



**SPECIAL PLANNING AND ZONING COMMISSION MEETING**  
Monday, July 14, 2014, 5:00 pm  
Ketchum City Hall, Ketchum, Idaho

**Present:** Commissioner Steve Cook  
Commissioner Jeff Lamoureux  
Commissioner Mike Doty  
Commissioner Erin Smith

**Also Present:** Joyce Allgaier, Director of Planning and Building Department  
Rebecca Bundy, Senior Planner  
Peter Flood, Cemetery District Board member  
John McDonald, Cemetery District Board member  
John O'Connor, Cemetery District Board member  
Garth McClure, Benchmark Associates planner, for applicant


**1. SITE VISIT AT KETCHUM CEMETERY DISTRICT - in regard to the petition for the vacation of several portions of public right of way in the vicinity of the cemetery, including portions of 10<sup>th</sup> Street, Walnut Avenue and the alley within Block 95, Ketchum Townsite.**

Garth McClure handed out copies of the "Staking Plan", dated 5/2/14 to the Commissioners. The staking plan illustrates key points along the boundaries of the proposed areas to be vacated. The Commission and applicants walked portions of the boundaries of the property to better understand the requested vacation lands, see the topography, identify areas in use by the cemetery, confirm trail locations, and gain a better understanding as to how the vacations relate to the cemetery, city needs and the vicinity.

The following aspects of the proposed project were discussed:

- 10<sup>th</sup> Street Vacation at South Property Line: Changed property line and easement area location as it relates to including the existing cemetery improvements in the vacated area, the practicality of the easement for pedestrian use, relationship to the Knob Hill Inn landscape berm and rockery garden;
- Walnut Street Vacation: Proposed vacation area as they relate to the area that the Ketchum Streets Department feels is needed for future road extension and storm water management, the Knob Hill landscaping, and public pedestrian access from Walnut Street;
- 10<sup>th</sup> Street and Alley at Block 94: Areas to be vacated and the relationship to the currently maintained cemetery area edges and location of the city-owned properties; and
- Contemplated uses by the Cemetery District.

The Commissioners concluded the site visit at about 5:25 p.m. and proceeded to the Planning and Zoning Commission meeting at Ketchum City Hall.

  
Steve Cook, Acting Chair  
Planning and Zoning Commission



Recorded

**CITY OF KETCHUM  
PLANNING AND ZONING COMMISSION MEETING  
July 14, 2014, 5:30 p.m.  
Ketchum City Hall Meeting Room, Ketchum, Idaho**

**Present:** Acting Chairman Steve Cook  
Commissioner Erin Smith  
Commissioner Mike Doty  
Commissioner Jeff Lamoureux

**Absent:** Chairperson Deborah Burns

**Also Present:** Ketchum Planning Manager Joyce Allgaier  
Ketchum Senior Planner Rebecca Bundy  
Ketchum Recording Secretary Sunny Grant

**1. SITE VISIT at 1026 N MAIN STREET.** The Commission will convene for a site visit in regard to the application by KETCHUM CEMETERY DISTRICT, for a vacation of several portions of public right of way.

**2. Acting Chairman Steve Cook opened the Regular Planning and Zoning meeting at 5:30 p.m.** Commissioner Cook reported that the Planning Commission had their site visit at the Cemetery District.

**3. PUBLIC COMMENT**

There was no public comment at this time.

**4. Election of Officers**

The Planning Commission postponed electing the Chairperson and Vice-Chairperson since Chairperson Deborah Burns was absent from this meeting.

**5. PUBLIC HEARING upon the application by KETCHUM CEMETERY DISTRICT, for a vacation of several portions of public right of way, including two (2) unimproved portions of 10th Street, an unimproved portion of Walnut Avenue and an unimproved portion of alley in Block 94, Ketchum Townsite.**

*Also Present: Garth McClure, representing the Cemetery District  
Cemetery District Board members Peter Flood, John O'Connor  
and John McDonald*

Ketchum Director of Planning and Building Joyce Allgaier presented the Planning Commission with a brief overview of the proposed vacations.

