



Planning and Zoning

Regular Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340
<http://ketchumidaho.org/>

Maureen Puddicombe
Planning Technician

Monday, December 11, 2017

5:00 PM

Ketchum City Hall

Commissioners Present: Jeff Lamoureux, Chairperson
 Erin Smith, Vice-Chairperson
 Betsy Mizell, Commissioner
 Matthew Mead, Commissioner
 Neil Morrow, Commissioner

1. **5:15 PM – SITE VISIT: 100 Northwood Way Mixed-Use Building Conditional Use Permit and Design Review: 100 Northwood Way, Ketchum, ID (Northwood Light Industrial Amended Lot 9).**
2. **5:42 PM - CALL TO ORDER: City Hall, 480 East Avenue North, Ketchum, Idaho**

The meeting was called to order at 5:42 PM by Chairperson Jeff Lamoureux.

3. **PUBLIC COMMENT - Communications from the public for items not on the agenda.**

Ketchum Mayor Nina Jonas thanked the Commission for their hard work during her tenure.

4. **COMMUNICATIONS FROM STAFF**

- a. 100 Northwood Way Mixed-Use Development Conditional Use Permit: The Commission will consider and take action on an application for a Conditional Use Permit for two new residences in the Light Industrial 2 (LI-2) zoning district on the second floor of a new mixed-use building (Northwood Light Industrial Amended Lot 9).

COMMENTS – CURRENT MEETING

Planning Director Micah Austin presented the Conditional Use Permit for the residential portion of the project in the Light Industrial Zone. He indicated this project meets all the standards for size, location and rental requirements. Micah indicated this project is in compliance with the Ketchum 2014 Comprehensive Plan, as it includes light manufacturing, residential and limited retail. Staff recommends approval of the 2 residences, as this project meets all the standards of Title 17 of the Land Use Ordinance of the Ketchum Planning and Building Code.

Chairperson Jeff Lamoureux asked about the scope of the Conditional Use Permit regarding the potential for a change of business on the ground floor. Micah Austin indicated any business which meets the criteria for the Light Industrial Zone would be permitted to occupy the ground floor.

Vice-Chairperson Erin Smith asked if conditions can be attached to the Conditional Use Permit, i.e. review when a change of business occurs on the first floor. Micah indicated that could be a condition of approval. Erin inquired about rental requirement of no less than 90 days and how it would be enforced. Micah replied that all enforcement of that nature was complaint driven.

Michael Barker, Architect for the 100 Northwood LLC project, presented the floor plan and elevations for the 2nd floor residential portion of the project. Commissioner Matthew Mead inquired about the staircase and fire safety. Michael indicated the accessibility of the roof deck and egress through the bedroom window were according to code. In addition, the staircase is to code.

PUBLIC COMMENT

Tim Haft, a resident across the street, asked about the venting on the roof. Applicant responded that the roof-top mechanical is for ventilation for the residential units and not the manufacturing area.

Bob Crosby, Sun Valley Board of Realtors, asked how House Bill 216 affects the restricted terms of lease. Micah Austin explained that the Ketchum City Code has not yet been revised to align with House Bill 216.

Chairperson Jeff Lamoureux began review of criteria of the Conditional Use Permit:

- A. Not unreasonably incompatible with uses of the area. Vice-Chairperson Erin Smith stated the project complies. Commissioners Mead, Morrow and Mizell agreed.
- B. Will not endanger the health, safety and welfare of the community: Commissioners agreed there was no danger presented by the project.
- C. Pedestrian and vehicular traffic related to the project will not be hazardous to the existing traffic. Commissioners agreed it complies and would improve the current conditions.
- D. Supported by adequate public services and will not adversely affect public services to the surrounding area: Commissioners agreed there was no issue.

Jeff Lamoureux declared the project is not in conflict with the Comprehensive Plan or the Zoning Ordinances. Commissioner Mead agreed. Erin Smith reiterated the requirement for any lease to include the disclaimer that the property is in the LI Zone.

A discussion of the disclaimer followed.

MOTION TO APPROVE THE APPLICATION FROM 100 NORTHWOOD WAY, LLC FOR A CONDITIONAL USE PERMIT FOR TWO NEW RESIDENCES IN THE LI-2 FINDING THE APPLICATION MEETS THE STANDARDS FOR APPROVAL UNDER CHAPTER 17.116 OF KETCHUM ZONING CODE FOR THE FOLLOWING REASONS:

- o IT MEETS THE CRITERIA FOR A CONDITIONAL USE PERMIT
- o THE COMMISSION RECOMMENDS APPROVAL WITH THE 10 CONDITIONS STATED IN THE STAFF REPORT

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Erin Smith, Vice-Chairperson
SECONDER:	Betsy Mizell, Commissioner
AYES:	Jeff Lamoureux, Matthew Mead, Betsy Mizell, Neil Morrow, Erin Smith

- b. 100 Northwood Way Mixed-Use Development Design Review: The Commission will consider and take action on an application for design review approval of a new mixed-use building (Northwood Light Industrial Amended Lot 9).

