



Planning and Zoning

Regular Meeting

~ Minutes ~

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

Keshia Owens
(208) 726-7801

Monday, December 14, 2015

5:30 PM

Ketchum City Hall

Commissioners Present: Steve Cook, Chairperson

Michael Doty
Betsy Mizell
Erin Smith

Staff Present: Micah Austin, Director of Planning & Building
Rebecca Bundy, Senior Planner
Morgan Brim, Senior Planner
Stephanie Bonney, City Attorney- via phone
Keshia Owens, Planning Technician

1. 5:00 PM- Site Visit Geneva Lofts Pre-Application Design Review, located at 171 Sun Valley Road (East 55' X 50' of Lots 7&8, Block 57).

2. 5:30 PM- RECONVENE AT CITY HALL- Call to order

3. **CONSENT CALENDAR**

There were no items on the consent calendar.

4. **PUBLIC COMMENT**

a. **Communications from the public for items not on the agenda.**

There were no public comments.

5. **COMMUNICATIONS FROM STAFF**

a. **Brotman Waterways Design Review (Continued from November 23, 2015): The Commission will take public comment and take action on an application for Waterways Design Review by Jeff and Susan Brotman, represented by landscape architect Steven Job. The property is located at 101 Sheep Meadow Lane (Beaver Springs Subdivision, Block 1, Lot 21).**

COMMENTS:

This item was continued from the November 23, 2015 meeting.

Commissioner Doty recused himself once again from the application.

The applicant had no additional comments. Bundy said that the circumstances of this application are that Staff made a typographical error on the original notice causing it to be noticed for the wrong day. She also said that at the November 23, 2015 meeting, the applicant presented his application, Staff

provided a staff report and the Commission reviewed the application. Bundy noted that at the time of application there was no public comment and no additional public comments have been received.

The Commissioners had no questions for Staff and there was no other public comment.

Commissioner Mizell moved to "approve the Waterways Design Review application by Jeff and Susan Brotman with Conditions 1-7. Commissioner Smith seconded and all the Commissioners, except Commissioner Doty, were in favor.

RESULT:	ADOPTED [3 TO 0]
MOVER:	Betsy Mizell, Commissioner
SECONDER:	Erin Smith, Commissioner
AYES:	Steve Cook, Erin Smith, Betsy Mizell
ABSENT:	Jeff Lamoureux
RECUSED:	Mike Doty

- b. **Thunder Spring Residences Design Review (Continued from November 23, 2015): The Commission will take public comment and take action on an application by IEG Thunder Spring LLC for Design Review, located at 126 Saddle Road (Thunder Spring Large Block Plat, Block 2, Township 4N, Range 18E, Section 7).**

COMMENTS:

This item was continued from the November 23, 2015 meeting.

Brim said that the Commissioners were given a full presentation during the last meeting. He noted that the applicant has applied for a preliminary plat, a conditional use permit-planned unit development, and design review. He also said that the Commissioners recommended approval for the preliminary plat and conditional use permit. Brim added that the conditional use permit contained conditions that would have been recommendations to the City Council; these conditions have been placed into the design review and will now be included in the approval process. These conditions can now be found in the design review conditions, instead of the Findings of Fact for the conditional use permit.

Brim said that last week Staff worked with the applicant on the community housing requirement and in those discussions, Staff found that a majority of the design review criteria was met. Brim added that if the Commission was satisfied and if the design review criteria had been met, they could approve the project and the method for calculation. Brim noted the amount of community housing required would then be included as a condition in the Findings of Fact.

Brim's conditions included the following:

- Condition #4, reflects the methodology that has been used for previous projects and lays out how community housing is calculated. The condition also describes how a basement is classified on the lowest floor and discusses enclosed areas.

- Condition #9, describes a tree maintenance plan and limits the height of the trees to not exceed the height of the building (unit 8 and building 9).
- Condition #11 was changed to say "extend the purposed sidewalk from Saddle Road north along the east side of the subject property line to terminate at the northeast corner of the property adjacent to unit 8."

Staff had no questions and Chairman Cook opened for comments from the applicant.

- Dave Hutchinson, IEG Thunder Spring, said that when calculating the Floor Area Ratio, there seems to be some discrepancy on how the ordinance is applied based on policy and asked if the Commission is a finder of fact when it comes to proposing a different method of calculation. Austin responded that the way staff has interpreted the ordinance for calculating FAR is based on past projects and this is a ministerial approval. He added that the proposed conditions that the Commissioners use to document this same methodology that has been used in the past. City Attorney Bonney also noted that she and Susan Buxton have been working directly with staff and Ed Lawson about this because there is an actual legal interpretation behind this.
- Dave Hutchinson noted that he thinks that it is important for the Commission to know how to calculate FAR and that some conflict arises with the definition of basement. He added that IEG Thunder Spring's position is that calculations used to be based upon floor area that fell below existing or natural grade, whichever was lower, but the addition of the invisible plane has changed this. Hutchinson suggested that when the Commission looks at the ordinance overall they look at the invisible plane, because on certain lots, the invisible plane calculation will allow buildings in their entirety to be considered basements (depending upon lot shape). He added that using existing or natural grade, the portion of the building that is out of the ground will be calculated as FAR and in the portion in the ground as basement. He said that the calculation that has been applied to this project assumes that there is a line drawn, but IEG Thunder Spring's position is that the floor is the floor and that the ratio is calculated on the flat plane.

Brim said that he thinks it's important for legal counsel to provide an overview of the legal interpretation behind all of this, and City Attorney Bonney said that what she and Ed Lawson talked about was the definition of gross floor area. The definition states "...excludes basements from the FAR calculation to provide an incentive to design the buildings at the true basement level." Bonney added that we don't want to encourage developers to place everything underground, but it is important to note that when applicants look at the definition of basement it describes that portion of the lowest floor of the building being below the invisible plane. Brim added that the basement definition only counts for the lowest floor and that a building cannot have a double basement.

There was no public comment

Commissioner's Comments:

- Commissioner Smith said that on page 25 of the Staff Report it states that the sidewalks have an improper cross slope. Commissioner Smith noted that it would be nice if in the Findings of Fact,

it stated what's going to be done about the problem, instead of just stating the problem. Brim said that the applicant is working on sidewalk design for the building permit.

- Commissioner Smith also asked about Condition #9 and what happens ten years from now. Brim said that this condition will be on file with the building permit and it would be a condition of the building permit.
- Commissioner Smith asked about the plan to address construction traffic and parking. Mr. Brim said that this is included in the construction mitigation plan that is required for all building permits; this is addressed in Condition #10. Austin added that for all construction mitigation plans, staff approves a construction employee parking plan. This plan shows where the construction workers will park and that construction employees can't take up existing parking spaces in the area. Austin added that this is something that is monitored on a daily and weekly basis by Planning and Building Staff.

Commissioner Smith moved to "approve the design Review application by IEG Thunder Spring, LLC for the Thunder Spring Residences, with conditions number 1 through 12 below as modified. Number 4, 9, and 11 are modified today. Commissioner Doty seconded and all Commissioners were in favor.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Erin Smith, Commissioner
SECONDER:	Mike Doty, Commissioner
AYES:	Steve Cook, Mike Doty, Erin Smith, Betsy Mizell
ABSENT:	Jeff Lamoureux

- c. **Geneva Lofts Preapplication Design Review: The Commission will take public comment and discuss a preapplication design review application by Geneva Lofts represented by David Hertel, located at 171 Sun Valley Road (East 55' X 50' of Lots 7&8, Block 57).**

David Hertel, on behalf of Geneva Equities, presented on Geneva Lofts located at 171 Sun Valley Rd. Hertel said that he has been working closely with staff and other city departments and he has endeavored to meet all of the design review guidelines. Hertel said that the project is a three story mixed use building with a rooftop terrace, the first floor includes a small commercial space of 1,100 square feet. The second floor residence is 2,543 square feet and the third floor residence is 2,560 square feet. Hertel added that the total gross floor area ratio is 1.45.

