



**Planning & Zoning Commission Meeting - Special AGENDA**

Monday, June 22, 2020 at 5:30 PM  
Ketchum City Hall  
480 East Avenue North, Ketchum, ID 83340

In recognition of the Coronavirus (COVID-19), members of the public may observe the meeting live on the City's website at [ketchumidaho.org/meetings](http://ketchumidaho.org/meetings) or outside of the City Hall Building.

If you would like to comment on a PUBLIC HEARING item, please submit your comment to [participate@ketchumidaho.org](mailto:participate@ketchumidaho.org) by noon the day of the meeting. Comments will be provided to the Planning and Zoning Commission.

If you would like to phone in and provide comment on a PUBLIC HEARING item on the agenda, please dial the number below. You will be called upon for comment during that agenda item.

Dial: (669) 900-9128  
Meeting ID: 918 0893 4085

**CALL TO ORDER**

**COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE**

**PUBLIC HEARINGS AND COMMUNICATIONS FROM STAFF – ACTION ITEMS**

- 1. ACTION - 3020 Warm Springs Rd. (Waddell/Roush) Duplex Design Review:** 3020 Warm Springs Rd. (Wills Condominium Subdivision No. 2) The Commission will consider and take action on a Design Review application submitted by architect Craig Lawrence, on behalf of property owners Doug and Stacey Waddell, for the development of a new duplex and associated site improvements within the General Residential Low Density (GR-L) Zoning District. *Continued from May 19, 2020 and June 8, 2020.*
- 2. ACTION: Administrative Appeal of Zoning Administrator's Decision on 201 Garnet Street.** Recommendation to 1) Accept Administrator's certification of procedural requirements; 2) Accept the record of the case; 3) Set the appeal hearing for June 8, 2020; 4) Affirm the determination of the Planning and Zoning Administrator and direct preparation of Findings of Fact. Hearing continued from June 8, 2020.

**STAFF REPORTS & CITY COUNCIL MEETING UPDATE**

**ADJOURNMENT**

*Any person needing special accommodations to participate in the meeting should contact the City Clerk's Office as soon as reasonably possible at 726-3841. All times indicated are estimated times, and items may be heard earlier or later than indicated on the agenda.*



City of Ketchum  
Planning & Building

**STAFF REPORT**  
**KETCHUM PLANNING AND ZONING COMMISSION**  
**SPECIAL MEETING OF JUNE 22, 2020**

- PROJECT:** 3020 Warm Springs Rd Duplex Design Review
- FILE NUMBER:** P20-031
- APPLICATION TYPE:** Design Review
- REPRESENTATIVE:** Craig Lawrence, AIA
- PROPERTY OWNER:** Doug & Stacey Waddell
- LOCATION:** 3020 Warm Springs Road (Wills Condominium Subdivision No 2)
- ZONING:** General Residential Low Density (GR-L) Zoning District
- NOTICE:** A public hearing notice for the project was mailed to all owners of property within 300 feet of the project site on April 29<sup>th</sup>, 2020. Public comment has been attached as Exhibit D to the Staff Report.
- REVIEWER:** Abby Rivin, Associate Planner

**BACKGROUND**

The Planning & Zoning Commission previously considered this Design Review application for the development of a new duplex located at 3020 Warm Springs Road during their meetings on May 19<sup>th</sup> and June 8<sup>th</sup>. The Commission evaluated the design detailing of the building walls at the rear and side elevations. Their recommendations focused on enhancing the design of the rear and side façades to provide visual relief through the application of exterior materials. The Commission suggested the applicant: (1) adjust the cedar siding pattern, (2) add windows at the first floor, and (3) incorporate material elements from the front facade to tie all building walls into one cohesive design. The Commission moved to continue review of the project and directed the applicant to update the project plans based on their feedback.

The applicant submitted a letter describing all proposed design changes attached as Exhibit A to the Staff Report. These modifications are indicated on new renderings and elevations of the side and rear facades. These updates have been incorporated in the project plans attached as Exhibit B to the Staff Report.

**ANALYSIS**

The applicant has enhanced the design of the side and rear facades by reconfiguring exterior materials, adding architectural details, and altering building mass. The updated project plans indicate changes to the cedar siding pattern and the addition of windows at the first level. The cedar siding

forms a two-story element across the rear wall that wraps around the sides of the duplex. This two-story element is capped with finished trim that matches the fascia at the front elevation. The applicant has added undulation to the rear building wall by stepping the third floor back 18 inches from the first two floors. These changes enhance articulation, provide visual relief, and define the building's character through cohesive design elements and architectural details.

Staff's comprehensive analysis of the project is attached as Exhibit C, including: (1) the project's compliance with zoning and dimensional standards, (2) evaluation of Design Review criteria, and (3) City Department comments.

#### STAFF RECOMMENDATION

After considering the updated project plans attached as Exhibit B, Staff's analysis attached as Exhibit C, the applicant's presentation, and public comment attached as Exhibit D and any received at the hearing, Staff recommends the Commission provide move to approve the Design Review application for the new duplex located at 3020 Warm Springs Road.

#### RECOMMENDED MOTION

"I move to approve the Design Review application for the new duplex located at 3020 Warm Springs Road, subject to conditions."

#### RECOMMENDED CONDITIONS OF APPROVAL

1. This Design Review approval is subject to all comments and conditions as described in Exhibits C1, C2, and C3.
2. The applicant shall submit a Lot Line Shift application for review and approval by the Ketchum City Council to remove the building footprint recorded with the Wills Condominiums No. 2 Subdivision Plat. The amended plat map vacating the condominium building footprint shall be recorded prior to issuance of a Building Permit for the duplex project.
3. This Design Review approval is based on the plans and information presented and approved at the meeting on the date noted herein. Building Permit plans for all on-site improvements must conform to the approved Design Review plans unless otherwise approved in writing by the Planning and Zoning Commission or Administrator. Any building or site discrepancies which do not conform to the approved plans will be subject to removal.
4. All governing ordinances, requirements, and regulations of the Fire Department (2012 International Fire Code and local Fire Protection Ordinance No.1125), Building Department (2012 International Building Code, the 2012 International Residential Code, and Title 15 of Ketchum Municipal Code), Utilities Department, Street Department (Title 12 of Ketchum Municipal Code), and the City Engineer shall be met prior to Certificate of Occupancy.
5. The applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho to include specifications for the ROW, utilities, and drainage improvements to be reviewed and approved by the City Engineer, Streets, and Utilities departments prior to issuance of a Building Permit for the project.
6. The term of Design Review approval shall be twelve (12) months from the date that the Findings of Fact, Conclusions of Law, and Decision are adopted by the Commission or upon appeal, the date the approval is granted by the Council subject to changes in zoning regulations (KMC §17.96.090).

7. All Design Review elements shall be completed prior to issuance of a Certificate of Occupancy for the building.
8. All exterior lighting on the property shall comply with Ketchum Municipal Code, Chapter 17.132, Dark Skies, and will be inspected by Planning Staff and approved prior the issuance of a Certificate of Occupancy for the building.
9. Prior to issuance of a Building Permit for the project, the applicant shall submit a construction management plan, which addresses each of the standards as set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards.
10. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.

**EXHIBITS:**

- A. Applicant Letter Dated June 15<sup>th</sup>, 2020
- B. Project Plans with Updates
- C. Staff Analysis
  1. Zoning and Dimensional Standards Analysis
  2. Design Review Standards Analysis
  3. City Department Comments
- D. Public Comment
- E. Links to Staff Reports from Planning & Zoning Commission Meetings of May 19<sup>th</sup> & June 8<sup>th</sup>

Exhibit A:  
Applicant Letter  
Dated  
June 15<sup>th</sup>, 2020

**CRAIG LAWRENCE AIA  
ARCHITECTURE**

Box 2662  
Ketchum, ID 83340  
208-720-5372  
clawrenceaia@msn.com

June 15, 2020,

Suzanne Frick, City Administrator, City of Ketchum  
Brittany Shelton, Senior Planner, City of Ketchum  
Abby Rivin, Associate Planner, City of Ketchum

Re: Waddell/Roush Duplex Design Review

Dear Suzanne, Brittany, and Abby,

This letter is to accompany the Revised Waddell/Roush Duplex Design Review Drawings and Renderings. I would like to call your attention to some points related to the revisions that were made to help insure Planning and Zoning Commission approval of the project:

1. The biggest and most dramatic change is the Upper Level of the North/back wall of the Duplex has been moved in 18" from its previous location. The owners have agreed to the square footage reductions and the additional cost this change will require at the Upper Level:
  - The Bedroom and Bathroom sizes have been reduced to facilitate this.
  - The wall below remains in the same place. The revised wall location and necessary additional roof at the Main Level create a strong datum that highlights the horizontal undulation of the rear façade.
  - The Upper Level roof overhang is now back 18" from its previous position.
  - The cedar siding has been revised to accommodate the changes and make for a pleasing and varied Elevation.
  - The Lower Level windows that the Commission was concerned about have been returned to the project.
  - The corners at the cedar siding portion of the façade have been highlighted with 2 X 12 trim. This increases interest, variety, and calls more attention to the existing vertical undulation in the facade.
  - Cosmetic Headers were added to the windows in the cedar siding portion of these facades to add visual interest.
2. I continue to feel that the project has been well within the code requirements of the Design Review Evaluation Standards (17.96.060) of the Ketchum Code. We have made these aggressive changes in hopes of making a more pleasing façade, which will be screened by trees, but still visible to the neighbors to the North. I feel we are now well beyond what is required by the Ketchum Code.

3. I have taken advantage of this last continuation to make sure that everything submitted for Design Review meets Ketchum Code requirements. This includes any overhang, or other allowed incursions into Code mandated Setbacks, Building Coverage calculations, and etc.

I think on review of the submitted materials, you will be able to recommend approval, and facilitate the forward progress of this project.

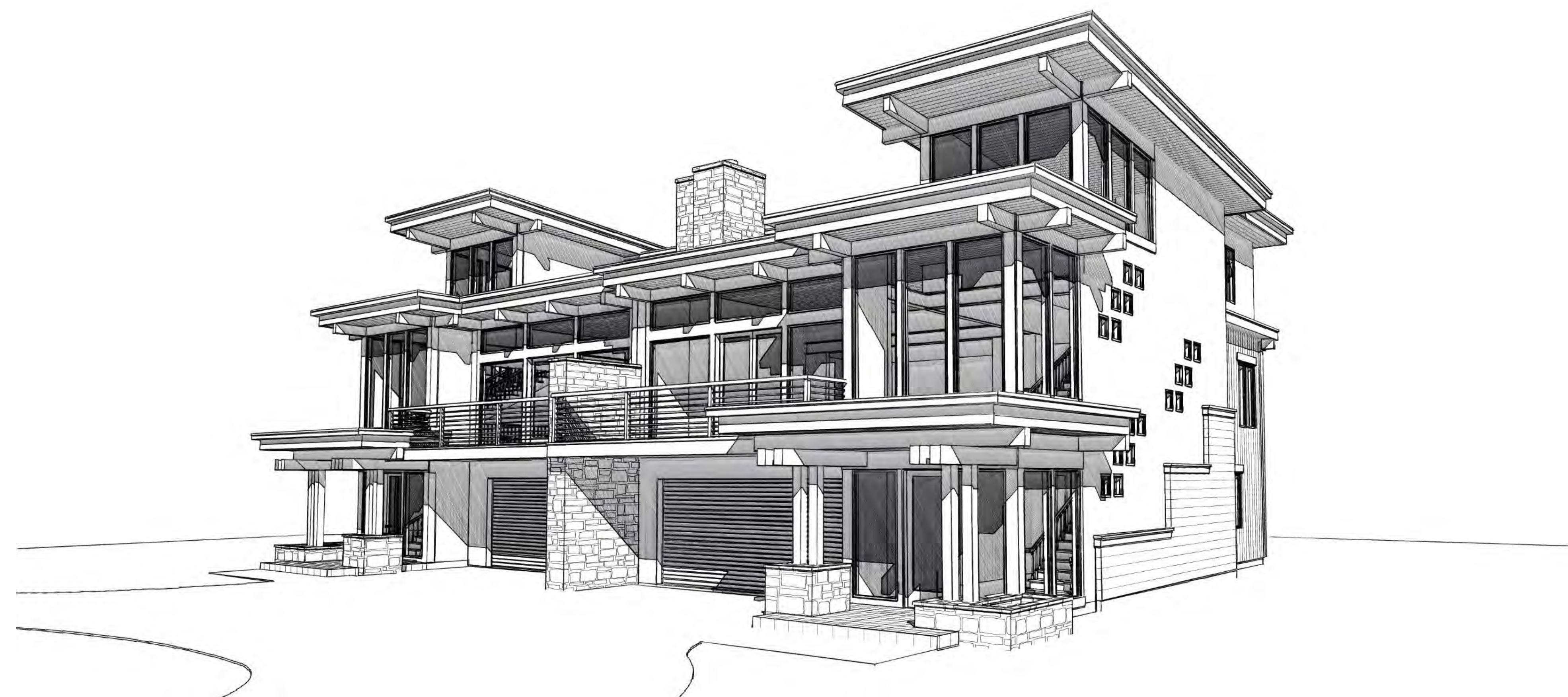
Sincerely,

Craig Lawrence AIA

# Exhibit B:

## Project Plans with Updates





# WADDELL / ROUSH DUPLEX

ARCHITECT:  
CRAIG LAWRENCE AIA ARCHITECTURE  
Box 2862 Ketchum, ID 83340  
208-720-5372  
clawrenceaia@msn.com

ENGINEER:  
MAXWELL STRUCTURAL DESIGN STUDIO  
CRAIG MAXWELL, P.E.  
Box 1911, Sun Valley, ID 83353  
208-721-2171  
craig@maxwellsds.com

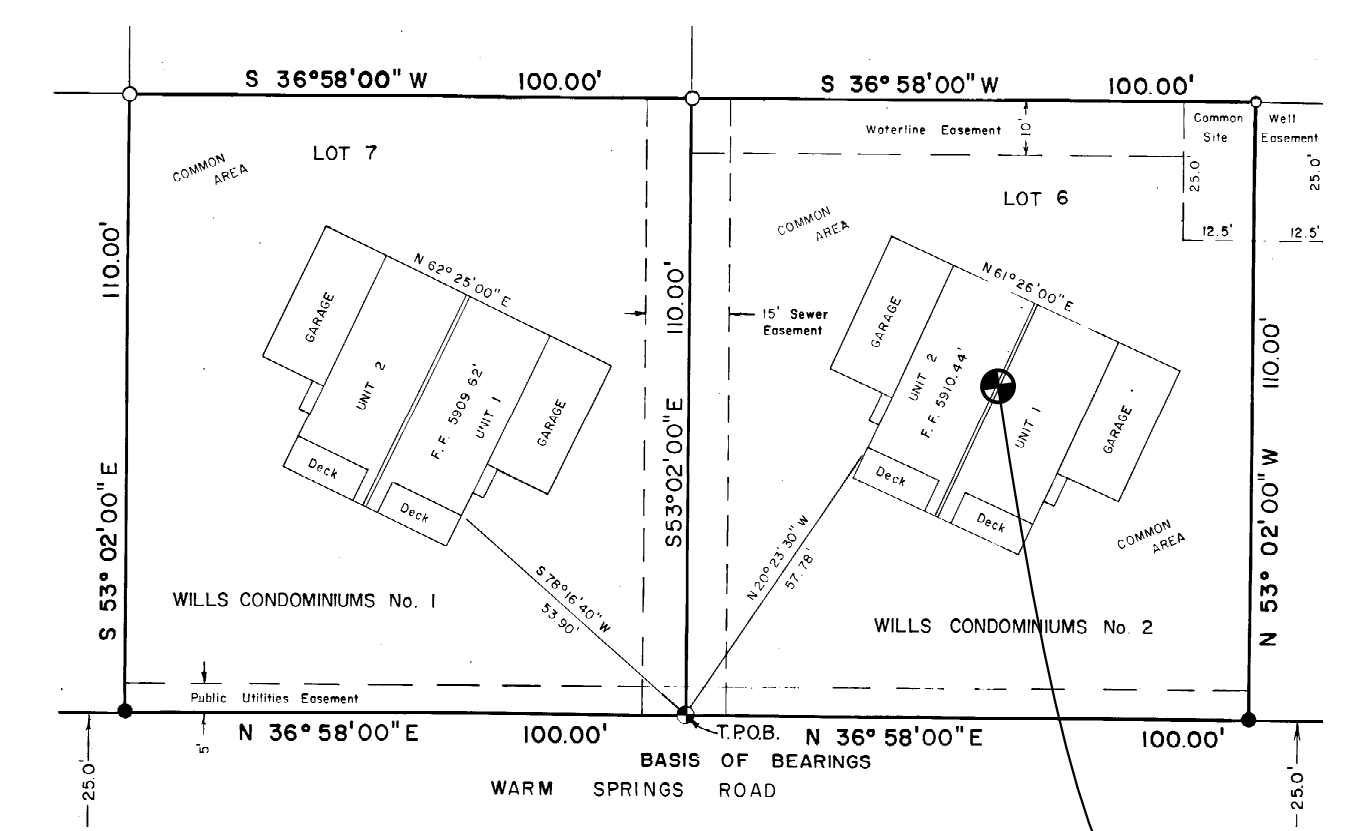
CONTRACTOR:  
POSTER CONSTRUCTION, INC.  
Box 1139 (Stye # 105) Ketchum, ID 83340  
208-726-7676  
brian@poster-construction.com

DATE	

**WADDELL/ROUSH DUPLEX**  
3020 WARM SPRINGS ROAD, KETCHUM, ID, ID 83340

PRELIMINARY DESIGN REVIEW  
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## SUBDIVISION MAP



## VICINITY MAP



## PROJECT INFORMATION

LOT: WILLS CONDOMINIUMS NO. 2  
 SIZE: 0.25 ACRES/10,986.6 S.F. +/-  
 ZONE: GR-L  
 OCCUPANCY - DUPLEX - CONST. TYPE - VB  
 MAXIMUM BUILDING HEIGHT = 34'-9"

AREA ANALYSIS: (GROSS ENCLOSED SQUARE FOOTAGE) PER UNIT / TOTAL

LOWER LEVEL LIVING	= 1,145.5 sq ft	2,291 sq ft	(BOTH UNITS)
GARAGE	= 555.5 sq ft	1,133 sq ft	
MAIN LEVEL LIVING	= 1,647.5 sq ft	3,295 sq ft	
UPPER LEVEL LIVING	= 1,005.5 sq ft	2,011 sq ft	
TOTAL LIVING	= 3,798.5 sq ft	7,597 sq ft	
TOTAL STRUCTURE	= 4,354 sq ft	8,708 sq ft	

ROOFS & DECKS + 125 S.F. (ENTRY)  
 OVER 36" WIDE: (BOTH UNITS) = + 196 S.F. (DECKS)  
 FOOTPRINT: (BOTH UNITS) = 3,424 S.F.  
 FOOTPRINT + (ROOFS & DECKS) = 3,721 S.F.  
 LOT COVERAGE: = 33.8%  
 ALLOWED COVERAGE: = 35%

## BUILDING CODE

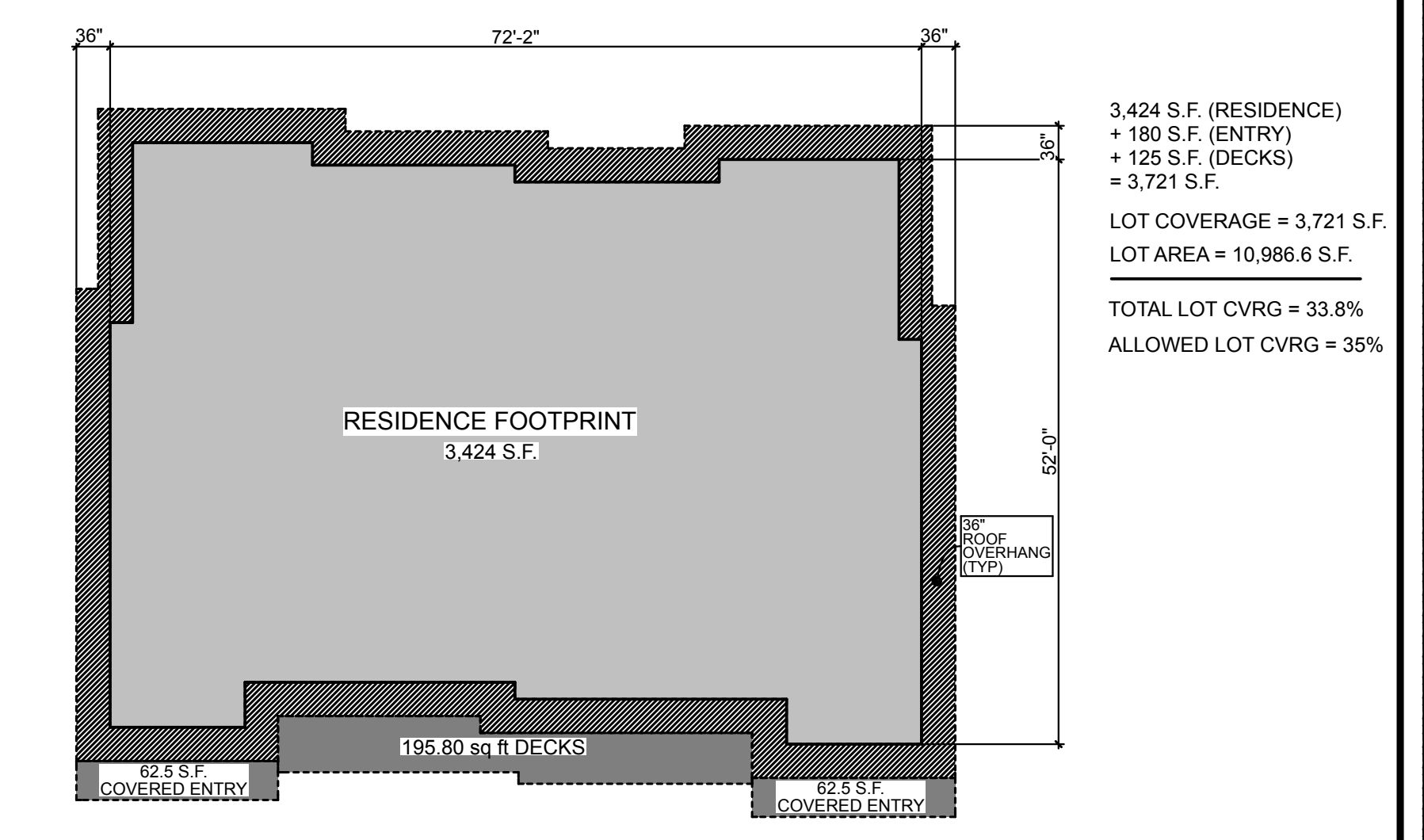
**ALL WORK SHALL MEET OR EXCEED THE CURRENT ADOPTED CODES:**

- KETCHUM MUNICIPAL CODE
- THE INTERNATIONAL BUILDING CODE, 2012 EDITION, INCLUDING APPENDICES A, B, C, E, G, I & J AND REVISED SECTION 903 AS MODIFIED HEREIN, AND EXCLUDING SECTION 101.4.3
- THE INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION, INCLUDING THE APPENDIX
- THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION, PARTS I - IV & IX, INCLUDING APPENDICES D, E, F, G, H, J, K & M
- 2012 FIRE CODE

PROVIDE REQUIRED UNDERFLOOR UNDER SLAB VENTING/RADON MITIGATION AS REQUIRED.  
 PER APPENDIX L, "RADON CONTROL METHODS" SECTION 3412.2, 1-1-75  
 PROVIDE UNDERFLOOR (CRAWL SPACE) VENTILATION OF 1 S.F. PER 150 S.F. OF FLOOR AREA  
 ALL OUTDOOR LIGHT FIXTURES TO COMPLY WITH CITY OF KETCHUM DARK SKY ORDINANCE  
 PROVIDE APPROVED AUTOMATIC SPRINKLER SYSTEM MEETING APPLICABLE CODES

## INDEX OF DRAWINGS

CVR	COVER SHEET
	SURVEY - (BENCHMARK ASSOCIATES)
C-1	CIVIL SITE MAP
L-1	LANDSCAPE PLAN
	ARCHITECTURAL (CRAIG LAWRENCE, A.I.A.)
A-01	ARCHITECTURAL SITE PLAN
A-02	FLOOR PLANS
A-03	EXTERIOR ELEVATIONS
A-04	EXTERIOR ELEVATIONS & BUILDING SECTION



**NOTES**

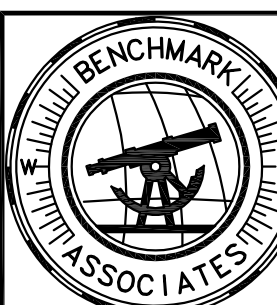
- GENERAL RESTRICTIONS & TITLE INFORMATION:**
1. THE PURPOSE OF THIS MAP IS TO SHOW TOPOGRAPHIC/SITE INFORMATION AS IT EXISTED ON THE DATE THE FIELD SURVEY WAS PERFORMED. CHANGES MAY HAVE OCCURRED TO SITE CONDITIONS SINCE SURVEY DATE.
  2. THIS MAP WAS PREPARED FOR THE EXPRESS USE OF THE CLIENT AND IS NOT TRANSFERABLE TO OTHERS WITHOUT WRITTEN CONSENT.
  3. A TITLE POLICY HAS NOT BEEN SUBMITTED TO BENCHMARK ASSOCIATES, NOR HAS A TITLE SEARCH BEEN REQUESTED. CERTAIN INFORMATION CONTAINED WITHIN SAID POLICY MAY NOT APPEAR ON THIS MAP OR MAY AFFECT ITEMS SHOWN ON THIS MAP.
  4. ELECTRONIC DATA: BENCHMARK ASSOCIATES ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR THE REUSE, DISTRIBUTION OR ACCURACY OF DATA CONTAINED ON ELECTRONIC COPIES OF THIS DRAWING. THE STAMPED HARD COPY OF THIS DRAWING IS THE FINAL PRODUCT.
  5. THIS DRAWING IS VOID AFTER 2 YEARS AND NO FURTHER COPIES OR DIGITAL FILES WILL BE TRANSMITTED.

- EASEMENTS, ENCUMBRANCES AND RESTRICTIONS:**
6. THE ORIGINAL PLAT DOES NOT SHOW BUILDING ENVELOPES, SETBACK AND FOOTPRINT REQUIREMENTS PER CURRENT CITY OF KETCHUM ORDINANCES MAY VARY FROM PLAT. IT IS RECOMMENDED THAT SAID ORDINANCES BE REVIEWED PRIOR TO DESIGN.
  7. GENERAL RESTRICTIONS: EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS MAP, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY APPLICABLE TO THE SUBJECT OF REAL ESTATE: EASEMENTS, OTHER THAN THOSE SHOWN OR LISTED HEREON, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING, WETLANDS, AVALANCHE, ANY OTHER LAND-USE REGULATIONS OR HAZARDS.
  8. WETLANDS AND RIPARIAN: CERTAIN AREAS WITHIN THIS MAP MAY CONTAIN RIPARIAN, RIVERINE OR WETLANDS CONDITIONS. SAID AREAS AND THE LOCATION OF ORDINARY HIGH WATER (OHW), IF SHOWN HEREON, ARE SUBJECT TO INTERPRETATION. IT IS RECOMMENDED THAT THE LANDOWNER OR CLIENT RETAIN THE SERVICES OF AN ENVIRONMENTAL SPECIALIST IN ORDER TO ASCERTAIN IF SAID CONDITIONS EXIST, AND TO FURTHER IDENTIFY SAID AREAS IF THEY DO EXIST. PERMITS MAY BE REQUIRED FROM LOCAL, STATE OR FEDERAL AGENCIES PRIOR TO CONSTRUCTION, EXCAVATION OR FILL ACTIVITIES.
  9. STORM WATER PLAN: IF SOIL DISTURBANCE, CLEARING, GRADING AND/OR EXCAVATION OF ONE (1) ACRE OR MORE IS TO TAKE PLACE A FEDERAL GENERAL CONSTRUCTION PERMIT, INCLUDING A STORM WATER POLLUTION PREVENTION PLAN (SWPPP), MUST BE PREPARED AND SUBMITTED TO AND APPROVED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY PRIOR TO ANY SITE DISTURBANCE.
  10. FLOOD PLAIN: THE 1% ANNUAL FLOOD LINE, IF DESIGNATED ON THIS MAP IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES. HOWEVER, BENCHMARK ASSOCIATES DOES NOT REPRESENT, GUARANTEE, WARRANT NOR IMPLY THAT AREAS OUTSIDE OF THE DESIGNATED FLOOD PLAIN AREA ARE SAFE AND FREE FROM FLOODS OR FLOOD DANGERS. FLOOD INFORMATION IS BASED ON THE FLOOD INSURANCE STUDY FOR BLAINE COUNTY, IDAHO, UNINCORPORATED AREAS COMMUNITY NUMBER 165167 - PANEL NO. 0442 E - NOVEMBER 26, 2010.
  11. FLOOD PLAIN DESIGN ELEVATIONS: CURRENT FEMA FLOOD INSURANCE REGULATIONS SPECIFY THE BOTTOM FLOOR OF STRUCTURE AS EITHER THE BOTTOM OF FOUNDATION CRAWL SPACE OR TOP OF SLAB. THE BASE FLOOD ELEVATION ON THE UPSTREAM SIDE OF THE STRUCTURE DETERMINES THE FLOOD ELEVATION FOR THE ENTIRE STRUCTURE AND SHOULD BE CONSIDERED PRIOR TO DESIGN. REFER TO LOCAL BUILDING CODES FOR ADDITIONAL CONSTRAINTS AND REGULATIONS.

- SURVEY AND SITE FEATURES:**
12. BASIS OF BEARINGS IS IDAHO STATE PLANE COORDINATE SYSTEM, NAD83, CENTRAL ZONE AS DERIVED BY GPS OBSERVATIONS. BOUNDARY LINES AND CERTAIN EASEMENTS SHOWN HEREON ARE PER PLAT. REFER TO PLAT & CC&RS FOR CONDITIONS AND/OR RESTRICTIONS REGARDING THIS PROPERTY. ALL DISTANCES SHOWN ARE GROUND DISTANCES IN U.S. SURVEY FEET.
  13. ELEVATIONS BASED ON NAVD 88 (GEOID03) DATUM.
  14. UTILITIES AND DRAIN PIPES IF SHOWN HEREON ARE PER SURFACE EVIDENCE ONLY. OTHER UNDERGROUND UTILITIES MAY EXIST. LOCATION OF UNDERGROUND UTILITIES AND SERVICES SHOULD BE CONFIRMED PRIOR TO EXCAVATION OR DESIGN.
  15. BUILDING WALLS IF SHOWN HEREON ARE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
  16. SPRINKLER HEADS AND IRRIGATION LINES ARE NOT SHOWN HEREON.
  17. TREE LOCATIONS AND DRIP LINES IF SHOWN HEREON ARE APPROXIMATE.
  18. ORTHOPHOTOGRAPHY: PHOTO RECTIFIED AT GROUND LEVEL ONLY. IMAGES OF OBJECTS ABOVE GROUND LEVEL (TREES, BUILDINGS, POWER POLES, ETC.) MAY BE DISPLACED. DATE OF PHOTOGRAPHY: JUNE 2017.
  19. CONTOUR INTERVAL: 1' - CONTOURS IN AREAS OF DENSE VEGETATION MAY DEVIATE FROM TRUE ELEVATION BY ONE HALF THE HEIGHT OF THE VEGETATION. DATE OF LIDAR FLIGHT FOR CONTOURS: 2017.
  20. MAP SCALE: DUE TO ELECTRONIC MAP DELIVERY AND ALTERNATE PRINTING METHODS, PLEASE USE BAR SCALE TO DETERMINE ACTUAL PRINTED SCALE.
  21. FEATURES OBSCURED BY DEBRIS, SNOW OR VEHICLES AT THE TIME OF SURVEY, DO NOT APPEAR ON THIS MAP.