Project presented by John Gaeddert, Consulting Planner, indicating the project meets the standards for a hybrid-production facility and staff recommends approval with the six conditions listed on page 13 of the Findings of Fact.

Michael Barker, architect for the project, presented the Design Review. Landscaping, storage, snow removal, trash pick-up and exterior materials were among areas discussed.

The Commissioners asked for a review of the landscaping, crosswalks, parking and traffic sight lines by the City Engineer.

PUBLIC COMMENT:

Liz Roquet, partner in the 100 Northwood Way Mixed-Use Development, to occupy the downstairs portion of the building as Lizzie's Fresh Coffee. This business is categorized as a hybrid production facility. Although Ketchum currently has no air quality standards, Lizzie's has voluntarily utilized the highest quality equipment available to eliminate emissions. Applicant addressed all questions posed by a neighboring citizen.

STAFF COMMENT:

John Gaedert added condition #7, to include an upgrade to the crosswalk as specified by the Street Department.

MOTION TO APPROVE 100 NORTHWOOD WAY, LLC MIXED-USE DEVELOPMENT DESIGN REVIEW WITH CONDITIONS 1-7

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Matthew Mead, Commissioner
SECONDER:	Betsy Mizell, Commissioner
AYES:	Jeff Lamoureux, Matthew Mead, Betsy Mizell, Neil Morrow, Erin Smith

- c. Stott Residence Mountain Overlay Pre-Application Design Review: Micah Austin indicated the project is not ready to proceed and would like to continue to January 8, 2018.

MOTION TO CONTINUE STOTT RESIDENCE MOUNTAIN OVERLAY PRE-APPLICATION DESIGN REVIEW TO JANUARY 8, 2018.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Matthew Mead, Commissioner
SECONDER: Betsy Mizell, Commissioner
AYES: Jeff Lamoureux, Matthew Mead, Betsy Mizell, Neil Morrow, Erin Smith

- d. Sun Valley Dental Arts Design Review (Continued from November 13, 2017): Micah Austin recommends project continued to January 8, 2018.

MOTION TO CONTINUE SUN VALLEY DENTAL ARTS DESIGN REVIEW TO JANUARY 8, 2018.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Neil Morrow, Commissioner
SECONDER: Matthew Mead, Commissioner
AYES: Jeff Lamoureux, Matthew Mead, Betsy Mizell, Neil Morrow, Erin Smith

- e. Zoning and Subdivision Code Amendments: City-initiated text amendment, amending: (1) Title 16, Ketchum Municipal Code, to add an avalanche development and design standard for proposed subdivisions within designated avalanche areas (16.04.040 R); (2) Title 17, Ketchum Municipal Code, to amend the avalanche zone district use restrictions by clarifying allowed construction purposes (17.92.010 A.6.), to clarify conditions for rentals in avalanche areas (17.92.010 D.4), to specify that subdivisions in high hazard avalanche areas within the mountain overlay district are prohibited, and further clarifying when townhome, condominium and subdivision developments in high and moderate avalanche areas within the city are conditionally allowed (17.92.010 D.5.), and to require protected utility meters and shut-off valves for new construction and substantial remodels in the avalanche zone district (17.92.010 D.6); (3) Title 17, Ketchum Municipal Code, to add both a commercial and neighborhood off-site snow storage definition (17.08.020), to add development standards for commercial and neighborhood off-site snow storage (17.124.160), and amend the city's district use matrix to specify appropriate locations and procedures for off-site snow storage (17.12.020 A.6.); and, (4) providing a repealer clause; providing a savings and severability clause; and providing an effective date.

Micah Austin stated the current City Code does not allow lot splits in the Avalanche Zone, however, lot splits have been done for the last 40 years. Public safety concerns need to be balanced with the rights and expectations of the property owners.

Avalanche Zone Amendment presented by John Gaedert. The edits to the code:

1. Avalanche Standards are currently in the Zoning Ordinance and in the Subdivision Ordinance.
2. For safety reasons, location of utility shut-offs to be changed from back of building to leeward side of building, which may be toward the front of the house. This may present design challenges.
3. Clarification of the lease provision, long- or short-term, regarding notification that the structure is in the Avalanche Zone.

4. Property in the Mountain Overlay and the High Avalanche Zone would not be allowed to be further subdivided.

Micah Austin related information from Janet Kellem, previous director of the Sawtooth Avalanche Center. Suggestions:

- 1) Change Subdivision code to not allow any roads, which fill with snow, making recovery difficult.
- 2) Agreed that utility shut-offs should be installed on street side of property to isolate any leaks.
- 3) Stronger language informing the public when Avalanche conditions are anticipated.