Setbacks are:

- Front= 5 feet
- East=3 feet 1 inch
- West property line= 1 inch
- Third floor on the north side of property= 6 feet 2 inches

Parking requirement includes:

- Residential: 3.72 spaces

- Commercial- 1.1 spaces
- For a total of 4.82 spaces, rounded to 5.

The applicant is providing 4 residential parking spaces and 1 commercial space, which is ADA compliant and can accommodate a wheelchair van. Hertel also noted that they are proposing two street trees, which align with architectural elements. There will also be one solar powered street light and the building will include a bike rack. He also said that the trash room is located toward the front of the building and there is an ADA restroom for public use. He added that the stair and elevator tower extend to the fourth floor roof deck, and the maximum building height that is proposed at the roof access is 48.6 feet, while the height of the top of the parapet is for the rest of the building 40 feet. Hertel noted that they are proposing to use brick with metal siding for most of the building and that the windows are metal clad wood with a black enamel finish. He said that the commercial space has large windows to connect the sidewalks to the commercial space and added that this is an urban site and it likely won't require screening.

Commissioner's comments:

- Commissioner Doty noted that he noticed there were some existing power boxes and other things located on the site and added that, when Hertel comes back for design review, he would like to see his site plan and how this will work with ADA access. Commissioner Doty also pointed out a column at the corner of the building that comes down into the ADA space and said that Hertel should make sure that this is allowed. Brim said that the Building Official has approved this and staff will have him take another look. Commissioner Doty also mentioned that the Commission would also like to see the letter of approval regarding the trash proposal from Clear Creek Disposal. Brim said that Clear Creek did approve of the design. Commissioner Doty noted that the location of the elevator and stair tower at the edge of the building is not something that he is in favor of, especially when it is projected to be so close to an alley. He also added that the stair tower is required to be 20 feet back from the front property line and the rear property line.
- Chairman Cook said that this is the opportunity for the applicant to take direction from the Commission and he added that he will be looking for some pretty strong directional change at design review.

Staff Comments:

Brim noted that there is noncompliance with the applicant's plans:

- ADA parking stall
- Staff came up to 6.5 parking spaces required
- Lighting Plan
- Metal siding is discouraged
- Landscaping Plan will be looked at by the City Arborist and Streets Department
- Design Review standards should be elaborated on
- Green Building Code
- A maintained route of travel
- Accessibility to the rear door
- Elevator access to the roof

Public Comment:

- Lymen Drake commented that many years ago, he and his wife purchased the building at 140 W. Sun Valley Road. Drake said that when they purchased their building everything was 1-2 stories high, but when Chalali was built it created a mass that was out of scale with the rest of the entire area and totally blocked their view toward the mountain. Drake added that as buildings go up they change the character of entire blocks significantly and he asked that the Commission keep this in mind when making decisions.

Commissioner's Comments:

- Commissioner Doty said that he thinks the overall height of the building is in compliance with the code, but typically due to lot configuration the mass of the roof access would be in the center of a building, so if you were looking up at the building it would be stepped back from the face. The height of this particular element creates a shear wall appearance. Commissioner Doty added that the intention of the zoning code is to lessen the shear mass of the building.
- Commissioner Smith said that the north elevation is bleak looking because there are only 4 windows and there may be too much brick for driving down Sun Valley Rd. Commissioner Smith added that she would like to see a materials board because the dark brick against the metal batten looks unrelated and abrupt. Commissioner Smith noted that she would like to see a model of the building viewed from Sun Valley Road from the old Post Office so that the project can be better visualized.
- Commissioner Mizell agreed with Commissioner Smith's comments and added that adding greenery and shrubbery would be very nice. Commissioner Mizell asked about recycling pick up and said she would like to emphasize putting greenery and shrubbery around the building.
- Chairman Cook said that there are design review standards that the Commission uses to fall back on. He added that the stair tower looks like a firefighter training station and he doesn't really like the project so far. Chairman Cook asked that Hertel redesign some of the project, so that the Commission may be able to perform another design review.
- Commissioner Doty agreed with Chairman Cook and said that the vertical element of stair and elevator shaft should be better integrated into the building. Commissioner Doty agreed with Commissioner Smith, in that a computer model will help with visualizing the project, especially for the east and west elevations. He also said that the brick and metal are very strong design elements and agreed that there should be more shrubbery and greenery around the building.
- Chairman Cook said that he was looking for a very significant redo of the project's design. He added that a softening of the Sun Valley Road facade should be included because as of now, it is not very inviting.

Chairman Cook provided a summary of Commission comments that reflect issues with the current design:

- Window placement
- Number of facades

- Massing of the stair tower
- Material usage
- Making the commercial retail store from more attractive
- ADA compliance
- Landscaping

Mr. Hertel asked what design review guidelines should he be using and Commissioner Cook commented that there is an evolution to perfecting your work and that Mr. Hertel should go and perfect his work.

City Attorney Bonney clarified that after making a determination, the only way an application would not be approved is if the Commission could point to specific provisions in the ordinance that the building does not comply with. Bonney added that there is a combination of suggestions being given to the applicant and one or more of the Commissioners feel that the designs do not comply with the provisions, but at the same time the Commission is making suggestions that should be considered.

Dave Hertel asked the Commissioners if more fees would be incurred if the project was brought to the Commission again as a pre-application design review and Chairman Cook confirmed that the applicant would see more fees. Brim suggested that the applicant go to design review as a next step, and the Commission would still have the opportunity to discuss the project and continue it at that level. Brim added that this would allow the applicant to feel that he is at least moving through the process, and Commissioner Doty agreed with this. Commissioner Smith added that if the project complies in the design review option the applicant would be done that day, yet with the pre-application the applicant is guaranteed another meeting. From a client point of view Commissioner Smith would be much happier with a representative if they said the next time the project will be going into design review. City Attorney Bonney noted that there is no legal obligation for the applicant to go through another pre-application phase, and the Commissioners agreed to have the applicant's next step be design review.

- d. **Design Review Regulations Text Amendment (Continued from November 23, 2015):** The Commission will hold a public hearing and take action on City-initiated text amendments to Title 17, Zoning Regulations of the Ketchum Municipal Code, Chapter 17.18 "Zoning Districts" Section 17.18.130 "Community Core District (CC)" and Chapter 17.96 "Design Review." The proposed amendments will repeal and replace Chapter 17.96 "Design Review" in its entirety, eliminate design review regulations from Section 17.18.1

COMMENTS:

This item was continued from November 23, 2015.

Brim said that staff went through the design review comments with the Commissioners one on one and that attachments A and B would require recommendation of approval. Brim added that 17.18 (A) removes the design review standards from the Community Core and that the standards have been consolidated into 17.96 in attachment B. Brim said that attachment C shows the track changes from three meetings ago and the Commissioner's comments have been incorporated into the document. Brim also said that there have been no new public comments from the community at large.

Commissioner's Comments:

- Commissioner Smith mentioned a previous public comment that was received "while maintaining the unique character of the existing building stock found in the community core..." and the commenter went on to discuss why he thinks that's a negative. Commissioner Smith added that she believes this was not addressed and Brim responded that this is written subjectively and the comment should not be a real conflict.

- Commissioner Doty said that he is satisfied with changes made to the edits that he suggested.
- Commissioner Doty "moved to recommend approval of the proposed amendments to Chapter 17.18 Zoning Districts, Section 17.18.130 Community Core Districts, and Chapter 17.96 Design Review as shown in attachment B."