**PREPARED BY:**  
 BENCHMARK ASSOCIATES, P.A.  
 P.O. BOX 733 - 100 BELL DRIVE, KETCHUM, IDAHO, 83340  
 PHONE (208)726-9512 FAX (208)726-9514  
 WEB: <http://benchmark-associates.com/>  
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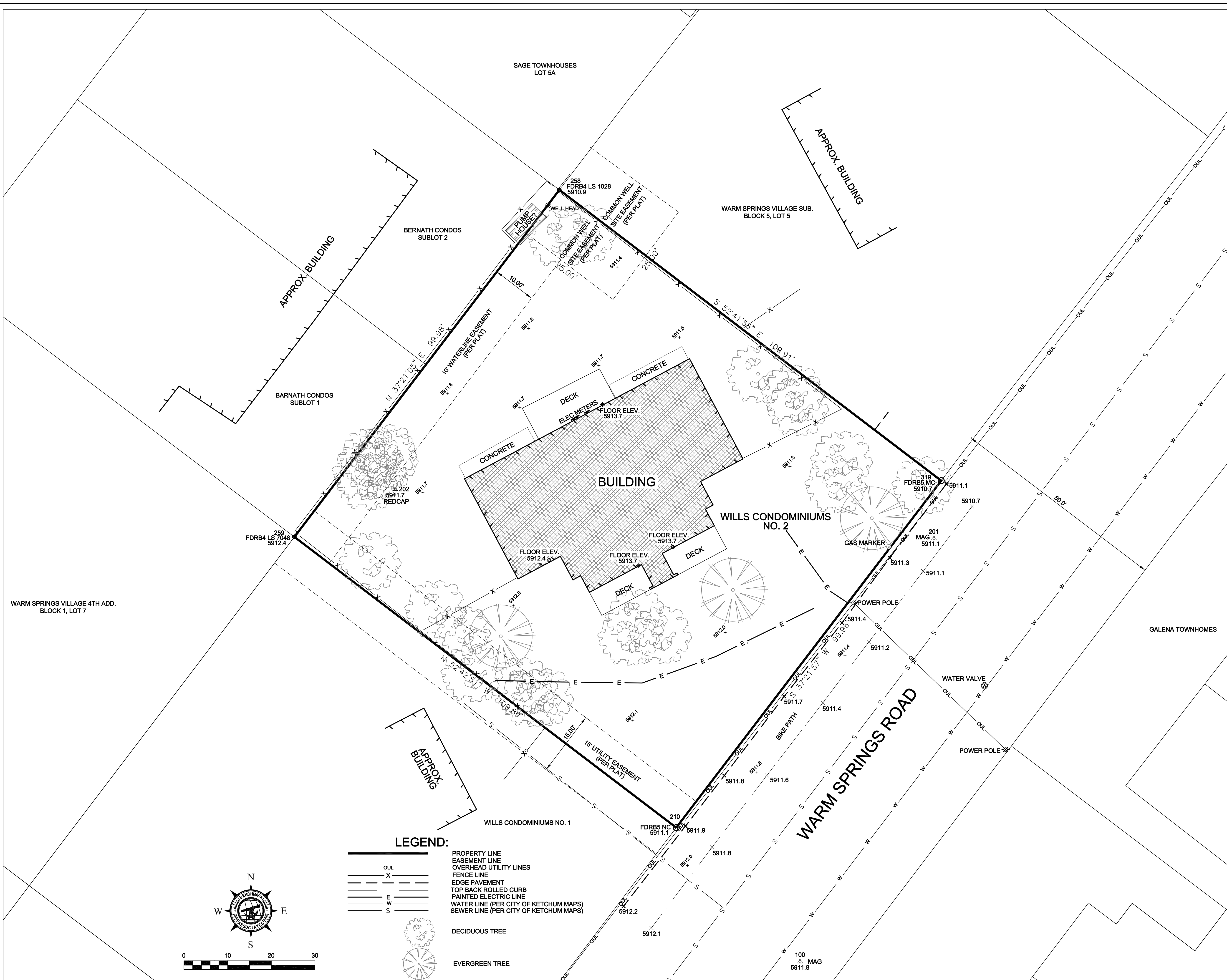
PRELIMINARY WORKSHEET



**WILLS CONDOMINIUMS NO. 2**  
 LOCATED WITHIN SECTIONS 11 & 14, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

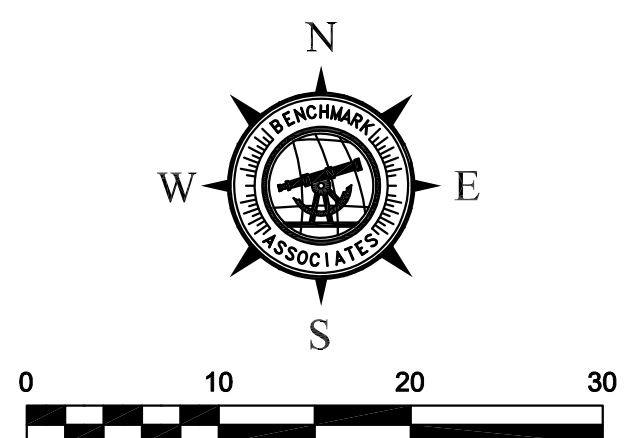
PREPARED FOR: DOUG WADDELL

PROJECT NO. 20003	DWG BY: DWS	CRD: 20003.CRD	20003.DWG
A TOPOGRAPHIC MAP	DATE OF SURVEY: 1/30/2020	SHEET: 1 OF 1	



**LEGEND:**

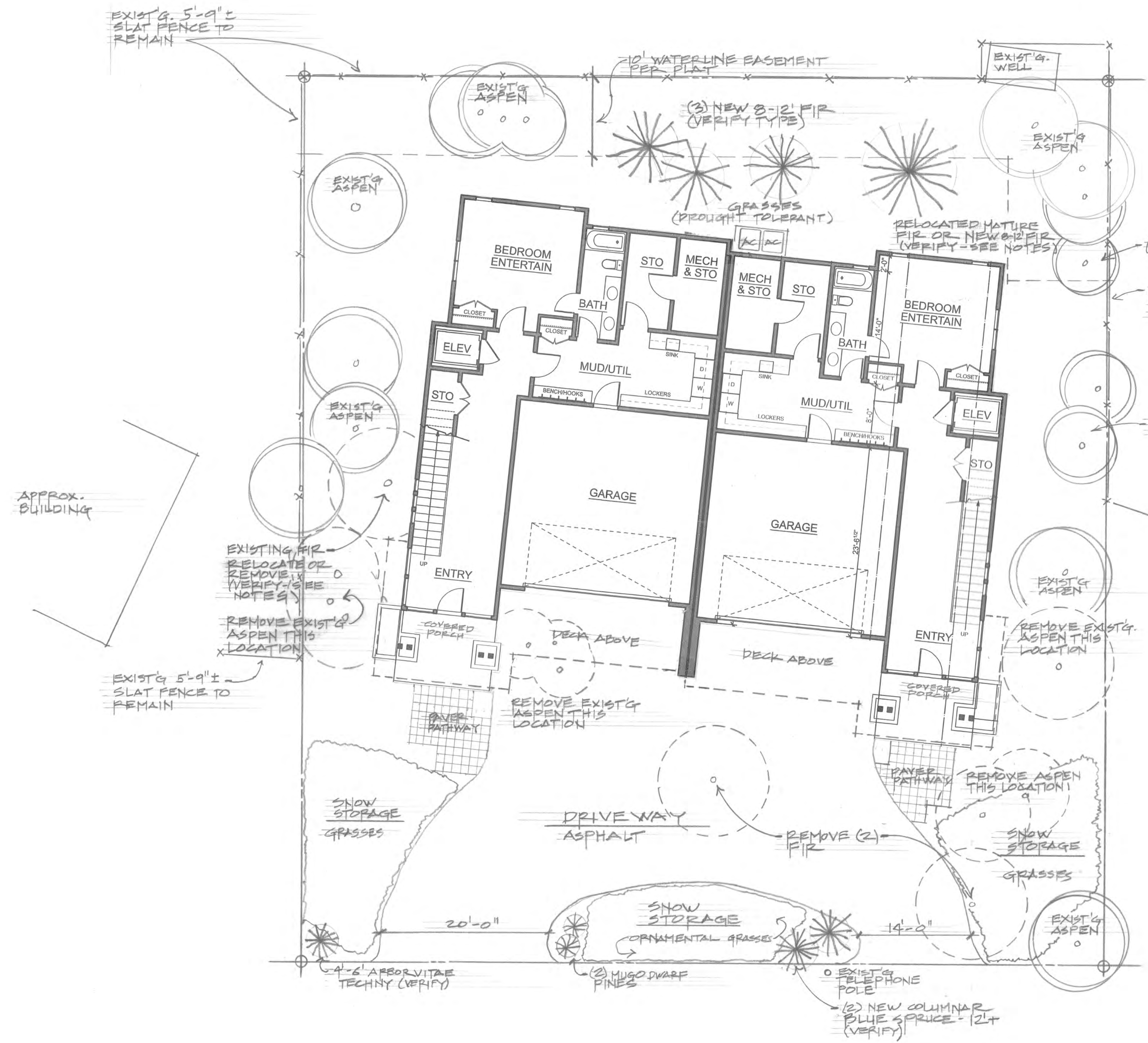
- PROPERTY LINE
- - - EASEMENT LINE
- OVERHEAD UTILITY LINES
- X FENCE LINE
- EDGE PAVEMENT
- TOP BACK ROLLED CURB
- PAINTED ELECTRIC LINE
- WATER LINE (PER CITY OF KETCHUM MAPS)
- SEWER LINE (PER CITY OF KETCHUM MAPS)
- DECIDUOUS TREE
- EVERGREEN TREE



APPROX. BLDG.

**SNOW STORAGE CALCULATION:**

- PROPOSED UNCOVERED DRIVEWAY & HARDSCAPE: 1837 SQ. FT.
- REQ'D. SNOW STO. 30% = 1837 x 30% = 551 SQ. FT.
- PROPOSED SNOW STO. AREA = 636 SQ. FT., 35%



LANDSCAPE PLAN

**NOTES:**

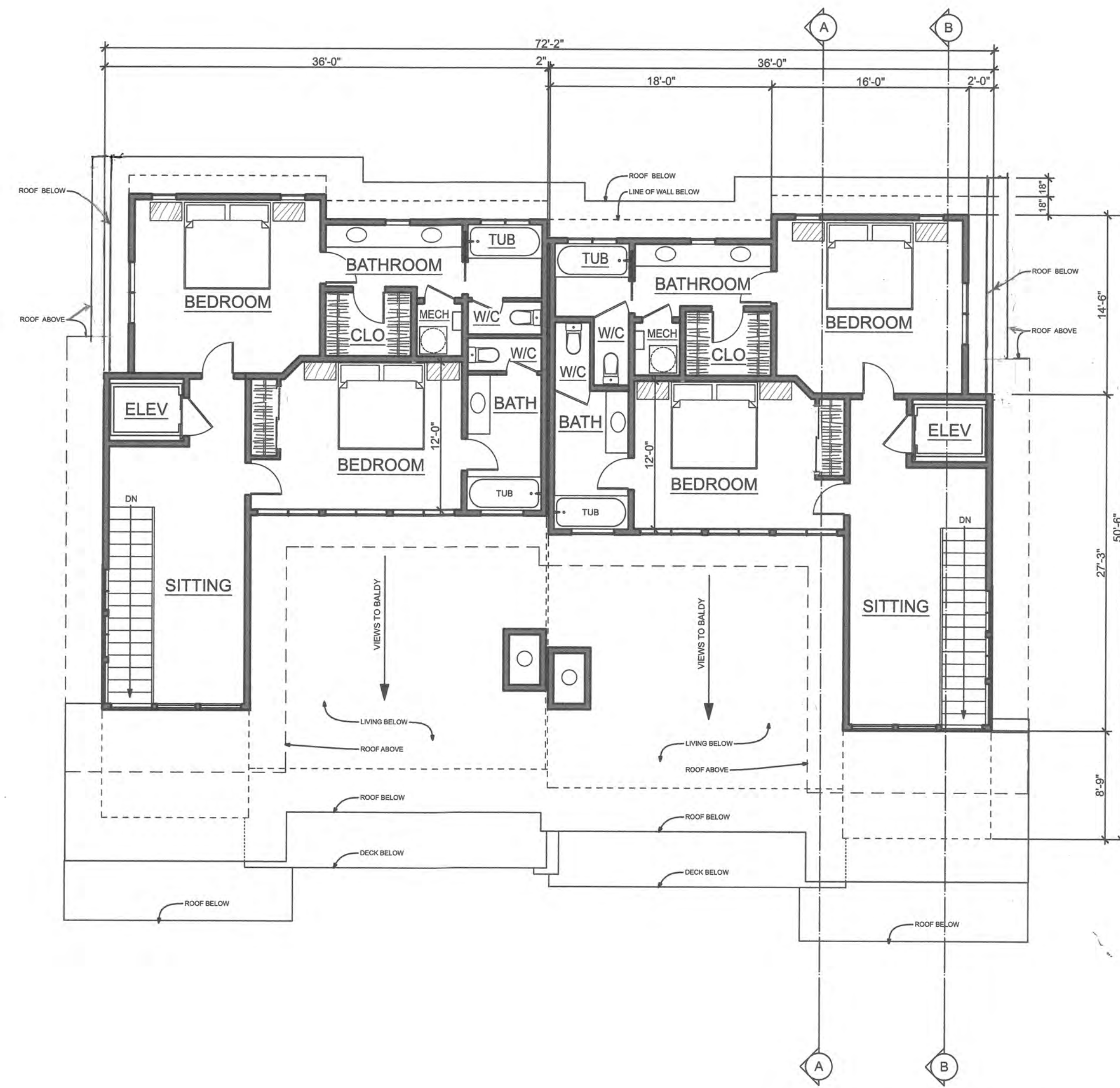
- CERTIFIED ARBORIST TO VERIFY CONDITION & SUITABILITY OF EXISTING FIR FOR RELOCATION OR REMOVAL.
- CERTIFIED ARBORIST TO VERIFY CONDITION OF EXISTING ASPEN FOR POSSIBLE REMOVAL & REPLACEMENT (VERIFY TYPE FOR REPLACE).
- EXISTING SITE DRAINAGE TO REMAIN WITH 5% POSITIVE SLOPE AWAY FROM BUILDING AS PER CODE.
- SPRINKLER SYSTEM LAYOUT & ZONES T.B.D.
- A.C. CONDENSERS TO BE SCREENED AS REQ'D.
- REPAIR OR REPLACE EXISTING FENCES. ALL FENCES TO MEET KETCHUM CODES.

**WADDELL/ROUSH DUPLEX**  
KETCHUM, IDAHO  
3020 WARM SPRINGS ROAD

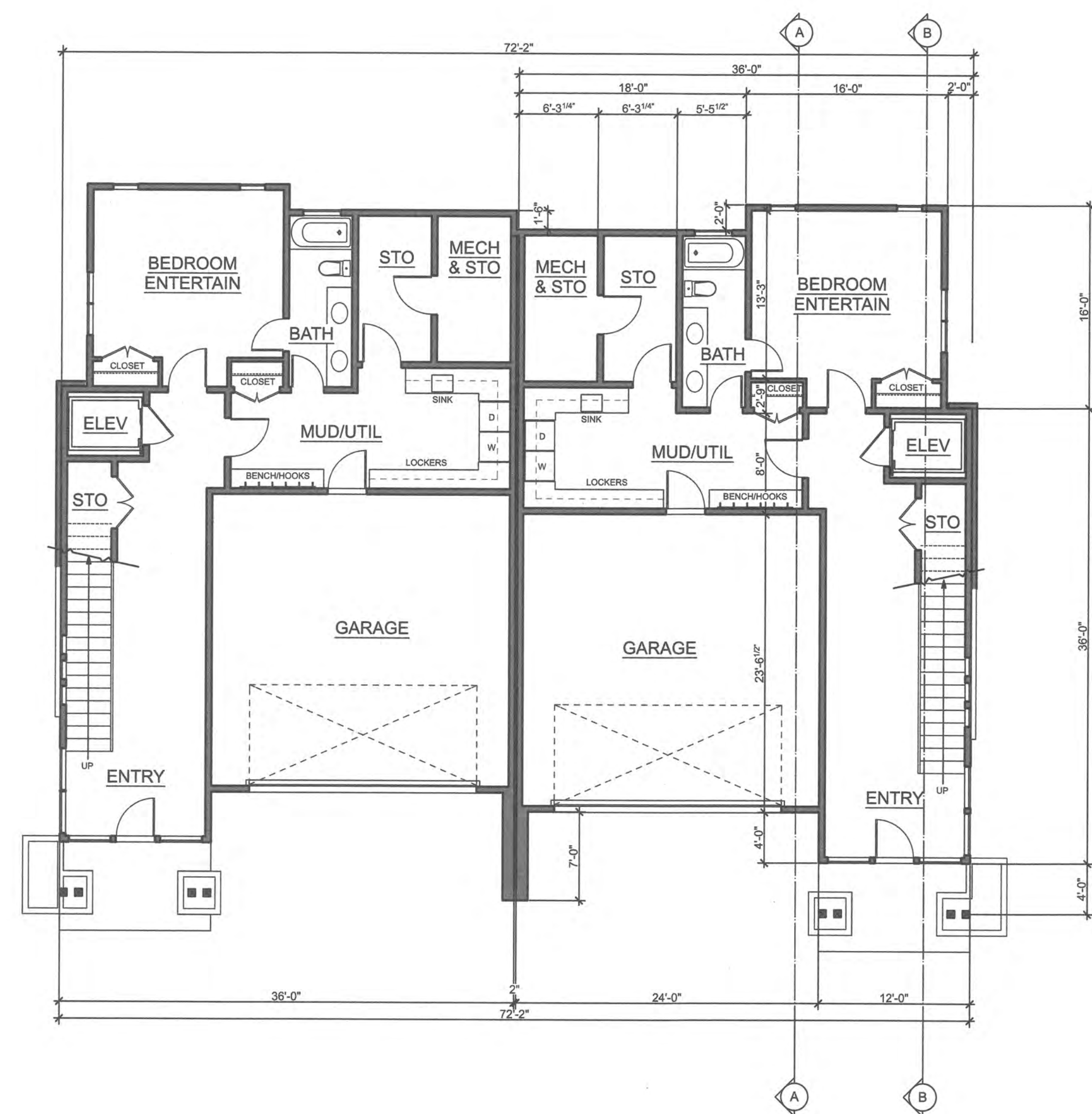
**CRAIG LAWRENCE AIA**  
ARCHITECTURE  
BOX 2662  
KETCHUM, ID 83340  
208-720-5372

REVISED DR: 5-30-20  
DESIGN REVIEW: 5-14-20

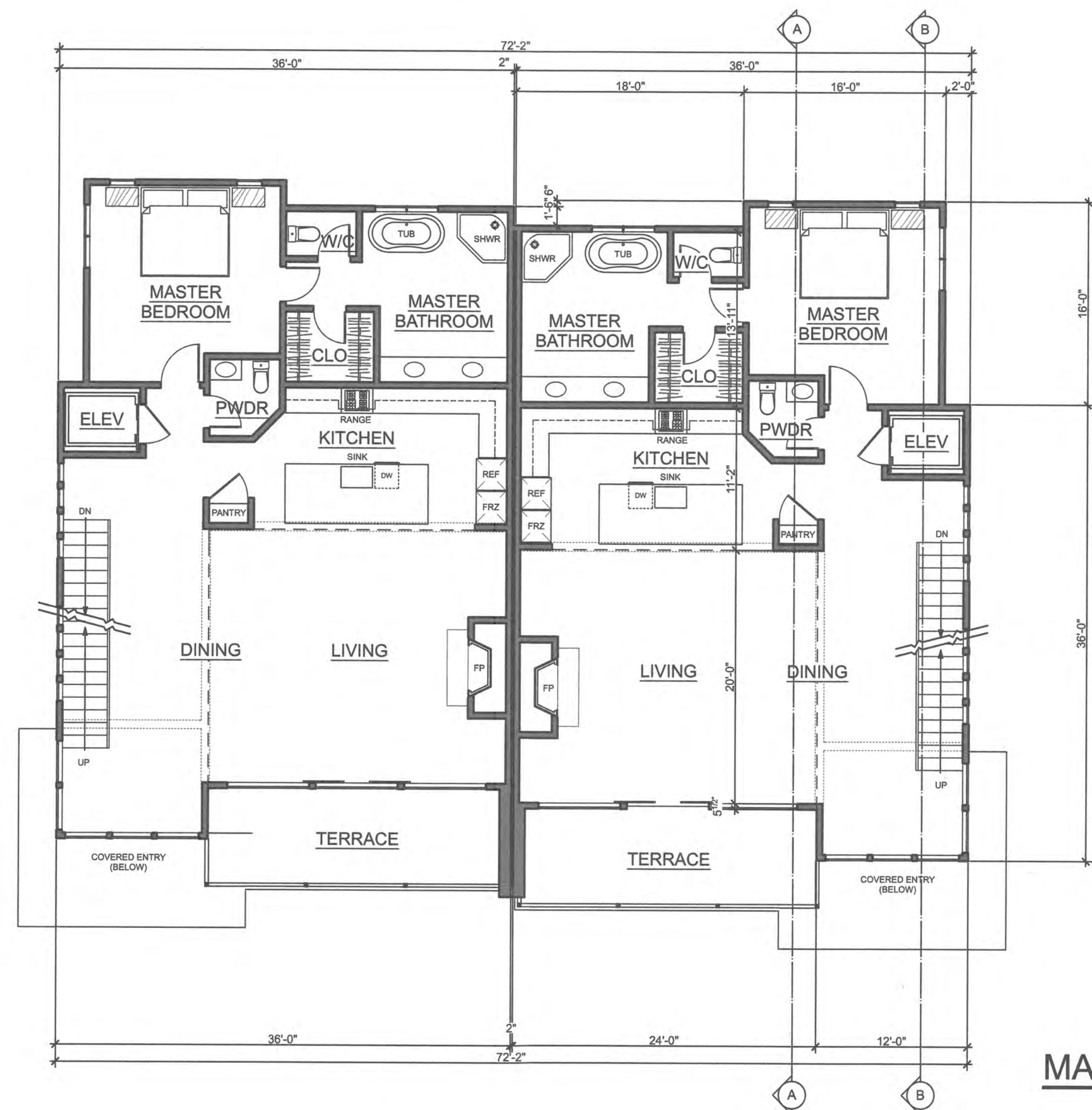




**UPPER LEVEL FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**LOWER LEVEL FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**MAIN LEVEL FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



DRAWING DATE  
6/15/20

DATE	REVISION

**WADDELL/ROUSH DUPLEX**  
3020 WARM SPRINGS ROAD, KETCHUM, ID. 83340

**Craig Lawrence AIA**  
**ARCHITECTURE**  
Planning - Design  
208 720 5372 • clawrenceaia@me.com  
P.O. Box 2662 • Ketchum, ID 83340

SHEET NUMBER

**A-02**

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# WADDELL/ROUSH DUPLEX

3020 WARM SPRINGS ROAD, KETCHUM, ID, 83340

Craig Lawrence AIA  
**ARCHITECTURE**  
Planning - Design

208 730.5377 • cllawrence@mlra.com  
P.O. Box 2662 • Ketchum, ID 83340

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### SOUTH EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



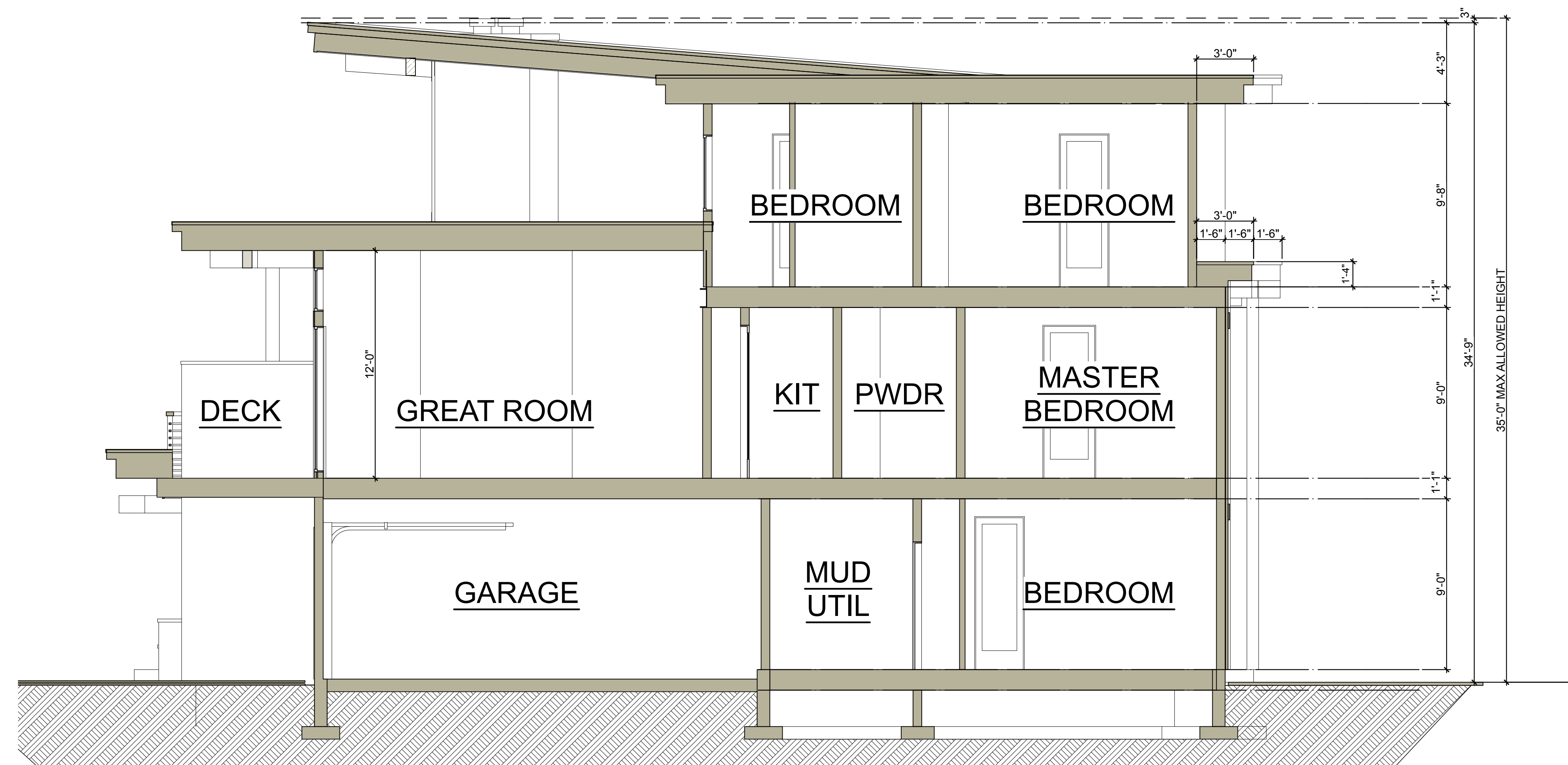
### EAST EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"



**NORTH EXTERIOR ELEVATION**

SCALE: 1/4" = 1'-0"



**BUILDING SECTION - "A"**

SCALE: 1/4" = 1'-0"

DATE	

PRELIMINARY DESIGN REVIEW  
IS PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN PERMISSION.

