be regarded as revisions which will violate the objectives of this Plan.

## **10. SEVERABILITY**

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions in this Plan and shall in no way affect the validity of the other provisions of this Plan.

# City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



July 26, 2013

Mayor Hall and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Hall and City Councilors:

**Public Hearing for Adoption of Ordinance No. 1110, Approving Amendments to  
Ketchum Zoning Code Title 17, Chapter 17.08 - Definitions, Chapter 17.64 -  
Community Core District, and Chapter 17.136 - Nonconforming Uses and  
Nonconforming Buildings.**

## Introduction/History

In addition to the more significant needed code amendments, Staff keeps track of code inconsistencies, unclear or missing language, and difficulties with code processes that have arisen through the use of the code. Over the last 2 years, we have handled three different "packets" of code amendments that fall into this "quick fix" category; those that are not overly complicated or controversial but can make needed improvements.

On June 24, 2013, the Commission conducted a public hearing on these proposed code amendments and ordinance. The Commission made some minor changes and recommended approval of Ordinance Number 1110 that is before the City Council for consideration.

## Current Report

See attached staff report.

## Financial Requirement/Impact

The proposed text changes will have no financial requirement or impact.

## Recommendation

Staff respectfully recommends that the City Council conduct a first reading of the proposed text changes amending Ketchum Municipal Code, Title 17, Chapter 17.08 - Definitions, Chapter 17.64 - Community Core District, and Chapter 17.136 - Nonconforming Uses and Nonconforming Buildings, on August 5, 2013. The Council has the option of waiving the second and third readings, to continue the hearing to a date certain for a second reading or for further discussion or to deny the text amendments. We would recommend August 19<sup>th</sup> for second reading.

Suggested Motion

“Pursuant to Idaho Code §67-65, I move to APPROVE the first reading of Ordinance Number 1110 and a continuation of this hearing for a second reading to August 19, 2013, of the proposed text changes, amending Ketchum Municipal Code, Title 17, Chapter 17.08 - Definitions, Chapter 17.64 - Community Core District, and Chapter 17.136 - Nonconforming Uses and Nonconforming Buildings, on August 5, 2012;”

Sincerely,

Joyce Allgaier, AICP  
Planning Manager

**STAFF REPORT  
KETCHUM CITY COUNCIL  
MEETING OF AUGUST 5, 2013**

**REGARDING:** City-initiated text amendments to Zoning Code Title 17, Chapter 17.08 - Definitions, Chapter 17.64 - Community Core District, and Chapter 17.136 - Nonconforming Uses and Nonconforming Buildings.

**NOTICE:**

**Publish:** June 17, 2013, Idaho Mountain Express

**Mailing:** July 11, 2013, to political subdivisions and outside agencies

**REVIEWERS:** Rebecca F. Bundy, Senior Planner, and Joyce Allgaier, Planning Manager

**ATTACHMENTS:**

- A. Ordinance Number 1110
- B. Comprehensive Plan Analysis
- C. Master Code Amendment List, dated July 24, 2013
- D. City Department Comments – none
- E. Public Comment – none

**BACKGROUND**

Staff has kept a running list of code inconsistencies, unclear or missing language and difficulties with code process for several years (See Attachment C). From time to time, staff has brought items from that list before the Commission and the Council to make text changes to the code.

Staff and Planning and Zoning Commission decided to start by addressing some of the less controversial or less complicated, “quick fix”, items on the list.

In July 2012, the Commission followed up with a work session on code revision topics including:

- Deletion of Section 17.64.010.J Transfer of Development Rights (TDR);
- Resolution of conflicting language in Section 17.32.010.H.2.c; and,
- Missing definitions in Section 17.08.

On May 25, 2013, the Commission conducted an additional workshop on the following topics:

- Section 17.136.040: Abandonment of Use; and,
- Section 17.64.010.E On-Site Parking Requirements in the Community Core.

On June 24, 2013, the Commission conducted a public hearing on the current proposed ordinance. The Commission suggested some minor changes and recommended approval of Ordinance Number 1110 as currently written to the City Council.

The reason for each text amendment is summarized below. Each text amendment item is presented separately, in italics with strikethrough/underline format, in the attached Ordinance Number 1110.

## PROPOSED CODE CHANGES

### CHAPTER 17.08 DEFINITIONS

#### Section 17.08.020: Definitions

Issue: A number of words are used in the code, but are not defined. In order to undertake further code revision work on these topics, it is necessary to define the words used in the code so that their meanings are clear and unambiguous.

### CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC)

#### Section 17.64.010.J Transfer of Development Rights (TDR):

Issue: This section of the code has been struck down by the State of Idaho Supreme Court. Section 17.64.010.J Transfer of Development Rights (TDR) should be deleted in its entirety.

#### Section 17.64.010.I.1 Hotel Uses

Issue: References to TDR are irrelevant and should be deleted.

#### Section 17.64.010.L.4.c.D.1, 17.64.010.L.5.c.D.1, 17.64.010.L.6.c.D.1 and 17.64.010.L.8.c.D.1:

Issue: References to TDR are irrelevant and should be deleted.

#### Section 17.64.010.L.7 Building Type 4: Multi-family home:

Issue: This code section currently states that Building Type 4 for is only allowed in Subdistrict C, when the Subdistrict Map (Section 17.64.010.K.3) shows that Building Type 4 is also allowed in Subdistrict D. This is really an omission of text.

#### Section 17.64.020.U: Plazas, Pedestrian Walkways And Courtyards:

Issue: Section 17.64.020.U.1.e requires that pedestrian areas “be heated to melt snow and to ensure that the space is usable throughout the year.” This conflicts with Ketchum’s values about environmental stewardship and reducing energy consumption. There are other, less energy intensive, methods to remove snow from a walking surface, and staff feels that this should not be a “requirement” but may still be allowed.

### CHAPTER 17.136 NONCONFORMING USES AND NONCONFORMING BUILDINGS

#### 17.136.040: Abandonment of Use:

Issue: This section of the code conflicts with Idaho Statute 67-6538. The City Attorney has advised that this code section should be replaced with the statutory language. The code will continue to be administered as before for nonconforming uses that were not the original “designed purpose” of the subject property.

## **COMPREHENSIVE PLAN COMPLIANCE**

Staff Analysis: A Comprehensive Plan Review has been provided under Attachment B. This review cites all applicable Comprehensive Plan Goals and Policies.

Recommendation: Staff recommends examining the cited goals and policies from the Comprehensive Plan and considering them in light of the proposed text amendments.

## **EVALUATION STANDARDS**

**1. Pursuant to Section 17.152.010 of Zoning Code Title 17, amendments to the zoning ordinance or the zoning map “shall be in accordance with the laws of the State of Idaho and all other applicable City Ordinances”.**

Staff Analysis: The proposed amendment is in accordance with the laws of the State of Idaho and other applicable City Ordinances. The Council has the right to enact legislation dealing with this issue.

Recommendation: This standard will be met through the public hearing process.

**2. Idaho’s Local Planning Act, Section 67-6511 states that ordinances establishing zoning districts shall be amended as follows; (a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested.**

**Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. (b) If the request is in accordance with the adopted plan, the ... commission may recommend and the governing board may adopt or reject the ordinance amendment under the notice and hearing procedures provided in Section 67-6509, Idaho Code.**

Staff Analysis: A comprehensive plan analysis has been provided. A determination regarding comprehensive plan compliance will be made at the time of public hearing. All political subdivisions and agencies were mailed notice of the hearing. No comments have been received from any political subdivisions.

Recommendation: This standard will be met through the public hearing process.

## **RECOMMENDATION TO THE CITY COUNCIL**

### **Recommendation**

Staff respectfully recommends that the City Council conduct a first reading of the proposed text changes amending Ketchum Municipal Code, Title 17, Chapter 17.08 - Definitions, Chapter 17.64 - Community Core District, and Chapter 17.136 - Nonconforming Uses and Nonconforming Buildings, on August 5, 2013. The Council has the option of waiving the second and third readings, to continue the hearing to a date certain for a second reading or for further discussion or to deny the text amendments.

### **Suggested Motion**

“Pursuant to Idaho Code §67-65, I move for approval of the first reading and a continuation of this hearing for a second reading on August 19, 2013, of the proposed text changes, amending Ketchum Municipal Code, Title 17, Chapter 17.08 - Definitions, Chapter 17.64 - Community Core District, and Chapter 17.136 - Nonconforming Uses and Nonconforming Buildings, on August 5, 2012.”

**ORDINANCE NUMBER 1110**

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING TITLE 17, CHAPTER 17.08, DEFINITIONS, BY ADDING MISSING DEFINITIONS; CHAPTER 17.64, COMMUNITY CORE DISTRICT, BY DELETING LANGUAGE PERTAINING TO TRANSFER OF DEVELOPMENT RIGHTS AND AMENDING LANGUAGE PERTAINING TO ON SITE PARKING REQUIREMENTS, BUILDING TYPE 4 AND SNOWMELT REQUIREMENTS; AND CHAPTER 17.136, NONCONFORMING USES AND NONCONFORMING BUILDINGS, BY AMENDING LANGUAGE SO THAT IT AGREES WITH STATE STATUTE; BY ADDING NEW LANGUAGE; CLARIFYING THE CODE PROVISIONS, PROCESSES, AND DEFINITIONS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City has initiated these text amendments to eliminate conflicting language, provide more clarity, and better align the Code with State Statute; and,

**WHEREAS**, the Planning and Zoning Commission considered these text amendments in work sessions on July 30, 2012 and March 25, 2013; and,

**WHEREAS**, the Planning and Zoning Commission held a public hearing on this matter on June 24, 2013 and recommended approval to the City Council; and,

**WHEREAS**, the City Council will hold public hearings on this matter with the first reading on August 5, 2013.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO:**

**SECTION 1.** CHAPTER 17.08 DEFINITIONS, Section 17.08.020: Definitions, be amended by and adding thereto the underlined language hereinbelow, to wit:

*BED AND BREAKFAST: A residential building in which the proprietor resides, which has no more than six (6) guestrooms available for short term occupancy, and provides no less than one meal daily for guests.*

*DECK: A roofless exterior floor structure attached to or supported by an adjacent structure and/or posts, piers or other independent supports.*

*DUPLEX: A two-family dwelling unit.*

*KITCHEN: A room or other portion of a structure intended for cooking of food, which, at a minimum, contains a sink, refrigerator and cooking facilities to include a range or built-in cooktop.*

SETBACK: The minimum horizontal distance between a specified lot line (front, side, rear), measured along a straight line and at a right angle to such lot line, and the nearest point of an above grade or below grade building or structure.