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mike Doty, Commissioner
SECONDER:	Betsy Mizell, Commissioner
AYES:	Steve Cook, Mike Doty, Erin Smith, Betsy Mizell
ABSENT:	Jeff Lamoureux

e. Zoning Ordinance Update Phase II

Brim said that staff is doing an in-house study of the downtown core using parking counts. Staff is planning to bring the data together and is going to do slack time versus peak time. This will give staff a realistic idea of what parking capacity is during the slack and peak times. This information will be given to a consultant and will help staff apply it to the ordinance. Brim added that the information can be used to provide incentives to uses, like retail. He also said that they are hoping that the consultant can help them find creative uses for this information.

Commissioner's Comments:

- Commissioner Smith and Chairman Cook agreed that in order to have a balanced study staff needs to look at both the summer and winter months.
- Commissioner Smith said that she would like to raise an amendment that should be considered for the LI at some point. Commissioner Smith added that anyone who has an office use in this area should be notified that they are subordinate to the traditional light industrial uses.

Brim added that the next pieces for the update will be parking, community housing, and cleaning up the ordinance.

6. FINDINGS OF FACT AND APPROVAL OF MINUTES

a. Brotman Waterways Design Review Findings of Fact

COMMENTS:

Commissioner Doty recused himself from the Findings of Fact.

Commissioner Smith "motioned to approve the Brotman Waterways Design Review Findings of Fact for riparian enhancement for the meeting December 14, 2015." Commissioner Mizell seconded.

RESULT:	ADOPTED [3 TO 0]
MOVER:	Erin Smith, Commissioner
SECONDER:	Betsy Mizell, Commissioner
AYES:	Steve Cook, Erin Smith, Betsy Mizell
RECUSED:	Mike Doty
ABSENT:	Jeff Lamoureux

b. Thunder Spring Residences Conditional Use Permit (CUP) Planned Unit Development (PUD) Findings of Fact

COMMENTS:

Commissioner Smith and Chairman Cook agreed that the comment "sidewalks have an improper cross slope" should also reflect that changes will have to be in compliance with the right-of-way standards and that sidewalks should meet the cross slope requirements.

Commissioner Smith said that on page 216-16.08.08C "Commission may request the applicant to address this during the meeting." Brim responded that this should be crossed out and the staff report will be better updated.

Commissioner Smith also noted that on page 219 the last sentence "the Commission may request..." should be crossed out.

Commissioner Smith made a "motion to approve the Thunder Spring Residences Findings of Fact, Conclusion of Law, and Decision amended tonight December 14, 2015." Commissioner Mizell seconded.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Erin Smith, Commissioner
SECONDER:	Betsy Mizell, Commissioner
AYES:	Steve Cook, Mike Doty, Erin Smith, Betsy Mizell
ABSENT:	Jeff Lamoureux

c. Thunder Spring Residences Preliminary Plat Findings of Fact

COMMENTS:

Brim said that this should be continued because it had some design review items in it.

The item has been continued to January 11, 2016 by Chairman Cook and Commissioner Doty Seconded.

RESULT:	CONTINUED CC TO JANUARY 11, 2015 [UNANIMOUS]
MOVER:	Steve Cook, Chairman
SECONDER:	Mike Doty, Commissioner
AYES:	Steve Cook, Mike Doty, Erin Smith, Betsy Mizell
ABSENT:	Jeff Lamoureux

d. **Minutes: November 23, 2015**

Minutes Corrections:

- Page 227- change abstain to recuse for Commissioner Doty
- Commissioner Smith requested the title "Commissioners be used"
- Pg 230- change Ms. Doty to Mr. Doty- Commissioner Doty
- Adjust formatting
- Pg 230- Commissioner Lamoureux may have made the motion
- Pg 231- last sentence before public comment is incomplete
- Pg 232- ii. Under current meeting, Commissioner Smith's comments should be about tree height, landscaping, and construction parking.
- Pg 233- Commissioners prefer to have motions written out
- Pg 233 e. There is no mover, likely Commissioner Lamoureux

7. **FUTURE PROJECTS AND NOTICING REQUIREMENTS**

Brim's mentioned Projects include:

- A project near Hillside Drive- the project is in the Mountain Overlay, Avalanche Overlay, and Townhouse Preliminary Plat will be required (This project will require adjacent noticing, instead of 300 feet)
- Franz Building
- Brian Barsotti work session- text amendment (requires mailing)

8. **STAFF REPORTS & CITY COUNCIL MEETING UPDATE**

Brim said that City Council has asked staff to look at the Spot text amendment in more detail. Brim added that Council would like staff considered making it an accessory use so that it is not a primary use.

9. **Commission reports and ex parte discussion disclosure**

Commissioner Mizell asked how can the City hold people accountable with recycling (as in the case with Geneva Lofts). Brim said that one of the changes is to designate recycling areas, and a letter from Clear Creek that shows the project will comply with the conditions would also be needed. Brim also added that not having bins could be in violation of design review.

Chairman Cook asked that staff rethink the actual staff report and its organization. He also noted that receiving the binders on Thursday or Friday makes it hard to take in all of the information of the reports.

Brim suggested that if something is continued the Commissioners pull these items out of their binders and hold on to them and only updated information is added to the projects.

10. ADJOURNMENT

Chairman Cook motioned to adjourn, Mr. Doty seconded, and all Commissioners were in favor.



Steve Cook
Planning and Zoning Commission Chairperson

IN RE:)
) **KETCHUM PLANNING AND ZONING**
Brotman Waterways) **COMMISSION - FINDINGS OF FACT,**
Design Review) **CONCLUSIONS OF LAW AND DECISION**
) **File Number: 15-147**)

BACKGROUND FACTS

PROJECT: Brotman Waterways Design Review
File Number: 15-147
OWNER(S): Jeff and Susan Brotman
REQUEST: Waterways Design Review (WWDR) for riparian enhancement
LOCATION: Beaver Springs Subdivision, Lot 21, Block 1 (101 Sheep Meadow Lane)
NOTICE: Adjacent property owners were mailed notice on Tuesday, November 10, 2015 for a meeting of the Planning and Zoning Commission on November 28, 2015 meeting. However, that meeting date was incorrect, so the meeting has been renoticed for December 14, 2015.
ZONING: Limited Residential (LR)
OVERLAY: Floodplain (FP)
REVIEWER: Rebecca F. Bundy, Senior Planner / Building and Development Manager

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. Due to the noticing error, the Commission heard the facts related to this application at their November 23, 2015, meeting, but continued it on the record to December 14, 2015, to allow for public comment and Commission decision at the December meeting.
2. The applicant is requesting Waterways Design Review approval for enhancement of a portion of the riparian setback on the subject property. The subject property is located on the Bigwood River and contains riparian setback and regulatory floodplain.
3. This application is for riparian enhancement only and does not include alterations to the existing house or driveway. The proposed terrace alterations shown on the Landscape Plan, dated September

22, 2015, located entirely outside of the regulatory floodplain and the riparian setback, have been approved by Administrative Floodplain Development Permit #15-140.

4. The riparian enhancements were installed in summer 2015, without Waterways Design Review approval. This application seeks retroactive approval for said work.

5. The property contains pedestrian access easements along its southern property line and within ten (10) feet of the mean high water mark along the river's edge.