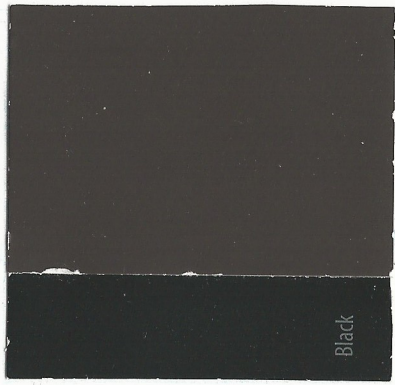
**WADDELL/ROUSH DUPLEX**  
3020 WARM SPRINGS ROAD, KETCHUM, ID. 83340

**Craig Lawrence AIA**  
**ARCHITECTURE**  
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PO Box 2662 • Ketchum, ID 83340

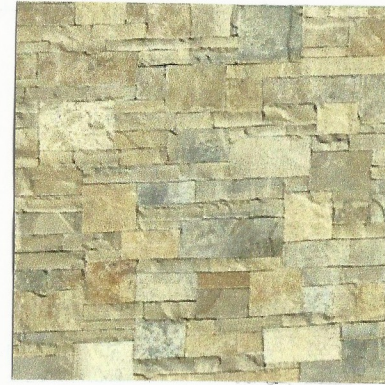
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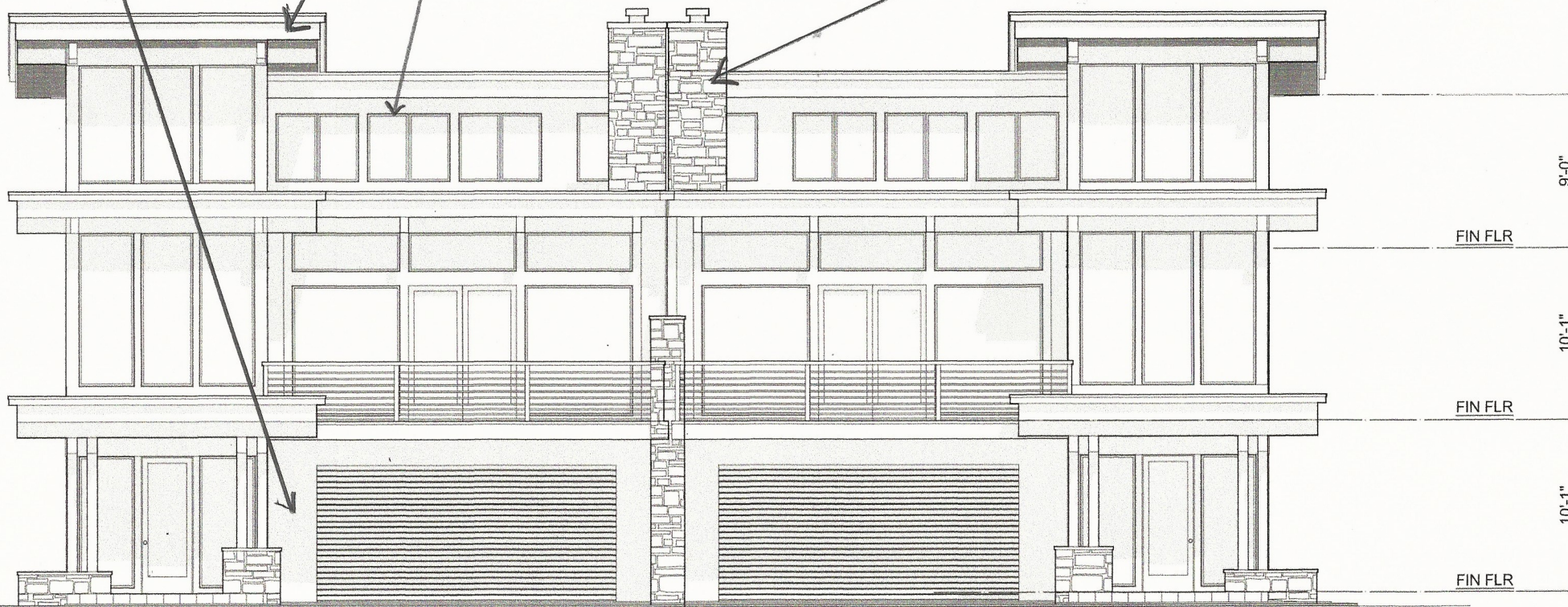
STUCCO  
 MATCH BENJAMIN  
 MOORE 1543  
 PLYMOUTH ROCK



FASCIA, TRIM  
 BENJAMIN MOORE  
 2134-20  
 MID SUMMER NIGHT  
WINDOW CLADDING  
 BLACK



STONE VENEER  
 SELECT STONE  
 FRONTIER  
 SANDSTONE



CEDAR SIDING  
 CABOT SEMI-  
 TRANSPARENT  
 FOOTHILL

SOUTH EXTERIOR ELEVATION  
 SCALE: 1/4" = 1'-0"

# WADDELL/ROUSH DUPLEX

3020 WARM SPRINGS ROAD

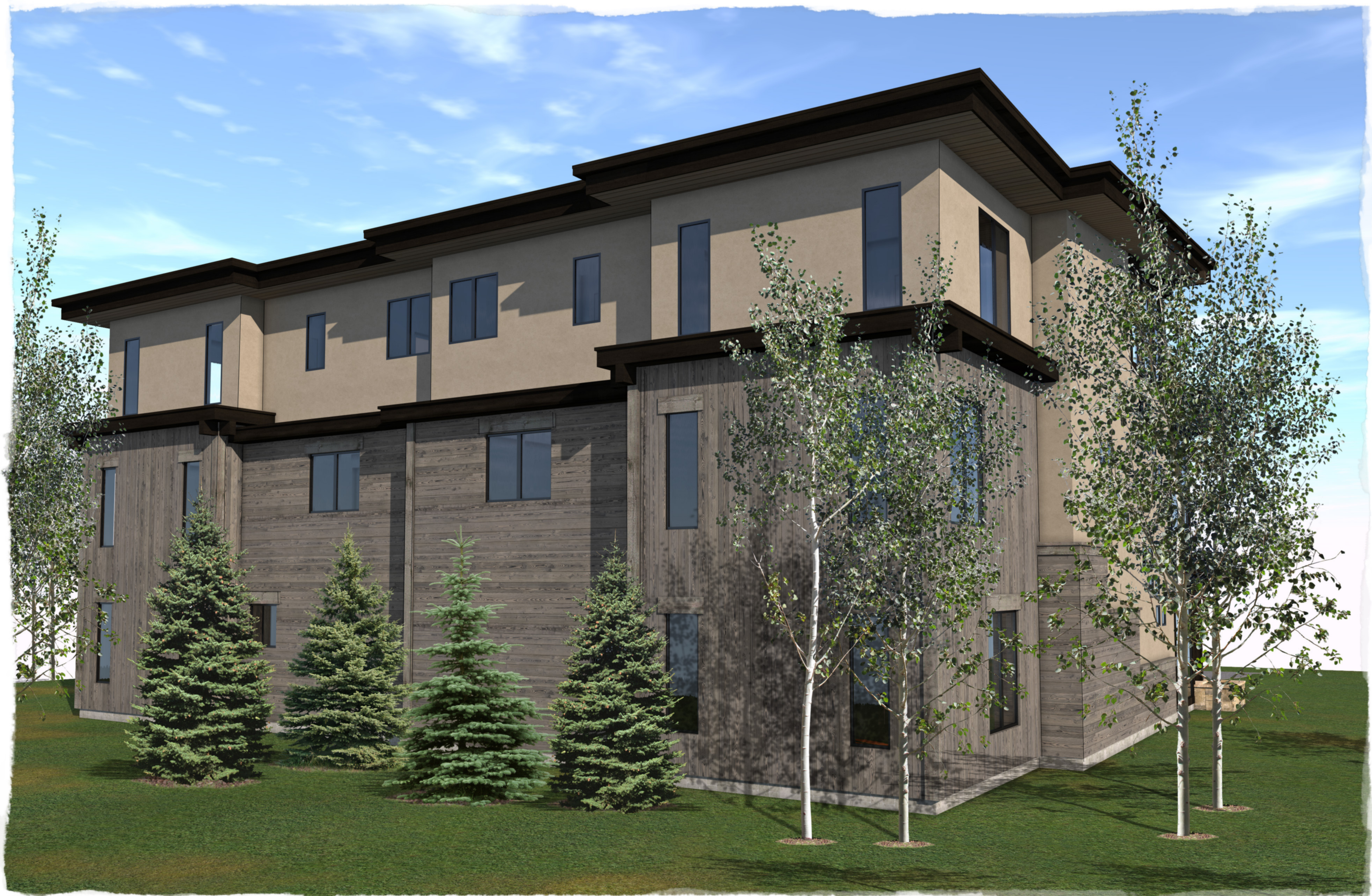
KETCHUM, IDAHO

**CRAIG LAWRENCE AIA  
 ARCHITECTURE**

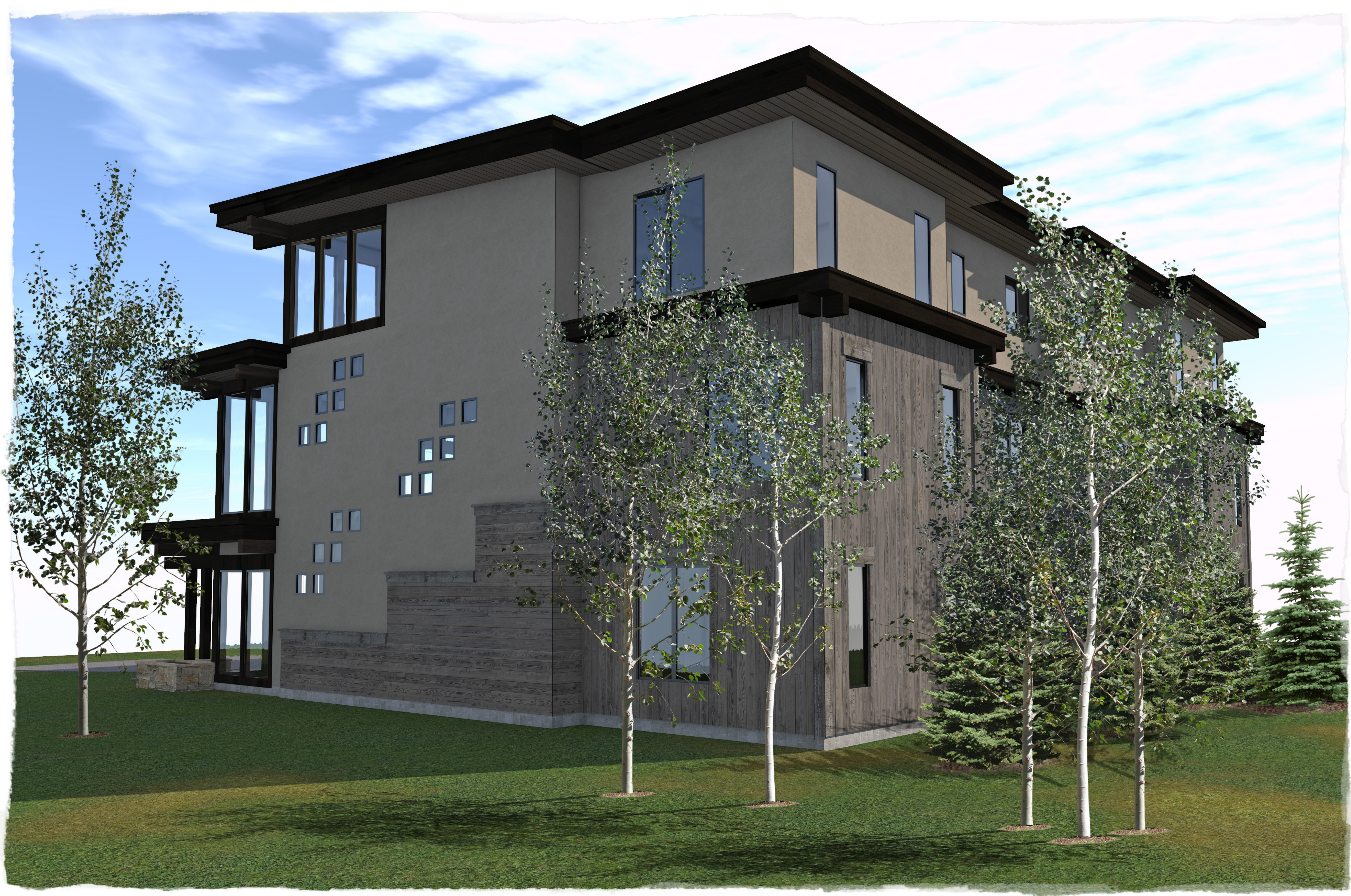
BOX 2662  
 KETCHUM, ID 83340  
 208-720-5372  
 clawrenceaia@msn.com













**Waddell/Roush Duplex  
Fixture A**

**PRODUCT SPECIFICATIONS**

\*Image shown may not reflect your configured options



**Twilight Dark Sky Friendly Outdoor Semi-Flush**

**HUBBARDTON FORGE**

**Base Item #364903**  
**Configured Item #364903-1019**  
364903-LED-78

**FINISH**  
Coastal Burnished Steel - 78

**LAMPING**  
LED

**OPTIONS**

<b>FINISH</b>	<b>LAMPING</b>
Coastal Black - 10	Incandescent
Coastal Natural Iron - 20	LED
Coastal Gold - 70	
Coastal Mahogany - 73	
Coastal Bronze - 75	
Coastal Dark Smoke - 77	
Coastal Burnished Steel - 78	

**SPECIFICATIONS**

**Twilight Dark Sky Friendly Outdoor Semi-Flush**

Base Item #: 364903  
Configured Item #: 364903-1019  
364903-LED-78

Aluminum outdoor semi-flush ceiling light. Designed and built to Dark Sky standards.

- Handcrafted to order by skilled artisans in Vermont, USA
- Lifetime Limited Warranty when installed in residential setting
- Features our robust Coastal Outdoor finish specifically formulated to resist some of the harshest environmental conditions.

**Dimensions**

Height	6.80"
Length	9.00"
Width	9.00"
Product Weight	4.20 lbs
Canopy	9.0" SQ
Packed Weight	7.00 lbs
Shipping (DIM) Weight	19.00 lbs

**LED Lamping Retrofit**

LED: LED - GU24, 9.8W Bulb, 800lm (Bulb Incl)  
CCT: 2700K  
CRI: Min 80  
Dimming: Yes  
IES Files Available: N

**Location Rating**

Outdoor Damp

**Safety Rating**

UL, CUL listed

**HALO LED ICAT HOUSING for NEW CONSTRUCTION**

Recessed 5" aperture new construction housing for use with LED integrated trims or modules. Suitable for 2x8 residential framing or commercial plenum construction, type IC rated and can be used in direct contact with insulation\*. Airtight rating reduces airflow between living spaces and unconditioned areas providing additional energy savings. Use with Halo® LT56, SMD6, RL56, RA56, SLD6 LED integrated trims and the ML56 LED modular recessed lighting system.

**Waddell/Roush Duplex  
Fixture B**

Catalog #		Type
Project		
Comments		Date
Prepared by		

**DESIGN FEATURES**

**Housings**

- Single wall precision rolled aluminum housing with interlocking construction maintains concentricity
- Adjusts vertically to accommodate 3/8" to 1" thick ceilings and locks in position with (3) setscrews
- V notches facilitate use of guide strings or laser lines for precise positioning
- Shipped with overspray protector installed
- Housing can be removed from below the ceiling for service or splice inspection

**Plaster Frame**

- Compact galvanized steel plaster frame with integral bar hanger receivers
- (2) regressed screws provide positive horizontal bar hanger locking from below the ceiling
- Integral gasket achieves ASTM-E283 airtight code compliance without additional gaskets or caulk

**Junction Box**

- Compact galvanized steel junction box with 16in<sup>3</sup> internal volume
- Listed for (10) #12 or (14) #14 AWG 90° C splice conductors
- (4) 1/2" conduit pry-outs positioned to allow straight conduit runs.
- (3) Slide-N-Side™ non-metallic (NM) wire traps allows wiring outside the box
- Accepts 14-2, 14-3, 12-2, 12-3 U.S. and 14-2, 14-3, 12-2 Canadian NM cable
- (3) 4-port push wire nuts with clear caps for quick and reliable mains voltage connections
- Hinged door with offset cover for easy wire access
- Junction box is repositionable 90° on plaster frame to avoid obstructions

**Bar Hangers**

- Captive preinstalled All-Nail™ bar hangers support housing at any point along span
- Pass-N-Thru™ feature adjust bars from 7-1/4" to 24" wide without removal
- Score lines allow "tool-less" shortening for 12" joists
- Captive nail penetrates standard and engineered lumber
- Leveling flange aligns plaster frame with framing
- Integral clip attaches directly to tee-bar

**Connector**

- Two-conductor wire mount connector is rated for 120-277V
- CAUTION – verify LED module input voltage is compatible with the input voltage of the housing. If uncertain, consult a qualified electrician
- cULus listed with Halo® LT56, SMD6, RL56, RA56, SLD6 and ML56 family of LED integrated trims

**Code Compliance**

- Type IC inherently protected, suitable for direct contact to air permeable insulation and cULus listed for damp locations
- Not for use in direct contact with spray foam insulation, consult NEMA LSD57-2013
- Wet location listed in covered ceilings and IP56 certified with select trims
- Airtight per ASTM-E283
- Can be used for State of California Title 24 high efficacy luminaire compliance
- Suitable for use in clothes closets when installed in accordance with the NEC 410.16 spacing requirements
- Contains no mercury or lead and RoHS compliant

**Warranty**

- Five year limited warranty, consult website for details [www.eaton.com/lighting/Legal](http://www.eaton.com/lighting/Legal)



**E550ICAT**

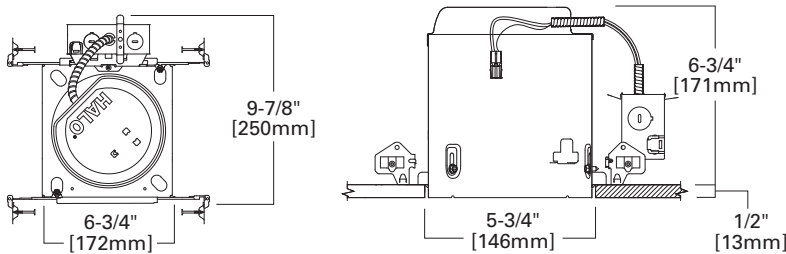
**5" Recessed New Construction Housing**

**For Integrated LED Trims and Modules**

**20W Maximum**

**FOR USE IN INSULATED CEILINGS**

**FOR DIRECT CONTACT WITH INSULATION**



Refer to ENERGY STAR® certified Products List and CEC (T20) Database for compatible Halo LED listings.

\* Not to be used in direct contact with spray foam insulation.



# Exhibit C: Staff Analysis

1. Zoning and Dimensional Standards Analysis
2. Design Review Standards Analysis
3. City Department Comments





3020 Warm Springs Rd Duplex Design Review  
EXHIBIT C1: ZONING & DIMENSIONAL STANDARDS ANALYSIS

Zoning and Dimensional Standards Analysis				
Compliant			Ketchum Municipal Code Standards and Staff Comments	
Yes	No	N/A	KMC §	Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<b>Minimum Lot Area</b>  Required: 8,000 square feet minimum  Existing (Wills Condominiums No. 2): 11,000 square feet The applicant will submit a Townhouse Subdivision Preliminary Plat application to subdivide the lot into two townhouse sublots.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<b>Building Coverage</b>  BUILDING COVERAGE: The total square footage of the building foundation and all horizontal projections which constitute a "building" as defined in this section, but not including roof overhangs that are 3 feet or less or uncovered decks less than 30 inches above grade. Garages and guest homes shall be included in building coverage (KMC §17.08.020).  Permitted: 35% Proposed: 34% (3,721 square feet/11,000-square-foot lot area)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<b>Minimum Building Setbacks</b>  Staff Comments <b>Minimum:</b> Warm Spring Road: 30 feet Front: 15 feet Side: 1 foot for every 3 feet in building height, but no less than 5 feet Rear: 15 feet  KMC §17.128.020: Supplementary Yard Regulations A. Cornices, canopies, eaves, chimney chases or similar architectural features may extend into a required yard not more than 3 feet. H. Decks less than 30 inches in height from existing grade may be constructed to the property line.  Proposed: Front (Warm Springs Rd): 30' Side (E/Interior): 11'-8" Side (W/Interior): 12' Rear (N/Interior): 15'  As shown on Sheet A-01 of the project plans, the covered entry extends into the required setback from Warm Springs Road. The support posts are located within the required setbacks. The portion of the porch that extends within the setback area must be less than 30 inches in height. The roof covering may extend no more than 3 feet within the setback area. These encroachments must be dimensioned and shown in elevation on the project plans submitted with the Building Permit application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	<b>Building Height</b>  Staff Comments Maximum Permitted: 35 feet Proposed: 34'-8"
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.030H	<b>Curb Cut</b>  Staff Comments Required: A total of 35% of the linear footage of any street frontage can be devoted to access to off street parking.  Proposed: The circular driveway has one 20-foot access to meet Fire Department requirements and one 14-foot access along Warm Spring Road. 34% (34-feet of curb cut/100 linear feet along Warm Springs Road) of the property's street frontage along Warm Springs Road is used for the two driveway accesses to the duplex development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.125.040	<b>Parking Spaces</b>  Staff Comments Off-street parking standards apply to any new development and to any new established uses.  Required: Multiple-Family Residential Dwelling Units in the GR-L Zone

				<p>Units 2,001 square feet and above: 2 parking spaces</p> <p><b>Proposed:</b> Each townhome unit has its own attached garage. 2 parking spaces are provided for each townhome unit that may be accommodated within the enclosed garages or on the circular driveway.</p>
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3020 Warm Springs Rd Duplex Design Review  
EXHIBIT C2: DESIGN REVIEW STANDARDS ANALYSIS

Design Review Improvements and Standards (KMC §17.96.060)				
Yes	No	N/A	City Code	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.A1 Streets	The applicant shall be responsible for all costs associated with providing a connection from an existing city street to their development.  <i>Staff Comments</i> The duplex will be accessed from a circular driveway along Warm Springs Road.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.A2 Streets	All street designs shall be approved by the City Engineer.  <i>Staff Comments</i> No changes are proposed to the street design or lanes of travel within the Warm Springs Road right-of-way.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.B1 Sidewalks	All projects under 17.96.010(A) that qualify as a “Substantial Improvement” shall install sidewalks as required by the Public Works Department.  <i>Staff Comments</i> While the project qualifies as a substantial improvement, sidewalks are not required to be installed along residential roads. The right-of-way next to the front property line must be improved to City standards residential streets.  Final civil drawings for all associated ROW improvements shall be submitted with the Building Permit application to be verified, reviewed, and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project.  See Exhibit C3 for comments and conditions from the City Engineer & Streets Department.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.B2 Sidewalks	Sidewalk width shall conform to the City’s right-of-way standards, however the City Engineer may reduce or increase the sidewalk width and design standard requirements at their discretion.  <i>Staff Comments</i> The City does not require developers to install sidewalks along residential roads.  The developer must improve the right-of-way next to the front property line to meet City standards for residential streets.  Final civil drawings for all associated ROW improvements shall be submitted with the Building Permit application to be verified, reviewed, and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project. See Exhibit C3 for review comments and conditions from the City Engineer & Streets Department.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.B3 Sidewalks	Sidewalks may be waived if one of the following criteria is met: a. The project comprises an addition of less than 250 square feet of conditioned space. b. The City Engineer finds that sidewalks are not necessary because of existing geographic limitations, pedestrian traffic on the street does not warrant a sidewalk, or if a sidewalk would not be beneficial to the general welfare and safety of the public.  <i>Staff Comments</i> The applicant is not required to install sidewalks for the townhome development.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.B4 Sidewalks	The length of sidewalk improvements constructed shall be equal to the length of the subject property line(s) adjacent to any public street or private street.  <i>Staff Comments</i> This standard does not apply because sidewalks are not included in the City right-of-way standards for residential roads.  The applicant must improve the right-of-way next to the front property line to meet City standards for residential streets.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.B5 Sidewalks	New sidewalks shall be planned to provide pedestrian connections to any existing or future sidewalks adjacent to the site. In addition, sidewalks shall be constructed to provide safe pedestrian access to and around a building.  <i>Staff Comments</i> N/A. The City does not require developers to install sidewalks in residential neighborhoods.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.B6 Sidewalks	The City may approve and accept voluntary cash contributions in-lieu of the above described improvements, which contributions must be segregated by the City and not used for any purpose other than the

				<p>provision of these improvements. The contribution amount shall be one hundred ten percent (110%) of the estimated costs of concrete sidewalk and drainage improvements provided by a qualified contractor, plus associated engineering costs, as approved by the City Engineer. Any approved in-lieu contribution shall be paid before the City issues a certificate of occupancy.</p>
			<i>Staff Comments</i>	<i>N/A. Staff does not recommend a voluntary cash contribution in-lieu of improvements for this project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.C1 Drainage</b>	<b>All storm water shall be retained on site.</b>
			<i>Staff Comments</i>	<p><i>The drainage system must keep all storm water within the project site. The developer must install drainage improvements that meet City standards.</i></p> <p><i>Prior to issuance of a Building Permit for the project, the applicant shall submit a final drainage plan indicating grading, catch basins, piping, and drywells (KMC §17.96.040.C.2b &amp; KMC §17.96.060.C.1-4) prepared by a civil engineer licensed in the state to be submitted for review and approval by the City Engineer and Streets Department. See Exhibit C3 for City Department comments including City Engineer and Streets Department conditions.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.C2 Drainage</b>	<b>Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.</b>
			<i>Staff Comments</i>	<p><i>See above analysis for Ketchum Municipal Code §17.96.060C1. All drainage improvements are required to meet City standards.</i></p> <p><i>All drainage improvements shall be indicated on civil plans prepared by an Idaho licensed engineer and require review and approval from the City Engineer &amp; Streets Department prior to issuance of a Building Permit for the project.</i></p> <p><i>See Exhibit C3 for review comments and conditions from the City Engineer &amp; Streets Department.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.C3 Drainage</b>	<b>The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.</b>
			<i>Staff Comments</i>	<i>A final drainage plan prepared by a civil engineer licensed in the state of Idaho shall be submitted with the Building Permit application to be reviewed and approved by the City Engineer and the Streets Department. The City Engineer may require additional drainage improvements as necessary.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.C.4 Drainage</b>	<b>Drainage facilities shall be constructed per City standards.</b>
			<i>Staff Comments</i>	<i>All drainage facilities within the project site and the public right-of-way shall meet City standards. Final drainage specifications must be included with the civil drawings submitted with the Building Permit application to be reviewed and approved by the City Engineer &amp; Streets Department.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.D1 Utilities</b>	<b>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</b>
			<i>Staff Comments</i>	<p><i>All utilities necessary for the duplex project must be improved and installed at the sole expense of the applicant.</i></p> <p><i>Final plans will be reviewed and approved by the Utilities Department prior to issuance of a Building Permit for the project. See Exhibit C3 for review comments and conditions from the Utilities Department.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.D2 Utilities</b>	<b>Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.</b>
			<i>Staff Comments</i>	<i>All utilities within the development site shall be underground and concealed from public view. See above analysis for Ketchum Municipal Code §17.96.060D1.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.D3 Utilities</b>	<b>When extension of utilities is necessary all developers will be required to pay for and install two (2") inch SDR11 fiber optical conduit. The placement and construction of the fiber optical conduit shall be done in accordance with city of Ketchum standards and at the discretion of the City Engineer.</b>
			<i>Staff Comments</i>	<i>Services for high-speed internet are available to serve the duplex project.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.E1 Compatibility of Design</b>	<b>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</b>

			<b>Staff Comments</b>	<p>The project is primarily comprised of windows and gray stucco. Stone veneer (frontier sandstone) ornaments the two chimneys running vertically along the party wall separating the two townhomes. The stone veneer is also used for the front porches. The black trim, fascia, window cladding, and garage doors contrast with the gray stucco and stone to provide visual interest. The front façade is mostly glass doors and windows. The black garage doors and second-floor balcony as well as the stone veneer elements provide relief from the extensive glazing.</p> <p>The duplex project will add a more modern design style to the residential neighborhood. Surrounding development is characterized by a more traditional design style with natural materials and pitched roofs. While the project design is more modern, the exterior materials and color palate complement the traditional architecture of the neighboring residential development.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.E2 Compatibility of Design</b>	<p><b>Preservation of significant landmarks shall be encouraged and protected, where applicable. A significant landmark is one which gives historical and/or cultural importance to the neighborhood and/or community.</b></p> <p><b>Staff Comments</b> N/A. No significant landmarks of historical or cultural importance have been identified on the property.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>17.96.060.E3 Compatibility of Design</b>	<p><b>Additions to existing buildings, built prior to 1940, shall be complementary in design and use similar material and finishes of the building being added to.</b></p> <p><b>Staff Comments</b> N/A This standard does not apply because this project is new construction. The existing duplex on the property, built in 1975, will be demolished.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F1 Architectural</b>	<p><b>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</b></p> <p><b>Staff Comments</b> The townhome units have two entrances—one interior access from the garage and an exterior entryway. The covered porch entryways at either side of the duplex lead to the shared circular driveway. The driveway leads to the multi-use pathway along Warm Springs Road</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F2 Architectural</b>	<p><b>The building character shall be clearly defined by use of architectural features.</b></p> <p><b>Staff Comments</b> Building elevations are included on Sheets A-03 and A-04 of the project plans. The front façade is defined by rectangular windows and doors. The three floors are separated by thick borders of black fascia. The garage doors and second-floor balcony provide relief from the significant glazing. Projecting between the townhome units, the stone veneer chimneys separate the townhome units. The side and rear façade are comprised primarily of gray stucco with windows. The roof covering at the entryway as well canopy elements decrease the stacked appearance of first and second floors. The third floor is setback from the bottom floors at the front elevation. The slight butterfly slope of the roof decreases the bulk of the box-shaped building.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F3 Architectural</b>	<p><b>There shall be continuity of materials, colors and signing within the project.</b></p> <p><b>Staff Comments</b> Each façade incorporates gray stucco and black fascia and trim. The applicant has enhanced material differentiation through the addition of cedar siding to the project's exterior material palette. The cedar siding contrasts with the stucco to form horizontal and vertical elements that add visual interest to the rear and side elevations. The window and door openings provide each façade with different rectangular rhythm. The duplex design appears cohesive through the same materials and colors across all facades. Stone veneer provides ornamentation and relief to the front elevation.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>17.96.060.F4 Architectural</b>	<p><b>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</b></p> <p><b>Staff Comments</b> The project does not propose any fences or accessory structures. The applicant proposes to retain the existing vegetation on the property. Sheet A-01. The existing landscaping provides a buffer from the adjacent property to the west.</p> <p>The updated landscape plan is indicated on Sheet L-01 of the project plans. Three new fir trees have been added to the backyard. These coniferous trees will help soften the rectangular building mass and provide visual relief at the rear elevation. Aspen trees have been added to the side yards. The island separating the two circular driveway entrances has been enhanced with new landscape plantings. The introduction of new trees and shrubs enhances screening between neighboring properties and Warm Springs Road.</p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F5 Architectural	<b>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</b>
			<i>Staff Comments</i>	<i>The front façade is defined by rectangular windows and doors. The three floors are separated by thick borders of black fascia. The garage doors and second-floor balcony provide relief from the significant glazing. Projecting between the townhome units, the stone veneer chimneys separate the townhome units. The side and rear façade are comprised primarily of gray stucco with windows. The roof covering at the entryway as well canopy elements decrease the stacked appearance of first and second floors. The third floor is setback from the bottom floors at the front elevation. The inverted pitch of the butterfly roof reduces the bulk of the box-shaped building form.</i>  <i>The applicant has enhanced material differentiation through the addition of cedar siding to the project's exterior material palette. The cedar siding contrasts with the stucco to form horizontal and vertical elements that add visual interest to the rear and side elevations. The applicant has also adjusted the pattern of windows to visually distinguish each floor level. The new renderings highlight undulations of building mass that were less apparent in the project plan elevations.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F6 Architectural	<b>Building(s) shall orient towards their primary street frontage.</b>
			<i>Staff Comments</i>	<i>The duplex buildings orient towards Warm Springs Road.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F7 Architectural	<b>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</b>
			<i>Staff Comments</i>	<i>This project is a townhome development in a residential neighborhood accessed off Warm Springs Road. Each townhome will have its own garbage bin fully screened within the townhome unit. No common dumpster has been proposed for the duplex development. Prior to issuance of a Building Permit for the project, the applicant shall submit a will serve letter from Clear Creek Disposal to the Planning &amp; Building Department.</i>  <i>The project plans do not indicate the installation of any satellite receivers. Any future installations of satellite receivers must be screened from public view.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.F8 Architectural	<b>Building design shall include weather protection which prevents water to drip or snow to slide on areas where pedestrians gather and circulate or onto adjacent properties.</b>
			<i>Staff Comments</i>	<i>Enhancing weather protection, the inverted pitch of the roof and the flat roof forms will prevent water from dripping or snow from sliding from the building. The covered porches provide weather protection at the front entryway.</i>  <i>Any sloped roof shedding snow and rain onto pedestrian and vehicular circulation pathways below must include snow clips, gutters, and downspouts.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.G1 Circulation Design	<b>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</b>
			<i>Staff Comments</i>	<i>The covered porches at the front doors lead to the shared circular driveway, which connects to multi-use path along Warm Spring Road.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.G2	<b>Awnings extending over public sidewalks shall extend five (5') feet or more across the public sidewalk but shall not extend within two (2') feet of parking or travel lanes within the right of way.</b>
			Circulation Design	<i>N/A. No awnings are proposed to extend across of a public sidewalk.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.G3 Circulation Design	<b>Traffic shall flow safely within the project and onto adjacent streets. Traffic includes vehicle, bicycle, pedestrian and equestrian use. Consideration shall be given to adequate sight distances and proper signage.</b>
			<i>Staff Comments</i>	<i>The townhome development will be accessed from Warm Springs Road. The shared circular driveway enhances usability and safety by allowing drivers to exit without having to back out onto Warm Springs Road.</i>  <i>Prior to issuance of a Building Permit for the project, the City Engineer and Streets Department shall review the civil drawings to ensure adequate sight distances and proper signage for the proposed circular driveway access.</i>

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17.96.060.G4 Circulation Design	Curb cuts and driveway entrances shall be no closer than twenty (20') feet to the nearest intersection of two or more streets, as measured along the property line adjacent to the right of way. Due to site conditions or current/projected traffic levels or speed, the City Engineer may increase the minimum distance requirements.
			<i>Staff Comments</i>	<i>The project site is located over 500 feet from Warm Spring Road's intersection with Skiway Drive to the north and over 300 feet from its intersection with Jane Lane.</i>  <i>Prior to issuance of a Building Permit for the project, the City Engineer and Streets Department shall review the civil drawings to ensure adequate sight distances for the proposed parking access.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.G5 Circulation Design	Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.
			<i>Staff Comments</i>	<i>The townhome development is accessed from Warm Springs Road. The circular driveway system will provide unobstructed access for emergency vehicles, snowplows, and garbage trucks.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.H1 Snow Storage	Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.
			<i>Staff Comments</i>	<i>The snow storage areas and associated calculation is included on Sheet L-01 of the Design Review submittal. The applicant has proposed three snow storage areas totaling 636 square feet, which is 35% of the total improved driveway and hardscape areas (1,837 square feet) proposed on the site.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.H2 Snow Storage	Snow storage areas shall be provided on-site.
			<i>Staff Comments</i>	<i>As indicated on Sheets A-01 and L-01, three snow storage areas surround the circular driveway on-site. See Staff analysis for KMC §17.96.060.H1.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.H3 Snow Storage	A designated snow storage area shall not have any dimension less than five (5') feet and shall be a minimum of twenty-five (25) square feet.
			<i>Staff Comments</i>	<i>The proposed snow storage areas comply with these dimensional requirements. See Staff analysis for KMC §17.96.060.H1.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.H4 Snow Storage	In lieu of providing snow storage areas, snow melt and hauling of snow may be allowed.
			<i>Staff Comments</i>	<i>N/A the applicant indicated that snow storage areas will be provided on site.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.I1 Landscaping	Landscaping is required for all projects.
			<i>Staff Comments</i>	<i>The updated landscape plan is indicated on Sheet L-01 of the project plans. Three new fir trees have been added to the backyard. These coniferous trees will help soften the rectangular building mass and provide visual relief at the rear elevation. Aspen trees have been added to the side yards. The island separating the two circular driveway entrances has been enhanced with new landscape plantings. The introduction of new trees and shrubs enhances screening between neighboring properties and Warm Springs Road.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.I2 Landscaping	Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.
			<i>Staff Comments</i>	<i>The landscape materials and vegetation types are indicated on Sheet L-01 of the project plans. See above analysis for KMC § 17.96.060.I1. All landscape materials and vegetation types shall be readily adaptable to the site's microclimate, soil conditions, orientation, and aspect.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.I3 Landscaping	All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.
			<i>Staff Comments</i>	<i>All proposed landscape materials and vegetation types shall be drought tolerant. The applicant is encouraged to select native species.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.96.060.I4 Landscaping	Landscaping shall provide a substantial buffer between land uses, including, but not limited to, structures, streets and parking lots. The development of landscaped public courtyards, including trees and shrubs where appropriate, shall be encouraged.
			<i>Staff Comments</i>	<i>The updated landscape plan is indicated on Sheet L-01 of the project plans. Three new fir trees have been added to the backyard. These coniferous trees will help soften the rectangular building mass and provide visual relief at the rear elevation. Aspen trees have been added to the side yards. The island separating the two circular driveway entrances has been enhanced with new landscape plantings. The introduction of new trees and shrubs enhances screening between neighboring properties and Warm Springs Road.</i>