STOOP: A small stairway and landing platform leading to any entrance to a building.

TERRACE/PATIO: An at grade, open, roofless area, usually finished with paving or stone, adjacent to a building and serving as an outdoor living area.

**SECTION 2.** CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.010.E On Site Parking Requirements, to be amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

E. On Site Parking Requirements:

1. Development shall be required to meet the parking demand generated for each use within a building. When the calculation of the number of parking spaces demanded results in a fractional number, fractions equal to or greater than one-half ( $1/2$ ) shall be adjusted up to the next whole number.

**PARKING DEMAND GENERATED BY USE**

<b>Residential</b>	<b>1.0 space per 1,500 net square feet</b>
Community housing units	No parking is required
Accommodation	0.75 space per rental room
Retail trade and retail service	2.0 spaces per 1,000 gross square feet
Professional service	2.0 spaces per 1,000 gross square feet
Government	1.0 space per 1,000 gross square feet

2. The minimum number of parking spaces provided on site shall be four (4) spaces per five thousand five hundred (5,500) square feet of lot area, unless fewer are required by the Parking Demand Generated by Use table, above. Parking requirements generated by the table shall be located on site prior to utilization of any on street parking credit. The Planning and Zoning Commission shall have the authority to reduce the number of required on site spaces, where unique site circumstances warrant a reduction, on a case by case basis. Such circumstances may include lot width, location of existing structures, development on adjacent lots, and utility locations, among others.
3. In a circumstance where the Parking Demand Generated by Use table results in a requirement of more than four parking spaces, ~~four (4)~~ on street parking spaces per five thousand five hundred (5,500) square feet of lot area may be counted

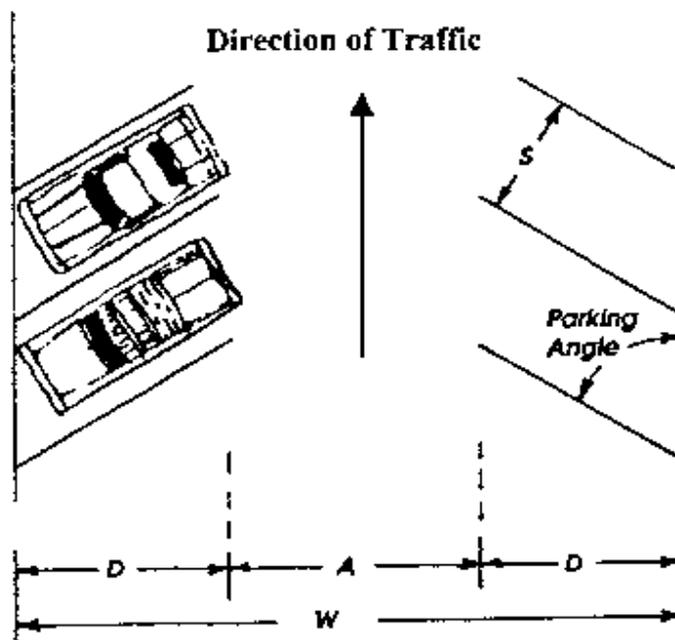
credited toward the required parking demand after the required four (4) space minimum on site is satisfied.

4. *The number of on site parking spaces required for medical/dentist office uses; indoor entertainment, recreation and cultural uses; and public/semipublic uses (as listed in table 1, subsection D of this section) shall be determined based on either the requirements in section 17.124.060, "Off Street Parking Space", of this title or based on a project specific parking solution that is approved by the planning and zoning commission. The applicant shall submit a parking analysis and plan that demonstrates how parking demand is addressed.*
5. *For all commercial and mixed use projects, and for any residential projects with more than four (4) units, at least one (1) accessible parking space shall be provided on site. In addition, all* ~~An adequate number of handicapped-accessible parking spaces shall be provided to meet the requirements of the international~~ *current building code as adopted by the City shall be met.*
6. *On site parking stalls may be located directly off the alley if the width of the alley can adequately accommodate the parking. No parking stall shall project into an alley, sidewalk, or street.*
7. *All parking lots shall be surfaced with asphalt, concrete, pavers, or similar hard surface. Hard surface parking spaces shall be striped. Temporary parking areas may be gravel surfaced. Temporary parking areas may be allowed for up to two (2) years and are subject to planning and zoning commission approval. Such parking areas are intended to provide units in locations that are temporarily undeveloped. Except for surfacing, temporary parking areas are subject to the same city design and regulatory requirements set for other surface parking lots in the community core district.*
8. *The owner or manager of the property shall maintain parking lots so that they are in good, safe and usable condition and free of public nuisances such as trash and weeds.*
9. *All parking lots shall be designed with adequate on site drainage facilities to prevent the drainage of water onto adjacent properties or walkways or into the public right of way.*
10. *All parking and service areas that are adjacent to a street shall be buffered from public views by a combination of landscaping and fences/walls. Such improvements will be for the purpose of beautification. For safety purposes, views of the parking and services areas from the sidewalk and street should not be obscured.*

11. All surface parking lots shall be designed with either an underground heating system to facilitate the removal of snow or a storage area for plowed snow. The storage area shall be one hundred fifty (150) square feet for every fifty five feet (55') of linear lot width.
12. The dimensions of on site parking spaces shall be based on the following standards. Back-in angle parking configurations are encouraged.

**ON SITE PARKING DIMENSIONS**

<u>Parking Angle</u>	<u>Stall Width (S)</u>	<u>Stall Depth (D)</u>	<u>Aisle Width (A)</u>
90	8	18	22
30	8	20	10
45	8	20	11
60	8	20	18
Parallel	8	20	
ADA	13.5	Same as above	Same as above



*Back-in angle parking (shown for an on site parking lot with one aisle).*

13. *An applicant may propose a project specific parking solution to address parking demand unmet by on site parking spaces for approval by the city. The applicant shall submit a parking analysis and plan that demonstrates how parking demand is addressed.*
14. *Except as provided in subsection E13 of this section, one hundred percent (100%) of the parking demand unmet by on site parking spaces may be met with a payment in lieu.*
  - a. *The in lieu fee amount shall be determined annually by the city council based on the cost of land, the construction cost of structured parking above, on or below ground, the amount of land needed for each parking space and access, landscape areas and other amenities, the cost of physical improvements to the property including grading, compaction, drainage, asphalt, concrete, landscaping, lighting, striping and other amenities as may be considered appropriate.*
  - b. *Payment of in lieu fees must be made to the city at the time of issuance of a building permit.*
15. *All in lieu funds received under this subsection shall be placed into a special and separate transportation improvement and acquisition fund to be used primarily for transit improvements and parking management programs, such as paid parking, that address the demand for physical parking on site in the CC district and secondarily for the purchase, construction and improvement of public parking facilities.*

**SECTION 3.** CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.010.J Transfer of Development Rights (TDR) be amended by deleting the section in its entirety, therefrom the stricken language hereinbelow, to wit:

~~J. Transfer Of Development Rights (TDR)<sup>1</sup>:~~

- ~~1. Purpose: The purpose of this subsection is to encourage the preservation of significant buildings or clusters of significant buildings representing local history, heritage and traditional scale and architecture.~~
- ~~2. Administration: The TDR program is administered through the severance of transferable development rights from eligible properties herein referred to as sending sites. Development rights may then be conveyed and affixed to eligible properties herein referred to as receiving sites. Development rights may only be severed and affixed within the city limits of the city of Ketchum, as hereinafter indicated.~~

- ~~3. Function: The TDR program permits the owners of designated sending sites to sever and convey, as a separate development right, undeveloped floor area to be affixed to and developed on a designated receiving site.~~
- ~~4. Voluntary Program: The program is voluntary and the value of development rights is set by the marketplace.~~
- ~~5. Sending Site Regulations: This subsection J5 shall apply to properties eligible to sever development rights.
  - ~~a. Sending sites, specified in figure 1 in subsection J12 of this section, are intended to include sites on which buildings exist that individually or collectively represent Ketchum history, heritage and traditional scale and/or architecture.
    - ~~(1) Phase II sending sites, specified in figure 1 in subsection J12 of this section, may become sending sites twelve (12) months after adoption of this subsection, provided a property owner requests designation and the city council approves requested designation and provided that all applicable legal requirements can be satisfied including, without limitation, a market analysis pursuant to Idaho Code section 67-6515A.~~~~
  - ~~b. A property shall meet at least one of the following criteria to be designated as a sending site:
    - ~~(1) Representative of traditional Ketchum residential and commercial architecture (pre Sun Valley Lodge, late nineteenth century settlement era or post Sun Valley Lodge, mid century vacation home era).~~
    - ~~(2) Representative of traditional Ketchum residential and commercial scale, proportion and/or site orientation.~~
    - ~~(3) Representative of Ketchum's community traditions and/or heritage, including, but not limited to, mining, railroad, ranching, timber, farming, sheepherding or outdoor recreation.~~
    - ~~(4) Associated with significant events and/or people of the past, including, but not limited to, being a residence or business of an early Ketchum family or resident (1880s to 1940s).~~
    - ~~(5) Listed on, or eligible for, the National or State Register of Historic Places.~~~~~~

- ~~c. In exchange for preservation, in perpetuity, of a building or structure designated as a sending site, owners of such properties may convey all, or a portion, of the development rights associated with that property as follows:~~
- ~~(1) The amount of square footage of development rights that can be severed from all sending sites other than sites designated solely on meeting the criteria of being representative of traditional Ketchum residential and commercial scale proportion and/or site orientation shall be calculated by multiplying the lot area by a floor area ratio of 2.25.~~
  - ~~(2) The maximum lot area per sending site which may be used for such calculation shall be the lesser of the actual square footage of such lot or the original platted town site lot size of five thousand five hundred (5,500) or eight thousand two hundred fifty (8,250) square feet, regardless of the current legal description or current square footage of the lot on which the heritage site is located.~~
  - ~~(3) The gross square footage of any addition constructed after February 28, 2007, and/or prior to the severing and conveying of development rights shall be subtracted from the amount of square footage of development rights as calculated above.~~
- ~~d. Once development rights have been severed from a sending site, proposed changes or additions to any building or structure located thereon shall meet the design regulations for historic buildings as stated in section 17.64.020 of this chapter generally and specifically including, without limitation, subsection 17.64.020D4 of this chapter as if such structure or building were listed on the National Register of Historic Places or designated as a local heritage site, landmark or block whether it actually is or is not and any additional regulations adopted by the Ketchum historic preservation commission. The Ketchum historic preservation commission shall review all proposed changes to sending site buildings and provide a recommendation to the planning and zoning commission to consider for design review approval. Additions shall be limited to fifty percent (50%) of the existing building square footage. Any addition or alteration to a building designated as, or eligible to be designated as a sending site that conflicts with the design regulations for historic buildings as stated in section 17.64.020 of this chapter may cause the site to lose its designation, or eligibility, as a sending site.~~
- ~~e. Owners of properties designated as a sending site solely based on meeting the criteria of being representative of traditional Ketchum~~