6. Attachments to the December 14, 2015 staff report:

- A. Application
 - Application form, dated October 15, 2015
 - Landscape Plan, dated September 22, 2015
 - Site photos taken prior to riparian enhancement work
- B. Site photos taken after riparian enhancement work
- C. Public comment – none to date

General Requirements for all FPDP Applications				
Compliant			Standards and Conclusion	
Yes	No	N/A	City Code	Standards and Conclusion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050.C	Complete Application
				Fire Department <input type="radio"/> No comment
				Public Works <input type="radio"/> No comment
				City Arborist <input type="radio"/> Concurrence with staff findings and applicant's plan.
				Building Official <input type="radio"/> No comment
				Police <input type="radio"/> No comment

Compliance with Zoning District and Overlay Requirements				
Compliant			Standards and Conclusion	
Yes	No	N/A	Guideline	Standards and Conclusion
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.12.030	Setbacks
			<i>Conclusion</i>	<i>No change.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.12.030	Building Height
			<i>Conclusion</i>	<i>No change.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.12.030	Maximum Building Coverage
			<i>Conclusion</i>	<i>No change.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090.M	Curb Cut
			<i>Conclusion</i>	<i>No change.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.124.090.A.1	Parking Spaces
			<i>Conclusion</i>	<i>No change.</i>

Floodplain Design Review Requirements				
EVALUATION STANDARDS: 17.88.050(E)				
Compliant			Standards and Conclusion	
Yes	No	N/A	Guideline	Standards and Conclusion
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)1 FLOODPLAIN DEVELOPMENT/ WATERWAYS DESIGN REVIEW	Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel.
			<i>Conclusion</i>	<i>Turf grass was removed from the subject area and was replaced with riparian plantings in summer 2015. No other development is proposed as part of this application.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)2	Preservation or enhancement of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty-five (25) foot setback or riparian zone. No construction activities, encroachment or other disturbance into the twenty five foot (25') riparian zone shall be allowed at any time without written City approval per the terms of this ordinance.
			<i>Conclusion</i>	<i>Turf grass was removed from the subject area and was replaced with riparian plantings in summer 2015. The riparian enhancement includes planting of a total of forty-two (42) native or naturalized shrubs (cerocarpus montanus, prunus bessyii, willow and ash leaf spirea,) and thirty-six (36) native forbs.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)3	No development other than development by the City of Ketchum or development required for emergency access shall occur within the twenty-five (25) foot riparian zone with the exception of approved stream stabilization work. The Planning and Zoning Commission may approve access to property where no other primary access is available. Private pathways and staircases shall not lead into or through the riparian zone unless deemed necessary by the Planning and Zoning Commission.
			<i>Conclusion</i>	<i>No development, other than the proposed plantings, is proposed in the riparian setback.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)4	Plan and time frame are provided for restoration of riparian vegetation damaged as a result of the work done.
			<i>Conclusion</i>	<i>The riparian enhancement work was completed in summer</i>

Compliant			Standards and Conclusion	
Yes	No	N/A	Guideline	Standards and Conclusion
				2015.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)5	New or replacement planting and vegetation includes plantings that are low-growing and have dense root systems for the purpose of stabilizing stream banks and repairing damage previously done to riparian vegetation. Examples of such plantings include: red osier dogwood, common choke cherry, service berry, elder berry, river birch, skunk bush sumac, beb's willow, drummond's willow, little wild rose, gooseberry, and honeysuckle.
			<i>Conclusion</i>	<i>Turf grass was removed from the subject area and was replaced with riparian plantings in summer 2015. The riparian enhancement includes planting of a total of forty-two (42) native or naturalized shrubs (cerocarpus montanus, prunus bessyii, willow and ash leaf spirea,) and thirty-six (36) native forbs.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)6	Landscaping and driveway plans to accommodate the function of the floodplain to allow for sheet flooding. Flood water carrying capacity is not diminished by the proposal. Surface drainage is controlled and does not adversely impact adjacent properties including driveways drained away from paved roadways. Culvert(s) under driveways may be required. Landscaping berms are designed to not dam or otherwise obstruct floodwaters or divert same onto roads or other public pathways.
			<i>Conclusion</i>	<i>No changes are proposed to the existing driveway on the upland side of the existing house.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.050(E)7	Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not adverse.
			<i>Conclusion</i>	<i>No development is proposed in or near the river, and the replacement of turf grass with riparian and more naturalized plantings will be beneficial for the river. There will be no adverse impact from the development on aquatic life, recreation or water quality.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)8	Building setback in excess of minimum required along waterways is encouraged.
			<i>Conclusion</i>	<i>No changes to the existing building are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)9	The top of the lowest floor of a building located in the 1% annual chance floodplain shall be a minimum of twenty-four inches (24") above the base flood elevation of the subject property.
			<i>Conclusion</i>	<i>No development is proposed in the regulatory floodplain.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)10	The back fill used around the foundation in the floodplain provides a reasonable transition to existing grade, but is not used to fill the parcel to any greater extent. Compensatory storage shall be required for any fill placed within the floodplain. A LOMA-F shall be obtained prior to placement of any additional fill in the floodplain.
			<i>Conclusion</i>	<i>No development is proposed in the regulatory floodplain.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)11	All new buildings shall be constructed on foundations that are approved by a licensed professional engineer.
			<i>Conclusion</i>	<i>No changes to the existing building are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)12	Driveways comply with effective Street Standards; access for emergency vehicles has been adequately provided for.
			<i>Conclusion</i>	<i>No changes to the existing driveway are proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)13	Landscaping or revegetation conceals cuts and fills required for driveways and other elements of the development.
			<i>Conclusion</i>	<i>No cut and fill is proposed.</i>

Compliant			Standards and Conclusion	
Yes	No	N/A	Guideline	Standards and Conclusion
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)14	(Stream Alteration) The proposal is shown to be a permanent solution and creates a stable situation. <i>Conclusion</i> <i>No stream alteration is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)15	(Stream Alteration) No increase to the 100-year floodplain upstream or downstream has been certified by a registered Idaho engineer. <i>Conclusion</i> <i>No stream alteration is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)16	(Stream Alteration) The recreational use of the stream including access along any and all public pedestrian/fisherman's easements and the aesthetic beauty is not obstructed or interfered with by the proposed work. <i>Conclusion</i> <i>No stream alteration is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)17	Where development is proposed that impacts any wetland, first priority shall be to move development from the wetland area. Mitigation strategies shall be proposed at time of application that replace the impacted wetland area with a comparable amount and/or quality of new wetland area or riparian habitat improvement. <i>Conclusion</i> <i>The property contains no wetlands.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)18	(Stream Alteration) Fish habitat is maintained or improved as a result of the work proposed. <i>Conclusion</i> <i>No stream alteration is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)19	(Stream Alteration) The proposed work is not in conflict with the local public interest, including, but not limited to, property values, fish and wildlife habitat, aquatic life, recreation and access to public lands and waters, aesthetic beauty of the stream and water quality. <i>Conclusion</i> <i>No stream alteration is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.050(E)20	(Stream Alteration) The work proposed is for the protection of the public health, safety and/or welfare such as public schools, sewage treatment plant, water and sewer distribution lines and bridges providing particularly limited or sole access to areas of habitation. <i>Conclusion</i> <i>No stream alteration is proposed.</i>

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 zoning code, Title 17.
3. The Commission has authority to hear the applicant's Waterways Design Review Application pursuant to Chapters 17.88 and 17.96 of Ketchum Code Title 17.
4. The City of Ketchum Planning and Building Department provided adequate notice for the review of this application.
5. The project does meet the standards of approval under Chapters 17.88 and 17.96 of Zoning Code Title 17.