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.96.060.J1 Public Amenities	Where sidewalks are required, pedestrian amenities shall be installed. Amenities may include, but are not limited to, benches and other seating, kiosks, bus shelters, trash receptacles, restrooms, fountains, art, etc. All public amenities shall receive approval from the Public Works Department prior to design review approval from the Commission.
			<i>Staff Comments</i>	<i>This standard does not apply because the applicant is not required to install sidewalks. The City does not require the installation of sidewalks in residential neighborhoods.</i>





3020 Warm Springs Rd Duplex Design Review  
EXHIBIT C3: CITY DEPARTMENT COMMENTS

City Department Comments
<p><i>Note: City Department comments are preliminary. All City Departments shall review and approve the project through the Building Permit application process. All comments pertaining to the Design Review drawings are subject to change. All right-of-way improvements shall be reviewed and approved by the City Engineer and Streets Department prior to issuance of a Building Permit for the project. All City Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</i></p>
<p><b>Fire Department:</b></p> <ul style="list-style-type: none"> <li>• It is the General Contractor’s responsibility to understand and adhere to all Fire Protection Ordinance #1125 requirements in addition to any and all other City of Ketchum requirements in effect at the time of Building Permit issuance. Failure to comply with all local ordinances and codes may result in project work stoppage as well as criminal penalties.</li> <li>• The above project shall meet all 2012 International Fire Code requirements in addition to specific City Building and Fire Ordinances.</li> <li>• Approved address numbers shall be placed in such a position to be plainly visible and legible from the road fronting the property. Numbers and letters shall be a minimum of four (4) inches tall, contrast with their background and be positioned a minimum of forty-eight (48) inches above final grade.</li> <li>• Vehicle parking and material storage during construction shall not restrict or obstruct public streets or access to any building. A minimum twenty-foot travel lane for emergency vehicle access shall be maintained clear and unobstructed at all times. All required Fire Lanes, including within 15 feet of fire hydrants, shall be maintained clear and unobstructed at all times.</li> <li>• An approved automatic fire sprinkler system shall be installed throughout the building per City of Ketchum Ordinance #1125 (<a href="http://www.ketchumfire.org">www.ketchumfire.org</a>) and the National Fire Protection Association Standard 13. An approved fire sprinkler flow bell, Knox box and Fire Department Connection shall be installed in an approved location visible to approaching firefighters. Water service lines to structures shall be hydraulically calculated for size to meet fire sprinkler flow requirements. Fire sprinkler systems shall be annually tested and maintained per NFPA 25. An approved fire department connection and flow bell shall be installed in a location approved by the fire department and the system shall be supervised by an approved alarm system.</li> <li>• NOTE: One electronic set of fire sprinkler system plans must be submitted to the Ketchum Fire Department as well as the State Fire Marshal’s office and a Ketchum Fire Department Permit must be obtained prior to installation of fire sprinkler systems. Inspections of fire sprinkler systems by the Fire Chief or an appointee are required. Inspections must be scheduled at least 48 hours in advance.</li> <li>• An approved monitored fire sprinkler alarm system shall be installed per City of Ketchum Ordinance #1125 (<a href="http://www.ketchumfire.org">www.ketchumfire.org</a>) and the requirements of NFPA 72. Two (2) sets of alarm system plans shall be submitted to the Ketchum Fire Department for approval and a permit is required prior to installation of alarm systems. Inspections of fire detection systems by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance.</li> <li>• An approved access roadway per 2012 International Fire Code Appendix D (<a href="http://www.ketchumfire.org">www.ketchumfire.org</a>) shall be installed prior to any combustible construction on the site. The road shall be a minimum of twenty (20) feet in width and capable of supporting an imposed load of at least 75,000 pounds. The road must be an all-weather driving surface maintained free, clear, and unobstructed at all times. Grades shall not exceed 7%. Dead end access roadways exceeding 150 feet in length shall be provided with an approved turnaround. Gates, if installed, are required to be siren activated for emergency vehicle access.</li> <li>• Fire extinguishers shall be installed and maintained per 2012 IFC Section 906 both during construction and upon occupancy of the building.</li> <li>• Spark arresters are required on all solid fuel burning appliance chimneys to reduce potential fires from burning embers.</li> <li>• An approved key box shall be installed, with the appropriate keys, for emergency fire department access in a location approved by the fire department. The key box shall be a Knox box brand and sized to accommodate keys to every door of the project.</li> <li>• Inspections of Fire Department permit required installations shall be scheduled at least 48 hours in advance.</li> <li>• An 8 ½ by 11 color coded site map of this project shall be provided on paper and electronically to the fire department. This site map shall show the locations of gas shut-offs, power shut-offs, fire sprinkler riser rooms, fire department connections, alarm panels, Knox boxes, access doors, egress windows, stairways and any additional Fire Department requirements. Exact details for color coded “On-Sites” can be found at <a href="http://www.ketchumfire.org">www.ketchumfire.org</a>.</li> <li>• Final inspections of all Fire Department permit required installations by the Fire Chief or an appointee are required and shall be scheduled at least 48 hours in advance. A Final Inspection Checklist can be found at <a href="http://www.ketchumfire.org">www.ketchumfire.org</a>.</li> <li>• Fire Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</li> </ul>
<p><b>City Engineer &amp; Streets Department:</b></p> <ul style="list-style-type: none"> <li>• Pursuant to KMC §17.96.060.C.1, all storm water drainage shall be retained on site.</li> <li>• All construction for the project must comply with the standards set forth in Ketchum Municipal Code, Chapter 15.06 Construction Activity Standards. The applicant shall submit a Construction Activity Plan addressing all applicable activities including excavation, material storage and deliveries, screening, and site clean-up (KMC §15.06.030) to be reviewed and approved by the Building Department prior to issuance of a Building Permit for the project. Pursuant to KMC §15.06.030.A.2, the applicant shall provide notice of the project, construction schedule, and general contractor’s contact information to all neighbors with properties adjacent to the project site.</li> <li>• The design shall meet all applicable sections of Chapter 12 of Ketchum Municipal Code including design criteria for private driveways (KMC §12.04.030.L).</li> </ul>

<ul style="list-style-type: none"> <li>• The public right-of-way adjacent to the subject property shall be improved to the City’s right-of-way standards for local-residential street ROWs. Material within the first eight (8) feet from the edge of asphalt shall be (1) distinct from the driveway in order to visually appear to be available for parking, (2) pervious and permeable to enhance drainage, and (3) the surface must allow for vehicle parking and be consistent along the entire property frontage. No live plant materials or obstructions, such as boulder or berms, are permitted within the first 8 ft from the edge of asphalt.</li> <li>• The applicant shall submit a Street and Alley Digging, Excavation, and Trenching (“DIG”) Permit application with an associated traffic control plan for all construction work within the City right-of-way to be reviewed and approved by the Streets Department. The use of City right-of-way for construction including the closure of adjacent streets or sidewalks requires a Temporary Use of Right-of-Way Permit (“TURP”).</li> <li>• City Engineer &amp; Streets Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</li> </ul>
<p><b>Utilities:</b></p> <ul style="list-style-type: none"> <li>• The applicant will be responsible for installing connections to the water and sewer system at Warm Spring Road.</li> <li>• Improvements installed within the 5-foot public utility easement on the subject property are installed at the applicant’s own risks and any associated repairs shall be at the property owner’s expense.</li> <li>• Requirements and specifications for the water and sewer connections will be verified, reviewed, and approved by the Utilities Department prior to issuance of a Building Permit for the project.</li> </ul>
<p><b>Building:</b></p> <ul style="list-style-type: none"> <li>• The building must meet the 2012 International Building Code and Title 15 Buildings and Construction of Ketchum Municipal Code.</li> <li>• Building Department requirements and associated specifications for the required improvements must be verified, reviewed, and approved prior to issuance of a Building Permit for the project.</li> </ul>
<p><b>Planning and Zoning:</b> Comments are denoted throughout the Staff Report and Exhibits C1 and C2.</p>

**Exhibit D:**  
**PUBLIC COMMENT**

Dear Planning and Zoning Commissioners,

The concerned and adjacent Sage Road neighbors to 3020 WSR project received the most recent revised east / west / and north elevations in a meeting with Suzanne Frick and Brittany Skelton at the City of Ketchum this past Wednesday. Based on those revisions, dialog between commissioners post public comment in last design review, and the commission motion made and passed to continue design review process in two weeks based on commission and community concerns of sides and rear of building, we submit the following:

- We commend both the commission, architect, and owners for addressing compatibility of design through the thoughtful commissioner suggestion and inclusion of design elements from the elaborate south elevation to the barren side and rear elevations. The new cosmetic elements and return of rear ground floor windows are welcomed with regard to compatibility of design.

§ **Compatibility of Design:** The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures (Ketchum Municipal Code §17.96.060.E1).

- Unfortunately, the north elevation remains essentially a flat wall, and the side tier structural change on the third floor benefiting east and west neighbors is indistinguishable for adjacent north neighbors. In fairness to the Waddells and adjacent neighbors we ask the commission to request specific guidance. As requested in the prior two design review meetings, we again request the commission to specifically ask for structural design changes incorporating city code to all project elevations. Where it is nice the east and west 3rd floor tiers were enhanced, the primary orientation of side neighbors is north and south. It was well stated by a commissioner in the last design review, that Warm Springs homes are unique and orientations are north and south. 3020 WSR project has completely written off the north view, stripped of potential balcony or even a door that could tie them to the deer and elk, along with the four season landscape beauty in stark contrast to deep blue skies. Instead the proposed conifers show the intent of owners soften a monolithic wall, to eventually wall off the north. Conifers do as conifers do, grow tall and never lose needles...

- o We believe the commission has heard the collective community concern about this project's side and rear elevations' bulk and mass.
- o As citizens, and neighbors, we feel we have not been heard when discussion by commissioners derails to views being blocked and lectures on how wise buyers secure views. When we purchased our home, we knew a three-story project would likely be built at 3018, 3020, and 3022 WSR and views would be reduced. We had the two previously referenced east three story projects as precedents when we purchased our home in 2015, and the same code applies today as it did then. In-fact we toured one of those units prior to purchasing our home in 2015. When 3020 WSR project architect suggested the north walls on those two east projects were essentially flat as well, in the last design review, but he couldn't take a photo, we were shocked. We had taken photos of the rear elevations of both and there is significant undulation both vertically and horizontally! Those two projects are the very essence of undulation and relief to reduce the appearance of bulk and flatness, and are precedents for acceptable projects. Additionally, their rooflines are broken up by hip-gable roofs. (See photos below) To put the true concern of adjacent neighbors to the north of 3020 WSR project back on track,

we continue to repeat the same concern and request the same remedy based on city code being applied to all elevations to reduce bulk and flatness of the proposed wall, even with the latest additions. Project architect already rendered a tiered design element included in the latest revision and did not lose a bedroom as he previously stated. Designing wedding cake tiers into the second and third floors will reduce some square footage, but not eliminate rooms. We continue to hear the project is in code and maxing square footage is the owners' prerogative, but the north wall is not going against a mountain side like similarly designed Warm Springs projects, rather in front of neighbors. This current design, without structural changes, will set a new and controversial precedent.

§ **Architectural:** Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness (Ketchum Municipal Code §17.96.060.F5).

§ There has been repeated commissioner comment and question on the degree of undulation and the degree of relief. There is a level of subjectivity, but degree is not the measure. Reducing the appearance of bulk and flatness is the measure. It is included in the code as structural compliance, not cosmetic. When a commissioner states in the same meeting, "I totally understand the concerns of the adjacent neighbors...It is a large wall in your back yard." It seems there is still work to be done on the remedy. Tiered (wedding caked) design elements as the building increased in floors best accomplishes reduction in appearance of bulk and flatness. Again, when reviewing this latest design the question is: Do the building walls reduce the appearance of bulk and flatness? From the north, slightly askew or not, this structure as revised and presented remains and expansive, massive, and monolithic flat wall.

§ Project architect has stated structural design element cannot be incorporated into building without losing a bedroom. However, in his latest rendering he incorporated a tier on the 3<sup>rd</sup> floor and a bedroom was not lost, rather some square footage was lost to benefit adjacent side neighbors.

§ Had commission asked for structural changes on all elevations to incorporate code elements rather than only cosmetic when initial public concern was expressed in the first design review, as neighbors we'd have welcomed the project.

§ We believe the commissioner's words from the last design review are powerful. Paraphrasing those comments: Based on the number of community concerns, best to not rush it [decision] because buildings will be permanent in our life-times. Structural design elements are permanent in our life-times, but cosmetics are not. Please request the necessary structural changes be added into design so it can be approved at the next design review and demolition and construction can begin on this project with a welcome from adjacent neighbors.

Again, thank you for your time and consideration in this matter.

Jamey and Mark Kern

401A Sage Road

Dear Planning and Zoning Commission,

The undersigned architect, **Walt Whitbeck Architects**, 3023 W. 96th Street, Suite 100, West Valley City, Utah 84143, is pleased to present to you the attached site plan, site plan, and site plan for the proposed design review process for two units based on construction and community concerns of site and use of building, we submit the following:

- 1. **Compatibility of Design:** The project's overall color and siding shall be complementary with the surrounding neighborhood and existing structures. (Utah State Code 171060001)
- 2. **Neighborhood Character:** The project's design shall be consistent with the neighborhood's character and existing structures. (Utah State Code 171060002)
- 3. **Architectural Quality:** The project's design shall be consistent with the neighborhood's architectural quality and existing structures. (Utah State Code 171060003)
- 4. **Site and Use:** The project's design shall be consistent with the neighborhood's site and use. (Utah State Code 171060004)
- 5. **Construction:** The project's design shall be consistent with the neighborhood's construction. (Utah State Code 171060005)
- 6. **Materials:** The project's design shall be consistent with the neighborhood's materials. (Utah State Code 171060006)
- 7. **Colors:** The project's design shall be consistent with the neighborhood's colors. (Utah State Code 171060007)
- 8. **Lighting:** The project's design shall be consistent with the neighborhood's lighting. (Utah State Code 171060008)
- 9. **Signage:** The project's design shall be consistent with the neighborhood's signage. (Utah State Code 171060009)
- 10. **Other:** The project's design shall be consistent with the neighborhood's other. (Utah State Code 171060010)

Again, thank you for your time and contribution to the matter.

Walt Whitbeck  
3023 W. 96th Street



**From:** Alex Hughes <[alexsunvalley@gmail.com](mailto:alexsunvalley@gmail.com)>  
**Sent:** Tuesday, May 19, 2020 4:22 PM  
**To:** Participate <[participate@ketchumidaho.org](mailto:participate@ketchumidaho.org)>  
**Subject:** 3020 Warm Springs Duplex Construction plans

So sorry this is late getting to you.

To: Ketchum Planning & Zoning Meeting – 5/19/2020 5:30

Virtual Meeting

Regarding: 3020 Warm Springs Duplex construction.

My name is Alex Hughes and I own the property located at 319 Sage Road, Unit A. My property abuts the subject property at the NW corner of the subject property and the SW corner of my property.

Thank you for the opportunity to share comments and thoughts.

I have a couple of comments to discuss here including firsthand information on new technology as it relates to noise pollution.

In Warm Springs where lot size can be of higher density than some areas of Ketchum, the new 'high efficiency' technology has turned quiet neighborhoods into mini commercial districts butting up against neighbors and overloading the atmosphere with noxious noise decibels, electromagnetic fields and toxins.



Engines, motors and exhausts from these high efficiency heating and cooling conditioners, and some hot tubs are way over allowable decibel readings. The purveyors of the products do not share this information with clients who are installing these products. The people inside of these hermetically sealed homes do not hear their own noise pollution due to ALL the windows being shuttered up. The neighbors who enjoy the quiet outdoors and evening air are left to deal with night-time noise pollution.

There is a hot tub, an air conditioner, and two 'snow melt' large boilers to heat the driveway, outside of my bedroom window and deck, which belong to my neighbors. All of this equipment individually make noise and disrupt the once quiet of my life and sleep.

My concerns now are, 4 additional air conditioners, two more hot tubs (circulating and heating) and possibly snow-melt boilers with very loud exhaust pipes? All of these engines/machines/equipment and exhausts amplify the noise pollution in direct vicinity to my home.

Some ideas regarding solutions to noise:

Hot tubs - should have timers to shut down the noise at 10:00 PM so they are not running, on and off, all night disturbing the peace of the neighbors and not to mention when not in use for months at a time.

Air Conditioners - it is 50 to 65 degrees in the evenings/nights on average here in the beautiful mountains at 6000 feet above sea level and one of the reasons we have all come here to enjoy life and these cool, beautiful, summer evenings. Sure

some nights have been warmer in late July/early August - open your windows OR put **interior air conditioners into your homes** so we, your neighbors, do not have to listen to the engines spewing out noise, EMFs, (electro magnetic frequencies) which are polluting our beautiful evenings here in the mountains.

For the record: Fences and screening do not stop noise pollution from exterior air conditioners, noxious loud noise and exhaust from snow melt boilers or high efficiency water heaters and boiler exhausts which have very loud over acceptable decibel noise. Dark Sky Ordinance means turn off exterior lights at night.

I am not happy at all with the box like, commercial look of the architectural plans from my side of the fence. The building from the north of this property is very unappealing with its commercial box like construction with no thought to the owners on the NW of the property. The architectural look of this box-like structure is not within the style of neighboring homes here in Warm Springs on these 'typically small lots'. I hope there is going to be more discussion on softening the façade.

I am sorry I did not have more time to read the codes and review the information supplied by the architect. I thank you for sharing the information and I look forward to spending more time reviewing.

Mayor Neil, I look forward to talking to you about this ongoing problem regarding these very real disruptive noises from 'new building operational systems' ie HVAC and located in our higher density living areas. I am happy to discuss these notes with anyone regarding this subject. I have recently experienced my own installation of 'high efficiency hot air heating system and I, voluntarily, am working with another HVAC company to mitigate (move the location of the

exhaust) the sound from the furnace which is currently being exhausted toward the street since D&S heating installed the furnace without my understanding of the loud noxious noise from a high efficiency furnace. This leads me to believe that HVAC installers do not share that there is a VERY loud noise from these new 'high efficiency' boilers/furnaces being used by all for new buildings.

Again, thank you for allowing us to discuss our concerns,

Thank you,

Alex Hughes

208 720 7444

[alexsunvalley@gmail.com](mailto:alexsunvalley@gmail.com)

Sun Valley, A Great Place to Wake UP!

Alexandria 'Alex' Hughes  
Sun Valley Real Estate,LLC  
**CHRISTIE'S**  
INTERNATIONAL REAL ESTATE  
Ketchum, Idaho  
Located next to the  
Pioneer Saloon!

(208) 720 7444 cell

Hey Abby,

I just wanted to let you know that we logged on to the Zoom call tonight regarding the discussion of the new build we corresponded about earlier. We had hoped that Mark Kern would make mention, in his public remarks, that he was also speaking on our behalf. Since he didn't, we felt the need to call ourselves and did so. We called the number, access the meeting ID and were told we were the second in queue. Unfortunately, it appeared that no one was aware we were waiting as we were never acknowledged. Of course, the conversation regarding approval continued without us and we understand the limited approval the builders were given assuming they address the back wall concerns.

We appreciate the effort made tonight and just wanted to make sure it was known that we attempted to make our own concerns known regarding the back wall issue during the public comment period but were not successful. If you could let us know what the next step is so that we can better coordinate, I'd sure appreciate it.

Thank you!

Steven Hart  
401B Sage Road

**From:** Baird Gourlay <[bairdg7@gmail.com](mailto:bairdg7@gmail.com)>

**Sent:** Wednesday, May 20, 2020 1:03 PM

**To:** Neil Morrow <[nmorrow@ketchumidaho.org](mailto:nmorrow@ketchumidaho.org)>; Matthew Mead <[mmead@ketchumidaho.org](mailto:mmead@ketchumidaho.org)>; Tim Carter <[tcarter@ketchumidaho.org](mailto:tcarter@ketchumidaho.org)>; Jennifer Cosgrove <[JCosgrove@ketchumidaho.org](mailto:JCosgrove@ketchumidaho.org)>; Kurt Eggers <[keggers@ketchumidaho.org](mailto:keggers@ketchumidaho.org)>

**Cc:** Suzanne Frick <[sfrick@ketchumidaho.org](mailto:sfrick@ketchumidaho.org)>; Neil Bradshaw <[NBradshaw@ketchumidaho.org](mailto:NBradshaw@ketchumidaho.org)>

**Subject:** 3020 WS rd

This is Public Comment for 3020 WS RD Duplex. Please forward to the commissioners, ASAP.

*This is Baird Gourlay 405 Sage Rd. (Kitty corner to 3020) I've lived at this location for 35 years, and as a 3 year P&Z commissioner and 16 year Ketchum City Councilmen I learned more and forgotten as much about the codes as anyone. Thanks for serving!*

*From the Warm Springs side/south elevation this project looks great, from all other elevations it's a bit of a disaster. If this is the typed of building that is going to be allowed in this subdivision, we are going in a different direction than I perceived.*

*Specifically the code says:*

**Compatibility of Design:** The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures (Ketchum Municipal Code §17.96.060.E1).

*There isn't a building like this on the north side of WS Rd. Most of them are two stories with sloped roofs and way under the max height and bulk. The materials are nice on the South exposure, but all other exposures are bland. I totally understand they can go to 35' and three stories, but there absolutely needs to be more relief on the back and side walls not in inches, in FEET.*

**Architectural:** Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness (Ketchum Municipal Code §17.96.060.F5).

*The South Elevation looks great. Unfortunately, the other Elevations are virtually flat walls. In particular the North elevation/ back wall is literally a 32' high wall that's 65-70' in length. There is little undulation and no wedding caking, like the south elevation. It appears as a giant flat surface, reminds me of a 'border wall'.*

*I and other neighbors tried to participate in the virtual meeting but, apparently the call in number was incorrect. The neighborhood wasn't really able to participate. We weren't able to convey these concerns. I/ We will come to the next meeting and I will reach out to both Brian Poster and Craig Lawrence.*

Baird Gourlay  
PO 1221  
Ketchum, ID 83340  
208 720 4769  
[Bairdg7@gmail.com](mailto:Bairdg7@gmail.com)

To Whom It may concern,

As a point of reference, I am a property owner, live and work, in Warm Spring and pass the subject property every day. First, I want to commend the Owners and Architect for not designing a monstrosity or asking for extra building height, lot line shifts and other zoning variances!!!

Second, I encourage the City of Ketchum to take into consideration the following, in the process of approving this project;

1. The new structure will be built under the most current fire/safety and structural codes. You can be assured the present structure, built in the early 70s, does not.
2. The design is in keeping with the neighborhood and is similar to homes currently being built in many Ketchum and Blaine County neighborhoods.
3. As a property owner, I assume when purchasing real estate, I will be able to build or make improvements, to the property, in the future, within the mandates of current zoning codes, plat restrictions and easements, without undue public scrutiny.

As public officials, you can rest assure, this project is welcomed by many of the Warm Spring neighbors.

Thank you for your consideration,

Jeff Smull

116 Ritchie Drive.

P.s. Please insert this email into public comment section of the P&Z process.

**From:** Mark Kern <[markdkern@me.com](mailto:markdkern@me.com)>

**Sent:** Friday, May 15, 2020 6:05 AM

**To:** Abby Rivin <[ARivin@ketchumidaho.org](mailto:ARivin@ketchumidaho.org)>; CRAIG LAWRENCE <[clawrenceaia@msn.com](mailto:clawrenceaia@msn.com)>

**Cc:** Jamey Kern <[jameykern@me.com](mailto:jameykern@me.com)>

**Subject:** Re: Duplex proposal - plans attached

Hi Abby and/or Craig,

We are very appreciative of applicant's willingness to install story poles at the maximum roof peaks. Additionally, we are hopeful they will also install story poles at north corners where elevations are nearly as high but also pushed to setbacks. The NW corner will have greatest impact of Bald Mt view from our view windows, a sense of sheer dimensions of generally a flat back wall will be better visualized as it is moved closer to property lines, direct sunlight/view impact for all neighbors, and project scale in neighborhood.

- Is applicant also willing to install project's north corner story poles as well?
- Will city representatives, applicants, and applicants' representatives be willing to schedule a site visit to our residence once story poles are installed prior to application approval? You are all welcome and invited.

Greatly appreciated,

Jamey and Mark Kern  
401A Sage Road  
Ketchum, ID 83340  
248.914.4272

Hi,

I wanted to take a minute to weigh in on the Waddell/Roush duplex plans for 3020 Warm Springs Road. I think they've done a wonderful job in their design and hope to see it constructed in the near future. Please insert my note into the public comment section of the P&Z process.

Thank you for your consideration.

Sincerely,

Kristen Jarvis  
111 Huffman Drive  
Ketchum, ID 83340

#206-954-2122



Hi, my name is Irvin Bier and I own a home at 2206 Warm Springs Rd. This e-mail is being sent to support the approval of the Waddell Duplex Project at 3020 Warm Springs Rd. I have reviewed the plans and feel that the design is appropriate for the neighborhood as it contains many elements common to past as well as current development across the North Valley. Please insert this letter into the public comment section of the P&Z process.

Irvin Bier

Sent from my iPad

There is a lot of concern from my neighbors on the Sage Rd side of this project. It seems difficult to for any and all of the neighbors to comment on their concerns and to hear the commissions and staffs response to those concerns. I would strongly suggest that this project's hearings be delayed until a proper, not virtual meeting be held. I know the owners have the right to develop this property, but virtual meetings make it very difficult to work with the neighbors on a mutually acceptable project. For the record, a major concern is that this project pushes the max of the code. As a former councilmen and originator of the form based code, I know that we, the city tried to move away from boxes like this in the core. We required setbacks to increase as heights went up, wedding cake design was the term. I know when I added on to my house on Sage rd., I was required to have setbacks from the side property line as the addition went up in height. Has the code changed?

Please forward this email to the P&Z commissioners,

Thanks,

Baird Gourlay  
PO 1221  
Ketchum, ID 83340  
208 720 4769  
[Bairdg7@gmail.com](mailto:Bairdg7@gmail.com)



Good morning,

Our names are Julie and Tad Gulick and we reside at 420 Huffman Dr. in Warm Springs. We have taken a look at the design of the proposed Waddell duplex at 3020 Warm Springs Rd. We feel it would be a nice addition to the neighborhood and support the building of this structure. Please add our letter of support to the public comment section of the P&Z process.

Thank you,  
Julie and Tad Gulick

Hello,

I am sending this email in support of the plans for the Waddell Duplex at 3020 Warm Springs Road in Ketchum. I have reviewed the plans and feel the design is appropriate for the neighborhood and community. I support approval of the design and project. Please insert this letter into the public comment section of the P&Z process.

Robert and Kayse Gundram  
308 Sage Rd  
Unit 4  
Ketchum, ID 83340

Good Morning,

My name is Scot Jarvis and I have a home at 109 Georgina in Ketchum.

I have recently had the opportunity to review the plans for the Waddell/Roush Duplex at 3020 Warm Springs Road.

It certainly has the feel and consistency of its design to fit well into the surrounding neighborhood.

I fully support approval of this project.

I would request that you include this letter in the public comment section of the Permit & Zoning process.

Sincerely,

Scot Jarvis

425 864-6000

My name is Jill Wood, I live at 201B Skiway Drive. I have seen the design plan for the Waddell Duplex (3020 Warm Springs Road), it is gorgeous and I would love to have it built in our neighborhood. I support this project, please add my comments to the public comment section.

Thanks,

Jill

Greetings Abby,

We are glad to hear a new dwelling will be built at 3020 Warm Spring Road. We are hopeful, based on elevations your team provided, the property owners will work with neighbors toward final design that has more of a tiered (wedding caked) and undulated building form along with sensitivity to building scale in our neighborhood. As property owners of 401A Sage Road directly north (behind) the subject property, we anticipate our residence will be impacted to the greatest degree of a decreased Bald Mountain view. Our direct sunlight will also be significantly decreased along with multiple surrounding neighbors due to maxed rectangular building envelope in both height and width.

We completely understand and expect new construction will increase in height and expanded to zoned setbacks. Our request is for consideration of property owners, architect, and builder to produce plans reducing impact of neighbors' views, loss of direct sunlight, and generally a better blend of scale in our neighborhood than the plans provided. To better review project we'd like to submit the following questions and comments:

- Are story poles able to be erected for better visualization of project scope?
- Are AC units being installed and, if so, where? Will screening for AC units be built?
- Is snow melt system being installed and, if so, where? Will screening for snow melt system be installed?
- We welcome property owners and representative, City of Ketchum Planning, and other interested parties to schedule a site visit to our home with plans and to view story poles.
- We understand the landscaping plans and staff report will be posted on city website and we'll keep checking back for them being posted.
- Are owner's square footage goal able to include a basement in the project to any extent?

Please let us know if you have questions for us, and we request the comments and questions in this email be included in the March 19, meeting.

Thank you,

Jamey and Mark Kern  
401A Sage Road,  
Ketchum, ID 83340  
248.914.4272

All,

I am a home owner with a property on Simpson Road. I have reviewed the plans for the Waddell Duplex at 3020 Warm Springs Road and approve of its design. I believe this project is consistent with the “look and feel” of the Warm Springs neighborhood. I support approval of this project.

Please insert this letter into public comment section of the P&Z process.

Todd Patrick



Greetings:

My name is Karin Schock. My husband and I own unit #144 at The Prospector, 315 Skiway Drive in Ketchum.

The plans for the Waddell Duplex at [3020 Warm Springs Road](#) exceed what we would like to see people build in the neighborhood. In our opinion, the design is attractive, efficient and will enhance the overall aesthetic of the Warm Springs Road area.

I fully support approval of this project. Please insert this letter into public comment section of the P&Z process.

Sincerely,  
Karin Schock  
[karin@schocks.com](mailto:karin@schocks.com)  
509.630.0063

Greetings,

My name is James Zogg and I have a home at 161 Simpson Rd in Ketchum. I've reviewed the plans for the Waddell Duplex at 3020 Warm Springs Road. I feel it has an appropriate design and fits into the neighborhood. I support approval of this project. Please insert this letter into public comment section of the P&Z process.

James Zogg

Sent from [Mail](#) for Windows 10

**From:** Mark Kern <[markdkern@me.com](mailto:markdkern@me.com)>  
**Sent:** Thursday, May 14, 2020 2:04 PM  
**To:** Abby Rivin <[ARivin@ketchumidaho.org](mailto:ARivin@ketchumidaho.org)>  
**Cc:** Jamey Kern <[jameykern@me.com](mailto:jameykern@me.com)>  
**Subject:** Re: Duplex proposal - plans attached

Hi Abby,

We are emailing to confirm your receipt of questions and comments submitted earlier in email chain for next Tuesday's meeting, along with the following questions and comments:

- Will your Staff Report be posted at the following location or other?  
<https://www.ketchumidaho.org/bc-pc/page/planning-and-zoning-commission-10>
- Do you have an anticipated day and time the Staff Report will be posted?
- Structure on NE corner of Skiway and Warm Springs Road intersection is an example of the impact a wall-to-wall box structure can have on a neighborhood, even as a single family dwelling. Not knowing the situation of lots directly to the north and to the east, just walking either lot shows the impact of view and direct light obstruction, along with the negative appeal of box structure. The north elevation of subject duplex has even a greater degree of box/strait flat wall design which is our direct view.