The Commission first conducted a hearing on this application last winter. It has been continued several times to today.

This application would necessitate a revised plat. The applicant would also like for Council to look at the lease agreement.

The City is being asked to give up land, so the Planning Commission will look at what the City is giving up in public use for future generations, utilities, and access, and what the applicant proposes to do with the land. The Commission will consider adjacent property owners and how vacating the property will impact them.

Exhibit F is the original proposed vacation map. The only current change is easements being proposed by the applicants to allow access by the public. The Cemetery District has drafted a new plot plan showing grave site locations. No grave sites are proposed on the hillsides.

The City owns four parcels adjacent to the property, which is undeveloped land, sage-covered hills, and steep slopes. Lots 5, 6, 7 and 8, along Spruce Street, are owned by the City of Ketchum. Ketchum has had a 99-year lease agreement with the Cemetery District on Lots 7 and 8 since 2004, with a contingency to continue the lease after 99 years or terminate it with 60 days notice. The Cemetery District is probably going to request that the 60-day termination be changed. The lease only permits uses designated in the Cemetery Master Plan, but the Master Plan was not recorded with the lease agreement, so it is unclear which of the master plan drafts is indicated in the lease. Staff hopes to have the correct master plan or a new one for the Cemetery District to refer to when the Cemetery District discusses the lease with Council.

The master plan does not allow for access across the two privately-owned properties at the north end of Walnut Street. The City would like to find a permanent way for people to have access from Walnut Street to the primitive trail traversing the hillside.

The Cemetery District has worked with Ketchum to develop trail continuity and provide an easement for a future trail. If Tenth Street is vacated, the Cemetery District would provide a public easement across the south end of its property, and maybe eventually across Highway 75. The Cemetery does not allow dogs on its property at this time, but staff finds that the existing these historic trails would be appropriate for dog walking if the dogs were leashed.

Staff recommends that portions of Walnut Avenue and Tenth Street should be vacated. The upper part of Tenth Street is steep and there are environmental impacts, but the lower part of Tenth Street is relatively flat. Part of Walnut Avenue should remain as City right-of-way to allow storm water flow and to serve as access to the adjoining properties. There is a water line planned for Highway 75 right-of-way. There is an existing sewer line that traverses across the front of the Cemetery property on Highway 75.

When a street is vacated, the right-of-way is typically split in half, with each half going to its adjoining landowner; so, in a typical vacation, half of Tenth Street would go to the Kinderhorn property owned by Jake Peters, and the other half to the cemetery. However, the City Council has the discretion to vacate the property as they would like. Peters would be interested in the property, but would also talk to the cemetery about how they would use the property if the City vacated it. Ketchum would like to have a trail easement over the Kinderhorn property.

Staff is concerned that the proposed 5ft easement, [5:58:40 pm](#) along a small appendage that is part of Tenth Street and part of Walnut Avenue, may not be wide enough to be of practical use as a shortcut trail. The proposed easement connects with Highway 75.

Garth McClure, representing the applicant, presented the proposed project:

The Ketchum Cemetery District is a taxing district. The application is a petition to vacate certain portions of Ketchum right-of-way. The Planning Commission makes a recommendation to Ketchum Council, which makes the final decision. The Cemetery District has submitted a letter dated May 1, 2014, as part of the application that outlines what is included in the petition:

- Preliminary plat, which includes the existing Cemetery boundary and areas of Tenth Street, Walnut Avenue, the alley in Block 94, and Tenth Street to the north that are proposed to be vacated.
- The preliminary plat also includes easements. There is an existing large sewer main trunkline that runs through the Cemetery District property, along Highway 75, but Ketchum never acquired an easement from the Cemetery District, so the Cemetery District has offered a 15ft wide sewer easement for the sewer main. Other proposed easements include the trail easement along the south boundary of what would be the new boundary of the cemetery to provide a trail access connection from Walnut Avenue to Highway 75. A portion of this easement falls beyond the portion of Tenth Street that would be vacated and is on current cemetery district property. The Cemetery District proposes that the area within Lots 3 and 4 Block 94 that is currently owned by the cemetery be set aside for a public trail. The Block 94 alley proposed to be vacated would also be a public trail easement. The portion of Tenth Street proposed to be vacated would provide the ability to connect a trail to the Bigwood Subdivision Block 11 to the north.
- Final plat would grant the easements. The site plan shows an area on Tenth Street for an easement, but that easement would be refined as trail design is developed. The proposed trail is based on the entire width of Tenth Street being vacated.
- The proposed gateway access from Walnut goes right along private lots, which might prohibit the lots from putting in a driveway.
- The terrain is steep and weedy. The cemetery district is unaware of any plans Ketchum has to improve any of the property proposed for vacation. The Cemetery would like to clean up its boundary, and continue to make improvements in keeping with the 2005 master plan.
- The hill includes some trees, natural burial areas, a rustic trail and an overlook.

Once the City vacates rights-of-way, the Cemetery District would return with a plat that creates the new boundaries for the part of the Cemetery property based on the vacation of the streets.

Cemetery Board member Peter Flood said they that Cemetery District does not have any specific plans for the area indicated as a natural burial area, but are they looking to the future.

Commissioner Smith expressed concern that dogs might enter the area.

Cemetery Board member John O'Connor said they would insist on a fence to delineate the easement in sensitive areas to keep out garbage, paper, dogs, deer, etc. O'Connor said they would like to terrace the steep part of the Tenth Street right-of-way area, but could do that best if they were granted the whole 60 feet right-of-way.

#### COMMISSIONERS COMMENTS:

- Fencing the easement will result in a 5ft wide trail, which is pretty narrow. Commissioners discussed a 15ft easement without a fence, what type of surface treatment would work, and how the easement might function with a fence. Peter Flood

said a 15ft wide trail would lessen space for graves. He said people seem to obey signs asking them to keep dogs on leash and out of the cemetery.

- Commissioners support vacation of the westerly portion of Tenth Street up to Walnut Avenue. It might take some work to make a “primitive” path, providing that an easement would be granted that is acceptable to the Planning Commission. Commissioner Doty said to be sure to keep some of the area for drainage.
- Staff sees no compelling City use of the alley because of its inaccessibility, or the last piece of Tenth Street.

Commissioners would like to know what the Cemetery District has in mind for their property. If the vacation request were to be granted, the City would be giving up the land forever. It would be helpful to have a cemetery master plan, even with the understanding that it would evolve over time. A master plan would help Ketchum consider removing the 60-day cancellation provision in the lease. An up-to-date master plan would also help Council know what the property will look like in the future.

Cemetery Board member John McDonald said they will have an updated master plan showing vacation of the street.

- The City owns Lots 5, 6, 7 and 8, Spruce Avenue and the end of Tenth Street. Contour 5870 could be a good line for delineating a vacation.
- The Mountain Overlay is concurrent with the northwest side of Tenth Street.
- Commissioner Cook did not like the idea of headstones marching up the hill.
- Commissioners suggested the west half of the alley should be vacated to Lots 3 and 4 and the east half to Lots 7 and 8. The vacation would go with the lease or the sale of the property.
- Vacating the right-of-way or putting it into Lot 7 allows the Cemetery District to incorporate it into their master plan.
- The point where the two streets meet—the center of the alley and the center of Tenth Street—is probably in an area that is currently mowed by the Cemetery.

Staff did not recommend inclusion of the upper portion of the 60ft Tenth Street right-of-way in the vacation proposal, because there was no description of its use by the cemetery.

Commissioner Doty said cutting it off at the southern portion of Spruce made sense. If the vacation went all the way up, half of the right-of-way could go to Kinderhorn.