DECISION

THEREFORE, The Ketchum Planning and Zoning Commission approves this Waterways Design Review application this 14th day of December, 2015, subject to the following conditions:

1. Waterways Design Review approval shall expire one (1) year from the date of signing of approved Findings of Fact per the terms of KMC, Section 17.88.050.G, Terms of Approval;
2. This Waterways Design Review approval is based on the plans, dated September 22, 2015, and information presented and approved at the meeting on the date noted herein. Any building or site discrepancies which do not conform to the approved plans will be subject to removal;
3. Pursuant to Chapter 17.88.040.C, no chemicals or soil sterilants are allowed within 100 feet of the mean high water mark. No pesticides, herbicides, or fertilizers are allowed within 25 feet of the mean high water mark unless approved by the City Arborist. All applications of herbicides and/or pesticides within one hundred feet (100') of the mean high water mark, but not within twenty five feet (25') of the mean high water mark, must be done by a licensed applicator and applied at the minimum application rates. Application times for herbicides and/or pesticides will be limited to two (2) times a year; once in the spring and once in the fall unless otherwise approved by the city arborist. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed.
4. Planning staff shall inspect the riparian setback on occasion to ensure that it is allowed to naturalize in order to stabilize the stream bank and provide wildlife habitat.
5. A permit is required for any subsequent work in the riparian setback occurring after the duration of this approval.
6. Irrigation in the riparian setback shall be temporary and shall be removed after three (3) irrigation seasons.
7. The three (3) foot wide Sportsman Access from Sheep Meadow Lane to the Bigwood River and the ten (10) foot wide Fisherman's Access along the mean high water mark shall be kept free of obstructions for clear pedestrian passage at all times.

Findings of Fact adopted this 14th day of December, 2015.



Steve Cook, Chair
Planning and Zoning Commission

Planning and Zoning Commission Meeting Public Sign-In

Meeting Date December 14, 2015

Name	Summarize Comments
Peter Senses	M. Express
Lyman Drake	oppose 171 Sun Valley Rd
DAVID HERTEL	PRESENTING 171 SUN VALLEY RD.
STEVEN VOR	
Liz Forsling	Student

IN RE:)
)
Thunder Spring Residences) **KETCHUM PLANNING AND ZONING COMMISSION**
) **FINDINGS OF FACT, CONCLUSIONS OF LAW AND**
) **DECISION**
Conditional)
Use Permit)
(CUP) Planned)
Unit Development (PUD))

File Number: 15-129

BACKGROUND FACTS

PROJECT: Thunder Spring Residences Conditional Use Permit (CUP) Planned Unit Development (PUD)
OWNER(S): IEG Thunder Spring LLC
REPRESENTATIVE: John Shirley, Think Architecture and David Hutchinson & Robert Parker, IEG Thunder Spring LLC
REQUEST: Completion of the final phase of the Thunder Spring PUD to construction nine (9) residential units on a 1.17 acre parcel.
LOCATION: 126 Saddle Road (Thunder Spring Large Block Plat Block 2)
NOTICE: Property owners within 300 foot radius of subject property were mailed notice on October 15, 2015. A public hearing notice was published in the Idaho Mountain Express on October 21, 2015. A notice was posted in three (3) locations in the City on October 15, 2015. The public hearing was continued from November 9, 2015 to November 23, 2015.
ZONING: Tourist (T)
PUBLIC NOTICE: The following notice was published in the Idaho Mountain Express on October 21, 2015:

NOTICE IS HEREBY GIVEN that on Monday, November 9 at 5:30 p.m., or soon thereafter, in City Hall at 480 East Avenue North, Ketchum, Idaho, the Ketchum Planning and Zoning Commission will hold the following Public Hearings:

Conditional Use Permit for a Planned Unit Development, Design Review and Townhouse Preliminary Plat (nine (9) sub-lots) by IEG Thunder Spring, LLC regarding the Residences at Thunder Spring development. The applicant is

proposing to construct nine (9) residential units located at 126 Saddle Road (Block 2, Thunder Spring Large Block Plat).

GENERAL FINDINGS OF FACT

1. In 1998, Thunder Spring-Wareham LLC was granted approval for a Planned Unit Development (PUD) through a Conditional Use Permit (CUP) process. The request was for a development that would contain a variety of uses including 69 residential units, 93,800 square feet of office, retail and semi-public uses, including a pool and wellness center (Zenergy at Thunder Spring). The original approval for the PUD specifically addressed aspects of the development pertaining to phasing, utilities and services, use restrictions, public benefits, employee housing, subdivision, and design review. In exchange for increased height and setbacks for the original Thunder Spring PUD, the developer was required to satisfy a list of public benefits and employee housing, which have not been entirely fulfilled to date. The PUD has been built out over the last 17 years and the current owners are now hoping to develop the final phase of the project.
2. In addition to this CUP PUD application, the applicant has applied for a design review approval and a preliminary plat to establish townhome sub-lots for the nine (9) proposed units. Each contains a separate staff report.

City Department Conclusions				
Compliant			Standards and Staff Conclusions	
Yes	No	N/A	City Code	City Standards and Staff Conclusions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Department Conclusions	Police Department: <ul style="list-style-type: none"> • <i>Police Department indicated that they have no Conclusions.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Fire Department: <ul style="list-style-type: none"> • <i>The location of fire hydrants is controlled by the fire department in accordance with the International Fire Code.</i> • <i>Buildings under 35 feet tall do not require 26 foot wide aerial apparatus access roads along one entire side of the building as required in Ketchum Municipal Code Section 15.08. Buildings do not exceed the height limit and the location of the property meets the emergency access requirements of IFC Chapter 5.</i> • <i>Raven Road meets the 20 foot wide access requirement provided it is posted as a Fire Lane and maintained clear and unobstructed at all times.</i> • <i>Fire apparatus access requirements appear to have been met provided no further changes are made to the site plan or the building heights. A more detailed review will be completed as each step of this project proceeds in the future.</i>

			<ul style="list-style-type: none"> • <i>Fire Sprinkler system will be required throughout all buildings in the project.</i> • <i>Building addresses and individual unit numbers will be assigned by the fire department in accordance with E991 guidelines prior to application for building permits.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>City Engineer:</p> <ul style="list-style-type: none"> • <i>Upgrade the bus stop adjacent to the subject property on Saddle Road by constructing a bus pull-out and shelter as approved by the City Engineer.</i> • <i>Provide standard bus signage and lighting.</i> • <i>Right-of-way (ROW) improvements shall conform to current City ROW standards.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Streets:</p> <ul style="list-style-type: none"> • <i>All storm water runoff needs to be managed onsite. The city may allow an overflow to drain into the city system if a test hole at the lowest part of the property reveals unacceptable soil. The applicant will need to perform a percolation test at the proposed location of the storm chambers to verify percolation rate prior to design.</i> • <i>Sidewalks have an improper cross slope.</i> • <i>Requested more detail on the driveway aprons going through the sidewalks.</i> • <i>The utility box on Saddle Road should be placed on private property and out of the ditch line.</i> • <i>The radius of the curb at the bus stop adjacent to the existing bike path must be 40 feet or larger.</i> • <i>The ROW north of the Saddle Road bike path needs to be graded so it will not drain onto the bike path.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Utilities:</p> <p><i>Plans will need to be submitted to the Utilities Department for review showing any relocated, abandoned, or extensions of water and sewer lines.</i></p> <p><i>After Utilities Department review and acceptance of plans the plans must be submitted to DEQ for approval.</i></p> <p><i>DEQ approved plans must be provided to the Utilities Department prior to commencement of work.</i></p> <p><i>A connection permit must be completed at the time a building permit and water impact and meter charges are paid for.</i></p> <p><i>A single connection permit may be filled out for the entire project reflecting total number of units and total amount of fees paid.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Building:</p> <ul style="list-style-type: none"> • <i>All buildings will require separate building permits.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Planning and Zoning:</p> <ul style="list-style-type: none"> • <i>See Conclusions throughout staff report.</i>