~~residential and commercial scale, proportion and/or site orientation, may convey all, or a portion of the development rights associated with that property as follows:~~

~~(1) The amount of square footage of development rights that can be severed shall be calculated by multiplying the lot area by 2.00.~~

~~(2) The maximum lot area per sending site which may be used for such calculation shall be the lesser of the actual square footage of such lot or the original platted town site lot size of five thousand five hundred (5,500) or eight thousand two hundred fifty (8,250) square feet, regardless of the current legal description or current square footage of the lot on which the heritage site is located.~~

~~(3) Any existing building or structure on the property may be demolished and a new building may be constructed, provided the following criteria are met:~~

~~(A) The square footage of the new building does not exceed the square footage of the original principal building that was demolished plus fifty percent (50%).~~

~~(B) The front yard setbacks of the original principal building to be demolished are maintained.~~

~~(C) The building height and roofline of the original principal building to be demolished are maintained, except a flat roof may be replaced with a sloped roof form and the height may increase to accommodate the new sloped roof form.~~

~~f. A property not designated as a sending site may apply to the city to be designated as a sending site. The city council may approve the requested designation provided that all applicable legal requirements can be satisfied including, without limitation, a market analysis pursuant to Idaho Code section 67-6515A.~~

~~g. Owners of properties approved as a public park or public open space and designated as a sending site may sever all development rights associated with that property in exchange for preservation of the park or open space in perpetuity.~~

~~(1) The amount of square footage of development rights that can be severed from a designated sending site for the preservation of a~~

~~public park or open space in perpetuity shall be calculated by multiplying the square footage of the lot by 2.25.~~

~~(2) The maximum lot area per public park or open space which may be used for such calculation shall be the lesser of the actual square footage of such lot or the original platted town site lot size of five thousand five hundred (5,500) or eight thousand two hundred fifty (8,250) square feet, regardless of the current legal description or current square footage of the lot on which the heritage site is located.~~

~~h. Properties approved as a public park or open space not designated as a sending site may apply to the city for designation in exchange for preservation of the park or open space in perpetuity, provided that all applicable legal requirements can be satisfied including, without limitation, a market analysis pursuant to Idaho Code section 67-6515A.~~

~~i. Development rights shall not be severed from vacant lots.~~

~~6. Procedure For Severing And Conveying Development Rights:~~

~~a. Contents Of Application: Eligible property owners desiring to sever development rights from their property shall first file an application with the Ketchum planning department on a form acceptable to the Ketchum planning director. In addition to any other information reasonably required by the Ketchum planning department, such application shall include, without limitation, the following:~~

~~(1) A TDR conservation easement in favor of the city of Ketchum in a form approved by resolution of the Ketchum city council preserving in perpetuity any structure on the sending site in a condition as good or better than the condition of such structure on the date of execution of such easement. Without limitation, such easement shall set forth the purpose of the easement identifying the transferable development rights to be severed, denoted by amount of square footage, and establish the city's rights and the owner's obligations, including, without limitation, reasonable rights to inspect the property, to compel specific performance and to enjoin activities inconsistent with the purpose of the easement and reasonable rights to maintain, repair and reconstruct the property in the event of damage or destruction. Such TDR conservation easement shall specifically describe the property, shall be executed by all lien holders and other parties with an~~

~~interest of record in any of the affected property and shall be recorded with the Blaine County recorder.~~

~~(2) A site survey, stamped by a surveyor licensed in the state of Idaho, locating the footprint of all structures and trees on the sending site, photographs of each elevation of such structures, a brief architectural description and history of such structures, and a statement regarding the gross square footage of such structures.~~

~~(3) Proof of ownership of the sending site.~~

~~(4) Once a TDR conservation easement is established, the square footage may no longer be utilized for development on the sending site, except as permitted by subsection J5e(3) of this section.~~

~~(5) The sending site property owner shall have no authority over the manner in which the development right is used by subsequent owners of said development right other than to determine whether such right shall revert to the seller if not exercised within an agreed upon time frame pursuant to Idaho Code section 67-6515A(5).~~

~~b. Application Review And Decision: The planning director shall review the application and make a determination of compliance with the following criteria:~~

~~(1) The subject property is a designated sending site as shown in figure 1 in subsection J12 of this section.~~

~~(2) The sending site has permitted development rights.~~

~~(3) The establishment of a TDR conservation easement shall not create a nonconforming use or structure. In cases of an existing nonconformity, the action shall not increase the degree of the specific nonconformity.~~

~~(4) The proposed deed restriction permanently restricts the development of the sending site property to the total floor area allowed by zoning, minus the amount of square feet of floor area per the TDR conservation easement.~~

~~(5) Any development application to develop floor area beyond that remaining legally connected to the property after severing of~~

~~development rights shall be considered null and void, except as permitted by subsection J5e(3) of this section.~~

~~c. Closing: Upon determination of compliance on the mutually agreed upon closing date:~~

~~(1) The property owner shall execute and deliver to the city of Ketchum, the above referenced TDR conservation easement which shall be promptly recorded.~~

~~(2) Upon receipt of proof of such TDR conservation easement, the mayor of the city of Ketchum, or designee, shall execute and deliver to the property owner an order severing development rights which shall be promptly recorded.~~

~~(3) The city clerk shall keep a record of all severed development rights identifying such rights, the property from which they were severed and the ownership of such rights from the time they are initially severed through all transfers, sales, conveyances and assignment of such rights until such rights are affixed to an approved receiving site through the process set forth herein.~~

~~d. Recording: Upon recording of both the TDR conservation easement and the order severing development rights, such property rights constitute an interest in real property and may be sold, assigned, transferred, or conveyed. Once severed from the sending site, such development rights may only be sold, assigned, transferred or conveyed with a TDR quitclaim deed and a notice of change in TDR ownership pursuant to a form adopted by resolution of the Ketchum city council. Such TDR quitclaim deed shall specifically describe the property, shall be executed by all lien holders and other parties with an interest of record in any of the affected property and shall be recorded with the Blaine County recorder.~~

~~7. Receiving Site Regulations:~~

~~a. Properties Included: Receiving sites shall include properties in the city of Ketchum where additional building height has been determined by the city council to be advantageous to the city for its strategic community development purposes and acceptable in terms of mass, scale and community character.~~

~~b. Receiving Site Designation Criteria: The community core zoning district is a designated receiving area. A property within the community core zoning~~

~~district may be designated as a receiving site, provided all of the following criteria are met:~~

~~(1) Is not a designated sending site or a designated phase II sending site;~~

~~(2) Is not located in subdistrict D, traditional neighborhood; and~~

~~(3) Is not located adjacent to Main Street, between Second Street and Fourth Street.~~

~~c. Fourth Floor Square Footage: Affixing development rights through the process set forth herein allows the construction of a specified amount of floor area square footage on a fourth floor on a designated receiving site. A fourth floor may only be constructed on a designated receiving site and only through the transfer of development rights, except as provided for hotels.~~

~~d. Market For Development Rights: The market for development rights is unrestricted, and the city shall not prescribe nor guarantee the monetary value of a development right.~~

~~8. Procedure For Affixing Development Rights: The owners of eligible receiving sites desiring to affix development rights to their property shall first file an application with the Ketchum planning department on a form acceptable to the Ketchum planning director. In addition to any other information reasonably required by the Ketchum planning department, such application shall include, without limitation, the following:~~

~~a. Designation: The subject property shall be designated as a receiving site by the city council;~~

~~b. Proof Of Ownership: Proof of ownership of both the receiving site and the transferred development rights;~~

~~(1) The legal description of the receiving site;~~

~~(2) The square footage increase from the allowable floor area (not an absolute total floor area), according to the applicable regulations of the receiving site at the time of building permit application;~~

~~c. Floor Area: The receiving site shall remain subject to amendments to the allowable floor area and eligible for certain floor area incentives and/or~~

~~exemptions as may be authorized by this title, as may be amended from time to time; and~~

~~d. Approval: Upon approval of such application by the Ketchum planning director, the mayor of the city of Ketchum, or designee, shall execute and deliver to the property owner an order affixing development rights which shall be promptly recorded. The square footage increase in development rights is permanently affixed to the receiving site and may be reused only on the receiving site in the event such receiving site is redeveloped.~~

~~9. Combined Parcels With Area Greater Than Original Platted Lot: If two (2) or more original platted town site lots have been combined into a single parcel with an area greater than the original platted town site lot size of five thousand five hundred (5,500) or eight thousand two hundred fifty (8,250) square feet, and a portion(s) of the single parcel contains a designated sending site or receiving site and other portions of the single parcel meet the sending site or receiving site criteria, then these portions of the single parcel shall not be designated separately.~~