Allgaier said the Planning Commission could approve the acceptable vacations today, and consider the rest of the proposed vacations after seeing the Cemetery District’s master plan. Allgaier said this project is difficult because the old platted streets have hard angles and corners. A master plan would be more likely to utilize the contour of the land. Without a master plan, it is difficult to help the Cemetery achieve what they want.

The Commissioners agreed to recommend vacation of the southern end of the north part of Tenth Street and the southern tip of the south part of Tenth Street. Commissioners agreed to split the western end of the alley, but were split on whether to recommend the right-of-way be split down the middle with half going to Lots 7 and 8 and the other half going to Lots 3 and 4, or to vacate the entire right-of-way to the Cemetery District. Lots 7 and 8 are leased to the Cemetery District, but the lease requires the Cemetery District to specify what they will do with the lots.

Commissioner Erin Smith moved to continue Ketchum Cemetery District Petition to vacate City Rights-of-Way to August 25, 2014. Motion seconded by Commissioner Jeff Lamoureux, and passed unanimously.

**6. PUBLIC HEARING upon City-initiated text amendments to Zoning Code Title 17, Chapter 17.88 Floodplain Management Overlay Zoning District, 17.64.010 Community Core District, I. Hotel Uses and 17.64.020 Commercial Core District, H. Historic Buildings.**

Ketchum Senior Planner Rebecca Bundy went through proposed Code amendments. The Commission had previously conducted three workshops on almost everything included in the proposed Code Text amendments:

- Some sections of the Code are no longer relevant since the Transfer of Development Rights code section was deleted about six months ago.
- Replace the terms “100-year flood” with FEMA’s preferred terminology “1% chance annual flood” and “500-year flood” with “.2% chance annual flood”.
- Add language to clarify the purpose of the floodplain code.
- Add language to clarify that methods of flood loss reduction pertain to substantially improved structures and for the lifetime of the structures.
- Add definitions to match language in FEMA’s Model Code. A zones are riverine flood zones, V zones are coastal.
- Add definitions for crawl space and below grade crawl space.
- A neighbor submitted a letter regarding the definition of “development”. Ketchum Senior Planner Rebecca Bundy said this gentleman has been a subject of enforcement proceedings for cutting down trees in the BLM floodplain in front of his house.

Bundy suggested that the Commission should take a close look at Section 17.88.050 that clarifies language about landscaping in the riparian zone that would require Design Review. Minor landscaping in the riparian zone would require administrative approval, and major landscaping would require P&Z approval.

- [7:21:25pm](#) Ketchum can lower insurance rates for its citizens by accumulating Community Rating System (CRS) points. Ketchum currently has a rating of class 6 out of 10. Each point lower provides a 5% reduction in flood insurance rates.
- The Planning Commission wanted to add language that makes it clear that new residential structures and residential substantial improvements are prohibited in the floodway.
- Commissioners discussed what kind of projects are between “simple things” and “substantial improvement or damage”. Projects that are not minor have to be reviewed by P&Z, even if they are not a substantial improvement. Staff determines what is “substantial improvement”. Any proposed project located partially or wholly in the regulatory floodplain that approaches the definition of substantial improvement/damage shall receive review before the Planning & Zoning Commission, but a simple project in the floodplain could be decided administratively.
- Projects that involve substantial improvement must be brought up to current Code; projects that are less than substantial improvement only need to satisfy the requirements of the Code under which they were built.