Compliance with Zoning District				
Compliant			Standards and Staff Conclusions	
Yes	No	N/A	Regulation	City Standards and Staff Conclusions
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.52.010.H	<p>FLOOR AREA RATIO (FAR): An FAR of 0.5 is permitted. However, an FAR of 1.6 is allowed with inclusionary housing incentive.</p> <p><i>Staff Conclusions</i></p> <p>The ordinance requires a community housing contribution, either built on site or offered through an in-lieu fee to the City for projects that exceed the base FAR limit of 0.5. The amount of required community housing is determined by taking 20% of the total increase in the gross floor area above the base FAR. Of this square footage, a 15% reduction is permitted as a discount from the gross square footage to net livable square footage equating the community housing requirement.</p> <p>The property contains a size of 50,832 square feet. The application indicates the total square footage of all proposed buildings is 48,967 or FAR of 0.72. After deductions of basement areas below the invisible basement plane, the gross square footage is 36,785 which translates to a community housing requirement of 1,932.73 square feet. Staff is in the process of verifying these numbers and will have accurate FAR numbers for the meeting on the January 4th 2015,.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.52.010.J	<p>Lot Area</p> <p><i>Staff Conclusions</i></p> <p>Building Lot Coverage: The T district requires a minimum of 35% open space. The applicant is proposing 41.5% open space.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.52.010.I & 17.52.010.F	<p>Building Height, Setbacks and Waivers</p> <p><i>Staff Conclusions</i></p> <p>Required for Building Heights:</p> <ul style="list-style-type: none"> • 35 feet for Buildings with a roof pitch under 5:12. • For buildings with a roof pitch greater than 5:12, the maximum height to the mean point of the ridge or ridges measured from the eaves line to the ridge top shall be 35 feet. Roof ridges above the mean point may extend up to 44 feet. <p>Required for Building Setbacks:</p> <p>FRONT: 15 feet REAR: One foot for every three feet in building height or 10 feet, whichever is more SIDE: One foot for every 3 feet in building height or five feet, whichever is more</p> <p>Proposed:</p> <p>The planned unit development ordinance allows the City to grant waivers to zoning ordinance regulations. In the past, the Thunder Spring PUD received approval from the City Council, allowing specific buildings to extend above the permitted height allowance. For this</p>

				<p>project, the applicant is requested four building setback waivers. These proposed waivers are listed in the table above.</p> <p>The applicant has provided a list of benefits in connection with the proposed waivers. Among these included existing benefits connected with the existing development which are not relevant to this application. Below represents the applicant's proposed benefits connected to this specific proposal. Staffs Conclusions are in bold:</p> <ul style="list-style-type: none"> • Location and build-out of new bus stop: Yes, this improvement is an added benefit. • Sidewalk improvements along Valleywood Drive: No, sidewalk improvements are required for all projects when developing adjacent to the public ROW. • Utility improvements including new water mains along Valleywood Drive: No, utility improvements are required for all new projects. • National Green Building Standard (NGBS) Gold certification: Yes, new development must conform to the city's Green Building Code and obtain, at a minimum, a Silver Certification. A Gold Certification is beyond this minimum requirement. • Improved city right-of-ways: No, adjacent ROW is required to be improved for all projects. • Additional public parking on Valleywood Road: No, public parking is required when improving public streets for all projects.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.060.M	<p>Curb Cut</p> <p><i>Staff Conclusions</i> Required: A total of 35% of the linear distance of any street frontage may be devoted to access to off street parking. Proposed: The plans indicate that the proposed curb cuts are less than 35% of the street frontage.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.060.A(1)	<p>Parking Spaces</p> <p><i>Staff Conclusions</i> Required: 1-1/2 spaces for every one-family dwelling or duplex unit. The proposed nine (9) units require a minimum of 14 spaces. Proposed: The applicant is proposing 18 garage parking spaces (two per unit) and 12 guest parking spaces. Additionally, six (6) on-street parking spaces have been added to Valleywood Road.</p>
Development Agreement Requirements				
EVALUATION STANDARDS:				
Compliant			Standards and Staff Conclusions	
Yes	No	N/A	City Code	City Standards and Staff Conclusions

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080(A)	The commission may recommend waiver or deferral of the minimum lot size, and the council may grant such waiver or deferral only for projects which comply with subsection 16.08.080.A1-4.
			<i>Staff Conclusions</i>	<i>Not applicable. The property meets the minimum lot size of three (3) acres as it is part of the original Thunder Spring PUD.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(A)	All land within the development shall be contiguous except for intervening waterways. Parcels that are not contiguous due to intervening streets are discouraged. However, the commission and the council may consider lands that include intervening streets on a case by case basis.
			<i>Staff Conclusions</i>	<i>The entire PUD, original and the proposed Thunder Spring Residences are contiguous to each other.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(B)	The proposed project will not be detrimental to the present and permitted uses of surrounding areas.
			<i>Staff Conclusions</i>	<i>The project now complies with height regulations of the Tourist District. No identified view corridors are impeded. No detrimental impacts have been identified.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(C)	The proposed project will have a beneficial effect not normally achieved by standard subdivision development.
			<i>Staff Conclusions</i>	<i>The Commission noted in the August 25, 2015 meeting that the design of the project was high quality and warranted approval of the proposed setback waivers. The application does not propose usable open space and it is not clear if the residents of this portion of the PUD, which will be under a separate HOA, will have access to the open space and pool amenities in the existing PUD.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(D)	The development shall be in harmony with the surrounding area.
			<i>Staff Conclusions</i>	<i>The initial height of the proposed project was a significant concern to surrounding neighbors. The applicant is now proposing a project that is consistent with height requirements for buildings with flat roofs in the Tourist District. The density of this project is approximately 7.7 units per acre which is lower than the existing PUD.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080(E)(1)	Densities and uses may be transferred between zoning districts within a PUD as permitted under this chapter, provided, the aggregate overall allowable density of units and uses shall be no greater than that allowed in the zoning district or districts in which the development is located. Notwithstanding the above, the commission may recommend waiver or deferral of the maximum density and the council may grant additional density above the aggregate overall allowable density only for projects which construct community or employee housing and which comply with subsection 16.08.080(E)1&2.
			<i>Staff Conclusions</i>	<i>Not applicable. The zoning ordinance does not use density provisions.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(F)(1)	Is adequate to carry anticipated traffic consistent with existing and future development of surrounding properties.
			<i>Staff Conclusions</i>	<i>The public works department has reviewed the approved plans and has not identified issues with traffic levels. The development will upgrade Valleywood Road to meet required street standards.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(F)(2)	Will not generate vehicular traffic to cause undue congestion of the public street network within or outside the PUD.
			<i>Staff Conclusions</i>	<i>The proposed development is not anticipated to create undue congestion. The current proposal for nine residential units will generate less traffic than the previous approval for 27 units.</i>
			16.08.080(F)(3)	Is designed to provide automotive and pedestrian safety and convenience.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Staff Conclusions</i>	<i>The plans include a sidewalk connection to the existing bike lane along Saddle Road. The west and north side of the project lacks pedestrian amenities that are found throughout the rest of the PUD.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(F)(4) <i>Staff Conclusions</i>	<i>Is designed to provide adequate removal, storage and deposition of snow The site plan indicates that snow storage will be accomplished through a cold roof system with retention, heated driveways, walkways and patios.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(F)(5) <i>Staff Conclusions</i>	<i>Is designed so that traffic ingress and egress will have the least impact possible on adjacent residential uses. This includes design of roadways and access to connect to arterial streets wherever possible, and design of ingress, egress and parking areas to have the least impact on surrounding uses. The street department indicates that the design meets requirements for traffic ingress. Raven Road is a one way street running south. Driveways for units 1, 2, and 3 have been consolidated to reduce the number of curb cuts on Valleywood Road and onstreet parking has been located at a minimum distance to not conflict with driveway access.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(F)(6) <i>Staff Conclusions</i>	<i>Includes the use of buffers or other physical separations to buffer vehicular movement from adjacent uses. Proposed driveways are oriented so vehicles face internally towards the site.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080(F)(7) <i>Staff Conclusions</i>	<i>Is designed so that roads are placed so that disturbance of natural features and existing vegetation is minimized. Not applicable. The project will utilize existing roadways. No new roads are proposed.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16.08.080(F)(8) <i>Staff Conclusions</i>	<i>Includes trails and sidewalks that create an internal circulation system and connect to surrounding trails and walkways. The proposed project does not include internal circulation for trail or walkways. No proposed trails are shown to connect the proposed development with the existing Thunder Spring PUD. A public sidewalk is proposed along Valleywood Road.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(G) <i>Staff Conclusions</i>	<i>The plan is in conformance with the zoning ordinance, and other applicable ordinances of the city, and not in conflict with the public interest: As noted early, the proposed plan meet all applicable standards for the Tourist District and Parking Ordinance. The applicant is requesting four waivers to building setbacks.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(G)(1) <i>Staff Conclusions</i>	<i>Pursuant to subsection 16.08.070D of this chapter, all of the design review standards in chapter 17.96 of this code shall be carefully analyzed and considered. This includes detailed analysis of building bulk, undulation and other design elements. The site plan should be sensitive to the architecture and scale of the surrounding neighborhood. The Commission reviewed the proposed design on August 25, 2015 and found that in general design review requirements had been met. In the design review staff report for this project staff has found that all applicable standards are in compliance.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(G)(2)	<i>The influence of the site design on the surrounding neighborhood, including relationship of the site plan with existing structures, streets, traffic flow and adjacent open spaces, shall be considered.</i>

