



SPECIAL PLANNING AND ZONING COMMISSION MEETING
Monday, February 10, 2014, 5:00 pm
Ketchum City Hall, Ketchum, Idaho

Present: Co-Chairperson Richard Fabiano
Co-Chairperson Deborah Burns
Commissioner Steve Cook
Commissioner Mike Doty

Also Present: Joyce Allgaier, Planning Manager
Rebecca Bundy, Senior Planner
Ned Hamlin, Applicant's Architect

1. SITE VISIT AT 680 NORTH SPRUCE AVENUE - in regard to the application by GARY PHILBRICK, represented by Ned Hamlin, architect, for Mountain Overlay Design Review.

Rebecca Bundy introduced the project by giving a short description of proposed addition. She then introduced the applicant's representative, Ned Hamlin. The applicant described the project and the site visit was spent viewing the area of the proposed addition.

The following features of the proposed project were identified:

- The height of the proposed addition was established with a story pole;
- The limits of disturbance for the addition were identified;
- Septic tank and drain field locations were identified; and
- Site drainage issues were identified.

The Commissioners had no further questions and the special meeting was concluded at about 5:20 pm.

The Commissioners proceeded to the Regular Planning and Zoning Commission Meeting at City Hall.


Co-Chairperson, Deborah Burns or Rich Fabiano



Recorded

**CITY OF KETCHUM
PLANNING AND ZONING COMMISSION MEETING
February 10, 2014, 5:30 p.m.
Ketchum City Hall Meeting Room, Ketchum, Idaho**

Present: Chairperson Deborah Burns
Vice-Chairperson Richard Fabiano
Commissioner Steve Cook
Commissioner Mike Doty
Commissioner Jeff Lamoureux

Also Present: Ketchum City Attorney Stephanie Bonney
Ketchum Senior Planner Rebecca Bundy
Ketchum Recording Secretary Sunny Grant

1. Chairperson Deborah Burns opened the Regular Planning and Zoning meeting at 5:30 p.m. Chairperson Burns congratulated P&Z Commissioners Steve Cook and Jeff Lamoureux for being reappointed to additional terms. Commissioner Cook thanked Ketchum Mayor Nina Jonas and the Ketchum Council for reappointing him.

2. PUBLIC COMMENT ON ISSUES NOT ON THE AGENDA
There was no public comment at this time.

3. Public Hearing upon the application by Ketchum Cemetery District, for a vacation of several portions of public right of way, including two unimproved portions of Tenth Street, an unimproved portion of Walnut Avenue and an unimproved portion of alley in Block 94, Ketchum Townsite.

Commissioner Steve Cook moved to continue the application by Ketchum Cemetery District for a vacation of several portions of public right of way to February 24, 2014. Motion seconded by Commissioner Rich Fabiano, and passed unanimously.

4. Consideration upon an application by Gary Philbrick, for Mountain Overlay Design Review at 680 North Spruce Avenue (Kinderhorn Sub Amended, Lot 3A) for a 592 square foot, two story addition to an existing house. The property is located in the Limited Residential (LR) and Mountain Overlay (MO) Zoning Districts.

Also Present: Applicant's architect Ned Hamlin

Ketchum Senior Planner Rebecca Bundy said the parcel is in the Mountain Overlay District, and has slopes of 25% or greater. The addition is proposed on the east side of the existing house, located on a flat area of the site that is currently lawn. The existing house was built in 1962, prior to enactment of the Mountain Over District. In 2001, the applicant received approval for a two-story addition—a two-car garage with an accessory dwelling unit above—to the west side of the house.

The topography above the house is 25% or greater; the topography below the house is also steep and has rock outcroppings.

The driveway to the house comes up from the west, and will remain as is.

Bundy showed elevations and photos of different sides of the house. The 20 foot long ground floor addition contains a new bedroom and bath, an addition to the master bedroom above on the east and a sitting room on the west. The roof of the lower part of the addition is at the height of the existing deck. The height of the upper level is 18" taller than the height of the existing house.

There is an existing septic tank underneath the existing deck on the flat portion of the site. The existing septic system may not be large enough to handle an extra bedroom, and there may not be enough room for a leach field. The applicant proposes to hook up to City sewer, which will require a pump and pipes along the back side of the house to the driveway and down the south side of the driveway to the corner of Spruce and Sixth streets.