- Commissioner Smith agreed to work with staff on the wording of Section 17.88.060.D.1.
- Language is added to clarify the application procedure, and what constitutes a complete application.
- Anyone with a building space with a ceiling height of 5ft or greater that is below the base flood elevation must sign a non-conversion agreement for the space so it can't be converted to a living space later. Staff thinks a non-conversion agreement may also be good for garages, since they are allowed to be built below the base flood elevation. It is not uncommon for people to build spaces that do not qualify as living spaces, but convert them later.
- Commissioner Doty and staff discussed capitalization of titles and departments. Allgaier said they should probably be lower case, because titles could change, but their function remained the same, i.e., the "building department".
- Floodplain permit terms of approval are now proposed to be similar to terms of approval for design review. Permits can be re-evaluated and extended, but only for a maximum of three years.
- FEMA recommends inspection just after the lowest floor is built, to be sure the floor meets the minimum height above the base flood elevation. Procedures are in line with the building code. FEMA also asked for clear language on how and when inspections are required.
- Provisions for flood hazard reduction. FEMA requested language be more specific on the use of flood-resistant materials, and there are added definitions.
- Added language on anchoring, and the effect of dynamic loads and buoyancy.
- Added more specific language on minimal requirements for drainage.
- Several places now require calculations supporting an engineer's stamped certification.
- The current language requires the bottom of the lowest element the lowest floor structure to be 12" above the base flood elevation. The new language requires the top of the floor structure to be 24" above the base flood elevation. This way, staff can rely on the data provided by the elevation certificate instead of having to measure a floor system on-site. Everything below the BFE must be water-damage resistant material, [7:41:43pm](#) which will preclude most engineered lumber or other wood products being below the BFE.
- The interior grade of a crawl space needs to be at or above the lowest adjacent exterior grade.
- FEMA uses the language "... reasonable time after a flood". Staff will consider if this should be better defined. Commissioner Lamoureux thought this was more the responsibility of the design professional, who is liable for the decision. Allgaier said the meaning was that that the drainage system design should perform within a reasonable time.
- FEMA regulates recreational vehicles as mobile homes and permanent residences unless they're on-site for less than 180 days, fully licensed and highway-ready.

Commissioner Doty said this was more lenient than the zoning ordinance, which only allows an RV to be onsite for less than 14 days unless it's screened.

- The proposed code institutes higher standards for critical facilities. Ketchum currently has no critical facilities, so this would only regulate new construction.

**PUBLIC COMMENT:**

- Bruce Smith, professional land surveyor, said he doesn't do much design work, but does make recommendations; and he does elevation certificates once the structure is built. He said the biggest problem he sees is not enough flood vents, which cost people higher flood insurance premiums. The proposed new code language covers that with a requirement for one square inch of flood venting for every square foot of enclosed area.

Smith suggested "low floor member has to be elevated a minimum of two feet above the base flood elevation" so none of the wood gets wet, instead of "top of the stem wall has to be elevated two feet above the base flood elevation".

Smith liked the Figure 2 diagram, except he suggested "The bottom of the lowest floor, which is the bottom of the inside of the crawl space, is at or above the base flood elevation" instead of "Below grade crawl space shall be subject to higher flood insurance rates through the NFIP." He said his language may not be required by FEMA or clear in FEMA illustrations, but can save people thousands of dollars in flood insurance.

Smith said his field experience was that preferred crawl space construction would have the crawl space interior grade equal to or greater than the BFE.

**Commissioner Michael Doty recommended approval to the Ketchum City Council of the amendments to the Ketchum Municipal Code Title 17 Chapter 17.8 Floodplain Management Overlay Zoning District (to be repealed and replaced in its entirety), 17.64.010 Community Core District, I. Hotel Uses and 17.64.020 Commercial Core District, H. Historic Buildings. The amendments do meet the standards for approval under Section 17.152 of Ketchum Zoning Code Title 17, and Section 67-6511 of the Idaho Code Title 67 Chapter 65, as amended and discussed. Motion seconded by Commissioner Jeff Lamoureux, and passed unanimously.**

Ketchum Planning Manager Joyce Allgaier and the Planning Commission especially thanked Ketchum Senior Planner Rebecca Bundy for her diligent work in doing the tedious job of going through the entire Code paragraph by paragraph.