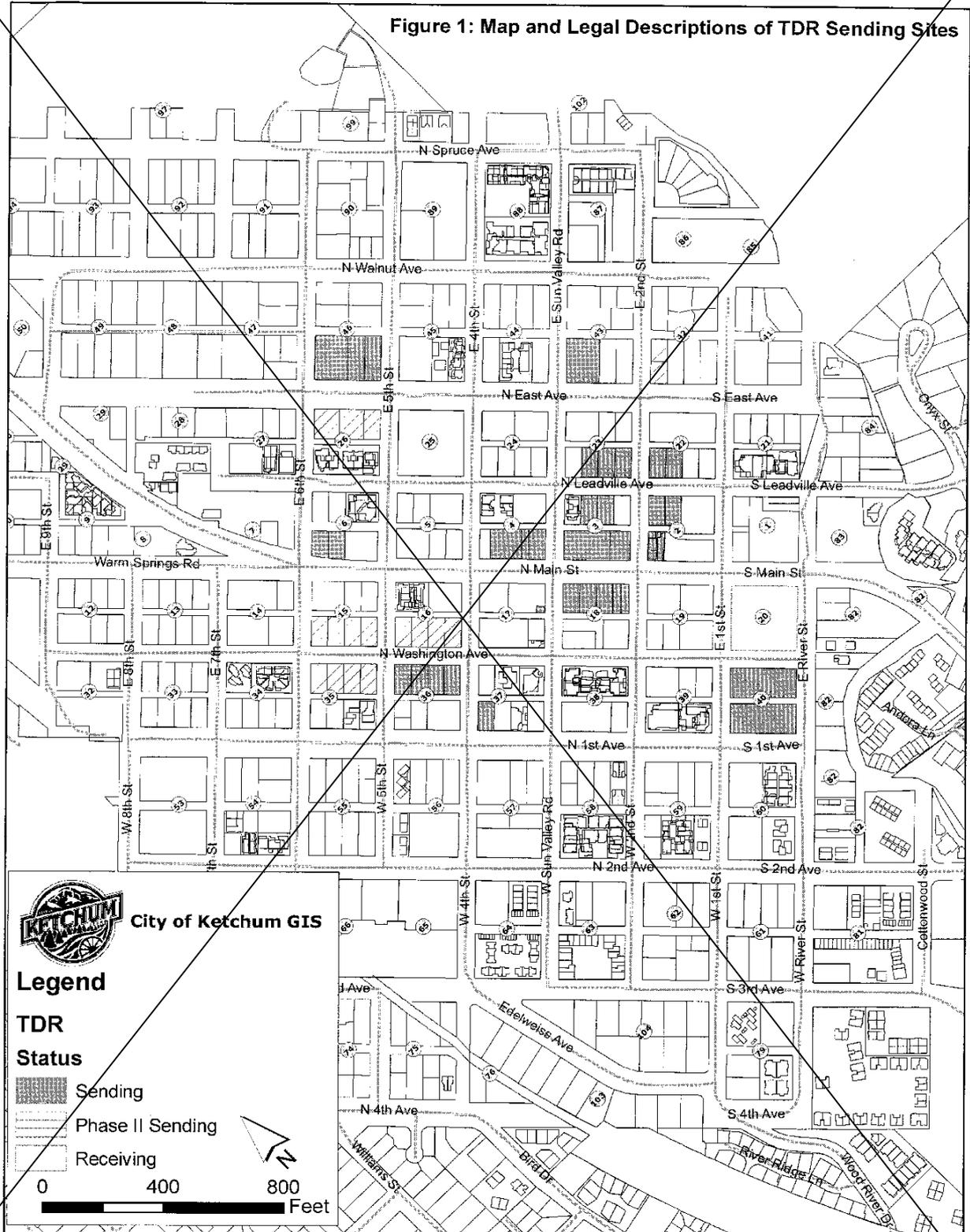
~~a. Such a parcel may be subdivided to create separate conforming lots. The resulting lot(s) which meets the receiving site or sending site criteria may be eligible for designation as a receiving site or sending site.~~

~~10. Application Materials: A completed application form for designation, severing, conveying, or affixing of development rights along with the required technical information and plans, as published by the planning director, and appropriate fees shall constitute a complete application for review and decision and shall be filed by the applicant with the Ketchum planning department.~~

~~11. Semiannual Review: A report shall be prepared by staff on a semiannual basis to review and assess the TDR program and make recommended adjustments.~~

~~12. Figure 1, Map And Legal Descriptions Of TDR Sending Sites: (Please note this map has been amended to include the Knob Hill Ride Condominiums - 700 North Leadville south of block 28.)~~

Figure 1: Map and Legal Descriptions of TDR Sending Sites



October 2009

13. ~~Legal Descriptions Of Sending Sites:~~

<del>Address</del>	<del>Block</del>	<del>Lot</del>	<del>Applicable Sending Site Criteria (Subsection Of This Section)</del>
<del>380 Second St. E., 171 and 171<sup>1</sup>/<sub>2</sub> Leadville Ave.</del>	<del>2</del>	<del>8 and 7</del>	<del>J5b(1), (2), (4), (5)</del>
<del>160 N. Main St.</del>	<del>2</del>	<del>Lewis Bank Condos</del>	<del>J5b(1)_(4)</del>
<del>231<sup>1</sup>/<sub>2</sub> Leadville Ave. N.</del>	<del>3</del>	<del>6</del>	<del>J5b(1)_(4)</del>
<del>271 Leadville Ave. N.</del>	<del>3</del>	<del>7</del>	<del>J5b(1)_(4)</del>
<del>220 N. Main St.</del>	<del>3</del>	<del>N 42.5' of lot 2, all of 3 and 4</del>	<del>J5b(1)_(4)</del>
<del>280 N. Main St.</del>	<del>3</del>	<del>N 42.5' of lot 2, all of 3 and 4</del>	<del>J5b(1)_(4)</del>
<del>240 N. Main St.</del>	<del>3</del>	<del>N 42.5' of lot 2, all of 3 and 4</del>	<del>J5b(2)</del>
<del>260 N. Main St.</del>	<del>3</del>	<del>N 42.5' of lot 2, all of 3 and 4</del>	<del>J5b(2)</del>
<del>200 N. Main St.</del>	<del>3</del>	<del>Lot 1, S 12.5' of lot 2</del>	<del>J5b(2)</del>
<del>300 N. Main St.</del>	<del>4</del>	<del>1</del>	<del>J5b(1)_(4)</del>
<del>320 N. Main St.</del>	<del>4</del>	<del>S 25' of lot 2</del>	<del>J5b(1)_(4)</del>
<del>340 N. Main St.</del>	<del>4</del>	<del>N 30' of lot 2, all of lot 3, S 20' of lot 4</del>	<del>J5b(2)</del>
<del>580 N. Main St.</del>	<del>6</del>	<del>Lot 6, E<sup>1</sup>/<sub>2</sub> of lot 4, FR W<sup>1</sup>/<sub>2</sub> of lot 4</del>	<del>J5b(3)</del>
<del>271 Sun Valley Rd.</del>	<del>17</del>	<del>SW 23' x 30' of lot 4</del>	<del>J5b(1)_(4)</del>
<del>211 N. Main St.</del>	<del>18</del>	<del>S 27'4" of lot 4</del>	<del>J5b(1)_(5)</del>
<del>231 N. Main St.</del>	<del>18</del>	<del>N 27'7.5" of lot 4</del>	<del>J5b(1)_(4)</del>
<del>251 N. Main St.</del>	<del>18</del>	<del>S 54' of lot 3</del>	<del>J5b(2)</del>
<del>271 N. Main St.</del>	<del>18</del>	<del>Lot 2 and N 1' of lot 3</del>	<del>J5b(2)</del>
<del>291 N. Main St.</del>	<del>18</del>	<del>1</del>	<del>J5b(2)</del>
<del>180 Leadville Ave.</del>	<del>22</del>	<del>4</del>	<del>J5b(1), (2), (4), (5)</del>
<del>140 Leadville Ave. N.</del>	<del>22</del>	<del>3</del>	<del>J5b(2)</del>
<del>200 Leadville Ave.</del>	<del>23</del>	<del>1</del>	<del>J5b(1), (2), (4)</del>
<del>240 Leadville Ave. N.</del>	<del>23</del>	<del>2</del>	<del>J5b(2)</del>

<del>260 Leadville Ave.—</del>	<del>23—</del>	<del>3—</del>	<del>J5b(2)—</del>
<del>491 Washington Ave.—</del>	<del>36—</del>	<del>1—</del>	<del>J5b(2)—</del>
<del>471 Washington Ave.—</del>	<del>36—</del>	<del>2—</del>	<del>J5b(2)—</del>
<del>171 4th St. E.—</del>	<del>36—</del>	<del>4—</del>	<del>J5b(2)—</del>
<del>431 Washington Ave.—</del>	<del>36—</del>	<del>3—</del>	<del>J5b(2)—</del>
<del>380 1st Ave.—</del>	<del>37—</del>	<del>5—</del>	<del>J5b(1), (2), (4)—</del>
<del>171 River St. E., 131 River St. E., 180 First St. E., 100 First St. E.—</del>	<del>40—</del>	<del>1, 2, 3, 4, 5, 6, 7, and 8—</del>	<del>J5b(1)_(5)—</del>
<del>280 East Ave.—</del>	<del>43—</del>	<del>3 and 4—</del>	<del>J5b(1), (2), (4)—</del>
<del>531 Fifth St. E.—</del>	<del>46—</del>	<del>1—</del>	<del>J5b(1), (2), (3)—</del>
<del>560 East Ave.—</del>	<del>46—</del>	<del>3—</del>	<del>J5b(1), (2), (4)—</del>
<del>520 East Ave.—</del>	<del>46—</del>	<del>2—</del>	<del>J5b(1), (2), (4)—</del>
<del>591 N. East Ave.—</del>	<del>26—</del>	<del>Lot 8 and N <sup>1</sup>/<sub>2</sub> of lot 7—</del>	<del>J5b(2)—</del>
<del>531 N. East Ave.—</del>	<del>26—</del>	<del>Lot 6 and S <sup>1</sup>/<sub>2</sub> of lot 7—</del>	<del>J5b(2)—</del>
<del>511 N. East Ave.—</del>	<del>26—</del>	<del>Lot 5—</del>	<del>J5b(2)—</del>
<del>200 E. 6th St.—</del>	<del>15—</del>	<del>Lot 5—</del>	<del>J5b(2)—</del>
<del>560 N. Washington Ave.—</del>	<del>15—</del>	<del>Lot 6—</del>	<del>J5b(2)—</del>
<del>520 N. Washington Ave.—</del>	<del>15—</del>	<del>Lot 7—</del>	<del>J5b(2)—</del>
<del>500 N. Washington Ave.—</del>	<del>15—</del>	<del>Lot 8—</del>	<del>J5b(2)—</del>
<del>480 N. Washington Ave.—</del>	<del>16—</del>	<del>Lot 5—</del>	<del>J5b(2)—</del>
<del>460 N. Washington Ave.—</del>	<del>16—</del>	<del>Lot 6—</del>	<del>J5b(2)—</del>
<del>440 N. Washington Ave.—</del>	<del>16—</del>	<del>Lot 7—</del>	<del>J5b(2)—</del>
<del>211 E. 4th St.—</del>	<del>16—</del>	<del>Lot 8—</del>	<del>J5b(2)—</del>
<del>591 N. Washington Ave.—</del>	<del>35—</del>	<del>Lot 1—</del>	<del>J5b(2)—</del>
<del>571 N. Washington Ave.—</del>	<del>35—</del>	<del>Lot 2—</del>	<del>J5b(2)—</del>
<del>531 N. Washington Ave.—</del>	<del>35—</del>	<del>Lot 3—</del>	<del>J5b(2)—</del>
<del>191 E. 5th St.—</del>	<del>35—</del>	<del>Lot 4—</del>	<del>J5b(2)—</del>
<del>520 E. 2nd St.—</del>	<del>42—</del>	<del>E 75' x 55' of lot 4—</del>	<del>J5b(2)—</del>