Bundy reviewed the evaluation standards:

1. Building does not skyline.
2. Staff does not feel there is an increased visual impact from public vantage points entering the City.

Staff suggests a condition that, prior to final building inspection, all disturbed areas of the site shall be reseeded and a temporary irrigation system installed for a minimum of three years. The proposed areas of disturbance are within a couple feet of the foundation of the proposed addition. Disturbance will be in lawn areas, except for digging for the sewer.

Hamlin said the current drainfield is between the septic tank and the hot tub and is inadequate. There is not adequate area on the site for a drainfield. The applicant intends to fill the removed septic tank with excavated soil.

Hook up to City sewer will require a long section of pipe and will be expensive, so staff suggests adding a condition that, if applicant ends up staying on a septic system, the City will require approval from the Health Department prior to issuance of a building permit. Hamlin reiterated that the plan is to hook up to City sewer; but, if necessary, there are new systems available that could provide an acceptable septic drainfield.

3. The driveway will remain as is. The Fire Chief has commented that the access road is adequate to serve the proposed addition; but may not be adequate to serve future proposed development.
4. Part of the existing building is fire sprinklered. A condition of approval is that the addition will be fire sprinklered, due to difficulties accessing the site via the steep road.
5. The addition is proposed for a flat portion of the site that has already been disturbed. There are rock outcroppings on the site, but not in the area of development. Staff has suggested that the limits of disturbance shall be fenced, including silt fencing on the southern (downhill) side to keep runoff from infiltrating native vegetation. All fencing shall be inspected and approved by Planning staff and the building official prior to commencement of any excavation.
6. Condition 1 requires that all fire, building, utilities and City department requirements are met.

7. The existing house is served by municipal water. A condition of approval has been suggested that this Mountain Overlay Design Review approval shall be contingent on successful installation of a sewer service line to serve the subject property, unless the existing septic tank can be certified to be adequate. A utility plan, stamped by a civil engineer, licensed in the State of Idaho, shall be submitted as part of the building permit application for review and approval by City departments. All requirements of the Utility Department shall be met. In addition, if abandoned, the existing septic tank shall be decommissioned (pumped, filled, etc.) in accordance with State requirements prior to final building inspection sign-off.
8. Staff suggests a condition of approval that all earth disturbance shall be contained within the proposed limits of disturbance. The upper edges of the limits of disturbance shall be defined with construction fencing, and silt fencing shall be installed down slope from the limits of disturbance for the duration of construction. All fencing shall be inspected and approved by Planning Division staff prior to commencement of any excavation on the site.
9. There are no changes proposed to the existing driveway.
10. This is the only flat portion on the site; no other portion of the site would be better for construction.
11. No new access is proposed.
12. Utilities are underground, with the exception of the sewer.
13. Development is consistent with Ketchum Comprehensive Plan.
14. Limits of disturbance shall be demarcated with silt fencing.
15. No proposed excavation is proposed outside of the proposed addition.
16. The property is not in the significant Knob Hill landmark area. Ordinance 996 Exhibit B defines the current Mountain Overlay boundary, which is just above the house.

Bundy showed photos of the light fixture that will be located near the three exterior doors. Recessed fixtures will provide soffit lighting.

Staff recommends approval of the project, subject to Conditions of Approval 1 through 9.

Applicant's architect Ned Hamlin:

- The sewer system will not be designed until the Mountain Overlay Design Review is approved. A civil engineer will probably have a lift pump pump the sewage up along the back wall of the house, then down along the driveway in an established utility easement, and probably across to the south side of the road.
- The new roof will have a gutter so to handle the roof drainage.

Commissioners' comments and questions:

- A drywell should be installed to drain water from additional roof area. A condition will be added that roof drainage shall be evaluated by the civil engineer prior to issuance of building permit to insure that drainage stays on the property.
- Commissioners cautioned about excavating so close to the rock outcroppings.
- In 2001, when the Mountain Overlay was adjusted, this property and two adjacent tax lots were rezoned from AF to LR. This property received approval for the west side addition at that time. The Mountain Overlay was again updated in 2006.

- City Attorney Stephanie Bonney said this is not really a material change to the house's visual impact in the Mountain Overlay. Hamlin said they have designed the addition so that it does not have a big visual impact.