Much appreciated,

Jamey and Mark Kern

## Exhibit E:

May 19<sup>th</sup> Staff Report

[Click Here](#)

June 8<sup>th</sup> Staff Report

[Click Here](#)



City of Ketchum

**STAFF REPORT  
KETCHUM PLANNING AND ZONING COMMISSION  
SPECIAL MEETING OF JUNE 22, 2020**

**PROJECT:** Nalen Appeal

**FILE NUMBER:** P20-028

**OWNER:** Craig A. Nalen

**APPLICANT:** Fritz X. Haemmerle, Haemmerle Law, P.L.L.C., on behalf of Craig Nalen

**REQUEST:** Appeal of an administrative decision

**LOCATION:** 201 Garnet Street (FR SE SW TL 8492 SEC 18 4N 18E)

**ZONING:** Limited Residential (LR)

**OVERLAY:** None

**NOTICE:** The hearing was continued from the June 8, 2020 meeting. Notice of the initial hearing date was published in the Idaho Mountain Express on May 20, 2020. Notice was mailed to property owners within a 300-foot radius on May 22, 2020. Notice was posted at three (3) public locations and on the subject property on May 22, 2020.

**ATTACHMENTS:**

- Attachment A** – Revised Site Plan, sheet ASK-001, dated June 9, 2020
- Attachment B** – Letter regarding June 9, 2020 201 Garnet St. site plan, The Jarvis Group, dated June 9, 2020
- Attachment C** – Site Plan, sheet A 1.1, dated March 6, 2020
- Attachment D** – June 8, 2020 staff report, including attachments

## Background

The Commission held an appeal hearing on this matter on June 8, 2020. At the June 8, 2020 hearing the applicant's attorney referenced the proposal of a revised site plan. The Commission requested the City Engineer's evaluation of the revised site plan and for the site plan to clarify all setbacks from the property line and edge-of-asphalt to the proposed structure.

The revised site plan, dated June 9, 2020, and an explanatory letter from the property owner's architect are included with this staff report as **Attachment A**. The City Engineer's comments on the revised site plan are included in the next section.

Additionally, staff requested a more legible copy of the site plan dated March 6, 2020 and attached the to appeal brief for the record, as the original submittal to the city was in paper form and the quality of the scanned-in reproduction was not high. The March 6, 2020 site plan is included with this staff report as Attachment B.

## Recommendation and Summary

Staff recommends the Commission:

- Review the record, and hear oral arguments from the appellant and from staff, deliberate, and affirm the determination of the Administrator and direct staff to draft Findings of Fact, Conclusions of Law, and Decision to be considered for adoption at the July 13th, 2020 by adopting proposed Motion #1.

At the June 8, 2020 hearing the applicant's attorney referenced the proposal of a revised site plan. The Commission requested the City Engineer's evaluation of the revised site plan.

The revised site plan and a explanatory letter from the property owner's architect are included with this staff report as Attachment A. The City Engineer's comments on the revised site plan are below. As proposed by the applicant in the revised plans, the following encroachments are problematic:

- The building structure is proposed to be located 11'-8" inches from the edge of the pavement. Because of the width of the street, there is no ability to use the street to store the plowed snow. When the street is plowed, all the snow must be plowed and stored in the space between the edge of the road and the house. A setback of 11'-8" inches is insufficient area to store plowed snow.
- The porch overhang is proposed to encroach 3' into the 11'-8" inch setback resulting in an 8'-8" setback from the edge of the pavement. As noted above, this encroachment will impede snow removal operations.

The March 6, 2020 plans show installation of a fence within 2'-7" of the edge of the roadway. The June 9, 2020 plans do not provide the same level of detail as the March 6<sup>th</sup> plans. If the fence is still proposed within 2'-7" of the edge of the pavement, based on the experience of the snowplow crews, this fence will impede snow removal operations.

Staff recommends affirming the administrator's decision set forth in the zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020 for the following reasons:

Rationale summarized and included in the June 8, 2020 staff report:

- The setbacks as proposed by the applicant do not provide sufficient area to perform basic city services such as snow removal. This is a new development and all other new development projects constructed within Ketchum are designed and constructed to standards that do not impede or prevent basic city operations such as snow removal. Allowing this development to impede snow

removal and require the city to incur additional expense for city operations is inconsistent with the approval of all other new development projects. Older existing structures on the Gem Streets that have pre-existing similar setbacks to those proposed by the applicant have been damaged by snow removal operations and based on review by the Street Superintendent, elements of this development that encroach into the 15 foot setback will likely be damaged during snow removal.

- The uniform application of building setbacks, as argued by Mr. Haemmerle, is an equal protection issue; however, of equal note throughout the city is the need for land development projects (buildings, landscaping, fencing, etc.) to comply with any number of other equally applicable regulations, such as the city's minimum snow storage and drainage requirements for one-family dwellings as set forth in KMC Section 17.124.170.
- The proposed drainage improvements do not comply with KMC Section 17.124.170.A. Rather, the proposed reconfigured borrow ditch: (a) is inadequate given the unique characteristics of the site as further calculated by the city engineer; and (b) does not comply with city standards.
- The proposed snow storage areas for all improved parking and pedestrian circulation areas, including the entirety of the existing paved roadway on the subject property, whether dedicated for public right of way purposes or not as noted in the existing Garnet Street Agreement (instrument #403847), is less than the required minimum of 30%.
- Allowing insufficient area to facilitate city operations and permitting a development that will incur damage due to the encroachments into the 15-foot setback sets a undesirable precedent for future development projects in Ketchum and on the Gem Streets.

The following are the comments on the June 9, 2020 site plan provided by City Engineer Sherri Newland:

- The calculations prepared by the City Engineer for the swale sizing and snow storage are based on roadway widths. Adjustments made to proposed encroachments would not influence the calculations.
- The City's standard residential lane width is 13' feet of asphalt or 26' in total for two lanes. Based on a standard lane width of 13' the City needs 14.9' of storage for snow. Looking at GIS and the site plan there is approximately a 13' section/swath of the paved portion of Garnet Street on the applicant's property which matches the City's standard lane width of 13' necessitating 14.9' for snow storage on the property due to the 13' of roadway.
- The City standard for a residential street (60' ROW) requires a 13' lane width and 17' wide drainage swale on each side. The drainage swale is necessary to facilitate melting of the plowed snow and rain runoff from the street without damaging private property. With Garnet St. being only 20' wide, and presuming the roadway was crowned and ½ or 10' into the roadway, the asphalt must drain into a roadside swale. Since only a 10' wide section of pavement is draining towards the swale, the required swale width could be reduced from the city standard of 17' to 15'.

#### Process

As outlined in KMC §17.144.010 and §17.144.020 the Planning and Zoning Commission may affirm, reverse, or modify, in whole or in part, the determination of the administrator. An appeal may be filed of any order, requirement, decision or determination of the commission by any affected person, as that term is defined by Idaho Code section 67-6521, as it may be amended from time to time, or any officer or department of the city, to the city council by filing a notice of appeal in writing with the office of the administrator of the city in the

manner prescribed in this chapter. In this case, depending on the decision of the Planning and Zoning Commission, either the applicant or a city department may appeal the decision to the City Council.

### Recommended Motions

1. After hearing, move to **affirm** the March 9, 2020 zoning determination of the planning and zoning administrator and direct City Staff to prepare written findings of fact and conclusions of law (“Findings”) and present subject Findings for final decision at the Commission’s regular meeting scheduled for July 13, 2020, which will be within thirty (30) days of today’s date, June 22, 2020.

### Hearing Procedure

1. Hear from staff
2. Ask questions of staff
3. Hear from the appellant
4. Ask questions of the appellant
5. Deliberate
6. Either make a decision or continue the hearing to a date certain
  - a. If a decision is rendered direct staff to prepare Findings of Fact, Conclusions of Law, and a Decision to be presented for adoption at the Planning and Zoning Commission’s regular meeting of July 13, 2020.

### Commission Authority

As set forth in KMC §17.144.010.C the Commission has the following authority:

- “Upon hearing the appeal, the commission shall consider the record, the order, requirement, decision or determination of the administrator and the notice of appeal, together with oral presentation and written legal arguments by the appellant and the administrator. The commission shall not consider any new facts or evidence at this point. The commission may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the administrator.”

### Commission Decision

As set forth in KMC §17.144.010.D the Commission has the following authority:

- “The commission shall enter a decision within thirty (30) days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The commission shall transmit a copy of the decision to the appellant ....”

### Attachments

**Attachment A** – Revised Site Plan, sheet ASK-001, dated June 9, 2020

**Attachment B** – Letter regarding June 9, 2020 201 Garnet St. site plan, The Jarvis Group, dated June 9, 2020

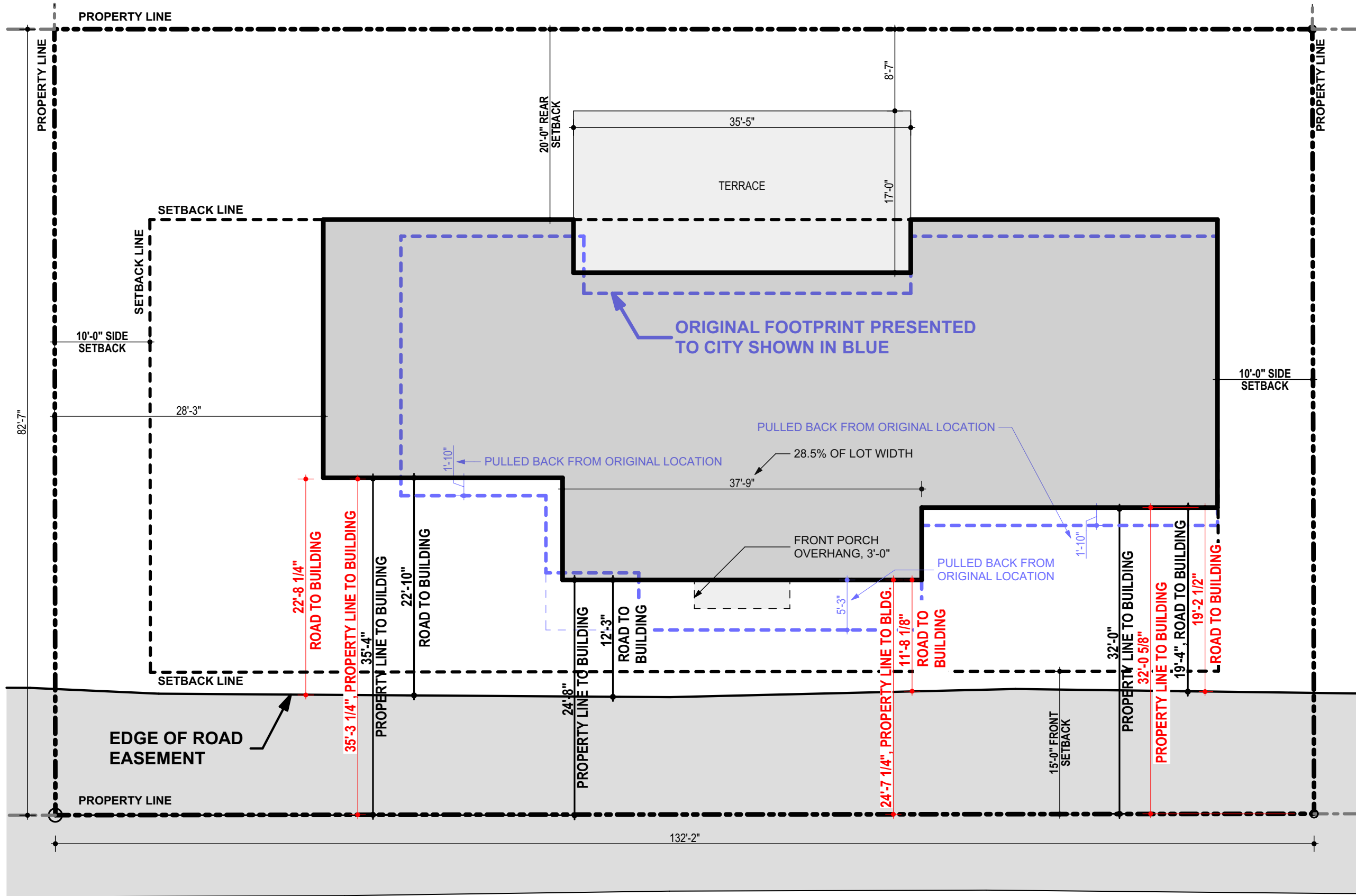
**Attachment C** – Site Plan, sheet A 1.1, dated March 6, 2020

**Attachment D** – June 8, 2020 staff report, including attachments



## Attachment A

Revised Site Plan, sheet ASK-001, dated June 9, 2020



**DIMENSION LOCATIONS IN RED  
AS SHOWN ON A1.0, ACCURACY  
SET TO 1/8"**

**DIMENSION LOCATIONS IN BLACK  
AS SHOWN ON A1.1, ACCURACY  
SET TO NEAREST INCH**

**1 PLAN: DIAGRAM OF SETBACKS**  
SCALE: 3/32" = 1'-0"

**Attachment B**

Letter regarding June 9, 2020 201 Garnet St. site plan, The Jarvis Group,  
dated June 9, 2020

6.9.2020

**Re: 201 Garnet Street**

Brittany and Members of the P&Z Board,

To follow up on questions regarding differences in measurements between site plans, please note the following:

- The edge of road easement is not a straight line, it is a series of non-perpendicular line segments. Thus, the measured dimensions vary slightly dependent on where it is measured along the road.
- The house is not parallel to any of the aforementioned road edges.
- On some of the drawings, the accuracy of the dimensioning was set to round to the nearest inch, for ease of conversation and discussion.
- The more accurate rounding tolerance was used on the more detailed, larger scale plan.
- Please use attached ASK-001 as reference. This drawing reflects the dimensions locations of A1.0 in red, and A1.1 in black.
- Note that we will revise the front porch to be stone at grade, with a cantilevered roof of 36" or less.

Please feel free to contact us with any questions.

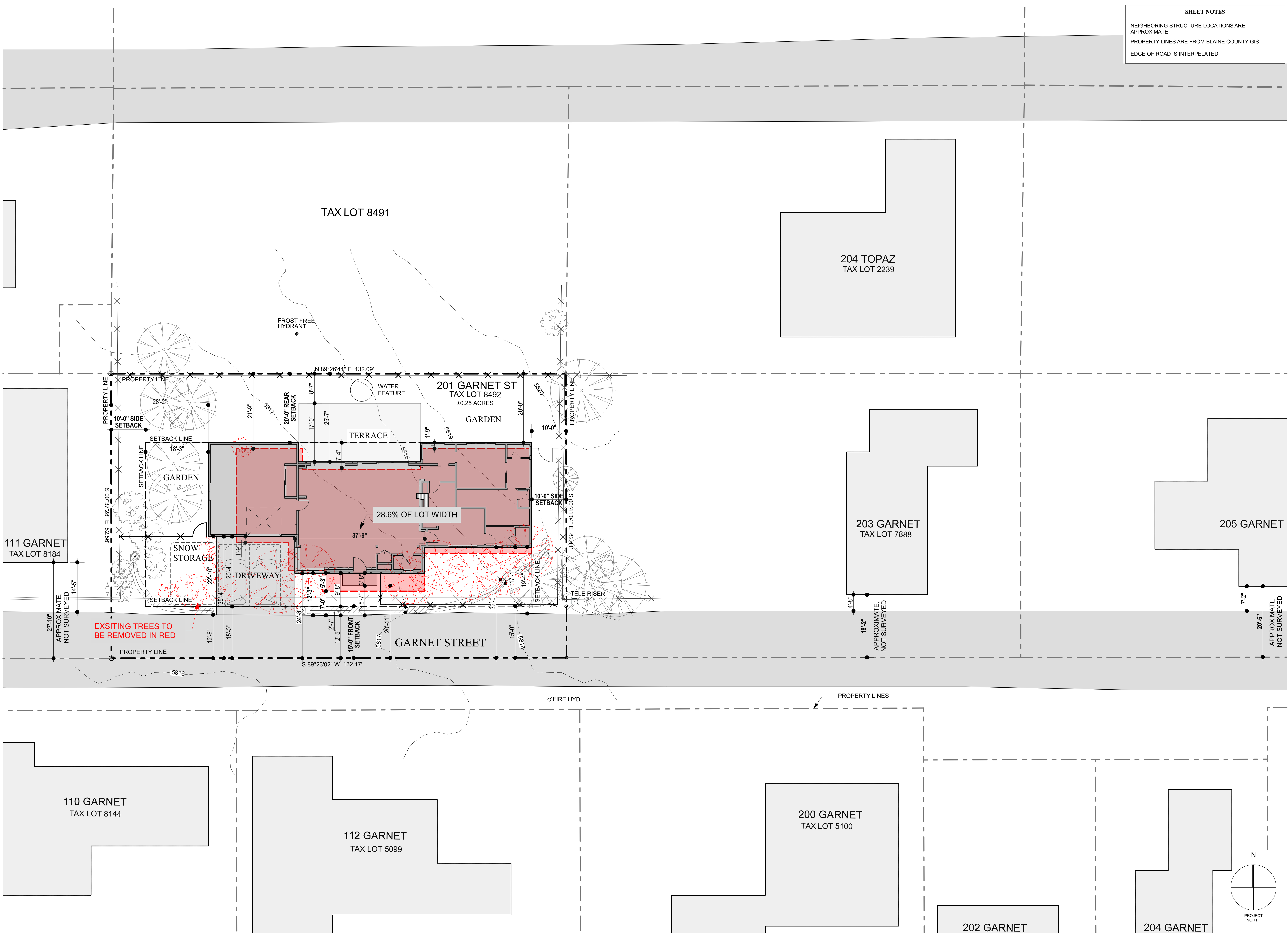
Thank you,

The Jarvis Group

**Attachment C**  
Site Plan, sheet A 1.1, dated March 6, 2020

NO.	DATE	DESCRIPTION

**SHEET NOTES**  
NEIGHBORING STRUCTURE LOCATIONS ARE APPROXIMATE  
PROPERTY LINES ARE FROM BLAINE COUNTY GIS  
EDGE OF ROAD IS INTERPELATED



1 PLAN: SITE PLAN  
SCALE: 1" = 10'

SITE PLAN 1:10

## Attachment D

June 8, 2020 staff report, including attachments



## City of Ketchum

### STAFF REPORT KETCHUM PLANNING AND ZONING COMMISSION REGULAR MEETING OF JUNE 8, 2020

**PROJECT:** Nalen Appeal

**FILE NUMBER:** P20-028

**OWNER:** Craig A. Nalen

**APPLICANT:** Fritz X. Haemmerle, Haemmerle Law, P.L.L.C., on behalf of Craig Nalen

**REQUEST:** Appeal of an administrative decision

**LOCATION:** 201 Garnet Street (FR SE SW TL 8492 SEC 18 4N 18E)

**ZONING:** Limited Residential (LR)

**OVERLAY:** None

**NOTICE:** Notice was published in the Idaho Mountain Express on May 20, 2020. Notice was mailed to property owners within a 300-foot radius on May 22, 2020. Notice was posted at three (3) public locations and on the subject property on May 22, 2020.

#### ATTACHMENTS:

**Attachment A** – Administrator’s Certification of Procedural Requirements

**Attachment B** – Record of the case

- B.1** Administrator zoning determination letter, “Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho,” dated March 9, 2020
- B.2** Garnet Street Agreement (instrument #403847)
- B.3** Fritz Haemmerle letter dated January 21, 2020
- B.4** KMC §17.12.030.C: Dimensional Standards Matrix
- B.5** KMC §17.124.170: Minimum Standards for One-Family Dwellings
- B.5** KMC §17.04.040: Interpretation
- B.6** Development Review meeting agenda dated January 8<sup>th</sup>, 2020
- B.7** 201 Garnet Street Drainage & Snow Storage Calculations and supporting materials (13 pages), S&C Associates, March 6, 2020

**Attachment C** – Notice of Appeal dated March 23, 2020 and Brief, Haemmerle Law, P.L.L.C.



## Recommendation and Summary

Staff recommends the Commission:

1. Accept the Administrator's certificate of procedural requirements by adopting proposed Motion #1
2. Accept the Commission's record of the case and set the matter for hearing for the June 8, 2020 meeting by adopting proposed Motion #2 and #3
3. Review the record, and hear oral arguments from the appellant and from staff, deliberate, and direct staff to draft Findings of Fact, Conclusions of Law, and Decision to be considered for adoption at a special meeting to occur prior to July 8, 2020 by adopting proposed Motion #4.

Staff recommends scheduling the appeal hearing to occur during the June 8, 2020 meeting because the appellant is present and has previously submitted a brief for the appeal. Should the Commission find additional time is needed to consider the record the Commission may schedule the appeal hearing to occur at or continue to a later date and time. (**NOTE:** This is not a public *hearing* and public comments were not required or solicited. The written comment included in Attachment D, and any additional written public comment received prior to the hearing, are included solely for informational purposes and so the staff and/or appellant can address them if so desired; the Commission's decision need not refer to or rely on any such unsolicited comment but is based on City Code.)

Staff recommends affirming the administrator's decision set forth in the zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020 for the following reasons:

- The proposed drainage improvements do not comply with KMC Section 17.124.170.A. Rather, the proposed reconfigured borrow ditch: (a) is inadequate given the unique characteristics of the site as further calculated by the city engineer; and (b) does not comply with city standards.
- The proposed snow storage areas for all improved parking and pedestrian circulation areas, including the entirety of the existing paved roadway on the subject property, whether dedicated for public right of way purposes or not as noted in the existing Garnet Street Agreement (instrument #403847), is less than the required minimum of 30%.
- The uniform application of building setbacks, as argued by Mr. Haemmerle, is an equal protection issue; however, of equal note throughout the city is the need for land development projects (buildings, landscaping, fencing, etc.) to comply with any number of other equally applicable regulations, such as the city's minimum snow storage and drainage requirements for one-family dwellings as set forth in KMC Section 17.124.170.
- The setbacks as proposed by the applicant do not provide sufficient area to perform basic city services such as snow removal. Older existing structures on the Gem Streets that have pre-existing similar setbacks to those proposed by the applicant have been damaged by snow removal operations.

## Recommended Motions

1. "I move to accept the administrator's certification of procedural requirements finding all procedural requirements have been satisfied and fees have been paid, included as Attachment A to the staff report dated June 8, 2020."

2. "I move to accept the record of the case consisting of the administrator's determination letter dated March 9, 2020 and the supporting documents referenced to reach the determination, included as attachment B to the staff report dated June 8, 2020."
3. "I move to set the appeal hearing to occur in Ketchum City Hall, Council Chambers, 480 East Ave. N., Ketchum, ID 83340 with the opportunity for the applicant to participate through the virtual meeting platform hosted at ketchumidaho.org on Monday, June 8, 2020 at 5:30 p.m. finding the appellant has been given proper notice of the proposed hearing time, date and location, has submitted a brief, and is present to give oral argument."
4. After hearing, move to **affirm** the March 9, 2020 zoning determination of the planning and zoning administrator and direct City Staff to prepare written findings of fact and conclusions of law ("Findings") and present subject Findings for final decision at a special meeting of the Commission to occur prior to July 8, 2020, which will be within thirty (30) days of today's date, June 8, 2020."

### Background

On March 9, 2020 the Planning and Zoning Administrator made a zoning determination pursuant to Ketchum Municipal Code (KMC) Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho. See **Attachment B.1** for a copy of the Administrator's March 9, 2020 zoning determination.

Subject administrative determination has been appealed by Fritz Haemmerle, Haemmerle Law P.L.L.C., on behalf of Mr. Nalen consistent with the appeal requirements of KMC §17.144.010. See **Attachment C** for a copy of Mr. Haemmerle's appeal brief.

As required by KMC §17.144.010.A, please also find all the supporting documents and papers that complement Attachments A and B in completing the record in the case, including applicant drawings and City Engineer snow storage and drainage calculations. See **Attachments B.2-B.7** for a copy of supporting documents.

Consistent with KMC §17.144.010, the Administrator certifies that all procedural requirements have been satisfied, fees paid, and that **Attachments A, B and C constitute the full record of the matter**.

### Commission Authority

As set forth in KMC §17.144.010.C the Commission has the following authority: "Upon hearing the appeal, the commission shall consider the record, the order, requirement, decision or determination of the administrator and the notice of appeal, together with oral presentation and written legal arguments by the appellant and the administrator. The commission shall not consider any new facts or evidence at this point. The commission may affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the administrator."

### Commission Decision

As set forth in KMC §17.144.010.D the Commission has the following authority: "The commission shall enter a decision within thirty (30) days after the hearing on appeal, which shall include its written findings of fact and conclusions of law separately stated. The commission shall transmit a copy of the decision to the appellant ...."

### Attachments

**Attachment A** – Administrator's Certification of Procedural Requirements

**Attachment B** – Record of the case

**B.1** Administrator zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020

- B.2** Garnet Street Agreement (instrument #403847)
- B.3** Fritz Haemmerle letter dated January 21, 2020
- B.4** KMC §17.12.030.C: Dimensional Standards Matrix
- B.5** KMC §17.124.170: Minimum Standards for One-Family Dwellings
- B.5** KMC §17.04.040: Interpretation
- B.6** Development Review meeting agenda dated January 8<sup>th</sup>, 2020
- B.7** 201 Garnet Street Drainage & Snow Storage Calculations and supporting materials (13 pages), S&C Associates, March 6, 2020

**Attachment C** – Notice of Appeal dated March 23, 2020 and Brief, Haemmerle Law, P.L.L.C.

**Attachment D** – Written public comment received as of 4:00 p.m. Wednesday, June 3<sup>rd</sup>, 2020

**Attachment A.**

**Administrator's Certification of Procedural Requirements**



City of Ketchum  
Planning & Building

June 1, 2020

**RE: Administrator's Certification of Procedural Requirements for the Nalen Appeal P20-028**

Consistent with KMC §17.144.010.A, the Administrator certifies that all procedural requirements have been satisfied and fees paid for the Nalen Appeal, file #P20-028.

A handwritten signature in blue ink, appearing to read "Brittany Skelton".

Brittany Skelton  
Senior Planner, Ketchum Planning and Building Department

**Attachment B.**  
**Record of the Case**

B.1 Administrator zoning determination letter, "Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho," dated March 9, 2020



## City of Ketchum

March 9, 2020

### CERTIFIED MAIL

Janet Jarvis  
511 Sun Valley Road  
Box 626  
Ketchum, Idaho 83340

**SUBJECT:** Zoning Determination Pursuant to Ketchum Municipal Code Section 17.124.170 for the proposed Craig Nalen Residence at 201 Garnet Street, Ketchum, Idaho

Dear Janet,

Associate Planner Abby Rivin enjoyed meeting with your associate Lucas Winter on January 8, 2020 and then with you on January 24, 2020. Subsequent to these meetings, Abby and I have had a chance to review your plans and want to compliment you, in general terms, on the overall quality of the design.

As noted at your previous meeting with Abby and representatives of city administration and streets, the city has a concern with the placement of the proposed new one-family dwelling. The concerns include: maintaining adequate "free clear and unobstructed" fire apparatus access, providing adequate snow storage, conforming with the existing Garnet Street Agreement (instrument #403847), and complying with city building setbacks requirements.

I am also in receipt of Fritz Haemmerle's letter of January 21, 2020, which states your position: "Every setback drafted on the site plan conforms to the City's existing [Limited Residential (LR) District] setbacks." Based on the dimensional standards listed in Ketchum Municipal Code (KMC) Section 17.12.030.C for the LR District, this position is plausible at face value, but additional analysis is required. In particular, I want to bring your attention to the Minimum Standards for One-Family Dwellings set forth in KMC Section 17.124.170 that affect the overall adequacy of the currently proposed site plan for the Craig Nalen Residence at 201 Garnet.

My analysis as to how the minimum standards for one-family dwellings affect the Nalen Residence site plan is organized in three parts as follows. Part one analyzes city drainage requirements. Part two reviews city snow storage requirements. Finally, in part three I summarize the extent to which, in my opinion as Administrator of the Ketchum Zoning Ordinance, your current site plan for Mr. Nalen requires additional attention to comply with the minimum standards for one-family dwellings as established by KMC.

**Part one: drainage.** I interpret KMC Section 17.124.170.A to:

- Require all stormwater be retained on site;
- Grant the city engineer discretionary authority to require addition drainage improvements depending on the unique characteristics of a site; and
- Require any proposed recontouring of borrow ditches, including the construction of drainage facilities affecting Garnet Street on Mr. Nalen's property, be constructed to city standards.

**Part two: snow storage.** I interpret KMC Section 17.124.170.C to:



- Require snow storage areas for all improved parking and pedestrian circulation areas, including the entirety of the existing paved roadway on Mr. Nalen’s property as subject area is used for pedestrian circulation, among other uses;
- Allow the proposed recontoured borrow ditch and area needed for the retention of on site stormwater/drainage, as determined by the city engineer consistent with KMC Section 17.124.170.D, to also be used for snow storage;
- Require that any area designated for snow storage be usable and in an unobstructed location relative to the location from which the snow is removed; and
- Require that subject snow storage area be not less than 30%.

**Part three: findings and administrative determination.** Based on the foregoing and a review of the city engineer, street and fire department comments, I find:

1. The proposed snow storage area west of the driveway to be generally adequate for the storage of snow for the two driveway parking stalls and front door exterior entry area.
2. The proposed 111.17' (132.17' of frontage minus the 21'-0" for the new 12" culvert under the driveway) borrow ditch recontour area along Mr. Nalen’s Garnet Street frontage to be too narrow as shown. As noted by the City Engineer, the proposed 2' to 3' wide drainage ditch is insufficient and needs to be improved to 15' in width (8' permeable material and 7' grasses) based on city standards and unique characteristics of the site.
3. A new snow storage area needs to be added to your proposed site plan. Subject designated snow storage area may be co-located with the revised 15' wide borrow ditch required for drainage and toward Mr. Nalen’s proposed home along the entire length of his Garnet Street frontage, excepting the driveway and front entry.

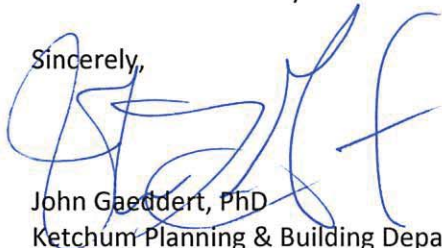
Based upon evidence provided by the Ketchum Street Department, City Engineer drainage and snow storage calculations, the aforementioned ordinance provisions, the need to maintain 20' of free clear and unobstructed fire access along Garnet Street for safety reasons, and the minimum requirement provisions set forth in KMC §17.04.040.B, it is my finding that 15', as measured from edge of asphalt, is necessary for drainage and snow storage purposes.

4. Vertical improvements, such as trees and fences, are not allowed within subject 15' wide drainage swale and snow storage area adjacent the Garnet Street edge of asphalt on Mr. Nalen’s property.

If you should have any questions about any of the provisions of this letter, please let me know. We look forward to continuing to work with you toward an approvable set of building permit drawings. Please note that this administrative decision may be subject to administrative appeal. See KMC §17.144 for details.

Please let me know if you have additional questions.