**7. CONSIDERATION of the application by Thomas Monge and Elmar Grabher for a Subdivision Final Plat application at Lot 19 Parkwood Subdivision (105 Pinewood Lane) for a four (4) unit townhouse development, Vue Townhomes, in the General Residential – Low Density (GR-L) zoning district.**

Commissioner Michael Doty recused himself from this discussion, since he is part of the design team.

Ketchum Planning Manager Joyce Allgaier said this application is a follow-up to the preliminary plat for the subdivision of this property. Lot 19 is being divided into Lots 19A and 19B, which can be further subdivided through the Townhouse process to create four units. The revised plat shows Lots 19A and 19B. The plat notes are the same. This Final Plat is basically the same as



Preliminary Plat, which was approved by the City Council. The applicant, in working with the Planning Commission and City Council, has moved the lot line separating the two properties to offer a little more setback from the Korb property to the west. Both lots still meet the minimum lot size.

Bruce Smith, representing the applicants, said the street centerline would be on the next plat. If the landscaping is not established by the end of October, any denuded areas must be stabilized by October 31.

Mr. Smith suggested the proposed final plat show the lot line between 19A and 19B shifted 2.5ft to the east. He confirmed with staff that building envelopes are not necessary at this time; and that CC&Rs are not required until Townhouse Subdivision, so Condition #1 was removed.

**Commissioner Jeff Lamoureux moved to recommend to the Ketchum City Council the approval of the final plat of Vue Townhomes Subdivision, subject to Conditions 1 through 8, with Condition #8 language modified as discussed. Motion seconded by Commissioner Erin Smith, and passed with three in favor and Commissioner Doty recused.**

Applicant Alex Monge said they were adding a chase to the roof so a solar system could be added later.

## **8. CONSENT AGENDA**

### **a. FINDINGS OF FACT**

#### **1. Vue Townhomes – Subdivision Final Plat**

Commissioner Jeff Lamoureux moved to approve Findings of Fact for Vue Townhomes – Subdivision Final Plat, as amended in this evening’s discussion. Motion seconded by Commissioner Erin Smith, and passed with three in favor and Commissioner Mike Doty recused.

#### **2. AWE – Development Agreement**

#### **3. Adams Gulch Bridge – Design Review**

Part of the Adams Gulch Bridge is in Ketchum City limits and requires a Ketchum building permit. The City won’t sign off on final inspection until the landscape plan is confirmed.

Commissioner Michael Doty moved to approve Findings of Fact and Conclusions of Law for AWE Development Agreement and Adams Gulch Bridge Replacement Floodplain Development Permit Waterways Design Review, seconded by Commissioner Jeff Lamoureux. Motion passed with three in favor and Commissioner Erin Smith recused since she was not present at that meeting.

### **b. APPROVAL OF MINUTES**

#### **1. June 17, 2014 Site Visit**

#### **2. June 23, 2014 Site Visit**

#### **3. June 23, 2014 Site Visit**

Commissioner Michael Doty moved to approve minutes of P&Z site visit on June 17, 2014, and two site visits on June 23, 2014 (460 First Street and 620 E. Sixth Street). Motion seconded by Commissioner Jeff Lamoureux, and passed with three in favor and Commissioner Erin Smith recused.

## 7. STAFF COMMENTS & CITY COUNCIL MEETING UPDATE

- Council approved Vue Townhomes Subdivision Preliminary Plat.
- Council approved the YMCA Minor PUD Amendment for the greenhouse.
- First reading of proposed ordinance regarding the Light Industrial District allowing operation of restaurants after 9:00 pm, if explicitly approved through a Conditional Use Permit.
- Blaine County Housing Authority Executive Administrator David Patrie gave a Housing Authority report. Allgaier suggested Patrie talk to the Planning Commission at a future date.

## 8. COMMISSION COMMENTS

No comments at this time.

## 9. ADJOURNMENT

Commissioner Steve Cook moved to adjourn the meeting at 8:28pm. Commissioner Michael Doty seconded the motion, and it passed unanimously.

  
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Commissioner Steve Cook

CC: City Council