PUBLIC COMMENT:

- Bob Schaeffer was present to get an idea of the project.
- Neighbor Jake Peters is okay with the proposed project.

Commissioners' comments and questions:

- Should the addition of silt fencing be required if not actually necessary? It will keep any disturbed earth from going downhill. There needs to be some kind of erosion control. A condition will be added that erosion control shall be installed to Planning staff's satisfaction.
- The Commissioners expressed concern that the cost of installing the sewer system would persuade the applicant to stay with a septic system. Ketchum parcels should be encouraged to connect to the City sewer, if at all possible, as a matter of policy, especially in a sensitive area like this. City Attorney Bonney said the City can recommend hooking up to the City sewer, but cannot reject a sewer system if the Health Department approves it, unless the City adopts an ordinance requiring everyone in the City be on the sewer system.

Chairman Deborah Burns moved that this project, Philbrick addition, does meet Standards for Approval under Chapter 17.104 and 17.132 of Ketchum Zoning Code, Title 17, only if Conditions of Approval 1 through 9 are met, with Condition 7 amended to require silt fencing or erosion control to Planning staff and City Engineer's approval be installed downslope from the limits of disturbance for the duration of construction; and additional Condition of Approval 10 stating that a civil engineer shall evaluate roof drainage to ensure drainage will be contained on the property in a drywell or as designed by the engineer. The Commission strongly recommends that the City Council consider an ordinance requiring sewer connection for all Ketchum properties. Motion seconded by Commissioner Steve Cook, and passed unanimously.

5. Floodplain Regulations Work Session

Bundy noted that Ketchum reviews any property that contains floodplain on the property or that borders any waterway, or if any work is proposed below the mean high water mark. The Floodplain Code chapter includes requirements for submittals; evaluation criteria for floodplain development permits (any lot in the city that contains floodplain on any portion of the lot); and Waterways Design Review, including riparian criteria. FEMA's requirements apply to any development that is partially or wholly within the floodplain.

The **Floodway** is just above the mean high water, close to the channel of the river. **Floodway** is the amount of land held in reserve to handle the flow of a 100 year flood. Commissioners agreed that there should be no structures in the floodway. If water spills over the floodway, it goes into the **100-year floodplain**.

Public Comment:

- Craig Johnston expressed concern in an email about maintenance of landscaping in the floodplain outside the riparian zone. This was not discussed at this meeting.

Staff proposes the following code changes:

Title 17.88.060.7 – Senior Planner Rebecca Bundy said FEMA requires elevation certificates for buildings in the floodplain. Staff suggests that the Code should be clear that applications for structures that are partially or wholly in the floodplain require an elevation certificate. Ketchum should not require elevation certificates for structures that are completely outside the floodplain on a lot that contains floodplain. The Commission agreed.

Title 17.88.060.D – Staff would like the Floodplain Code to allow the Planning Administrator to administratively process minor projects—small additions or structures that are outside of the floodplain on a lot that contains floodplain. P&Z Commission discussions:

- Waterways Design Review has the same criteria as a Floodplain Development Permit for properties that border a waterway. Some properties are on a river, but not in the floodplain.
- FEMA requires that “substantial improvement” remodels must be brought up to current floodplain code if the value of the proposed remodel is greater than 50% of the value of the existing building. Staff would like to be able to administratively approve minor interior remodels and minor additions with a value of less than 50% of the existing building for buildings that are outside the floodplain.
- Waterways Design Review gives the Commission opportunity to review changes and modifications to properties on the river.
- According to Legal Counsel, the Commissioners have no power individually when they are not acting as a Commission, so it is inappropriate to require a Commissioner to partner Planning Staff in reviewing applications or making decisions. The Commission suggested that reviews should include a site visit and that at least two people review the application.
- Ketchum has enforcement issues on riverfront properties.
- “Small (non material) addition” is not really defined in the Code. The Commission and staff suggested the language be “minor addition entirely outside the floodplain”.

Title 17.88.060.E.9 – Reconsider where elevation above base flood should be measured to. “Freeboard” is the height above base flood elevation. Staff currently requires freeboard to the bottom of the structural members; but elevation certificates measure the elevation of the crawl space floor and the elevation of the top of the next higher floor. Staff suggests language be “elevation, above the base flood elevation, of the top of the lowest floor shall be 21” or 24”. Commission agreed on 24”.