			<i>Staff Conclusions</i>	<i>The applicant has reduced the building height to be in compliance with the zoning ordinance. No existing structures are located on the subject property. No adjacent open space abuts this property.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16.08.080(G)(3)	The site design should cluster units on the most developable and least visually sensitive portion of the site.
			<i>Staff Conclusions</i>	<i>It could be argued that the entire site is developable. However the intent of the PUD ordinance is to minimize potential impacts through clustering units. The proposed layout of the project distributes the units throughout the entire parcel.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080(H)	The development plan incorporates the site's significant natural features.
			<i>Staff Conclusions</i>	<i>No significant natural features have been identified.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(I)	Substantial buffer planting strips or other barriers are provided where no natural buffers exist.
			<i>Staff Conclusions</i>	<i>The landscaping plan provides substantial buffer on the perimeter of the property.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(J)	Each phase of such development shall contain all the necessary elements and improvements to exist independently from proposed future phases in a stable manner.
			<i>Staff Conclusions</i>	<i>This phase of the development is design to exist independently from the early Thunder Spring PUD phases.</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16.08.080(K)	Adequate and usable open space shall be provided. The applicant shall dedicate to the common use of the homeowners or to the public adequate open space in a configuration usable and convenient to the residents of the project. The amount of usable open space provided shall be greater than that which would be provided under the applicable aggregate lot coverage requirements for the zoning district or districts within the proposed project. Provision shall be made for adequate and continuing management of all open spaces and common facilities to ensure proper maintenance.
			<i>Staff Conclusions</i>	<i>No usable open space is proposed for this phase. The application does not indicate if the residents of the proposed Thunder Spring Residences project will be granted access to the existing Thunder Spring PUD amenities. The applicant has proposed draft CC&Rs which cover maintenance of grounds. The site contains 41% open space which is more than the 35% required in the Tourist District.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(L)	Location of buildings, parking areas and common areas shall maximize privacy within the project and in relationship to adjacent properties and protect solar access to adjacent properties.
			<i>Staff Conclusions</i>	<i>The buildings are oriented to the southwest and should have adequate solar access. Units 1, 2 and 3 share an internal driveway. All proposed driveways located on Valleywood Drive, which is a public road, have landscaping buffers located on each side.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.08.080(M)	Adequate recreational facilities and/or daycare shall be provided. Provision of adequate on site recreational facilities may not be required if it is found that the project is of insufficient size or density to warrant same and the occupant's needs for recreational facilities will be adequately provided by payment of a recreation fee in lieu of such facilities to the city for development of additional active park facilities. Onsite daycare may be considered to satisfy the adequate recreational facility requirement or may be required in addition to the recreational facilities requirement.
			<i>Staff Conclusions</i>	<i>Not applicable. This is a residential development and does not warrant daycare facilities.</i>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(N)	There shall be special development objectives and special characteristics of the site or physical conditions that justify the granting of the PUD conditional use permit.
			<i>Staff Conclusions</i>	<i>The design of the project is in keeping with the high quality of the existing Thunder Spring PUD.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(O)	The development will be completed within a reasonable time.
			<i>Staff Conclusions</i>	<i>The design review application will expire one year from the date it is issued. This will require the applicant to move towards obtaining building permits. Likewise building permits will expire if the project does not commence or is uncompleted within specified time frames.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(P)	Public services, facilities and utilities are adequate to serve the proposed project and anticipated development within the appropriate service areas.
			<i>Staff Conclusions</i>	<i>The public works and utilities departments have concluded that this project meets their requirements at this time. However, detailed plans will be required at the time of building permit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.08.080(Q)	The project complies with all applicable ordinances, rules and regulations of the city of Ketchum, Idaho, except as modified or waived pursuant to this section. (Ord. 1011 § 1, 2007: Ord. 892 § 1, 2002: Ord. 738 §§ 2, 3, 1999: Ord. 733 §§ 3, 4, 5, 6, 7, 1999: Ord. 723 § 6, 1998: Ord. 382 § 8, 1983)
			<i>Staff Conclusions</i>	<i>The project is found to comply with all of the above requirements.</i>

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 zoning ordinance, Title 17 and a subdivision ordinance, Title 16.
3. The City Council has authority to hear the applicant's Conditional Use Permit application pursuant to Idaho Code Section 67-6512 of the Local Land Use Planning Act and Chapter 16.08 of Ketchum Subdivision Code Title 16.
4. The Planning and Zoning Commission's November 23, 2015 public hearing and consideration of the applicant's Conditional Use Permit application was properly noticed pursuant to the Local Land Use Planning Act, Idaho Code Section 67-6512.
5. The application does comply with Ketchum Zoning Code Title 17 and Ketchum Subdivision code Title 16 and the Ketchum Comprehensive Plan.