~~14. Conflicting Provisions: If there are any inconsistencies between the legal descriptions of the TDR sending sites and the map of the TDR sending sites, the legal descriptions control.~~

**SECTION 4.** CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.010.I.1 reference to transfer of development rights to be amended by deleting therefrom the stricken language hereinbelow, to wit:

*I. Hotel Uses:*

1. ~~Transfer of Development Rights: Hotels may build a fourth floor, anywhere in designated receiving areas, as may be adopted by the city council, without purchase of transfer of development rights.~~ If a site meets the criteria for five-story hotel site designation, ~~the a fifth floor may be built without the purchase of transfer of development rights.~~ Five-story hotels may only be approved via a planned unit development (PUD) as outlined in Chapter 16.08 of this code. However, with the exception of limited architectural elements, hotel projects may not request waivers to the ~~height and bulk requirements~~ mass and height specifications of subsection ~~L1 F~~ L 1 F of this section, building type 6 hotel.

a. *Five-Story Hotel Site Designation Criteria: A property shall meet all of the following criteria to be designated as a five-story hotel site:*

- (1) *Is located in Subdistrict A, retail core.*
- (2) *Is highly visible to visitors.*
- (3) *Is convenient to walk to retail center.*
- (4) *Is near the center town plaza, Main Street and Sun Valley Road.*
- (5) *Contributes to the retail vibrancy.*
- (6) *Is not located on Main Street between First Street and Sixth Street.*
- (7) *Has a minimum lot area of thirty three thousand (33,000) square feet.*
- (8) *Respects the general parameters of any massing studies which may be applicable in the area.*

**SECTION 5.** CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.010.L.4.c.D.1, 17.64.010.L.5.c.D.1, 17.64.010.L.6.c.D.1, 17.64.010.L.8.c.D.1, reference to transfer of development rights to be amended by deleting therefrom the stricken language hereinbelow, to wit:

*D. Maximum number of floors: 3.*

1. ~~A fourth floor is permitted with transfer of development rights or~~ if all uses above the ground floor are exclusively affordable residential units.
2. On streets and avenues the fourth floor shall be set back from the property line a minimum of 10 feet with an average of 15 feet. The average setback shall be calculated based on the built portion of the fourth floor facade and shall be calculated for each street or avenue elevation; the calculation of the average setback is not cumulative. In addition to the minimum and average setback requirement from the property line, the fourth floor shall be set back a minimum of 5 feet from the facade of the third floor.

**SECTION 6.** CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.010.L.7 Building Type 4: Multi-family home, to be amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

7. *Building Type 4: Multi-family home:*
  - a. *Applicable Subdistricts: C & D*

**SECTION 7.** CHAPTER 17.64 COMMUNITY CORE DISTRICT (CC), Section 17.64.020.U.1.e, to be amended by deleting therefrom the stricken language hereinbelow, to wit:

- e. ~~Plazas, pedestrian walkways, and courtyards that are paved shall be heated to melt snow and~~ kept clear of snow and ice to ensure that the space is usable throughout the year.

**SECTION 8.** CHAPTER 17.136 NONCONFORMING USES AND NONCONFORMING BUILDINGS, 17.136.040: Abandonment of Use, be amended by deleting therefrom the stricken language and adding thereto the underlined language hereinbelow, to wit:

- A. An owner shall not be deprived of the right to use improvements on private property for their designed purpose based solely on the nonuse of the improvements for their designed purpose for a period of ten (10) years or less. Where an owner or his authorized agent permits or allows an approved or unlawful intervening use of the owner's property, the provisions of this Section A are not applicable.
- B. For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.
- C. For all uses where the provisions of Section A are not applicable: If active and continuous operations are not carried on in a nonconforming use during a continuous period of six (6) months, the building, other structure or tract of land where such

*nonconforming use previously existed shall be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.*

**SECTION 9. SAVINGS AND SEVERABILITY CLAUSE.** It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 10. CODIFICATION CLAUSE.** The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the code.

**SECTION 11. REPEALER CLAUSE.** All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

**SECTION 12. PUBLICATION.** This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit A, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval and publication.

**SECTION 13. EFFECTIVE DATE.** This Ordinance shall be in full force and effect upon the date if its publication as provided by law which is \_\_\_\_\_, 2013.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Randy Hall, Mayor

ATTEST:

\_\_\_\_\_  
Sandra E. Cady, CMC  
City Treasurer/Clerk

**Attachment B:  
Comprehensive Plan Analysis**

**Comprehensive Plan Analysis  
City Council, August 5, 2013**

**PROJECT:** City-initiated text amendments to Zoning Code Title 17, Chapter 17.08 - Definitions, Chapter 17.64 - Community Core District, and Chapter 17.136 - Nonconforming Uses and Nonconforming Buildings.

This report is an analysis of the consistency of the City-initiated text amendments to Zoning Code Title 17, Chapter 17.08 - Definitions, Chapter 17.64 - Community Core District, and Chapter 17.136 - Nonconforming Uses and Nonconforming Buildings with the adopted City of Ketchum Comprehensive Plan (2001). Goals and Policies relating to this text amendment have been pulled from the Comprehensive Plan for consideration by the Ketchum City Council. Staff analysis has been provided in italicized text. This analysis has been prepared in order for the City to create the factual determination required by the State of Idaho Local Land Use Planning Act. ID Code §67-6511, which requires the following determination: If the request is in accordance with the adopted plan, the ... commission may recommend and the governing board may adopt or reject the ordinance amendment under the notice and hearing procedures provided in Section 67-6509, Idaho Code.

This report is organized by the subject areas contained with the Ketchum Comprehensive Plan, in the order that the subject appears in the plan.

**Part 3: Economic Development**

**Goal 1: Maintain and improve economic opportunities for residents of Ketchum, while respecting the quality of life including natural and human resources.**

**Goal 2: Foster a business climate that will allow local businesses to survive and prosper.**

**Goal 3: Minimize the additional burdens on City residents caused by growth and development.**

*The proposed text amendments are intended to provide greater clarity in the code by providing missing definitions and better guidance pertaining to parking in the Community Core and by eliminating sections that are unenforceable or in conflict with State Statute. These amendments support the goals above.*

**Policy 3.5: Encourage efficient and orderly development, allowing both public services and amenities to keep pace.**

*The proposed text amendments are intended to provide greater clarity in the code by providing missing definitions and better guidance pertaining to parking in the Community Core and by*

*eliminating sections that are unenforceable or in conflict with State Statute. These amendments support the goals above.*

#### **Part 4: Land Use**

##### **Chapter 4.1: General Land Use Policies**

**Goal 1: To strategically plan for present and future land use needs thereby establishing a well thought out pattern of development. This includes the following:**

- **encourage land uses in harmony with existing natural resources**
- **prohibit detrimental alteration of existing topography and terrain**
- **protect natural land features and wildlife habitat**
- **prohibit alteration of hilltops, rock outcrops, knolls, ridges, river banks, marshes, and river channels through development standards and other regulations**
- **ensure new development fits in with Ketchum's small mountain town character**
- **establish land use policies that ensure orderly development relative to public services and facilities**
- **consider incentives and/or land use regulations that promote energy efficiency, and reduce over consumption of resources**
- **concentrate densities within the existing community to most efficiently provide services and commercial necessities**

*The proposed text amendments are intended to provide greater clarity in the code by providing missing definitions and better guidance pertaining to parking in the Community Core and by eliminating sections that are unenforceable or in conflict with State Statute. These amendments support the goals above. In addition, providing a regulatory alternative to snow melt systems promotes energy efficiency.*

##### **Chapter 4.5: Downtown Planning Area: Ketchum's Community Core**

**Goal 1: Make the Community Core a place that fosters the friendly atmosphere integral to our community, and:**

- **reflect its "small mountain town character" through the design and scale of the buildings, mature trees, vistas and open spaces**
- **support local businesses and civic activities**
- **focus on pedestrian safety and travel, while allowing cars to circulate but not dominate**
- **address a long term solution to increasing demands for parking**

- **incorporate regular capital spending to implement the goals and policies for the Community Core**

*Requiring parking on site before on street parking credits are taken will provide additional parking in the Community Core as properties develop.*

**Policy 4.5.6:** The City recognizes that there is not enough land area in the Community Core to meet the parking demand. On-street parking is primarily for short term use, the visiting public, and secondarily for employees. The private sector must address the true parking impacts and needs of new development in the downtown area.

*Requiring parking on site before on street parking credits are taken will provide additional parking in the Community Core as properties develop. This will provide additional off street, long term parking for businesses in the Community Core.*

#### **Part 6: Transportation**

**Policy 6.9:** Encourage the construction of heated sidewalks throughout the City.

*Providing a regulatory alternative to requiring heated sidewalks in the Community Core will not encourage them, but it will still allow them. It will also allow more energy efficient alternative snow removal options, thus satisfying Chapter 4.1, Goal 1.*

**Policy 6.11:** Require developers to provide an appropriate amount of parking for the demand created by their development, or to pay for that parking in another location.

*Requiring parking on site before on street parking credits are taken will provide additional parking in the Community Core as properties develop.*

**Summary:** *The proposed text amendments are modest in scope and do not materially change the existing code. They are intended to eliminate conflicting language, provide more clarity, and better align the Code with State Statute.*

**Attachment C:  
Master Code Amendment List,  
dated July 24, 2013**

## Code Revisions 2013

Revised 7-24-13

- Done and codified
- Not yet undertaken
- ◆ Currently in process

### Quick Fix Amendments (make process more predictable; clarify for customers and internal use)

- Change CUP expiration language
- Additional neighborhood noticing decision
- Demolition security release & when demo permit can be issued i.e. only w/ BPermit, Chapter 15
- Change definition of gross and net floor area. Should read "floor area, gross; floor area, net"
- Clarify building setback as it relates to height (garages)
- Revise noticing policies to reflect Idaho Code §67-6509 (re. other jurisdictions)
- Evaluate retaining wall standards (maximum height, step back requirements)
- Review and update submittal requirements for all land use applications
- ◆ TDRs (omit to meet Idaho statute, recent legal decision) and eliminate references to TDR in code
- ◆ Dumpster screens in CC
- Address decks/eaves in CC in setback
- Clarify deck encroachment process and provisions ( DR for Sec 17.128.020(l), change from CU to DR, delete l.5)
- Evaluate storage requirements ( i.e., CC vs. LI is example of inconsistency)
- Clarify when lot line adjustment process can be used
- Clarify when a non-conformity is allowed to continue when partially demolished or redeveloped
- Floodplain – revise to make more clear, add graphics
- 16.04.100 – fix circular reference: "after findings by Commission, goes to Commission"
- Mountain Overly/Waterways Design Review reference to standard Design Review
- Amendment process – general vs special
- Terraces vs. decks
- Mechanical not included in building height
- Encourage bundling of mechanical and venting in "chimneys"
- Roof access outside the Commercial Core
- Hostels as land use
- Setback calculation with respect to building height
- Curb cut calculation
- Sheds, etc. in setback, i.e. when can a structure be located in the setback
- Building Type 4 – should also say allowed in Subdistrict D
- Remove requirement for snowmelt in CC DR regs