Sincerely,



John Gaeddert, PhD  
Ketchum Planning & Building Department Director

Cc: Fritz Haemmerle  
Matt Johnson

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Janet Jarvis  
 P O Box 626  
 Ketchum, ID  
 83340



9590 9402 4767 8344 1313 78

2. Article Number (Transfer from service label)

7018 0360 0001 3649 2264

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Maggi Cummings*

Agent

Addressee

B. Received by (Printed Name)

Maggi Cummings

C. Date of Delivery

3/12/20

D. Is delivery address different from item 1?  
If YES, enter delivery address below:

Yes

No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

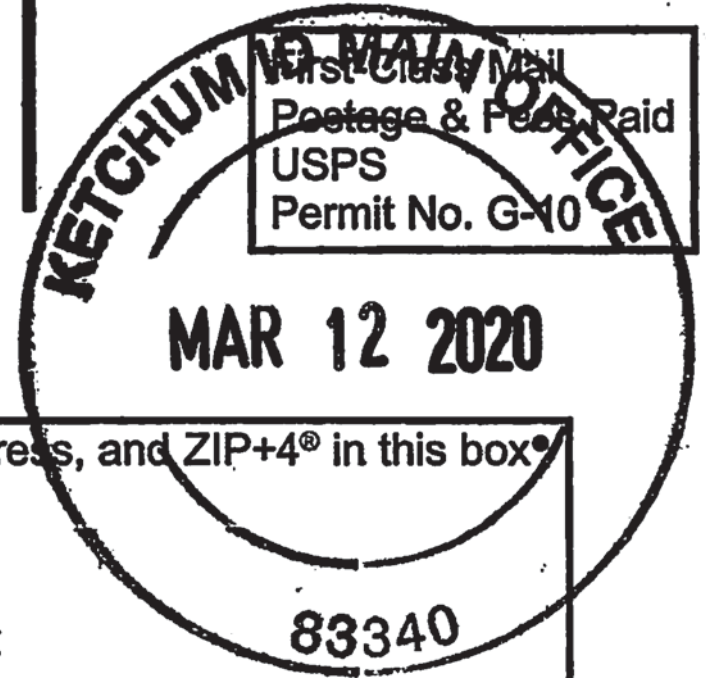
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery

**USPS TRACKING #**



**9590 9402 4767 8344 1313 78**



**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Planning and Building Dept  
City of Ketchum  
P O Box 2315  
Ketchum, ID 83340

B.2 Garnet Street Agreement (instrument #403847)

403847

'97 JUN 15 AM 10 07

*Agreement*

FILED REQUEST

*City of Ketchum*

**SETTLEMENT AGREEMENT**

237

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this ~~November~~ <sup>FEBRUARY</sup> 8<sup>TH</sup> day of ~~November~~ 1997, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLAINE RENFRO, WILLIAM G. and SUSAN POLLOCK, THOMAS H. "BUD" and RITA ANN HEANEY, JOHN T. and JERRY ANN HEANEY, WILLIAM H. and ANN S. VANDERBILT, RICHARD O. DAHLGREN and JULIE SLOCUM DAHLGREN, KATHY JEANNE HARRAH, RELI LOUISE HAEMMERLE, FRITZ XAVIER HAEMMERLE, WILMA PACE, PAMELA JEAN RAYBORN, JOHN D. PACE, STELLA A.M. KEANE, CARL E. and SUSAN LEY, JUDY L. DEMETRE and THE ESTATE OF GEORGE B. SAVIERS, deceased, by and through its personal representative, BOB STEVENS (collectively referred to as the "Garnet Street Neighbors") and the CITY OF KETCHUM ("Ketchum").

**RECITALS**

WHEREAS, Curtis has filed case number CV-93-897 ("Lawsuit") in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, seeking to resolve the legal status of a parcel of property commonly known as Garnet Street, located within Ketchum, and more specifically depicted in the diagram attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the Garnet Street Neighbors, Ketchum and other named individuals and/or entities ("Other Defendants") were named as defendants in the Lawsuit; and

WHEREAS, Curtis is the owner of real property located at the eastern end of Garnet Street, in Ketchum, commonly known as Lot 1 of the Esmeralda Subdivision Lot Line Shift Plat ("Curtis Property"), and more specifically described in Exhibit "B" and depicted in Exhibit "C"; and

WHEREAS, the Garnet Street Neighbors, Ketchum and certain of the Other Defendants are the owners of, or have some form of interest in, the real property located in Ketchum, which property is more specifically described in Exhibit "B" and depicted in Exhibit "A"; and

WHEREAS, except for the Garnet Street Neighbors and Ketchum, the Other Defendants have had a default judgment entered against them consistent with the relief sought in the Curtis complaint filed in the Lawsuit, or have been dismissed from the Lawsuit; and

WHEREAS, Curtis, the Garnet Street Neighbors and Ketchum desire to resolve the Lawsuit on the terms and conditions hereinafter set forth;

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants herein contained, the parties hereto agree as follows:

**TERMS AND CONDITIONS**

1. **PAVED PORTION OF GARNET STREET.** The parties agree that the paved portion of Garnet Street, as specifically described in Exhibit "D", attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet

Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street Neighbors have executed easements to Ketchum pursuant to Paragraph 5, the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.

2. *UNPAVED PORTION OF GARNET STREET.* The parties agree that the unpaved, or graveled, portion of Garnet Street, as specifically described and depicted in Exhibit "E", attached hereto and incorporated herein, from the east end of the paved portion of said Street, as described in Exhibit "D", then eastward, shall be deemed a private driveway. The Garnet Street Neighbors and Curtis agree that said private driveway shall provide access to a maximum number of three (3) single family residential lots in a subdivision on the Curtis Property, as well as providing access to the property owned by The Estate of George B. Saviers ("Saviers Property"). The Garnet Street neighbors and Curtis agree that no additional lots other than those identified herein shall be allowed access via said private driveway. The Garnet Street Neighbors and Curtis agree that the private driveway shall remain as is, without any modification in width, grade or surface.

3. *CURTIS SUBDIVISION APPLICATION.*

(a) *Garnet Street Access.* Curtis intends to submit an application to Ketchum to subdivide the entire Curtis Property ("Curtis Subdivision"). Curtis agrees that the Curtis Subdivision shall propose not more than three (3) single family residential subdivision lots which could be accessed via Garnet Street. Curtis agrees that the Curtis Subdivision shall also provide access via Garnet Street to the Saviers Property. In addition, Curtis agrees that there shall be no further subdivision of the three (3) Curtis Subdivision single family residential lots which could be accessed from Garnet Street.

(b) *Snowplow Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to Ketchum a snowplow access and turnaround easement, to enable a Ketchum snowplow to turn around near the location on the Curtis Property adjacent to Garnet Street currently used by Ketchum for such purposes as depicted in Exhibit "E", attached hereto and incorporated herein.

(c) *Pedestrian Path Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to the Garnet Street Neighbors a pedestrian path easement, which shall be located in the approximate location of the existing path on the Curtis Property leading to the back side of Dollar Mountain.

(d) *Building Envelopes.* Curtis agrees that the Curtis Subdivision Plat shall designate all building envelopes outside the existing trees on the Curtis Property.

(e) *Application Approval Condition Precedent.* At such time as Ketchum gives final approval to the Curtis Subdivision, the parties hereto agree to execute and submit to the Court a Stipulation For Dismissal of the Lawsuit in the form attached hereto as Exhibit "F" and incorporated herein. The parties agree that all claims, complaints, crossclaims and counterclaims in any way relating to the Lawsuit shall be dismissed with prejudice as to the Garnet Street Neighbors and Ketchum. The parties agree that the Court may enter an Order For Dismissal of the Lawsuit as to the Garnet Street Neighbors and Ketchum in the form attached hereto as Exhibit "G" and

incorporated herein. In the event Ketchum does not approve the Curtis Subdivision, the parties agree that all recitals, covenants, terms and conditions contained in this Agreement shall be null and void, and evidence of the same shall not be introduced in the Lawsuit or any litigation thereafter pertaining to the resolution of the status of Garnet Street.

(f) *Ketchum's Execution of Agreement.* The parties acknowledge that by Ketchum's execution of this Agreement, Ketchum does not agree, either expressly or implicitly, to approve the proposed Curtis Subdivision. Furthermore, the parties acknowledge that Ketchum only executes this Agreement on the basis that Ketchum will agree to the dismissal of the Lawsuit on the terms and conditions herein set forth. should Ketchum, in its sole and absolute discretion, approve the Curtis Subdivision. The parties agree that nothing herein shall be construed by any party as an obligation on the part of Ketchum to approve all or any portion of the Curtis Subdivision.

4. *PRESERVATION OF TREES.* The Garnet Street Neighbors and Curtis agree that the existing trees located adjacent to the unpaved and paved portions of Garnet Street, as said portions of Garnet Street are described in Paragraphs 1 and 2 herein and described and depicted in Exhibits "D" and "E", shall not be disturbed, except as necessary to prevent an obstruction to traffic or to protect the integrity of Garnet Street and the surrounding structures.

5. *ACCESS AND UTILITY EASEMENTS.* The parties agree to grant the following express easements:

(a) A public access and utility easement from Curtis and the Garnet Street Neighbors, as Grantors, to Ketchum, as Grantee, upon, over and under the paved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 1 herein and described in Exhibit "D"

(b) A utility easement from Curtis, The Estate of George B. Saviers and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviers Property and Demetre Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E".

(c) A private access and utility easement from Judy Demetre, as Grantor, to Curtis and The Estate of George B. Saviers, as Grantees, over and under that portion of the Demetre Property located within the unpaved portion of Garnet Street, as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"

(d) A reciprocal private access and utility easement between Curtis and The Estate of George B. Saviers upon, over and under that portion of the Curtis Property and the Saviers Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"; and a private parking and landscape easement from Curtis, as Grantor, to The Estate of George B. Saviers, as Grantee, upon, over and under a portion of the Curtis Property as depicted in Exhibit "E".

The parties agree that the express easements described above, attached hereto and incorporated herein as Exhibit "H", shall become effective only upon the approval by Ketchum

of the Curtis Subdivision proposed for development on the Curtis Property as described herein. The parties agree that if Ketchum denies the Curtis Subdivision application, none of the easements herein contained would be valid, and no additional documents as envisioned in this Agreement would be required to be executed.

6. **REMEDIES.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

7. **AMENDMENTS.** This Agreement may only be changed, modified or amended in writing executed by all parties.

8. **HEADINGS.** The headings in this Agreement are inserted for convenience and identification only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.

9. **ATTORNEYS' FEES AND COSTS.** Should any action be brought to interpret or enforce any provision hereof or the easements contemplated herein, or for damages for breach hereof, the prevailing party shall be entitled to such reasonable attorneys' fees and costs, as may be determined by any court of competent jurisdiction wherein such action is brought, including attorneys' fees and costs on appeal.

10. **SUCCESSORS AND ASSIGNS.** All provisions of this Agreement, including the benefits and burdens of the easements attached hereto, shall run with the land covered hereby and are binding on and enure to the benefit of the respective heirs, assigns, successors, lessees, tenants and personal representatives of the parties hereto.

11. **RECORDING.** This Agreement and any easement granted herein may be recorded in the Office of the Blaine County Recorder only after the approval of the Curtis Subdivision by Ketchum.

12. **INTERPRETATION/EXECUTION OF DOCUMENTS.** This Agreement shall be liberally construed in accordance with the general purposes of this Agreement and the laws of the State of Idaho. In addition, the parties hereto agree that they will, at any time hereafter, upon reasonable request of the others, execute and deliver such documents as the other parties may reasonably require for the purpose of giving full effect to the provisions of this Agreement.

13. **NO PRESUMPTION.** No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of the document.

14. **AUTHORITY.** The parties executing this Agreement warrant, state, acknowledge and affirm that they have the authority to sign the same and to bind themselves and/or their respective clients to the terms contained herein.

15. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement between the parties respecting the matters herein set forth and supersedes all prior Agreements between the parties hereto respecting such matter.



16. EXECUTION. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

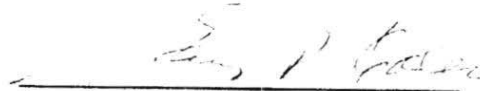
17. ACCEPTANCE. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

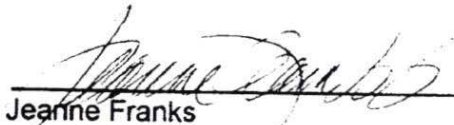
CARL CURTIS:

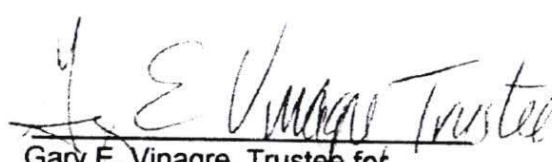
  
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Carl Curtis

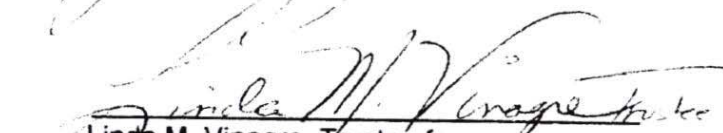
CITY OF KETCHUM, IDAHO:

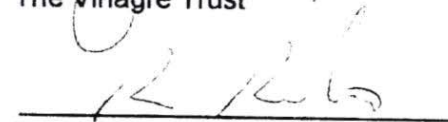
  
\_\_\_\_\_  
Guy P. Coles, Mayor


GARNET STREET NEIGHBORS:

  
\_\_\_\_\_  
Jeanne Franks

  
\_\_\_\_\_  
Gary E. Vinagre, Trustee for  
The Vinagre Trust

  
\_\_\_\_\_  
Linda M. Vinagre, Trustee for  
The Vinagre Trust


  
\_\_\_\_\_  
Robert Renfro

  
\_\_\_\_\_  
Marjolaine Renfro

  
\_\_\_\_\_  
William G. Pollock

  
\_\_\_\_\_  
Susan Pollock


  
\_\_\_\_\_  
Thomas H. ("Bud") Heaney

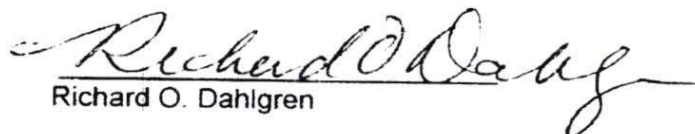
  
\_\_\_\_\_  
Rita Ann Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
John T. Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
Jerry Ann Heaney

  
\_\_\_\_\_  
William H. Vanderbilt

  
\_\_\_\_\_  
Ann S. Vanderbilt

  
\_\_\_\_\_  
Richard O. Dahlgren

Julie Slocum Dahlgren  
Julie Slocum Dahlgren

Reli Louise Haemmerle  
Reli Louise Haemmerle

Wilma Pace  
Wilma Pace

John D. Pace  
John D. Pace

Carl E. Ley  
Carl E. Ley

Judy L. Demetre, by Ned C. Williamson  
her attorney in fact  
Judy L. Demetre

Kathy Jeanne Harrah  
Kathy Jeanne Harrah

Fritz Xavier Haemmerle  
Fritz Xavier Haemmerle

Pamela Jean Rayborn  
Pamela Jean Rayborn

Stella A.M. Keane  
Stella A.M. Keane

Susan Ley  
Susan Ley

Bob Stevens  
Robert H. Stevens  
Bob Stevens, Personal Representative  
for The Estate of George B. Saviers

B.3 Fritz Haemmerle letter dated January 21, 2020

# HAEMMERLE LAW, P.L.L.C

Attorney & Counselor at Law

Fritz X. Haemmerle  
fxh@haemlaw.com

P.O. Box 1800  
Hailey, ID 83333

400 South Main Street, Suite 102  
Tel: (208) 578-0520  
Fax: (208) 578-0564

January 31, 2020

City of Ketchum  
Attn: Suzanne Frick, City Administrator  
480 East Ave. N.  
Ketchum, ID 83340  
Via e-mail: [sfrick@ketchumidaho.org](mailto:sfrick@ketchumidaho.org)

Re: *Craig Nalen Residence, 201 Garnet St. - Proposed Site Plan*

Dear Suzanne:

I represent Craig Nalen and Janet Jarvis regarding a site plan, 201 Garnet Street ("property"), submitted to the City of Ketchum for review. The City rejected the site plan as presented. I believe the City's rejection of the site plan was unlawful.

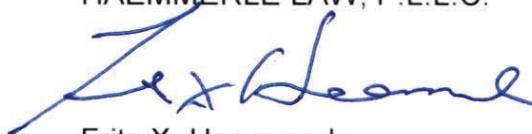
The property is located in the Limited Residential (LR) District, which has a 15 foot setback. On the site plan, the entire structure is located within the building envelope that is created by the setbacks. As to the easement created by the Garnet Street Agreement, attached hereto as Exhibit 1, the west end of the structure is 21 feet from the edge of the easement; the center is 7 feet from the easement; and the east end is 17 feet, 5 inches, from the edge of the easement. Every setback drafted on the site plan conforms to the City's existing setbacks.

To the extent that the City wants my client to conform to other and more restrictive setbacks than those which are currently codified, please identify the more restrictive setback and where those setbacks are identified in any City Code. Otherwise, I believe the City's more restrictive setbacks are completely arbitrary and capricious. Of course, if the City insists on enacting arbitrary and capricious setbacks, then my client will be compelled to explore all his legal options.

Thank you. I look forward to your timely response.

Sincerely,

HAEMMERLE LAW, P.L.L.C.



Fritz X. Haemmerle

City of Ketchum  
Attn: Suzanne Frick, City Administrator  
January 30, 2020  
Page 2

FXH: fxh

Encl.

cc: client ([nailcan@aol.com](mailto:nailcan@aol.com))

Matt Johnson, Attorney [mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)

John Gaeddert [jgaeddert@ketchumidaho.org](mailto:jgaeddert@ketchumidaho.org)

Brian Christiansen [bchristiansen@ketchumidaho.org](mailto:bchristiansen@ketchumidaho.org)

*Agreement*

FILED REQUEST

*City of Ketchum*

**SETTLEMENT AGREEMENT**

237

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this <sup>8<sup>TH</sup></sup> day of ~~November~~ <sup>FEBRUARY</sup> 1997, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLAINE RENFRO, WILLIAM G. and SUSAN POLLOCK, THOMAS H. "BUD" and RITA ANN HEANEY, JOHN T. and JERRY ANN HEANEY, WILLIAM H. and ANN S. VANDERBILT, RICHARD O. DAHLGREN and JULIE SLOCUM DAHLGREN, KATHY JEANNE HARRAH, RELI LOUISE HAEMMERLE, FRITZ XAVIER HAEMMERLE, WILMA PACE, PAMELA JEAN RAYBORN, JOHN D. PACE, STELLA A.M. KEANE, CARL E. and SUSAN LEY, JUDY L. DEMETRE and THE ESTATE OF GEORGE B. SAVIERS, deceased, by and through its personal representative, BOB STEVENS (collectively referred to as the "Garnet Street Neighbors") and the CITY OF KETCHUM ("Ketchum").

**RECITALS**

WHEREAS, Curtis has filed case number CV-93-897 ("Lawsuit") in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, seeking to resolve the legal status of a parcel of property commonly known as Garnet Street, located within Ketchum, and more specifically depicted in the diagram attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the Garnet Street Neighbors, Ketchum and other named individuals and/or entities ("Other Defendants") were named as defendants in the Lawsuit; and

WHEREAS, Curtis is the owner of real property located at the eastern end of Garnet Street, in Ketchum, commonly known as Lot 1 of the Esmeralda Subdivision Lot Line Shift Plat ("Curtis Property"), and more specifically described in Exhibit "B" and depicted in Exhibit "C"; and

WHEREAS, the Garnet Street Neighbors, Ketchum and certain of the Other Defendants are the owners of, or have some form of interest in, the real property located in Ketchum, which property is more specifically described in Exhibit "B" and depicted in Exhibit "A"; and

WHEREAS, except for the Garnet Street Neighbors and Ketchum, the Other Defendants have had a default judgment entered against them consistent with the relief sought in the Curtis complaint filed in the Lawsuit, or have been dismissed from the Lawsuit; and

WHEREAS, Curtis, the Garnet Street Neighbors and Ketchum desire to resolve the Lawsuit on the terms and conditions hereinafter set forth;

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants herein contained, the parties hereto agree as follows:

**TERMS AND CONDITIONS**

1. **PAVED PORTION OF GARNET STREET.** The parties agree that the paved portion of Garnet Street, as specifically described in Exhibit "D", attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet

Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street Neighbors have executed easements to Ketchum pursuant to Paragraph 5, the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.

2. *UNPAVED PORTION OF GARNET STREET.* The parties agree that the unpaved, or graveled, portion of Garnet Street, as specifically described and depicted in Exhibit "E", attached hereto and incorporated herein, from the east end of the paved portion of said Street, as described in Exhibit "D", then eastward, shall be deemed a private driveway. The Garnet Street Neighbors and Curtis agree that said private driveway shall provide access to a maximum number of three (3) single family residential lots in a subdivision on the Curtis Property, as well as providing access to the property owned by The Estate of George B. Saviers ("Saviers Property"). The Garnet Street neighbors and Curtis agree that no additional lots other than those identified herein shall be allowed access via said private driveway. The Garnet Street Neighbors and Curtis agree that the private driveway shall remain as is, without any modification in width, grade or surface.

3. *CURTIS SUBDIVISION APPLICATION.*

(a) *Garnet Street Access.* Curtis intends to submit an application to Ketchum to subdivide the entire Curtis Property ("Curtis Subdivision"). Curtis agrees that the Curtis Subdivision shall propose not more than three (3) single family residential subdivision lots which could be accessed via Garnet Street. Curtis agrees that the Curtis Subdivision shall also provide access via Garnet Street to the Saviers Property. In addition, Curtis agrees that there shall be no further subdivision of the three (3) Curtis Subdivision single family residential lots which could be accessed from Garnet Street.

(b) *Snowplow Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to Ketchum a snowplow access and turnaround easement, to enable a Ketchum snowplow to turn around near the location on the Curtis Property adjacent to Garnet Street currently used by Ketchum for such purposes as depicted in Exhibit "E", attached hereto and incorporated herein.

(c) *Pedestrian Path Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to the Garnet Street Neighbors a pedestrian path easement, which shall be located in the approximate location of the existing path on the Curtis Property leading to the back side of Dollar Mountain.

(d) *Building Envelopes.* Curtis agrees that the Curtis Subdivision Plat shall designate all building envelopes outside the existing trees on the Curtis Property.

(e) *Application Approval Condition Precedent.* At such time as Ketchum gives final approval to the Curtis Subdivision, the parties hereto agree to execute and submit to the Court a Stipulation For Dismissal of the Lawsuit in the form attached hereto as Exhibit "F" and incorporated herein. The parties agree that all claims, complaints, crossclaims and counterclaims in any way relating to the Lawsuit shall be dismissed with prejudice as to the Garnet Street Neighbors and Ketchum. The parties agree that the Court may enter an Order For Dismissal of the Lawsuit as to the Garnet Street Neighbors and Ketchum in the form attached hereto as Exhibit "G" and

incorporated herein. In the event Ketchum does not approve the Curtis Subdivision, the parties agree that all recitals, covenants, terms and conditions contained in this Agreement shall be null and void, and evidence of the same shall not be introduced in the Lawsuit or any litigation thereafter pertaining to the resolution of the status of Garnet Street.

(f) *Ketchum's Execution of Agreement.* The parties acknowledge that by Ketchum's execution of this Agreement, Ketchum does not agree, either expressly or implicitly, to approve the proposed Curtis Subdivision. Furthermore, the parties acknowledge that Ketchum only executes this Agreement on the basis that Ketchum will agree to the dismissal of the Lawsuit on the terms and conditions herein set forth. should Ketchum, in its sole and absolute discretion, approve the Curtis Subdivision. The parties agree that nothing herein shall be construed by any party as an obligation on the part of Ketchum to approve all or any portion of the Curtis Subdivision.

4. *PRESERVATION OF TREES.* The Garnet Street Neighbors and Curtis agree that the existing trees located adjacent to the unpaved and paved portions of Garnet Street, as said portions of Garnet Street are described in Paragraphs 1 and 2 herein and described and depicted in Exhibits "D" and "E", shall not be disturbed, except as necessary to prevent an obstruction to traffic or to protect the integrity of Garnet Street and the surrounding structures.

5. *ACCESS AND UTILITY EASEMENTS.* The parties agree to grant the following express easements:

(a) A public access and utility easement from Curtis and the Garnet Street Neighbors, as Grantors, to Ketchum, as Grantee, upon, over and under the paved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 1 herein and described in Exhibit "D"

(b) A utility easement from Curtis, The Estate of George B. Saviers and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviers Property and Demetre Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E".

(c) A private access and utility easement from Judy Demetre, as Grantor, to Curtis and The Estate of George B. Saviers, as Grantees, over and under that portion of the Demetre Property located within the unpaved portion of Garnet Street, as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"

(d) A reciprocal private access and utility easement between Curtis and The Estate of George B. Saviers upon, over and under that portion of the Curtis Property and the Saviers Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"; and a private parking and landscape easement from Curtis, as Grantor, to The Estate of George B. Saviers, as Grantee, upon, over and under a portion of the Curtis Property as depicted in Exhibit "E".

The parties agree that the express easements described above, attached hereto and incorporated herein as Exhibit "H", shall become effective only upon the approval by Ketchum



of the Curtis Subdivision proposed for development on the Curtis Property as described herein. The parties agree that if Ketchum denies the Curtis Subdivision application, none of the easements herein contained would be valid, and no additional documents as envisioned in this Agreement would be required to be executed.

6. **REMEDIES.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

7. **AMENDMENTS.** This Agreement may only be changed, modified or amended in writing executed by all parties.

8. **HEADINGS.** The headings in this Agreement are inserted for convenience and identification only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.

9. **ATTORNEYS' FEES AND COSTS.** Should any action be brought to interpret or enforce any provision hereof or the easements contemplated herein, or for damages for breach hereof, the prevailing party shall be entitled to such reasonable attorneys' fees and costs, as may be determined by any court of competent jurisdiction wherein such action is brought, including attorneys' fees and costs on appeal.

10. **SUCCESSORS AND ASSIGNS.** All provisions of this Agreement, including the benefits and burdens of the easements attached hereto, shall run with the land covered hereby and are binding on and enure to the benefit of the respective heirs, assigns, successors, lessees, tenants and personal representatives of the parties hereto.

11. **RECORDING.** This Agreement and any easement granted herein may be recorded in the Office of the Blaine County Recorder only after the approval of the Curtis Subdivision by Ketchum.

12. **INTERPRETATION/EXECUTION OF DOCUMENTS.** This Agreement shall be liberally construed in accordance with the general purposes of this Agreement and the laws of the State of Idaho. In addition, the parties hereto agree that they will, at any time hereafter, upon reasonable request of the others, execute and deliver such documents as the other parties may reasonably require for the purpose of giving full effect to the provisions of this Agreement.

13. **NO PRESUMPTION.** No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of the document.

14. **AUTHORITY.** The parties executing this Agreement warrant, state, acknowledge and affirm that they have the authority to sign the same and to bind themselves and/or their respective clients to the terms contained herein.

15. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement between the parties respecting the matters herein set forth and supersedes all prior Agreements between the parties hereto respecting such matter.

16. EXECUTION. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.


17. ACCEPTANCE. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.


CARL CURTIS:


  
\_\_\_\_\_  
Carl Curtis

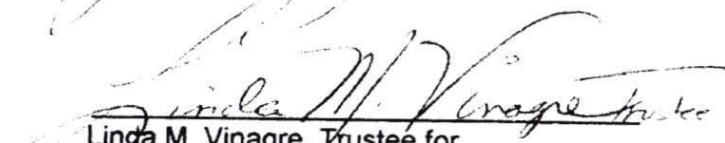
CITY OF KETCHUM, IDAHO:

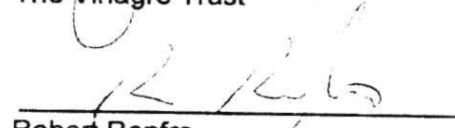
  
\_\_\_\_\_  
Guy P. Coles, Mayor


GARNET STREET NEIGHBORS:

  
\_\_\_\_\_  
Jeanne Franks


  
\_\_\_\_\_  
Gary E. Vinagre, Trustee for  
The Vinagre Trust

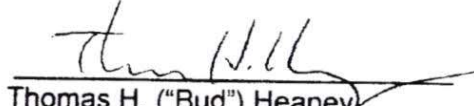
  
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Linda M. Vinagre, Trustee for  
The Vinagre Trust

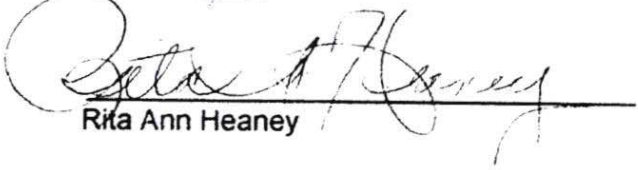
  
\_\_\_\_\_  
Robert Renfro

  
\_\_\_\_\_  
Marjolaine Renfro

  
\_\_\_\_\_  
William G. Pollock

  
\_\_\_\_\_  
Susan Pollock


  
\_\_\_\_\_  
Thomas H. ("Bud") Heaney

  
\_\_\_\_\_  
Rita Ann Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
John T. Heaney

DISMISSED 1-29-96  
\_\_\_\_\_  
Jerry Ann Heaney

  
\_\_\_\_\_  
William H. Vanderbilt

  
\_\_\_\_\_  
Ann S. Vanderbilt

  
\_\_\_\_\_  
Richard O. Dahlgren

Julie Slocum Dahlgren  
Julie Slocum Dahlgren

Reli Louise Haemmerle  
Reli Louise Haemmerle

Wilma Pace  
Wilma Pace

John D. Pace  
John D. Pace

Carl E. Ley  
Carl E. Ley

Judy L. Demetre, by Ned C. Williamson  
her attorney in fact  
Judy L. Demetre

Kathy Jeanne Harrah  
Kathy Jeanne Harrah

Fritz Xavier Haemmerle  
Fritz Xavier Haemmerle

Pamela Jean Rayborn  
Pamela Jean Rayborn

Stella A.M. Keane  
Stella A.M. Keane

Susan Ley  
Susan Ley

Bob Stevens  
Robert H. Stevens  
Bob Stevens, Personal Representative  
for The Estate of George B. Saviers

B.4 KMC §17.12.030.C: Dimensional Standards Matrix

**KMC §17.12.030.C.** In addition to the requirements of the dimensional standards, districts matrix, the regulations of [chapter 17.128](#), "Supplementary Location And Bulk Regulations", of this title apply.

**DIMENSIONAL STANDARDS, DISTRICTS MATRIX**

See section [17.12.040](#) of this chapter for Community Core dimensional standards.

See section [17.12.050](#) of this chapter for Light Industrial dimensional standards.

Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublo ts	Setba cks From Hwy 75	Any Set- back Along War m Spr ings Road	Setba cks Along 200' Form er Railro ad ROW
LR	9,000 sf	n/a	n/a	80' avera ge	35'	35%	n/a	15'	The greater of 1' for every 2' in buildin g height, or 10'	20'	n/a	25'/32' 7	30'	3'
LR-1	1 acre	n/a	n/a	100' avera ge	35'	25%	n/a	15'	The greater of 1' for every 2' in buildin g height, or 10'	20'	n/a	80'	30'	n/a

Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Springs Road	Setba cks Along 200' Form er Railro ad ROW
LR-2	2 acres	n/a	n/a	100' avera ge	35'	25%	n/a	15'	The greater of 1' for every 2' in buildin g height, or 10'	20'	n/a	400' <sup>6</sup>	30'	n/a
GR-L	8,000 sf	8,000 sf plus 4,000 for every unit over 2	Equal to that of the perimet er of the townho use unit	80' avera ge	35'	35%	n/a	15'	The greater of 1' for every 3' in buildin g height, or 5' <sup>1</sup>	The greater of 1' for every 3' in building height, or 15' <sup>1</sup>	0'	25'/32' <sup>7</sup>	30'	n/a
GR- H	8,000 sf	n/a	Equal to that of the perimet er of the townho use unit	80' avera ge	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12 4.040</a> of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in buildin g height, or 5'. One-	The greater of 1' for every 3' in building height, or 15' <sup>1</sup>	0'	25'/32' <sup>7</sup>	30'	5', howe ver 3' requir ed for one-/ two- family dwelli

Districts	Minimum Lot Area	Minimum Lot Area With PUD*	Minimum Lot Area, Townhouse Sublot	Lot Width	Building Height	Maximum Building Coverage/FAR	Minimum Open Space	Front Setback	Side Setback	Rear Setback	Lot Lines Created By Townhouse Sublots	Setbacks From Hwy 75	Any Setback Along Warm Springs Road	Setbacks Along 200' Former Railroad ROW
									family dwellings must maintain at least 10' <sup>1</sup>					ng units
STO-4	0.4 acres	n/a	n/a	80' average	35'	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	The greater of 1' for every 2' in building height, or 20'	n/a	400'	30'	n/a
STO-1	1 acre	n/a	n/a	100' average	35'	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	The greater of 1' for every 2' in building height, or 20'	n/a	400'	30'	n/a

Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Springs Road	Setba cks Along 200' Form er Railro ad ROW
STO- H	9,000 sf (mini mum of 3,000 sf per unit)	n/a	Equal to that of the perimet er of the townho use unit	100' avera ge	35'	35% building coverage, and 75% covered by buildings, parking areas and accessory buildings	n/a	15'	The greater of 1' for every 3' in buildin g height, or 5' <sup>1</sup>	The greater of 1' for every 3' in building height, or 15' <sup>1</sup>	0'	400'	30'	n/a
T	8,000 sf	n/a	Equal to that of the perimet er of the townho use unit	80' avera ge	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12 4.040</a> of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in buildin g height, or 5'. At least 10' for one- family dwellin gs <sup>1</sup>	The greater of 1' for every 3' in building height, or 10'. At least 15' for one- family dwellin gs <sup>1,2</sup>	0'	25'/32' <sup>7</sup>	30'	5', howev er 3' requir ed for one-/ two- family dwelli ng units
T- 3000	8,000 sf	n/a	Equal to that of the perimet	80' avera ge	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12</a>	35% <sup>5</sup>	15'	The greater of 1' for every	The greater of 1' for every 3'	0'	n/a	30'	n/a



Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Spr ings Road	Setba cks Along 200' Form er Railro ad ROW
			er of the townho use unit			<a href="#">4.040</a> of this title			3' in buildin g height, or 5'. At least 10' for one- family dwellin gs <sup>1</sup>	in building height, or 10'. At least 15' for one- family dwellin gs <sup>1,2</sup>				
T- 4000	8,000 sf	n/a	Equal to that of the perimet er of the townho use unit	80' avera ge	35' <sup>2</sup>	See FAR requirements in section <a href="#">17.12</a> <a href="#">4.040</a> of this title	35% <sup>5</sup>	15'	The greater of 1' for every 3' in buildin g height, or 5'. At least 10' for one- family dwellin gs <sup>1</sup>	The greater of 1' for every 3' in building height, or 10'. At least 15' for one- family dwellin gs <sup>1,2</sup>	0'	n/a	30'	n/a

Distri cts	Minim um Lot Area	Minim um Lot Area With PUD*	Minimu m Lot Area, Townh ouse Sublot	Lot Width	Build ing Heig ht	Maximum Building Coverage/ FAR	Minim um Open Space	Front Setba ck	Side Setbac k	Rear Setbac k	Lot Lines Creat ed By Town - hous e Sublot s	Setba cks From Hwy 75	Any Set- back Along War m Spr ings Road	Setba cks Along 200' Form er Railro ad ROW
RU	9,000 sf	n/a	Equal to that of the perimet er of the townho use unit	n/a	35'	25%	n/a	30' <sup>4</sup>	15' <sup>4</sup>	15' <sup>4</sup>	0'	n/a	n/a	n/a
AF	10 acres	n/a	n/a	n/a	35'	10% (includes pools)	n/a	25'	25'	25'	n/a	n/a	n/a	n/a

\* See [title 16](#) of this Code.

Notes:

1. If the lot adjoins a more restrictive district on the side or rear, the more restrictive setbacks of that district shall apply.
2. For building with a roof pitch greater than 5:12 the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be 35 feet. Roof ridges above the mean point may extend up to a height of 44 feet.
3. Reserved.
4. The placement of all structures for conditional uses shall be subject to approval of the Planning and Zoning Commission.
5. A maximum of 5 percent open site area may be used for private decks or patios and walkways subject to design review approval.
6. 100 foot setback from Highway 75 is required for lots platted prior to 1979.
7. Minimum setbacks along Highway 75: Where the street width is 80 feet, all buildings shall be set back a minimum of 25 feet, and where the street width is 66 feet, all buildings shall be set back a minimum of 32 feet.

B.5 KMC §17.124.170: Minimum Standards for One-Family Dwellings

**17.124.170: MINIMUM STANDARDS FOR ONE-FAMILY DWELLINGS:**

The following minimum standards apply to one-family dwellings in all zoning districts:

A. Drainage:

1. All stormwater shall be retained on site.
2. Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.
3. The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.
4. Drainage facilities shall be constructed per City standards.

B. Utilities:

1. All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.
2. Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.

C. Snow Storage:

1. Snow storage areas shall not be less than thirty percent (30%) of the improved parking and pedestrian circulation areas.
2. Snow storage areas shall be provided on site.
3. A designated snow storage area shall not have any dimension less than five feet (5') and shall be a minimum of twenty five (25) square feet.
4. In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.

D. Landscaping:

1. Landscaping is required for all projects.
2. Landscape materials and vegetation types specified shall be readily adaptable to a site's microclimate, soil conditions, orientation and aspect, and shall serve to enhance and complement the neighborhood and townscape.
3. All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required. (Ord. 1190, 2018)

## B.5 KMC §17.04.040: Interpretation

#### **17.04.040: INTERPRETATION:**

In the interpretation and application of the provisions of this title, the following regulations shall govern:

A. Provisions Are Minimum Requirements: In their interpretation and application, the provisions of this title shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. All provisions shall be liberally construed to further its underlying purposes.

B. Application Of Overlapping Regulations: Whenever the provisions of this title, or a provision in this title and any provision in any other ordinance, resolution, rule or regulation of any kind, contain any restrictions covering the same subject matter, the more restrictive or higher standards or requirements shall govern. All uses and all locations and bulk permitted under the terms of this title shall be in conformity with all other provisions of law.

C. Existing Permits And Private Agreements: This title is not intended to abrogate or annul:

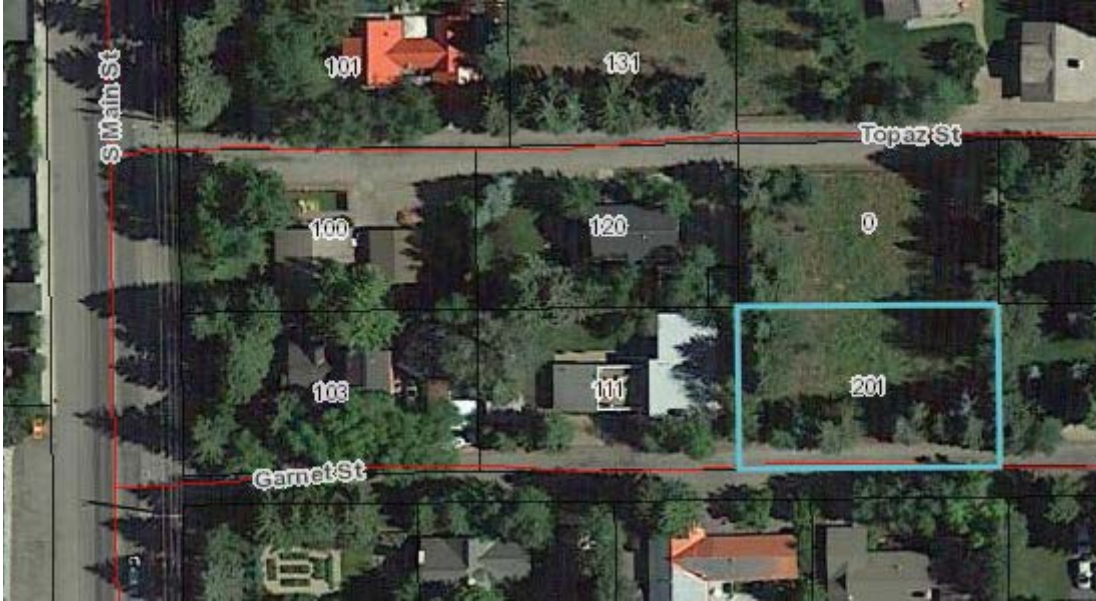
1. Any permits issued before the effective date hereof; or
2. Any easement, covenant or any other private agreement. (Ord. 1135, 2015)

B.6 Development Review meeting agenda dated January 8<sup>th</sup>, 2020

Development Review Meeting  
January 8<sup>th</sup>, 2020

4 Review at Meeting

- 201 Garnet Street new single-family residence



- 1307 Warm Springs Road single-family residence addition



P&Z Commission Meeting 1/13/2020

- Ketchum Townsite: Block 5: Lots 1 & 2 (Hot Dog Hill) Mixed-Use Building Pre-Application Design Review
- Fire Station Pre-Application Design Review

Development Review Team Meeting  
City of Ketchum  
January 8<sup>th</sup>, 2020



- My Sun Valley Home Mixed-Use Building (120 Northwood Way) Design Review & Conditional Use Permit for 3 Employee Housing Unit
- 471 E 10<sup>th</sup> St Unit B2 (Dean) Work/Live Unit Conditional Use Permit
- 491 E 10<sup>th</sup> Street Unit A17 (Duval) Work/Live Conditional Use Permit
- Swan Streambank Alteration (401 Northwood Way)

City Council Meeting 1/21/2020

- Ketchum Tribute Hotel (Plat Amendment & PUD CUP & Draft Development Agreement)

P&Z Commission Meeting 2/10/2020

- Parker Townhomes (Bavarian Village Subdivision: Lots 5A, 6A, 7A, & 8A Townhome Development) Readjustment of Lot Lines, Design Review, and Townhouse Subdivision Preliminary Plat

Pending Building Permit Submittal

- 255 Hillside Detached (Deep Powder) Townhome

Pending Development Application Submittal

B.7 201 Garnet Street Drainage & Snow Storage Calculations and supporting materials  
(13 pages), S&C Associates, March 6, 2020



## Calculation Cover Sheet

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Project Name: 201 Garnet St.  
Project Number: 20-1015

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Calculation Title: Drainage & Snow Storage Calculations  
Calculation Version: 1  
Discipline: Civil - Drainage  
Total Number of Pages (including cover sheet): 13  
Calculations Prepared By: Sherri Newland, PE                      Date: March 6, 2020

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**Description and Purpose of Calculations:**

Calculate minimum swale/snow storage width needed along 201 Garnet St. in Ketchum, Idaho.

**Design Basis/References/Assumptions:**

Runoff calculated using Rational Equation due to size of swale/basin  
Frozen Ground assumed with no infiltration (spring) for drainage/storage  
Snow Water Equivalent – 11”

# City Standard ROW

## 13' Drive Lane 17' Wide Swale

### ITD IDF Data

Swale		
Check Dam Width for Swales		0
Number of Check Dams		0
Storm Event		25
Drainage Area (acres):	Area in ft <sup>2</sup>	3,960
	Area in Acres	0.09
Runoff Coefficient (c)		0.50
Infiltration Rate	Inches/Hr	0
Predevelopment Rate (if any)		0

Runoff Coefficient (c) for Combined Areas		
Imp.	Perv.	Total Area
1716	2244	3960 <sup>sf</sup>
c 1	c 2	
0.95	0.15	

**Weighted (c) Value:** 0.50

### Compute Peak Volume

Storm Duration		I	Q	Runoff Vol	Infiltration Vol	PreDev. Vol	Required Vol
Min	Hr	in/hr	cfs	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>
10	0.17	2.1	0.09	57	0	0	57
30	0.50	1.4	0.06	114	0	0	114
60	1.00	0.79	0.04	128	0	0	128
120	2.00	0.5	0.02	163	0	0	163
180	3.00	0.4	0.02	195	0	0	195
360	6.00	0.27	0.01	263	0	0	263
720	12.00	0.18	0.01	351	0	0	351
1440	24.00	0.11	0.00	429	0	0	429

Total Design Vol. (cf)	429
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Swale Dimensions	Vol. Available (cf)	477
------------------	---------------------	-----

Length	132 ft
Left Slope	20:1
Right Slope	20:1
Depth	0.425 ft
Infiltration Width	0 ft
Longitudinal Slope	0 ft/ft

\*assume frozen ground

\* assume no slope/flat

# Applicant Proposal

## 10' Drive Lane 3' Wide Swale

### ITD IDF Data

Swale		
Check Dam Width for Swales		0
Number of Check Dams		0
Storm Event		25
Drainage Area (acres):	Area in ft <sup>2</sup>	1,584
	Area in Acres	0.04
Runoff Coefficient (c)		0.82
Infiltration Rate	Inches/Hr	0
Predevelopment Rate (if any)		0

Runoff Coefficient (c) for Combined Areas		
Imp.	Perv.	Total Area
1320	264	1584 sf
c 1	c 2	
0.95	0.15	

**Weighted (c) Value:** 0.82

### Compute Peak Volume

Storm Duration		I	Q	Runoff Vol	Infiltration Vol	PreDev. Vol	Required Vol
Min	Hr	in/hr	cfs	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>
10	0.17	2.1	0.06	37	0	0	37
30	0.50	1.4	0.04	75	0	0	75
60	1.00	0.79	0.02	84	0	0	84
120	2.00	0.5	0.01	107	0	0	107
180	3.00	0.4	0.01	128	0	0	128
360	6.00	0.27	0.01	173	0	0	173
720	12.00	0.18	0.01	231	0	0	231
1440	24.00	0.11	0.00	282	0	0	282

Total Design Vol. (cf)	282
------------------------	-----

Swale Dimensions	Vol. Available (cf)	99
------------------	---------------------	----

Length	132 ft
Left Slope	3:1
Right Slope	3:1
Depth	0.5 ft
Infiltration Width	0 ft
Longitudinal Slope	0 ft/ft

\*assume frozen ground

\* assume no slope/flat

# Minimum City ROW 10' Drive Lane 15' Wide Swale

## ITD IDF Data

Swale	
Check Dam Width for Swales	0
Number of Check Dams	0
Storm Event	25
Drainage Area (acres):	Area in ft <sup>2</sup>
	3,168
	Area in Acres
	0.07
Runoff Coefficient (c)	0.48
Infiltration Rate	Inches/Hr
	0
Predevelopment Rate (if any)	0

Runoff Coefficient (c) for Combined Areas		
Imp.	Perv.	Total Area
1320	1848	3168
c 1	c 2	
0.95	0.15	

Weighted (c) Value: 0.48

## Compute Peak Volume

Storm Duration		I	Q	Runoff Vol	Infiltration Vol	PreDev. Vol	Required Vol
Min	Hr	in/hr	cfs	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>	ft <sup>3</sup>
10	0.17	2.1	0.07	44	0	0	44
30	0.50	1.4	0.05	89	0	0	89
60	1.00	0.79	0.03	100	0	0	100
120	2.00	0.5	0.02	127	0	0	127
180	3.00	0.4	0.01	152	0	0	152
360	6.00	0.27	0.01	205	0	0	205
720	12.00	0.18	0.01	273	0	0	273
1440	24.00	0.11	0.00	334	0	0	334

Total Design Vol. (cf) 334

Swale Dimensions Vol. Available (cf) 371

Length	132	ft
Left Slope	20:1	
Right Slope	20:1	
Depth	0.375	ft
Infiltration Width	0	ft
Longitudinal Slope	0	ft/ft

\*assume frozen ground

\* assume no slope/flat

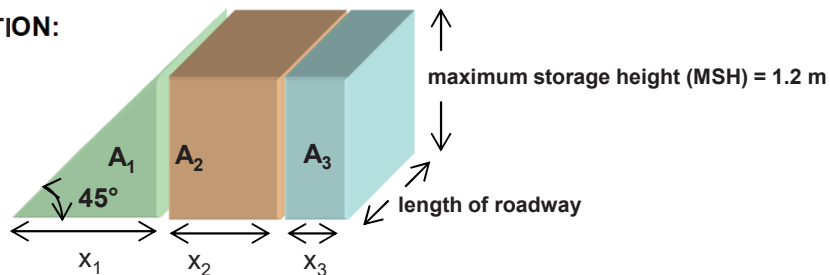
## Snow Storage Calculation 201 Garnet

Use an normal snow water equivalent (mm) for the entire season				
				units/mm
Average Normal snow water equivalent (mm)				279.4
Convert normal snow water equivalent (mm) to a total amount of snow (cm) (assume 1 mm water is equal to 1 cm snow)				
		water equivalent (mm)	snow (cm)	snow (m)
Average Normal snow water equivalent (mm)		279.4	279.4	2.794
Reduce the volume of snow from a new snow fall density to an average compacted snow density (assuming that new snow is 100 kg/m <sup>3</sup> and compacted snow is 500 kg/m <sup>3</sup> )				
Assumptions	Density	Ratio		
New Snow	100 kg/m <sup>3</sup>			
Compacted Snow	200 kg/m <sup>3</sup>	2 to 1		
	cm	ratio density	average total compacted snow (cm)	average total compacted snow converted to metres (m)
	279.4	2	139.7	1.397
Calculate volume of snow per lineal metre of road				
		lane width (m)	average total compacted snow (m)	volume of snow per lineal metre (m <sup>3</sup> /m)
Volume of snow per lineal metre of road in easement		3.96	1.397	5.53212
Calculate width of storage area assuming a maximum storage height of 1.2 metres				
		maximum storage height (m)	maximum slope angle (ratio)	width of snow storage area (m)
Total available storage area assuming that the maximum slope on snow pile can not exceed a 1 to 1 ratio		1.2192	1	3.61364784

Calculate minimum right-of-way width based on lane and snow storage area width				
(Lane width x number of lanes) + (snow storage area width x 2)				15.14729568
Calculate additional snow to displace for parking access(es)				
	number of driveways <i>(must be looked at for each direction)</i>	driveway width (m)	volume of snow per lineal metre (m <sup>3</sup> /m)	volume of snow to displace (m <sup>3</sup> )
Volume of additional snow to displace due to driveway access(es)	1	6.4008	5.53212	35.4099937
Example for calculating additional storage width for parking access(es)				
width of snow storage area calculated in Step 5 (m)	length of roadway over which to distribute snow from accesses (m)	additional volume of snow to displace as calculated in Step 7 (m <sup>3</sup> )	additional width required to accommodate accesses based on length stipulated in cell C38 (m)	total width required over length stipulated in cell C38 (m)
3.61364784	40.2	35.40999	0.722	4.336

**ASSUMED CROSS SECTION:**

$A_1 = (x_1 * MSH)/2$   
 $A_2 = x_2 * MSH$   
 $A_3 = x_3 * MSH$



Cell in Above Calc.

width to maximum storage height at 45° (1:1) slope  
 additional width required beyond top of 1:1 slope  
 additional width required to accommodate accesses  
*(only required in situations where driveways/accesses exist)*  
 $x_1 + x_2 + x_3$  (total storage width)

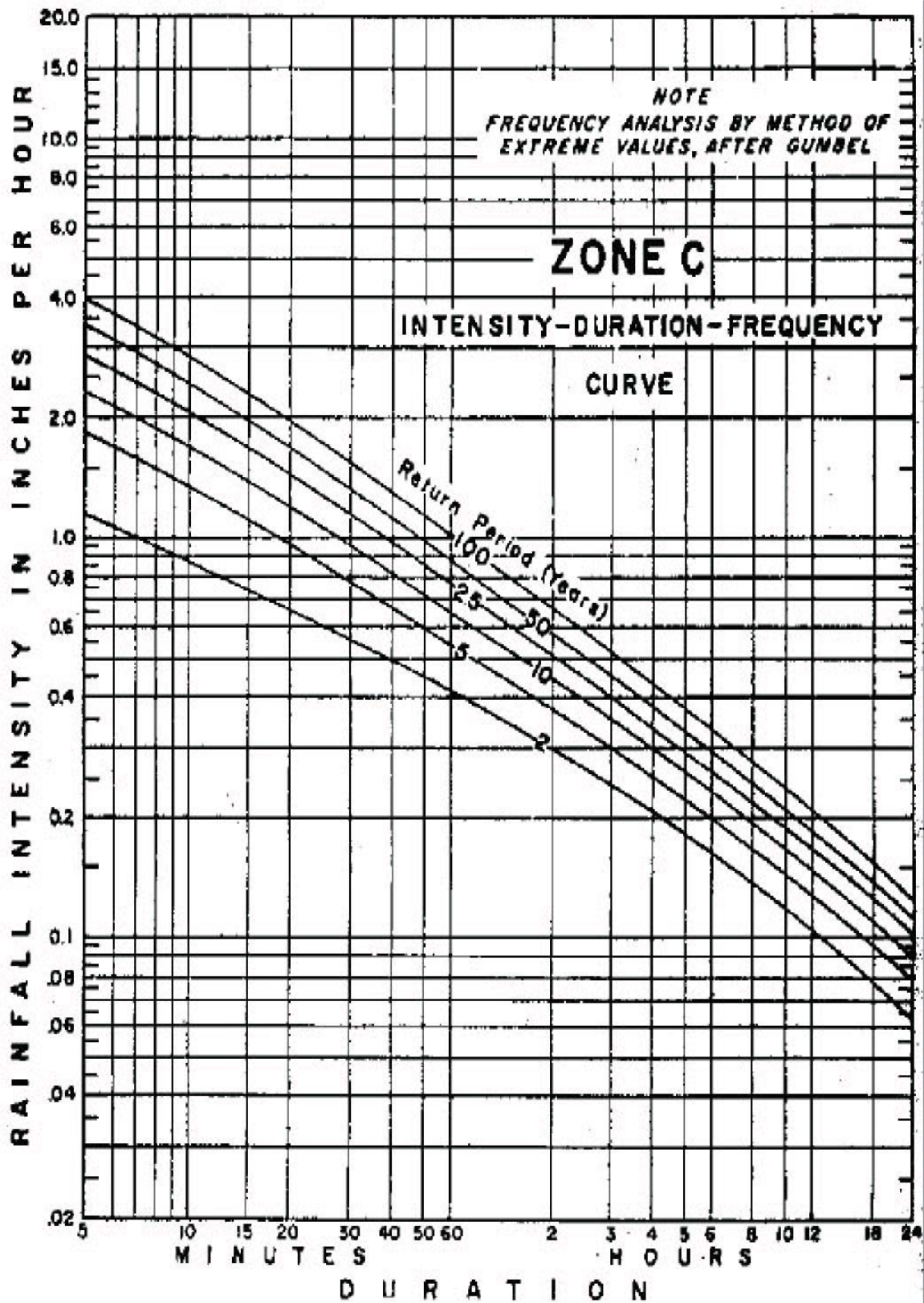
F27 (both)
E38
F38

Operational adjustment (5%)	0.2
Total Width Required (m)	4.6
Total Width Required (ft)	14.9





Figure B-8  
Sheet 3 of 9



Prairie	4800	5.3	4.9	108	10.4	12.6	83
Trinity Mtn.	7770	22.1	31.0	71	22.5	33.0	68
Vienna Mine	8960	20.6	25.2	82	18.7	25.0	75
<b>Basin Index (%)</b>				<b>85</b>			<b>76</b>
<b>BIG WOOD BASIN</b>							
Camas Creek Divide	5710	10.0	11.5 <sub>C</sub>	87	10.6	14.5 <sub>C</sub>	73
Chocolate Gulch	6310	6.5	11.0 <sub>C</sub>	59	7.2	13.5 <sub>C</sub>	53
Dollarhide Summit	8420	14.9	N/A	*	-M	21.7	*
Galena	7470	9.2	13.7	67	9.8	15.8	62
Galena Summit	8780	12.2	15.5	79	12.0	16.7	72
Hyndman	7620	5.7	10.1	56	6.7	13.3	50
Lost-Wood Divide	7900	8.4	16.1	52	8.3	17.7	47
Soldier R.S.	5740	6.6	10.4	63	8.5	14.4	59
Vienna Mine	8960	20.6	25.2	82	18.7	25.0	75
<b>Basin Index (%)</b>				<b>70</b>			<b>62</b>
<b>LITTLE WOOD BASIN</b>							
Bear Canyon	7900	7.4	12.0	62	7.2	13.7	53
Garfield R.S.	6560	4.8	9.2	52	4.8	10.7	45
Hyndman	7620	5.7	10.1	56	6.7	13.3	50
Smiley Mountain	9520	9.2	14.2 <sub>R</sub>	65	8.9	14.7 <sub>R</sub>	61
Swede Peak	7640	5.8	12.7	46	6.7	14.3	47
<b>Basin Index (%)</b>				<b>57</b>			<b>51</b>
<b>BIG LOST BASIN</b>							
Bear Canyon	7900	7.4	12.0	62	7.2	13.7	53
Hilts Creek	8000	8.0	10.3	78	6.8	10.9	62
Lost-Wood Divide	7900	8.4	16.1	52	8.3	17.7	47
Smiley Mountain	9520	9.2	14.2 <sub>R</sub>	65	8.9	14.7 <sub>R</sub>	61
Stickney Mill	7430	4.2	6.9	61	5.3	8.7	61
<b>Basin Index (%)</b>				<b>63</b>			<b>56</b>
<b>LITTLE LOST, BIRCH BASINS</b>							
Beagle Springs	8850	8.1	6.4	127	7.6	7.9	96
Hilts Creek	8000	8.0	10.3	78	6.8	10.9	62
Meadow Lake	9150	11.0	11.5	96	11.3	13.6	83
Moonshine	7440	6.8	7.9	86	7.3	10.4	70

Jack Creek Upper	7377	14.6	14.8	99	15.0	15.8	95
Laurel Draw	6682	12.6	10.1	125	14.1	14.8	95
Mud Flat	5730	4.9	7.3	67	7.4	9.5	78
Reynolds Creek	5600	3.2	2.0 <sub>R</sub>	160	8.4	10.7 <sub>R</sub>	79
South Mtn.	6500	13.3	15.6	85	16.1	19.6	82
Taylor Canyon	6325	5.6	5.3	106	5.4	7.1	76
<b>Basin Index (%)</b>				<b>102</b>			<b>87</b>
<b>BEAR RIVER BASIN</b>							
Bug Lake	7987	16.4	15.2	108	15.0	15.8	95
Dry Bread Pond	8302	16.9	15.6	108	15.3	15.9	96
Emigrant Summit	7390	17.8	19.4	92	17.4	21.9	79
Franklin Basin	8140	22.9	21.8	105	22.7	25.1	90
Giveout	6930	9.9	8.6	115	11.6	10.5	110
Hayden Fork	9130	13.9	12.4	112	16.9	16.7	101
Kelley R.S.	8180	13.1	12.2	107	13.9	14.8	94
Lily Lake	9133	9.9	10.6	93	10.0	13.5	74
Monte Cristo	8932	23.0	21.7	106	20.3	20.9	97
Oxford Spring	6740	7.8	9.3	84	11.3	14.2	80
Salt River Summit	7640	12.7	10.7	119	12.9	13.7	94
Sedgwick Peak	7850	13.8	16.4	84	13.7	17.4	79
Slug Creek Divide	7225	16.1	12.4	130	16.3	17.1	95
Spring Creek Divide	9000	21.8	19.0	115	20.8	19.6	106
Trial Lake	9992	19.3	18.2	106	17.5	19.3	91
<b>Basin Index (%)</b>				<b>105</b>			<b>92</b>

-M = Missing data.

\* = Analysis may not provide a valid measure of conditions.

N/A = Not available.

C = Conditional only 10-19 years of data available.

R = Rough less than 10 years of data available.

If the Basin Index (%) percent value is flagged as potentially invalid care should be taken to evaluate if the value is representative of conditions in the basin.

The SNOW WATER EQUIVALENT represents the depth of water in the snowpack if the snowpack were melted expressed in inches.

The WATER YEAR-TO-DATE-PRECIPIATION represents total precipitation since October 1st expressed in inches.

Contact your state water supply staff for assistance.

Medians and averages are calculated for the period 1981-2010.

Provisional data subject to revision.

\* Site -- Either: (a) the current value is missing; (b) the median or average for the day is not available or is zero; or (c) for snow water equivalent the median for the day is less than 10% of the maximum median value for the year.

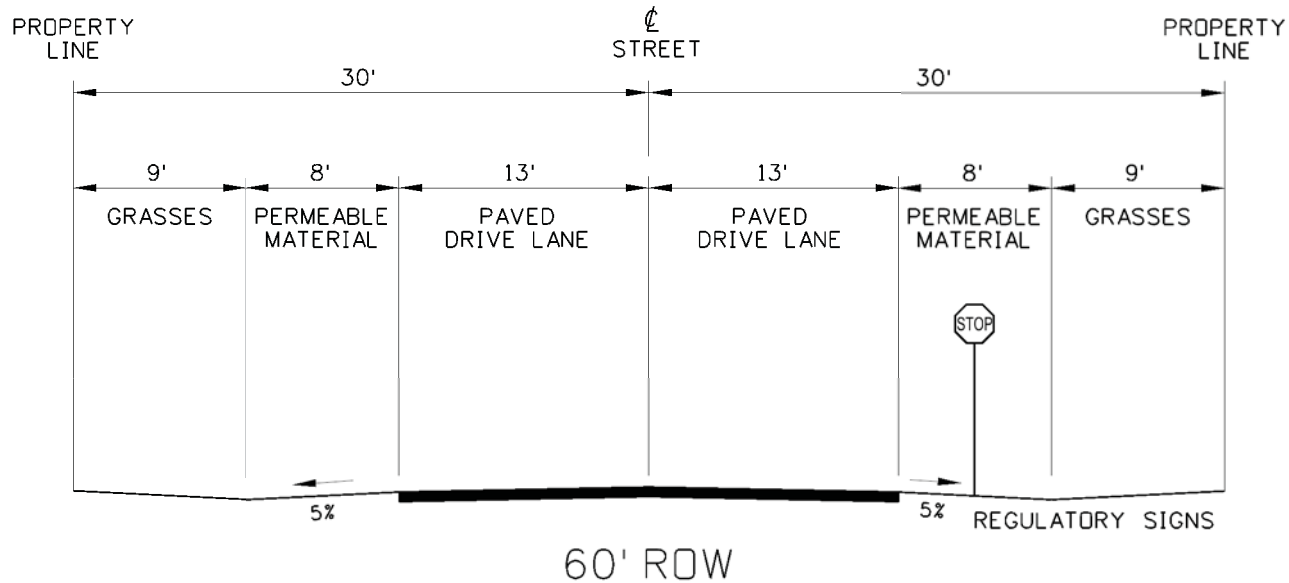
\* Basin - More than half of the sites within the basin are flagged with \* preventing the calculation of a meaningful basin index.

The basin index is calculated as the sum of the valid current values divided by the sum of the corresponding medians (for snow water equivalent) or averages (for precipitation) and the resulting fraction multiplied by 100.