DECISION

THEREFORE, The Ketchum Planning and Zoning Commission **approves** this Conditional Use Permit (CUP) for a Planned Unit Development (PUD) amendment this 14th day of December, 2015, and authorize the Chairperson to sign the revised Thunder Spring Development Agreement provided the following conditions are met:

1. The City Council shall pass a resolution accepting the agreed upon in-lieu contribution and set a timeline for when the contribution is due;

2. All requirements of the design review approval for the Thunder Spring Residences (file number 15-028) shall be met;
3. The applicant shall comply with all requirements of the Amended and Restated Phased Development Agreement approved by the City Council on November 16, 2015;
4. A PUD - Conditional Use Permit shall be issued in writing. The issuance thereof shall not be considered a binding precedent for the issuance of other conditional use permits. A conditional use permit is not transferable from one parcel of land to another;
5. Failure to comply with any condition or term of such permit may cause such permit to be void. A PUD conditional use permit may be revoked at any time for violation of the permit or any condition by motion of the city council after a due process hearing upon a minimum of ten (10) days written notice describing the violation to the holder of the PUD conditional use permit. At the hearing the holder may be represented by counsel, present testimony and cross-examine witnesses;
6. Compliance with all dimensional standards for the Tourist District is required, except for the following approved building setback waivers as delineated in the proposed Site Plan, Sheet A102 dated September 23, 2015:
 - a. Unit 1/2 Building: Building setback of 8'-6" from property line along Valleywood Road.
 - b. Unit 5 Building: Building setback of 10'-0" from property line along Valleywood Road.
 - c. Unit 8/9 Building: Building setback of 9'-9" from property line along the east side of Raven Road.
 - d. Unit 8/9 Building: Building setback of 7'-0" from property line along the west side of Raven Road.
7. Raven Road shall be posted as a Fire Lane and maintained clear and unobstructed at all times;
8. Prior to issuance of a certificate of occupancy the applicant shall construct a bus shelter and bus pull out, with appropriate lighting and signing. The location of these improvements shall be located at the existing bus stop adjacent to the subject property on Saddle Road or other location within the general vicinity as approved by the City Engineer;
9. In addition to the requirements set forth in this CUP Planned Unit Development, this project shall comply with all applicable local, state and federal laws.

Findings of Fact **adopted** this 14th day of December, 2015.



Steve Cook, Chair
Planning and Zoning Commission

IN RE:)
)
Thunder Spring Residences) **KETCHUM PLANNING AND ZONING COMMISSION**
) **FINDINGS OF FACT, CONCLUSIONS OF LAW AND**
) **DECISION**
Preliminary Plat)
)
)
)
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File Number: 15-145

PROJECT: Thunder Spring Residences Townhome Preliminary Plat
OWNERS: IEG Thunder Spring LLC
REPRESENTATIVE: John Shirley, Think Architecture and David Hutchinson & Robert Parker, IEG Thunder Spring LLC
REQUEST: Preliminary plat approval for a nine (9) subplot townhouse subdivision
NOTICE: Property owners within 300 foot radius of subject property were mailed notice on October 15, 2015. A public hearing notice was published in the Idaho Mountain Express on October 21, 2015. A notice was posted in three (3) locations in the City on October 15, 2015.
ZONING: Tourist (T)

GENERAL FINDINGS OF FACT

The subject property is located in the Tourist (T) District and contains a lot size of 1.17 acres. This preliminary plat request is a concurrent application to accommodate a proposed nine residential unit Planned Unit Development (PUD) which is being applied for through a Conditional Use Permit (CUP) application. As mentioned in the CUP PUD and Design Review applications this project will complete the last phase of the existing Thunder Spring PUD.

City Department Conclusions				
Compliant			Standards and Staff Conclusions	
Yes	No	N/A	City Code	City Standards and Staff Conclusions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	Complete Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City Department Conclusions	Police Department: <ul style="list-style-type: none"> Indicated that they have no comments.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Fire Department: <ul style="list-style-type: none"> Indicated that they have no comments.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		City Engineer: <ul style="list-style-type: none"> Stated that preliminary plat requirements have been met. Right-of-way (ROW) improvements shall conform to current City ROW standards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Streets: <ul style="list-style-type: none"> Indicated that they have no comments.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Utilities: <ul style="list-style-type: none"> Indicated that they have no comments.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Building: <ul style="list-style-type: none"> All buildings will require separate building permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Planning and Zoning: <ul style="list-style-type: none"> See comments throughout staff report.

Compliance with Zoning District				
Compliant			Standards and Staff Conclusions	
Yes	No	N/A	Regulation	City Standards and Staff Conclusions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.52.010.J	Lot Area
			Staff Conclusions	Building Lot Coverage: The T district requires a minimum of 35% open space. The applicant is proposing 41.5% open space.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.52.010.I & 17.52.010.F	Building Height, Setbacks and Waivers
			Staff Conclusions	Required for Building Heights: <ul style="list-style-type: none"> 35 feet for Buildings with a roof pitch under 5:12. For buildings with a roof pitch greater than 5:12, the maximum height to the mean point of the ridge or ridges measured from the eaves line to the ridge top shall be 35 feet. Roof ridges above the mean point may extend up to 44 feet.

				<p>Required for Building Setbacks: FRONT: 15 feet REAR: One foot for every three feet in building height or 10 feet, whichever is more SIDE: One foot for every 3 feet in building height or five feet, whichever is more</p> <p>Proposed: The project meets all required setbacks except for waivers which are requested in the CUP Planned Unit Development application.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.060.M	<p>Curb Cut</p> <p>Staff Conclusions</p>
				<p>Required: A total of 35% of the linear distance of any street frontage may be devoted to access to off street parking. Proposed: The plans indicate that the proposed curb cuts are less than 35% of the street frontage.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.060.A (1)	<p>Parking Spaces</p> <p>Staff Conclusions</p>
				<p>Required: 1-1/2 spaces for every one-family dwelling or duplex unit. The proposed nine (9) units require a minimum of 14 spaces. Proposed: The applicant is proposing 18 garage parking spaces (two per unit) and 12 guest parking spaces. Additionally, six (6) on-street parking spaces have been added to Valleywood Road.</p>

Preliminary Plat Requirements				
Compliant			Standards and Staff Conclusions	
Yes	No	N/A	City Code	City Standards and Staff Conclusions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	<p>Complete Application</p> <p>Staff Conclusions The application has been reviewed and determined to be complete.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.B	<p>The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces.</p> <p>Staff Conclusions The applicant has submitted draft CC&R's which contain provisions for party walls maintenance, use and repair.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.C.1	<p>The subdivider may apply for preliminary plat approval from the commission pursuant to subsection 16.04.030D of this chapter at the time application is made for design review approval pursuant</p>

Findings of Fact, Thunder Spring PP, Signed 12.14.15
City of Ketchum, Planning & Building Department

				to <u>title 17, chapter 17.96</u> of this code. The commission may approve, deny or conditionally approve such preliminary plat upon consideration of the action taken on the application for design review of the project.
			Staff Conclusions	<i>The applicant has applied for preliminary plat approval and said plat is being forwarded to the Commission in compliance with review procedures established in 16.04.030.D.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.C.2	The preliminary plat, other data, and the commission's findings shall not be transmitted to the council until construction of the project has commenced under a valid building permit issued by the Ketchum building inspector.
			Staff Conclusions	<i>The preliminary plat will not be transmitted to the council until construction has commenced under an approved building permit.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.E	All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.
			Staff Conclusions	<i>The preliminary plat outlines the overall footprint of the each townhome, which includes attached garages.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.F	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 townhouse subdivisions.
			Staff Conclusions	<i>All applicable city provisions are found to be in compliance.</i>

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 townhome plat Thunder Spring Residences, plans dated September 24, 2015 by IEG Thunder Spring, LLC

DECISION

THEREFORE, The Ketchum Planning and Zoning Commission approves this preliminary plat application this 14th day of December, 2015, subject to the following conditions:

1. 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 the CC&R's;
2. 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;
3. The recorded plat shall show minimum of two Blaine County Survey Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face map;
4. 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,
 - c. 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; and,
5. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone NAD1983 (1992), US 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.
6. The applicant shall provide a copy of the recorded final plat to the Department of Planning and Building for the official file on the application.
7. All requirements of the Fire, Utility, Building, Planning and Public Works departments of the City of Ketchum shall be met. All public improvements shall meet the requirements of the Public Works Department.
8. The Final Plat shall not be signed by the City Clerk and recorded until the townhouse has received:
 - a. An approved life safety inspection for the building shell and all common areas from the Ketchum Building Official; and,

- b. Completion of all design review elements as approved by the Planning and Zoning Administrator
- 9. 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



Steve Cook
Planning and Zoning Commission Chairperson