## More Complex Amendments

- Apartment Housing Overlay (needed? Redundant provisions or in conflict with underlying zones to incentivize affordable housing?) Evaluate parking implications/best practices
- Parking standards (overall)
- Form-based code revisit and evaluation
- TDRs re. heritage structure preservation (may require statutory change)
- Change to Design Review Admin Decision; allow staff level approval for some
- Clean up ADU language – clarify
- PUD – Examine section, consistency and applicability, when waivers are allowed
- Evaluate uses and standards in LI Districts
- Evaluate zones to allow rooftop deck access above height limit
- Riparian corridor update and clarification with Floodway Development Permit
- Code organization and layout, addition of graphics
- Floodplain amendments to get more CRS points
- FEMA regulations to clarify FEMA standards, definitions, administrative interpretations to align Ketchum code with NFIP
- Sidewalk widths and standards in CC and LI zones
- Street and parking lot tree requirements
- ◆ Section 17.32.010.H.2.c - GR-H – inclusionary housing incentive language is conflicting
- Apartment Housing Overlay chapter
- Avalanche Overlay – development standards, occupancy requirements
- Signage for special events
- ◆ Clarification of when demolition permits can be issued including historic properties
- Storm water/run-off design requirements
- Amend sign code so all Sign Master Plans come before the Commission
- Conversion of duplex condos to “townhouse” form of ownership
- Plat note requirements for future condo developments
- Security requirement (including liens) for single family dwellings 17.96.120
- Restaurant parking requirements, including outdoor seating areas
- Review all municipal code provisions having to do with infrastructure, street standards, lighting standards, sidewalks, etc. to have. Conform and unify the code to one set of standards. Look at DT Master Plan also.
- Expiration of approval provisions for all development approvals i.e., waterways design, floodplain development permit, mountain overlay, etc.

## Definitions

- “Subdivision” and when applicable (condo wall change, replat required, etc.)

- ◆ Setback
  - Building height – with diagram
  - Consolidate and amend definitions – consolidate from all sections and codes to one unified place
  - Clarify Family, Single-Family Unit, Dwelling, etc.
  - Consolidate definitions within zoning code (Subdivision remains separate)
  - Add definitions as needed (PUD in subdivision code)
  - “Planning Commission”/”Zoning Commission” and “Administrator”/”Planning Director” – define and be consistent throughout code.
- ◆ Kitchen
  - Dwelling, single family, and other dwelling definitions – reconcile
- ◆ Porch, stoop differentiation
- ◆ Deck
- ◆ Terrace
- ◆ Bed and breakfast
- Hostel
- ◆ Duplex
- Lot coverage
- Open Site Area (see GR-H)
- Noticing and public hearing requirements for Section 16.04
- ◆ Non-conforming Use Section 17.136.040 – align with State statute

#### Form Based Code

- Evaluate overall efficacy of the FBC; limiting to architectural design options, achieving intended or desired results
- Building form and land use testing
- Clarify policy for categorizing existing and non-conforming buildings
- 5’ building setback on 60 foot r-o-w
- Boundaries of applicability, CC boundaries
- Clarify text and include improved graphics
- Existing buildings
- Post spacing
- Minimum deck dimensions
- Sidewalk widths
- Should residential use be allowed on ground floor street front between Arts District and Retail Core?
- Minimum building width vs 100% of area is building
- Codify street sections
- Building heights in commercial core

## Sustainability/Energy/Green Amendments

- Green Building Code
- Solar installation use and standards for compatibility, solar orientation, other alternative energy provisions, process for permitting
- Alternative energy provisions – accessory use/structure provisions; wind, solar, geothermal, district heating
- Mobility – complete streets, safe routes to school, TOD, parking standards, transportation demand management offsets to parking, bike parking/biker amenities in commercial buildings
- Urban forestry -tree protection/conservation and installation requirements, clarify role of city forester on private property projects
- Green roof provisions, incentives
- Community gardens, food production, fowl and other animals, community supported agriculture, remove unnecessary restrictions on gardens and appurtenant structures, allow incidental off- and on-site sales of produce raised in residential areas
- Electric car charging stations
- Recycling stations in multifamily, composting as a permitted use, commercial development, construction waste management plans
- Update uses in permitted and conditional lists to allow for technology, best practices
- Water conserving landscaping, allowable landscape size vs. leave natural, irrigation requirements
- Tree/vegetation and grading provisions, green infrastructure requirements, Low Impact Development standards
- Green subdivision provisions – lot orientation for solar, street orientation
- Housing diversity requirements (mix of unit types and sizes), density bonuses for affordable housing,

## Municipal Code

- Right of way policy review – Building Official vs. Street Department responsibilities/jurisdiction
- Evaluate nuisance provisions
- Evaluate property maintenance provisions
- Public works specifications update and code consistency
- Evaluate when R-O-W encroachment licenses are needed. Allow certain r-o-w encroachment licenses to be handled administratively

**Attachment D:  
City Department Comments – none**

**Attachment E:  
Public Comment – none**

## City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



July 26, 2013

Mayor Hall and City Councilors  
City of Ketchum  
Ketchum, Idaho

Mayor Hall and City Councilors:

**Public Hearing upon the Application of Picabo Street Units 1 & 2, LLC  
for Condominium Subdivision Preliminary Plat Review at  
215 Picabo Street, Unit 102**

Introduction/History

This application by Picabo Street Units 1 & 2, LLC, represented by Chris Kraatz, owner, is for preliminary plat approval for the subdivision of one condominium (Unit 102) into two condominiums (Units 102A and 102B).

The Planning and Zoning Commission unanimously recommended approval of the final plat in their actions and adopted findings of fact, signed July 29, 2013.

Current Report

See attached staff report.

Financial Requirement/Impact

None

Recommendation

Staff respectfully recommends that the City Council approve the preliminary plat subdivision of Greyhawk Alpine Center Condominiums, Unit 102, into two units, Units 102A and 102B.

Suggested Motion

"I move to approve the application for preliminary plat subdivision of Greyhawk Alpine Center Condominiums, Unit 102, into two units, Units 102A and 102B, finding that the application meets with the applicable review standards with the Conditions #1 – 8, as noted in the staff report."

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca F. Bundy". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Rebecca F. Bundy  
Senior Planner

**STAFF REPORT  
CITY OF KETCHUM CITY COUNCIL  
REGULAR MEETING OF AUGUST 5, 2013**

**APPLICANT:** Picabo Street Units 1 & 2, LLC

**REPRESENTATIVE:** Chris Kraatz, owner

**PROJECT:** Greyhawk Alpine Center Condominiums, Unit 102, Preliminary Plat Condominium Subdivision

**FILE NO.:** 13-061

**REQUEST:** Preliminary plat approval for the subdivision of one condominium (Unit 102) into two condominiums (Units 102A and 102B)

**LOCATION:** 215 Picabo Street, Unit 102, (Greyhawk Alpine Center Condominiums, Unit 102)

**ZONING:** Tourist (T) with Warm Springs Base Area – (WSBA-1) Overlay

**NOTICE:** Adjacent property owners and outside agencies were mailed notice on June 20, 2013. No further notice is required for a two unit condominium subdivision. However, a courtesy notice was published in the Idaho Mountain Express on Wednesday, July 31, 2013.

**REVIEWER:** Rebecca F. Bundy, Senior Planner

**BACKGROUND**

1. The applicant is requesting preliminary plat approval to subdivide an existing commercial condominium unit into two condominium units.
2. The applicant has provided stamped architectural drawings showing location of and a construction detail for a one (1) hour rated fire separation wall between the proposed units. Both units are equipped with fire sprinklers.
3. The uses in the units are proposed to be continued restaurant use in 102A and Sun Valley Heli Ski offices in 102B.
4. This application was routed to City department heads on June 13, 2013. The following comments/concerns were raised:

- Fire Department – All fire code requirements shall be met as part of the building permit process. This has been incorporated into Condition #7.
- Building Division – The proposed fire separation wall appears to meet building code requirements for the proposed occupancies. All building code requirements shall be met as part of the building permit process. This has been incorporated into Condition #7.
- Utility Department – requested the following condition of approval: “Verify that plumbing to each unit is connected to their respective water meters. According to our records an existing water meter is located in the crawl space beneath the proposed unit 102B. If the water meter does not exist, a new meter will need to be purchased and installed at the owner’s expense.” This has been incorporated into Condition #7.
- City Engineer - reviewed this application and found no issues or concerns.

5. The existing CC&R’s will remain in effect. The First Amendment to Master Declaration of Condominium Covenants, Conditions and Restrictions of the Greyhawk Alpine Center Condominium Owners Association, Inc. (Instrument Number 302219), Item 3, amends the original CC&R’s to specifically allow subdivision of Unit 102 into two units.

6. The City of Ketchum Planning and Zoning Commission considered this application on July 8, 2013, and recommended approval to the City Council, with Findings of Fact signed on July 29, 2013.

7. Attachments:

A: Applicant submittals

- Application, dated May 31, 2013
- Reduced preliminary plat, dated May 2013 (Full sized plat also available.)
- Reduced architectural plan, dated June 14, 2013

B: Planning and Zoning Commission Findings of Fact, signed July 29, 2013

**16.04.060 CONDOMINIUMS:**

**B. Preliminary Plat Procedure.**

**The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed bylaws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities and open space. The commission and council shall act on the preliminary plat pursuant to subsections 16.04.030D and E of this chapter.**

Staff Analysis: The Greyhawk Alpine Center Condominiums were originally recorded as a condominium subdivision in 1987. The existing bylaws and condominium declarations, including first and second amendments to those declarations, have been submitted as part of this application for preliminary plat approval. These documents adequately provide for control and maintenance of all common areas, recreational facilities and open space.

Recommendation: This standard has been met.

**C. Final Plat Procedure.**

1. The final plat procedure contained in subsection 16.04.030F of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the condominium has received:

- a. A certificate of occupancy issued by the city of Ketchum; and
- b. Completion of all design review elements as approved by the planning and zoning administrator.