PUBLIC COMMENT:

Bob Crosby, Sun Valley Board of Realtors, asked if property is in the Mountain Overlay and an Avalanche Zone, is subdivision prohibited? John Gaedert replied it will be dependent on the lot location, structure location on the lot and engineering of the structure.

Bruce Smith, Alpine Enterprises, surveyor and avalanche consultant, agrees with relocating utility shut-offs. Also agrees that brochures, leases and rental agreements must disclose the property to be in the Avalanche Zone. But he is undecided on the issue of Subdivision within the Avalanche Zone, balancing population density with the property owners' interests to subdivide.

STAFF COMMENT:

Commission and staff discussed the degree of Subdivision that should be allowed in the Avalanche Zone, how a change to the Zoning Code could affect lots in both the Mountain Overlay and the Red Avalanche Zone, and the affect this might have on development plans of current property owners. Revision of items discussed to be incorporated into the text amendment for the next meeting on January 8, 2018. Language on lot subdivision to be clarified by John Gaedert.

SNOW STORAGE:

Presented by John Gaedert. There are 2 parts to the amendment: 1) Commercial off-site snow storage which pertains to the Commercial Core. 2) Neighborhood definition where neighbors can reach their own agreement for snow removal and storage, eliminating unnecessary snow transport. For larger operations, a Conditional Use Permit would be required. Betsy Mizell, Commissioner, asked about drainage from melting snow entering river. The Conditional Use Permit can cover such areas as noise, drainage, amount of snow stored, and the location of storage areas.

MOTION TO CONTINUE PROPOSED CHANGES TO CITY OF KETCHUM MUNICIPAL CODE TO ADDRESS PROPOSAL FOR SUBDIVISIONS IN AVALANCHE AREAS AND COMMERCIAL AND NEIGHBORHOOD OFF-SITE SNOW STORAGE THROUGHOUT THE CITY OF KETCHUM TO JANUARY 8, 2018.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Erin Smith, Vice-Chairperson
SECONDER: Neil Morrow, Commissioner
AYES: Jeff Lamoureux, Matthew Mead, Betsy Mizell, Neil Morrow, Erin Smith

5. CONSENT CALENDAR

- a. Minutes – October 9, 2017 and November 13, 2017
Erin Smith noted the motion should include who moved and seconded.

MOTION TO APPROVE MINUTES FROM OCTOBER 9, 2017 AND NOVEMBER 13, 2017 AS AMENDED

RESULT: ADOPTED [UNANIMOUS]
MOVER: Matthew Mead, Commissioner
SECONDER: Neil Morrow, Commissioner
AYES: Jeff Lamoureux, Matthew Mead, Betsy Mizell, Neil Morrow, Erin Smith

- b. Findings of Fact and Conclusions of Law for 180 Northwood Mixed-Use Building Design Review:

John Gaeddert presented modifications as previously requested. Removal of retaining wall, landscaping modification, and trash enclosure were approved. New drainage plans were approved by Brian Christiansen of the Streets Department. Chairperson Jeff Lamoureux and Vice-Chairperson Erin Smith questioned the drainage issue and would prefer to see the plans reviewed by a professional engineer.

MOTION TO APPROVE FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR 180 NORTHWOOD MIXED-USE BUILDING DESIGN REVIEW

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jeff Lamoureux, Chairperson
SECONDER: Neil Morrow, Commissioner
AYES: Jeff Lamoureux, Matthew Mead, Betsy Mizell, Neil Morrow, Erin Smith

6. FUTURE PROJECTS

Stott Residence
Sun Valley Dental Arts Building
Avalanche and Snow Storage Amendments
Phase II Zoning Re-write
Re-Zoning Application (February 2018)

7. STAFF REPORTS AND CITY COUNCIL MEETING UPDATE

No updates at this time.

8. COMMISSION REPORTS AND EX PARTE DISCUSSION

a. Discussion of requiring bear-proof trash containers in Ketchum:

Commissioner Betsy Mizell related story of bear euthanized because of raids on trash cans. Can the type of canister and time of trash placed outside for pick-up be regulated? This would help to prevent killing of bears. Type of canisters and who would be responsible to provide them is under discussion. Micah Austin to present this issue to the City Council. Matthew Mead questioned who would buy new containers and enforce their use, perhaps start with businesses and phase-in the changes.

b. Review, discussion and tour of the 2014 Comprehensive Plan

Micah Austin gave a general overview of the 2014 Comprehensive Plan. Plan to be under further discussion at the January 8, 2018 meeting.

9. ADJOURNMENT

MOTION TO ADJOURN AT 9:09 PM

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betsy Mizell, Commissioner
SECONDER:	Matthew Mead, Commissioner
AYES:	Jeff Lamoureux, Matthew Mead, Betsy Mizell, Neil Morrow, Erin Smith



Jeff Lamoureux
Planning and Zoning Commission Chairperson