17.88.060.E.17 – Staff would like to clarify the portion of the Code that currently says “wetlands shall not be diminished.” If wetlands are disturbed onsite, the applicant must get approval from the U.S. Army Corps of Engineers. Staff would like the code to provide for additional flexibility when considering wetland mitigation proposals.

- Wetlands are important for wildlife habitat, stormwater requirements, etc.
- Commissioners discussed the “amount and/or” language, and agreed on “comparable quantity and/or quality”.

17.88.060.G – Commissioners discussed whether expiration of Waterways Design Review and Floodplain Development Permits should be similar to expiration requirements for Design Review. A Design Review approval is currently valid for a year from the date that the Findings of Fact are signed. An additional one-year extension (no fee) requires administrative approval by

staff. A third-year extension (no fee) requires Commission approval prior to expiration of extension. Applications without deadline are an administrative headache. A Floodplain Development Permit is not a Design Review, so staff wanted provision for expiration in the Floodplain section of the Code. Commissioners discussed the length of the permit and decided that the suggested one year approval period with two possible one year extensions (three years total) was adequate.

17.88.060.H – FEMA recommends an inspection prior to excavation, again when foundation is constructed but before floor is framed to determine that the height is as on construction drawings, and a final inspection prior to occupancy or final building inspection. FEMA recommends requiring an elevation certificate with each site inspection. Commissioners strongly suggest the building official should participate in inspections and verify floodplain certificate elevations.

17.88.070.A.4.c – Staff proposes the Subdivision section of the Floodplain Code be clarified to read, “Applicants need to have plans prepared by a civil engineer showing that stormwater discharge will not exceed the amount of runoff in pre-development condition.” The applicant will have to provide storm drainage for the lot coverage anticipated and as allowed under Code. Infrastructure is considered post-construction or full build-out for the subdivision.

Commissioners agreed that drainage should be design to accommodate a 25-year storm.

A civil engineer can indicate what soil types are on different parts of the lot and each builder will have to install drywells to a certain designed size for his lot.

17.88.070.a.4.C (2) – Ketchum has no critical facilities in the floodplain at this time. Ketchum’s water/sewer department is adjacent to the floodplain, but there are no buildings in the floodplain. Staff suggests that any new critical facilities should be constructed according to new more stringent floodplain regulations of one foot above the .2% annual chance of flood, rather than above the 1% annual flood.

17.88.070.C.1 – City Attorney Stephanie Bonney expressed concern that the City could be accused of a “taking” if it prohibits any kind of structures or development in the floodway with no net rise in elevation. Currently, the City requires proof of no net rise. If this has allowed problem construction, then the City can consider prohibiting any kind of structures in the floodway. The Commissioners agreed that they would like to prohibit construction in the floodway.

6. Consent Agenda

Approval of Minutes of January 13, 2014 regular meeting and January 27, 2014 Site Visit.

Commissioners said Mickey Garcia and a Sun Valley City Planning and Zoning Commissioner were present for the January 27th site visit and should be included in the minutes.

Commissioner Rich Fabiano moved to approve the Consent Agenda, seconded by Commissioner Michael Doty. Motion carried unanimously.

7. Staff Comments and City Council Meeting Update

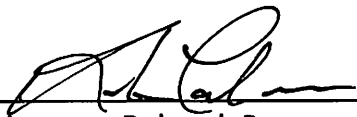
- Council discussed revising the URA's bylaws to stagger the Board members' terms. The seven-member URA Board will consist of three elected officials and four at-large County residents, with at least one a registered Ketchum voter.
- A minor amendment to the Bald Mountain Development Agreement was approved by the Council.
- Connoriley Townhouse Subdivision was approved by the Council and will be back before the Commission for final plat.

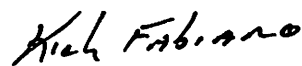
8. Commission Comments

- Discuss requiring all Ketchum properties to be on City sewer.

9. Adjournment

Commissioner Rich Fabiano moved to adjourn the meeting at 7:49pm. Chairman Deborah Burns seconded the motion, and it passed unanimously.



Chairperson Deborah Burns


CC: City Council