2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to section 17.96.120 of this code. Prior to final plat approval, the subdivider shall submit to the city a copy of the final bylaws and condominium declarations which shall be approved by the council and filed with the Blaine County recorder, including the instrument number(s) under which each document was recorded.

Staff Analysis: This application is for preliminary plat.

Recommendation: This standard does not apply to the preliminary plat application.

**D. Garage:** All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.

Staff Analysis: There is no change to the existing parking, which is shown on the preliminary plat. The proposed uses do not increase the parking requirements.

Recommendation: This standard has been met.

**E. Storage Areas:** Adequate storage areas shall be provided for boats, campers and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.

Staff Analysis: There is no change to existing storage.

Recommendation: This standard does not apply.

**F. Maintenance Building:** A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.

Staff Analysis: There is no change to the existing maintenance provisions, and division of one condominium into two will not increase maintenance requirements in the existing building.

Recommendation: This standard does not apply.

**G. Open Space:** The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.

Staff Analysis: There is no change to the common area of the existing building.

Recommendation: This standard does not apply.

**H. General Applicability: All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.**

Staff Analysis: All other ordinances and regulations shall be followed.

Recommendation: This standard shall be met.

### RECOMMENDATION TO THE CITY COUNCIL

#### Recommendation

Staff respectfully recommends that the City Council approve the preliminary plat subdivision of Greyhawk Alpine Center Condominiums, Unit 102, into two units, Units 102A and 102B.

#### Suggested Motion

"I move to approve the application for preliminary plat subdivision of Greyhawk Alpine Center Condominiums, Unit 102, into two units, Units 102A and 102B, finding that the application meets with the applicable review standards with the Conditions #1 – 8, as noted in the staff report."

### RECOMMENDED CONDITIONS

1. This approval is given for the preliminary plat of Greyhawk Alpine Center Condominiums, Units 102A and 102B, dated May 2013.
2. The Covenants, Conditions and Restrictions (CC&R's) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of either the CC&R's;
3. The failure to obtain final plat approval by the Council of an approved preliminary plat within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void;
4. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map;
5. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
  - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
  - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,

Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control";

6. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units;
7. Ketchum City Fire and Building Department requirements shall be met at time of building permit submittal; and,
8. Prior to the signature of the final plat by the City Clerk, the applicant shall verify that plumbing to each unit is connected to their respective water meters. According to City records an existing water meter is located in the crawl space beneath the proposed unit 102B. If the water meter does not exist, a new meter will need to be purchased and installed at the owner's expense.

**Attachment A:  
Applicant submittals**

- **Application, dated May 31, 2013**
- **Reduced preliminary plat, dated May 2013 (Full sized plat also available.)**
- **Reduced architectural plan, dated June 14, 2013**

christineksunvalley@yahoo.com

File Number: 13-061

CITY OF KETCHUM SUBDIVISION APPLICATION

NAME OF PROPOSED SUBDIVISION: UNITS 102A & 102B GREYHAWK ALPINE CENTER CONDOMINIUMS  
OWNER OF RECORD: PICABO STREET UNITS 1 & 2, L.L.C.

ADDRESS OF OWNER: 1752 NORTHWEST MARKET ST. #226 SEATTLE, WA. 98107

REPRESENTATIVE OF OWNER: CHRIS KRAATZ 788-1790

CONTACT: Owner: Representative: X Phone No.: 206-755-0206 Mailing Address: 1752 NORTHWEST MARKET ST. #226

LEGAL DESCRIPTION: (attach if necessary): UNIT 102, GREYHAWK ALPINE CENTER CONDOMINIUMS

STREET ADDRESS: 215 PICABO ST. # 102

SUBDIVISION FEATURES: Number of Lots: Number of Dwelling Units:

Total land area in acres or square feet: 1,384 SQ. FT.

Current Zoning District: T Proposed Zoning District: N/A

Overlay District: Flood X Avalanche Pedestrian X Mountain

Type: Condominium X Land PUD Townhouse

Adjacent land in same ownership in acres or square feet:

Easements to be dedicated on final plat: (describe briefly): N/A

Proposed and existing exterior lighting: (described briefly): N/A

IMPROVEMENTS TO BE INSTALLED PRIOR TO FINAL PLAT APPROVAL:

Table with 4 columns: Improvement Name, Yes, No, and Status. Includes rows for Streets Paved, Curbs & Gutters, Sidewalks, Street Lights, Street Signs, Fire Hydrant(s), Extend Water Lines, Extend Sewer Lines, Water Supply, Sewer System, and Power.

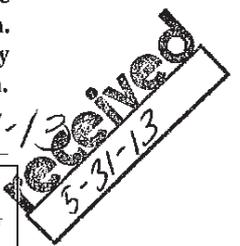
ATTACHMENTS TO COMPLETE APPLICATION:

- Copies of Articles of Incorporation and By-Laws of Homeowners Associations and/or Condominium Declarations
Copy of current title report and owner's recorded deed to the subject property
Six (6) copies of preliminary plat; one (1) 11x17 copy; and, a CD or email of the electronic copy (.pdf) of the plat

The Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Subdivision Application in which the City of Ketchum is the prevailing party to pay the reasonable attorney fees, including attorney fees on appeal, and expenses of the City of Ketchum. I hereby certify that all information requested, as submitted, is prepared to the best of my ability and knowledge and I request that this application be processed for consideration as a subdivision.

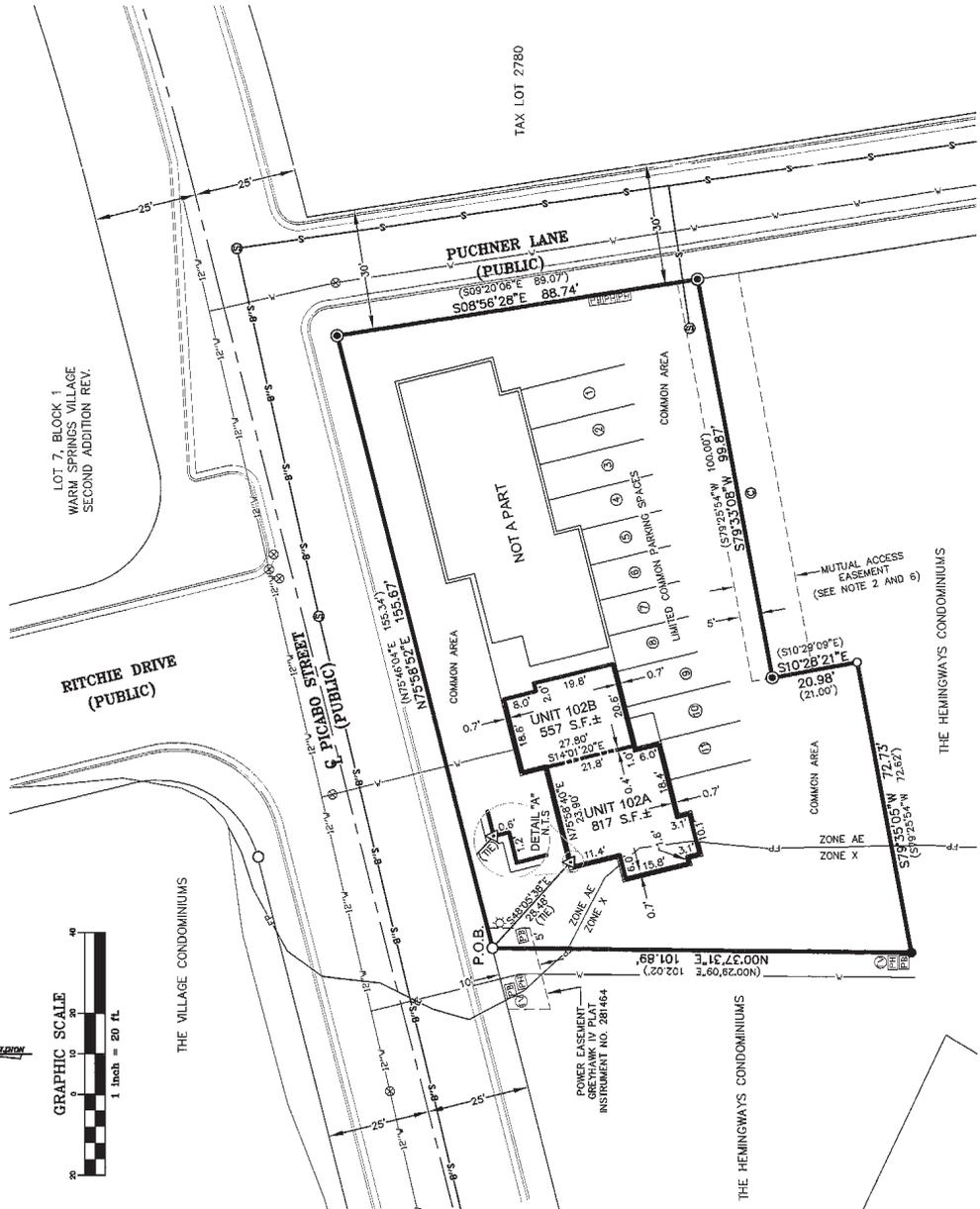
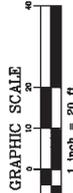
Signature of Owner/Representative: Christine Kraatz Date: 5-31-13

Pursuant to Resolution No. 08-123, any direct costs incurred by the City of Ketchum to review this application will be the responsibility of the applicant. Costs include but are not limited to: engineer review, attorney review, legal noticing, and copying costs associated with the application. The City will require a retainer to be paid by the applicant at the time of application submittal to cover said costs. Following a decision or other closure of an application, the applicant will either be reimbursed for unexpended funds or billed for additional costs incurred by the City.



**UNITS 102A AND 102B, GREYHAWK ALPINE CENTER CONDOMINIUMS**  
 A SUBDIVISION PLAT WHEREIN UNIT 102, GREYHAWK ALPINE CENTER CONDOMINIUMS  
 IS SUBDIVIDED CREATING UNITS 102A AND 102B, GREYHAWK ALPINE CENTER CONDOMINIUMS  
 LOCATED WITHIN THE NORTHWEST 1/4 OF SECTION 14, T.4 N., R.17 E., B.M.,  
 CITY OF KETCHUM, BLAINE COUNTY, IDAHO  
 MAY 2013

A PRELIMINARY PLAT SHOWING



**LEGEND**

- Property Line
- New Property Line
- Adjoining Lot Line
- Centerline
- Easement Line
- 12" Water Line
- Approximate Water Line (See Note 12)
- 8" Sewer Line
- Approximate Sewer Line (See Note 12)
- Floodplain Boundary
- Asphalt Roadway
- Found 1/2" Rebar, As Shown Here
- Found 5/8" Rebar, As Shown Here
- Found PK Nail, Set 5/8" Rebar PLS 11779
- Set 5/8" Rebar, PLS 11779
- Calculated Point
- Point of Beginning
- Sewer Manhole
- Sewer Cleanout
- Water Valve
- Cable box
- Telephone Riser
- Power Box

**NOTES**

1. Basis of Bearing is Idaho State Plane Central Zone at grid.
2. Notes, Easements and Restrictions, as shown on the plat of Spring Creek, recorded on February 22, 1976 as Instrument No. 18851, records of Blaine County, Idaho.
3. Property is subject to terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens (provisions, if any, based on race, color, religion, or national origin are omitted) provided by applicable condominium law or the Condominium Declaration and bylaws recorded on August 14, 1986 as Instrument No. 275538 and Amended as Instrument No's 275659, 285257, and 470771, records of Blaine County, Idaho.
4. Refer to the Notes, Easements and Restrictions, if any, as shown on the plat of Greyhawk III Subdivision, recorded on May 15, 1987 as Instrument No. 284428, Records of Blaine County, Idaho.
5. Property is subject to terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens (provisions, if any, based on race, color, religion, or national origin are omitted) provided by applicable condominium law or the Condominium Declaration and bylaws recorded in the following documents:  
 A. Water Declaration of Condominium Covenants, Conditions and Restrictions of Greyhawk Northridge, recorded on August 14, 1986 as Instrument No. 260311 and Amended as Instrument No. 302219 and 422485, records of Blaine County, Idaho.  
 B. Condominium Plat Diagrammatic Floor Plan of Greyhawk Alpine Center Condominiums, December 17, 1987 as Instrument No. 473589, records of Blaine County, Idaho.
6. Agreement and Reattachment of Easement, including the terms and provisions thereof, by and between Blazing Saddles, LLC and Greyhawk Alpine Center Condominium Owners Association, Inc., recorded as Instrument No. 473588, records of Blaine County, Idaho.
7. Property is subject to a communications site lease agreement, including the terms and provision thereof, by and between Greyhawk Alpine Center Condominium Owners Association, Inc. and Nextel Wm. Lease. The site lease agreement is recorded as Instrument No. 474488, recorded as Instrument No. 474488, records of Blaine County, Idaho.
8. In interpreting the declaration, plat or plans, and deeds the setting physical boundaries of a unit boundaries rather than the metes and bounds shown on this plat shall be conclusively presumed to be the boundaries of the unit.
9. Notwithstanding to whom the metes and bounds shown on this plat shall be conclusively presumed to be the boundaries of the unit, limited common areas and parking spaces.
10. Dimensions shown herein will be subject to slight variations, owing to normal construction tolerances.
11. Consult the condominium declarations for the definition of common and limited common area.
12. Location is as shown on the City of Ketchum utility map. Location is for general reference only.
13. Property is currently zoned Tourist District (T)
14. Property shown herein lies with Special Flood Hazard Areas: Zone AE, subject to inundation by the 1% annual chance flood and other flood areas; Zone X, areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance of flood.

Flood Plain Information:  
 Flood information is based on the Flood Insurance Study for  
 Ketchum, Idaho, Community Number 160023, Panel No. 0442 E  
 Effective Date: November 26, 2010

5-31-13



**Attachment B:  
Planning and Zoning Commission Findings of Fact,  
signed July 29, 2013**

<b>IN RE:</b>	)	
	)	<b>KETCHUM PLANNING AND ZONING</b>
<b>Greyhawk Alpine Center</b>	)	<b>COMMISSION - FINDINGS OF FACT,</b>
<b>Condominiums Preliminary Plat</b>	)	<b>CONCLUSIONS OF LAW AND DECISION</b>
	)	
<b>File Number: 13-061</b>	)	
	)	

**BACKGROUND FACTS**

**APPLICANT:** Picabo Street Units 1 & 2, LLC

**REPRESENTATIVE:** Chris Kraatz, owner

**REQUEST:** Preliminary plat approval for the subdivision of one condominium (Unit 102) into two condominiums (Units 102A and 102B)

**LOCATION:** 215 Picabo Street, Unit 102, (Greyhawk Alpine Center Condominiums, Unit 102)

**ZONING:** Tourist (T) with Warm Springs Base Area – (WSBA-1) Overlay

**NOTICE:** Adjacent property owners and outside agencies were mailed notice on June 20, 2013

**Regulatory Taking Notice:** Applicant has the right, pursuant to section 67-8003, Idaho Code, to request a regulatory taking analysis.

**GENERAL FINDINGS OF FACT**

1. The applicant is requesting preliminary plat approval to subdivide an existing commercial condominium unit into two condominium units.
2. The applicant has provided stamped architectural drawings showing location of and a construction detail for a one (1) hour rated fire separation wall between the proposed units. Both units are equipped with fire sprinklers.
3. The proposed uses in the units shall be continued restaurant use in 102A and Sun Valley Heli Ski offices in 102B.
4. This application was routed to City department heads on June 13, 2013. The following comments/concerns were raised:
  - Fire Department – All fire code requirements shall be met as part of the building permit process. This has been incorporated into Condition #7.

- Building Division – The proposed fire separation wall appears to meet building code requirements for the proposed occupancies. All building code requirements shall be met as part of the building permit process. This has been incorporated into Condition #7.
- Utility Department – requested the following condition of approval: “Verify that plumbing to each unit is connected to their respective water meters. According to our records an existing water meter is located in the crawl space beneath the proposed unit 102B. If the water meter does not exist, a new meter will need to be purchased and installed at the owner’s expense.” This has been incorporated into Condition #7.

5. The existing CC&R’s will remain in effect. The First Amendment to Master Declaration of Condominium Covenants, Conditions and Restrictions of the Greyhawk Alpine Center Condominium Owners Association, Inc. (Instrument Number 302219), Item 3, amends the original CC&R’s to specifically allow subdivision of Unit 102 into two units.

6. Attachments to the Staff Report, dated July 8, 2013:

- A. Applicant Submittals:
- Application, dated May 31, 2013
  - Reduced preliminary plat, dated May 2013 (Full sized plat also available.)
  - Reduced architectural plan, dated June 14, 2013

## EVALUATION STANDARDS

### 16.04.060 CONDOMINIUMS:

**B. Preliminary Plat Procedure.**

The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed bylaws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities and open space. The commission and council shall act on the preliminary plat pursuant to subsections 16.04.030D and E of this chapter.

Finding: The Greyhawk Alpine Center Condominiums were originally recorded as a condominium subdivision in 1987. The existing bylaws and condominium declarations, including first and second amendments to those declarations, have been submitted as part of this application for preliminary plat approval. These documents adequately provide for control and maintenance of all common areas, recreational facilities and open space.

Conclusion: This standard has been met.

**C. Final Plat Procedure.**

1. The final plat procedure contained in subsection 16.04.030F of this chapter shall be followed. However, the final plat shall not be signed by the city clerk and recorded until the condominium has received:
  - a. A certificate of occupancy issued by the city of Ketchum; and
  - b. Completion of all design review elements as approved by the planning and zoning administrator.

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Conclusion: This standard has been met.

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2. The council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to section 17.96.120 of this code. Prior to final plat approval, the subdivider shall submit to the city a copy of the final bylaws and condominium declarations which shall be approved by the council and filed with the Blaine County recorder, including the instrument number(s) under which each document was recorded.

Finding: This application is for preliminary plat.

Conclusion: This standard does not apply to the preliminary plat application.

D. **Garage:** All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.

Finding: There is no change to the existing parking, which is shown on the preliminary plat. The proposed uses do not increase the parking requirements.

Conclusion: This standard has been met.

E. **Storage Areas:** Adequate storage areas shall be provided for boats, campers and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.

Finding: There is no change to existing storage.

Conclusion: This standard does not apply.

F. **Maintenance Building:** A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.

Finding: There is no change to the existing maintenance provisions, and division of one condominium into two will not increase maintenance requirements in the existing building.

Conclusion: This standard does not apply.

G. **Open Space:** The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.

Finding: There is no change to the common area of the existing building.

Conclusion: This standard does not apply.

H. **General Applicability:** All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.

Finding: All other ordinances and regulations shall be followed.

Conclusion: This standard shall be met.

## CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and subdivision ordinance, Title 16.
3. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the Commission for review of this application.
4. The proposed preliminary plat **does** meet the standards of approval under Title 16, Chapter 16.04, subject to conditions of approval.
5. This approval is given for the preliminary plat of Greyhawk Alpine Center Condominiums, Units 102A and 102B, dated May 2013.

## DECISION

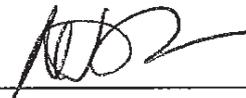
**THEREFORE**, the Ketchum Planning and Zoning Commission **approves** this final plat application this 8<sup>th</sup> day of July, 2013, subject to the following conditions:

1. This approval is given for the preliminary plat of Greyhawk Alpine Center Condominiums, Units 102A and 102B, dated May 2013.
2. The Covenants, Conditions and Restrictions (CC&R's) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of either the CC&R's;
3. The failure to obtain final plat approval by the Council of an approved preliminary plat within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void;
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Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control";

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7. Ketchum City Fire and Building Department requirements shall be met at time of building permit submittal; and,
8. Prior to the signature of the final plat by the City Clerk, the applicant shall verify that plumbing to each unit is connected to their respective water meters. According to City records an existing water meter is located in the crawl space beneath the proposed unit 102B. If the water meter does not exist, a new meter will need to be purchased and installed at the owner's expense.

Findings of Fact adopted this 29<sup>th</sup> day of July, 2013.

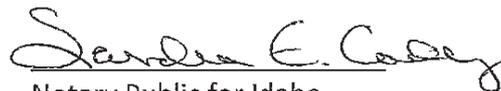
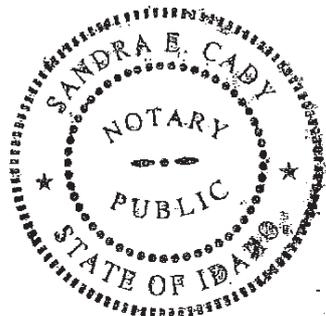


Deborah Burns, Co-Chair  
Planning and Zoning Commission

STATE OF IDAHO                    )  
  ) ss.  
County of Blaine                    )

On this 29<sup>th</sup> day of July, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Deborah Burns, known or identified to me to be the person whose name is subscribed to the within instrument.

WITNESS my hand and seal the day and year in this certificate first above written.



Notary Public for Idaho  
Residing at: Hailey, ID.  
Commission Expires: 11-20-2013