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**NOTES:**

- ① THE SCHEMATIC ABOVE SHOWS A CROSS SECTION OF AN 60-FOOT WIDE RIGHT-OF-WAY (ROW) FOR STREETS LOCATED IN RESIDENTIAL DISTRICTS.
- ② SHOULDERS ARE REQUIRED TO ACCOMMODATE DRAINAGE, PARKING, SNOW STORAGE, AND ACCESS FOR EMERGENCY VEHICLES WITHIN LOCAL-RESIDENTIAL STREET ROWS AND PROVIDE MATERIALS THAT CAN REASONABLY BE MAINTAINED BY THE CITY.
- ③ EXAMPLES OF 60-FOOT ROW ROADS LOCATED IN RESIDENTIAL DISTRICTS ARE DOLLAR DRIVE, IRENE ST, BELMONT AND WANDERS WAY.
- ④ STOP AND STREET SIGNS ARE TO BE INSTALLED 2 FT FROM EDGE OF PAVEMENT
- ⑤ 8 FT PERMEABLE SHOULDER AT A 5% SLOPE FOR PARALLEL PARKING

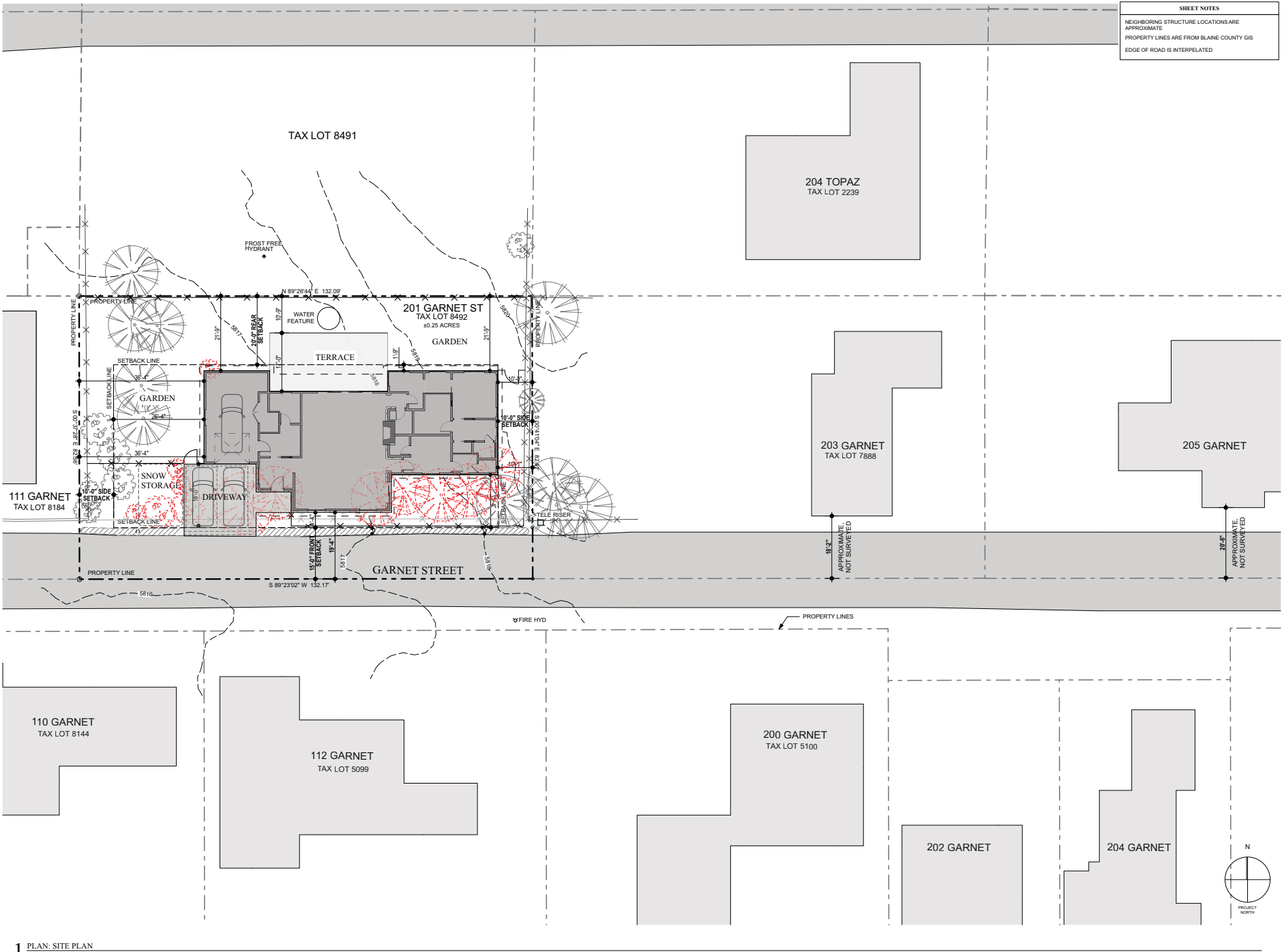
REVISIONS			
NO.	DATE	BY	DESCRIPTION
1	09/01/2019	SN	ROW DRAWINGS

CITY OF KETCHUM  
 60' ROW  
 RESIDENTIAL

STANDARD DRAWING  
 NO.  
 ROW-60-RS

DRAWN		
DATE		
FILE		
REVISIONS		
NO.	DATE	DESCRIPTION

**SHEET NOTES**  
NEIGHBORING STRUCTURE LOCATIONS ARE APPROXIMATE  
PROPERTY LINES ARE FROM BLAINE COUNTY GIS  
EDGE OF ROAD IS INTERPOLATED



1 PLAN: SITE PLAN  
SCALE: 1" = 10'

SITE PLAN 1:10

**Attachment C.**

**Notice of Appeal dated March 23, 2020 and Brief, Haemmerle Law, P.L.L.C.**



**HAEMMERLE LAW, P.L.L.C**  
Attorney & Counselor at Law

---

Received  
3/23/20

Fritz X. Haemmerle  
fxh@haemlaw.com

P.O. Box 1800  
Hailey, ID 83333

400 South Main Street, Suite 102  
Tel: (208) 578-0520  
Fax: (208) 578-0564

March 23, 2020

City of Ketchum  
c/o Suzanne Frick, City Administrator  
480 East Ave. N.  
Ketchum, ID 83340  
Hand Delivery and Via e-mail: [sfrick@ketchumidaho.org](mailto:sfrick@ketchumidaho.org)

*Re: Notice of Appeal*

Dear Suzanne:

As you know, I represent Craig Nalen and Janet Jarvis regarding a site plan, 201 Garnet Street ("property") submitted to the City. Regarding the setbacks, John Gaeddert issued a March 9, 2020, Determination Letter. In relation to that determination, attached is a Notice of Appeal along with a supporting Brief and attachments.

Please advise as to what fees may be applicable. Thank you.

Sincerely,

HAEMMERLE LAW, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh  
Encl.  
cc: client ([nailcan@aol.com](mailto:nailcan@aol.com))  
Matt Johnson, Attorney [mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)  
John Gaeddert [igaeddert@ketchumidaho.org](mailto:igaeddert@ketchumidaho.org)



**City of Ketchum  
Planning & Building**

OFFICIAL USE ONLY
File Number:
Date Received:
By:
Fee Paid:
Approved Date:
Denied Date:
By:

**Notice of Appeal**

**Note:** The Appellant shall submit an amount to cover the cost of giving notice, as applicable in the Fee Schedule, and provide a transcript within two (2) days after the Planning and Building Department provides the Appellant with an estimate for the expense of the same. In the event the fee is not paid as required, the appeal shall not be considered filed.

OFFICIAL USE ONLY	
Date Appeal Received:	Date Notice Published:
Appeal Fee:	Transcript Fee:
Date Paid:	Date Paid:
Date Appellant Notified of Estimated Transcript Costs and Notice:	Mailing Fee:
Date of Appeal Hearing:	Date Paid:
Action(s) Taken/Findings:	
APPELLANT	
Name of Appellant: Craig Nalen	Phone Number: c/o Fritz Haemmerle
Address: c/o Fritz Haemmerle	Fax Number or Email: c/o Fritz X. Haemmerle
REPRESENTATIVE	
Name of Representative: Fritz X. Haemmerle, Haemmerle Law, P.L.L.C.	Phone Number: (208) 578-0520
Address: P.O. Box 1800, Hailey, Idaho 83333	Fax Number or Email: fxx@haemlaw.com
APPLICATION	
Application Being Appealed: March 9, 2020, Determination Letter, John Gaeddert, regarding 201 Garnet St.	
Explain How You Are an Affected Party:	
Mr. Nalen was denied his authorized and lawful setbacks.	
Date of Decision or Date Findings of Fact Were Adopted: March 9, 2020	
SUBMITTAL INFORMATION	
This Appeal is Based on The Following Factors (set forth all basis for appeal including the particulars regarding any claimed error or abuse of discretion):	
See attached Brief	

If you have attached additional pages, please indicate the number of pages attached \_\_\_\_\_

Signature of Appellant or Representative

Date

**FRITZ X. HAEMMERLE (ISB# 3862)**  
**HAEMMERLE LAW, P.L.L.C.**  
**400 South Main St., Suite 102**  
**P.O. Box 1800**  
**Hailey, ID 83333**  
**Tel: (208) 578-0520**  
**haemmerlefilings@gmail.com**

**Attorneys for Craig Nalen**

**BEFORE THE CITY OF KETCHUM**

**RE: Appeal from Planning and Building Department Director Determination Letter dated March 9, 2020.**

**APPELLANT'S BRIEF ON APPEAL**

COMES NOW Appellant, Craig Nalen (Nalen), by and through Fritz X. Haemmerle of Haemmerle Law, P.L.L.C. submits this Brief in Support of his appeal of Planning and Building Department Director's ("Director") Determination Letter dated March 9, 2020.

**I. FACTS**

1. The Appellant, Craig Nalen ("Nalen") is seeking to build a residence at 201 Garnett Street, Ketchum, Idaho (the "Lot"). The zoning in the area is Limited Residential ("LR").

2. The Lot is located on the Gem Streets. Historically, and per the lawful, recorded plat thereof, the lot lines for the Gem Streets are in the center of the respective

streets. On or about February 8, 1996, the City of Ketchum, along with each of the owners of properties along Garnet Street, entered into a Settlement Agreement (“Agreement”) regarding the status of Garnett Street. The purpose of the Agreement was to allow Carl Curtis to develop his Esmeralda Subdivision at the end of Garnet Street. Paragraph 1 of the Agreement, in pertinent part, reads:

1. PAVED PORTION OF GARNET STREET. The parties agree that **the paved portion of Garnet Street**, as specifically described in Exhibit D, attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street neighbors have executed easements to Ketchum pursuant to paragraph 5, **the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.**

See, Agreement, attached as Exhibit 1. (Emphasis added).

3. The Agreement did not alter property lines or address any issues relating to snow storage.

4. On or about 2020, Janet Jarvis, on behalf of Nalen, submitted a site plan for the residence located at 201 Garnet Street. Suzanne Frick, Ketchum City Administrator, denied the site plan on the bases that the building was not located 15’ from the edge of the pavement. Nalen appealed that Decision. To date, no hearing has been set on that appeal.<sup>1</sup>

5. Thereafter, Janet Jarvis submitted a slightly modified site plan for the residence. A copy of the site plan is attached hereto as Exhibit 2. Two-thirds or more the residence is 15’ or more from the edge of the pavement on Garnet Street. The west side of the residence is 35’4” from the lot line and 22’10” from the edge of the pavement; the

---

<sup>1</sup> Counsel for Nalen was advised that Frick’s Decision was not final.

middle portion of the residence is 24'8" from the property line and 12'3" from the edge of the pavement; and the eastern side is 32'0" from the property line and 17'1" from the edge of the pavement. Again, as measured from the property line, the entire building is located at least 24'8" from the property line.

6. Based on the revised plan submitted by Janet Jarvis, the Director submitted his determination letter dated March 9, 2020. He stated that the entire residence must be 15" from the edge of the pavement on Garnet Street. It is from this letter that this Appeal is taken.

## II. ARGUMENT

### A. THE CITY'S POSITION VIOLATES THE UNIFORMITY REQUIREMENTS OF THE LOCAL LAND USE PLANNING ACT ("LLUPA").

The setback for the Nalen residence, located in the LR District, is fifteen feet (15'). KCO 17.12.030. The setbacks are measured from the property line. *See*, definition of "Setback" under Ketchum City Code ("KCO") 17.08.020. The residence, as designed, is more than 15' feet from the property line.

Instead of applying the setbacks as stated in the KCO, the City attempts to use other portions of the Code to create different setback for this residence. This type of zoning is in direct violation of the uniformity provisions Local Land Use Planning Act ("LUPA"). Under the LLUPA:

- (a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. **All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.**

Idaho Code Section 67-6511(a). (Emphasis added).

The Idaho Supreme Court in *Moerder v. City of Moscow*, 78 Idaho 246, 300 P.2d 808 (1956), discussed non-uniform zoning in relation to setbacks.<sup>2</sup> In that case, the City of Moscow adopted an Ordinance which allowed the City to create setbacks that were not uniform. Instead, the Moscow Ordinance created setbacks that were “the average distance between the street line and nearest adjacent outer portions of each and every dwelling house or structure erected on the same side of the street in the same lineal block.” *Id.* at Idaho 249. The Supreme Court reversed the decision of the trial court, findings that the Ordinance was invalid because of a lack of uniformity.

Based on this zoning scheme, the Idaho Supreme Court stated:

The ordinance in question does not establish a uniform regulation for each class of buildings within the district. Indeed, it would be difficult to conceive of a scheme less uniform. Under the ordinance, setback lines could vary from one block to the next on the same street. The building line could be farther back on one side of the street than on the other, as in fact it was in the present case. The line could even vary from year to year in the same block as additional houses were constructed, if the ordinance were upheld.

*Id.* at Idaho 250; *see also, KGF Development, LLC v. City of Ketchum*, 236 P.3d 1284. 149 Idaho 524 (2010).

In this case, the City of Ketchum is violating the uniformity provisions of the LLUPA. Instead of applying the unambiguous uniform setbacks as contained in KCO 17.12.030, the City applied a different set of rules addressing snow storage and drainage. The result of applying these other rules was to create a setback that is 15’ feet from the edge of the pavement on Garnet Street, instead of 15’ feet from Nalen’s property line.

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<sup>2</sup> The court interpreted the uniformity requirements under Idaho Code Section 50-401. This Section is nearly identical to the LLUPA, which is now codified under Idaho Code Section 67-6501 et seq.

Specifically, the City applied KCO 17.124.170 to arrive at its decision. There are several problems with applying that Section.

First, as stated, the application of a non-uniform setback of 15' from the property line violates the uniformity requirements of the LLUPA.

Second, the Director's reliance on Section 17.124.170 to vary from the uniformity requirements is misplaced based on a clear reading of the KCO. The Director relies on Section 17.124.170 to vary from the dimensional standards, under KCO 17.12.040.B. Section 17.12.040.B addresses the dimensional standards for the Community Core ("CC") District. The Gem Streets are not in the CC District.

Third, KCO 17.12.030 states that the dimensional standards cited therein are also subject to "the regulations of chapter [KCO] 17.128." The Director does not cite any of the provisions of Section 17.128. Again, he relies on KCO 17.124.170 to vary the setback from the property line. This provision is expressly not addressed or mentioned under KCO 17.12.030 for varying the defined and authorized 15' setback.

Fourth, KCO 17.12.170 addresses drainage, utilities, snow storage and landscaping. It does not address setbacks. Accordingly, it should be clear that it cannot be used to vary the uniform 15' setbacks in the LR District established under KCO 12.12.030.<sup>3</sup>

For all these reasons, the City's attempt to ignore the setback requirements of its Code violates the uniformity provisions of the LLUPA.

---

<sup>3</sup> Even if KCO 17.12.170 did address setbacks, any interpretation that would allow the City to vary setbacks from one lot to another would also violate the uniformity requirements of the LLUPA.

**B. THE FAILURE OF THE CITY TO APPLY UNIFORM LAWS TO IDENTICAL PROPERTIES DENIES NALEN OF HIS EQUAL PROTECTION RIGHTS.**

Both the Idaho Supreme Court and United States Supreme Court have been required to create equal protection rights for parties and against governmental jurisdictions which fail to provide equal treatment. It is an equal protection violation to treat parties differently under zoning laws.

The Equal Protection Clause of the Fourteenth Amendment, § 1, commands that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Of course, most laws differentiate in some fashion between classes of persons. The Equal Protection Clause does not forbid classifications. It simply keeps governmental decisionmakers from treating differently persons who are in all relevant respects alike. *F.S. Royster Guano Co. v. Virginia*, 253 U.S. 412, 415, 40 S.Ct. 560, 561, 64 L.Ed. 989, 990 (1920).

\* \* \*

Even though a statute or regulation is valid under this analysis, selective or discriminatory enforcement of that statute or regulation may amount to a violation under either the Idaho or United States Constitutions, but only if the challenger shows a deliberate plan of discrimination based upon some improper motive like race, sex, religion, or some other arbitrary classification. *Whren v. United States*, 517 U.S. 806, 813, 116 S.Ct. 1769, 1774, 135 L.Ed.2d 89, 97 (1996); *Young Elec. Sign Co. v. State*, 135 Idaho 804, 809, 25 P.3d 117, 122 (2001); *Henson v. Dept. of Law Enforcement*, 107 Idaho 19, 23-24, 684 P.2d 996, 1000-01 (1984). A "class of one" may successfully state an equal protection claim, even where the challenged treatment does not follow suspect classifications or punish the exercise of fundamental rights, if he or she was singled out based upon a distinction that fails the rational basis test. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564-65, 120 S.Ct. 1073, 1075, 145 L.Ed.2d 1060, 1063-64 (2000).

*Anderson v. Spalding*, 137 Idaho 509, 50 P.3d 1004 (2002).

In this case, the City has a long history of treating the Gem Street neighbor's differently. It also has a history of punishing Gem Street neighbors for exercising their rights.



This intentional and systemic discrimination warrants a claim that Nalen's equal protection rights have been violated.

**C. NALEN IS ENTITLED TO HIS ATTORNEY'S FEES AND COSTS.**

Nalen requests all his attorney's fees and costs as allowed under Idaho Code Section 12-117, as the City has acted without a reasonable basis in fact or law in denying Nalen his lawful setbacks as measured from his property line.

**III. CONCLUSION**

For all these reasons, the City must conclude that Nalen has a right to develop his property as set forth in the attached site plan, Exhibit 2.

HAEMMERLE LAW, P.L.L.C.



FRITZ X. HAEMMERLE

CERTIFICATE OF SERVICE

I hereby certify that on the 23<sup>rd</sup> day of March, 2020 I served a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted.

Suzanne Frick, City Administrator

Hand Delivered to City Drop Box  
(City not allowing personal delivery  
because of COVID-19)

Mathew Johnson, City Attorney

mjohnson@whitepeterson.com



FRITZ X. HAEMMERLE

# **EXHIBIT 1**

*Agreement*

BLANK REQUEST

*City of Ketchum*

**SETTLEMENT AGREEMENT**

FILE # 237

THIS SETTLEMENT AGREEMENT ("Agreement") is made and entered into this 8<sup>TH</sup> day of ~~November~~ <sup>FEBRUARY</sup>, 1997, by and between CARL CURTIS ("Curtis"), JEANNE FRANKS, THE VINAGRE TRUST, by and through GARY E. and LINDA M. VINAGRE, TRUSTEES, ROBERT and MARJOLAINE RENFRO, WILLIAM G. and SUSAN POLLOCK, THOMAS H. "BUD" and RITA ANN HEANEY, JOHN T. and JERRY ANN HEANEY, WILLIAM H. and ANN S. VANDERBILT, RICHARD O. DAHLGREN and JULIE SLOCUM DAHLGREN, KATHY JEANNE HARRAH, RELI LOUISE HAEMMERLE, FRITZ XAVIER HAEMMERLE, WILMA PACE, PAMELA JEAN RAYBORN, JOHN D. PACE, STELLA A.M. KEANE, CARL E. and SUSAN LEY, JUDY L. DEMETRE and THE ESTATE OF GEORGE B. SAVIERS, deceased, by and through its personal representative, BOB STEVENS (collectively referred to as the "Garnet Street Neighbors") and the CITY OF KETCHUM ("Ketchum").

**RECITALS**

WHEREAS, Curtis has filed case number CV-93-897 ("Lawsuit") in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, seeking to resolve the legal status of a parcel of property commonly known as Garnet Street, located within Ketchum, and more specifically depicted in the diagram attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, the Garnet Street Neighbors, Ketchum and other named individuals and/or entities ("Other Defendants") were named as defendants in the Lawsuit; and

WHEREAS, Curtis is the owner of real property located at the eastern end of Garnet Street, in Ketchum, commonly known as Lot 1 of the Esmeralda Subdivision Lot Line Shift Plat ("Curtis Property"), and more specifically described in Exhibit "B" and depicted in Exhibit "C"; and

WHEREAS, the Garnet Street Neighbors, Ketchum and certain of the Other Defendants are the owners of, or have some form of interest in, the real property located in Ketchum, which property is more specifically described in Exhibit "B" and depicted in Exhibit "A"; and

WHEREAS, except for the Garnet Street Neighbors and Ketchum, the Other Defendants have had a default judgment entered against them consistent with the relief sought in the Curtis complaint filed in the Lawsuit, or have been dismissed from the Lawsuit; and

WHEREAS, Curtis, the Garnet Street Neighbors and Ketchum desire to resolve the Lawsuit on the terms and conditions hereinafter set forth;

NOW, THEREFORE, for good and valuable consideration, including the mutual covenants herein contained, the parties hereto agree as follows:

**TERMS AND CONDITIONS**

1. **PAVED PORTION OF GARNET STREET.** The parties agree that the paved portion of Garnet Street, as specifically described in Exhibit "D", attached hereto and incorporated herein, from Highway 75, then eastward to the end of the paved portion of Garnet

Street shall be deemed for all purposes to be a public roadway by prescriptive easement. After the Garnet Street Neighbors have executed easements to Ketchum pursuant to Paragraph 5, the parties agree that the paved portion of Garnet Street described herein shall be deemed a public roadway by express easement. The parties agree that the property lying to the north and south of the paved portion of Garnet Street is private property.

2. *UNPAVED PORTION OF GARNET STREET.* The parties agree that the unpaved, or graveled, portion of Garnet Street, as specifically described and depicted in Exhibit "E", attached hereto and incorporated herein, from the east end of the paved portion of said Street, as described in Exhibit "D", then eastward, shall be deemed a private driveway. The Garnet Street Neighbors and Curtis agree that said private driveway shall provide access to a maximum number of three (3) single family residential lots in a subdivision on the Curtis Property, as well as providing access to the property owned by The Estate of George B. Saviers ("Saviers Property"). The Garnet Street neighbors and Curtis agree that no additional lots other than those identified herein shall be allowed access via said private driveway. The Garnet Street Neighbors and Curtis agree that the private driveway shall remain as is, without any modification in width, grade or surface.

3. *CURTIS SUBDIVISION APPLICATION.*

(a) *Garnet Street Access.* Curtis intends to submit an application to Ketchum to subdivide the entire Curtis Property ("Curtis Subdivision"). Curtis agrees that the Curtis Subdivision shall propose not more than three (3) single family residential subdivision lots which could be accessed via Garnet Street. Curtis agrees that the Curtis Subdivision shall also provide access via Garnet Street to the Saviers Property. In addition, Curtis agrees that there shall be no further subdivision of the three (3) Curtis Subdivision single family residential lots which could be accessed from Garnet Street.

(b) *Snowplow Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to Ketchum a snowplow access and turnaround easement, to enable a Ketchum snowplow to turn around near the location on the Curtis Property adjacent to Garnet Street currently used by Ketchum for such purposes as depicted in Exhibit "E", attached hereto and incorporated herein.

(c) *Pedestrian Path Easement.* Curtis, through the Curtis Subdivision Plat, agrees to dedicate to the Garnet Street Neighbors a pedestrian path easement, which shall be located in the approximate location of the existing path on the Curtis Property leading to the back side of Dollar Mountain.

(d) *Building Envelopes.* Curtis agrees that the Curtis Subdivision Plat shall designate all building envelopes outside the existing trees on the Curtis Property.

(e) *Application Approval Condition Precedent.* At such time as Ketchum gives final approval to the Curtis Subdivision, the parties hereto agree to execute and submit to the Court a Stipulation For Dismissal of the Lawsuit in the form attached hereto as Exhibit "F" and incorporated herein. The parties agree that all claims, complaints, crossclaims and counterclaims in any way relating to the Lawsuit shall be dismissed with prejudice as to the Garnet Street Neighbors and Ketchum. The parties agree that the Court may enter an Order For Dismissal of the Lawsuit as to the Garnet Street Neighbors and Ketchum in the form attached hereto as Exhibit "G" and

incorporated herein. In the event Ketchum does not approve the Curtis Subdivision, the parties agree that all recitals, covenants, terms and conditions contained in this Agreement shall be null and void, and evidence of the same shall not be introduced in the Lawsuit or any litigation thereafter pertaining to the resolution of the status of Garnet Street.

(f) *Ketchum's Execution of Agreement.* The parties acknowledge that by Ketchum's execution of this Agreement, Ketchum does not agree, either expressly or implicitly, to approve the proposed Curtis Subdivision. Furthermore, the parties acknowledge that Ketchum only executes this Agreement on the basis that Ketchum will agree to the dismissal of the Lawsuit on the terms and conditions herein set forth, should Ketchum, in its sole and absolute discretion, approve the Curtis Subdivision. The parties agree that nothing herein shall be construed by any party as an obligation on the part of Ketchum to approve all or any portion of the Curtis Subdivision.

4. **PRESERVATION OF TREES.** The Garnet Street Neighbors and Curtis agree that the existing trees located adjacent to the unpaved and paved portions of Garnet Street, as said portions of Garnet Street are described in Paragraphs 1 and 2 herein and described and depicted in Exhibits "D" and "E", shall not be disturbed, except as necessary to prevent an obstruction to traffic or to protect the integrity of Garnet Street and the surrounding structures.

5. **ACCESS AND UTILITY EASEMENTS.** The parties agree to grant the following express easements:

(a) A public access and utility easement from Curtis and the Garnet Street Neighbors, as Grantors, to Ketchum, as Grantee, upon, over and under the paved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 1 herein and described in Exhibit "D"

(b) A utility easement from Curtis, The Estate of George B. Saviers and Judy Demetre, as Grantors, to Ketchum, as Grantee, upon, over and under that portion of the Curtis Property, Saviers Property and Demetre Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E".

(c) A private access and utility easement from Judy Demetre, as Grantor, to Curtis and The Estate of George B. Saviers, as Grantees, over and under that portion of the Demetre Property located within the unpaved portion of Garnet Street, as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"

(d) A reciprocal private access and utility easement between Curtis and The Estate of George B. Saviers upon, over and under that portion of the Curtis Property and the Saviers Property located within the unpaved portion of Garnet Street as said portion of Garnet Street is described in Paragraph 2 herein and described and depicted in Exhibit "E"; and a private parking and landscape easement from Curtis, as Grantor, to The Estate of George B. Saviers, as Grantee, upon, over and under a portion of the Curtis Property as depicted in Exhibit "E".

The parties agree that the express easements described above, attached hereto and incorporated herein as Exhibit "H", shall become effective only upon the approval by Ketchum

of the Curtis Subdivision proposed for development on the Curtis Property as described herein. The parties agree that if Ketchum denies the Curtis Subdivision application, none of the easements herein contained would be valid, and no additional documents as envisioned in this Agreement would be required to be executed.

6. **REMEDIES.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by any party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

7. **AMENDMENTS.** This Agreement may only be changed, modified or amended in writing executed by all parties.

8. **HEADINGS.** The headings in this Agreement are inserted for convenience and identification only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provision hereof.

9. **ATTORNEYS' FEES AND COSTS.** Should any action be brought to interpret or enforce any provision hereof or the easements contemplated herein, or for damages for breach hereof, the prevailing party shall be entitled to such reasonable attorneys' fees and costs, as may be determined by any court of competent jurisdiction wherein such action is brought, including attorneys' fees and costs on appeal.

10. **SUCCESSORS AND ASSIGNS.** All provisions of this Agreement, including the benefits and burdens of the easements attached hereto, shall run with the land covered hereby and are binding on and enure to the benefit of the respective heirs, assigns, successors, lessees, tenants and personal representatives of the parties hereto.

11. **RECORDING.** This Agreement and any easement granted herein may be recorded in the Office of the Blaine County Recorder only after the approval of the Curtis Subdivision by Ketchum.

12. **INTERPRETATION/EXECUTION OF DOCUMENTS.** This Agreement shall be liberally construed in accordance with the general purposes of this Agreement and the laws of the State of Idaho. In addition, the parties hereto agree that they will, at any time hereafter, upon reasonable request of the others, execute and deliver such documents as the other parties may reasonably require for the purpose of giving full effect to the provisions of this Agreement.

13. **NO PRESUMPTION.** No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of the document.

14. **AUTHORITY.** The parties executing this Agreement warrant, state, acknowledge and affirm that they have the authority to sign the same and to bind themselves and/or their respective clients to the terms contained herein.

15. **ENTIRE AGREEMENT.** This Agreement contains the entire Agreement between the parties respecting the matters herein set forth and supersedes all prior Agreements between the parties hereto respecting such matter.

16. EXECUTION. This Agreement may be executed simultaneously in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

17. ACCEPTANCE. The parties fully understand all of the provisions of this Agreement, and believe them to be fair, just, adequate and reasonable, and accordingly accept the provisions of this Agreement freely and voluntarily.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

CARL CURTIS:

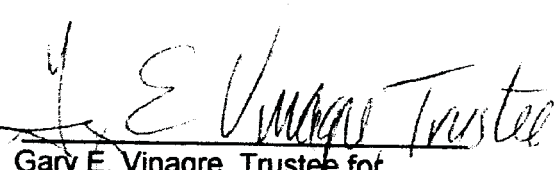
  
\_\_\_\_\_  
Carl Curtis

CITY OF KETCHUM, IDAHO:

  
\_\_\_\_\_  
Guy P. Coles, Mayor

GARNET STREET NEIGHBORS:

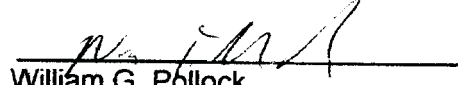
  
\_\_\_\_\_  
Jeanne Franks


  
\_\_\_\_\_  
Gary E. Vinagre, Trustee for  
The Vinagre Trust

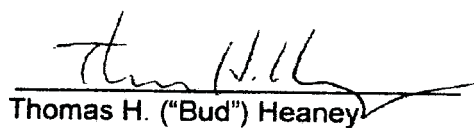
  
\_\_\_\_\_  
Linda M. Vinagre, Trustee for  
The Vinagre Trust

  
\_\_\_\_\_  
Robert Renfro

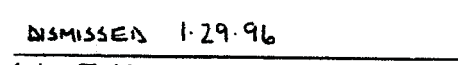
  
\_\_\_\_\_  
Marjolaine Renfro

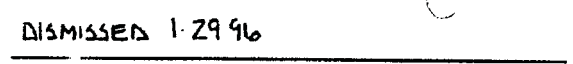
  
\_\_\_\_\_  
William G. Pollock

  
\_\_\_\_\_  
Susan Pollock

  
\_\_\_\_\_  
Thomas H. ("Bud") Heaney


  
\_\_\_\_\_  
Rita Ann Heaney

  
DISMISSED 1-29-96  
\_\_\_\_\_  
John T. Heaney

  
DISMISSED 1-29-96  
\_\_\_\_\_  
Jerry Ann Heaney

  
\_\_\_\_\_  
William H. Vanderbilt

  
\_\_\_\_\_  
Ann S. Vanderbilt

  
\_\_\_\_\_  
Richard O. Dahlgren



Julie Slocum Dahlgren  
Julie Slocum Dahlgren

Kathy Jeanne Harrah  
Kathy Jeanne Harrah

Reli Louise Haemmerle  
Reli Louise Haemmerle

Fritz Xavier Haemmerle  
Fritz Xavier Haemmerle

Wilma Pace  
Wilma Pace

Pamela Jean Rayborn  
Pamela Jean Rayborn

John D. Pace  
John D. Pace

Stella A.M. Keane  
Stella A.M. Keane

Carl E. Ley  
Carl E. Ley

Susan Ley  
Susan Ley

Judy L. Demetre, by Ned C. Williamson  
her attorney in fact  
Judy L. Demetre

Bob Stevens  
Robert H. Stevens  
Bob Stevens, Personal Representative  
for The Estate of George B. Saviers

# **EXHIBIT 2**

**SHEET NOTES**  
 NEIGHBORING STRUCTURE LOCATIONS ARE APPROXIMATE  
 PROPERTY LINES ARE FROM BLAINE COUNTY GIS  
 EDGE OF ROAD IS INTERPOLATED

**THE JARVIS GROUP**  
 ARCHITECTS INC.  
 511 SUN VALLEY ROAD  
 POSTAL BOX 438  
 KETCHUM, IDAHO 83340  
 PHONE 208/235-4331 FAX 208/235-1991

IDAHO  
 KETCHUM  
 201 GARNET STREET

ARCHITECT  
**PRELIMINARY**  
 NOT FOR CONSTRUCTION

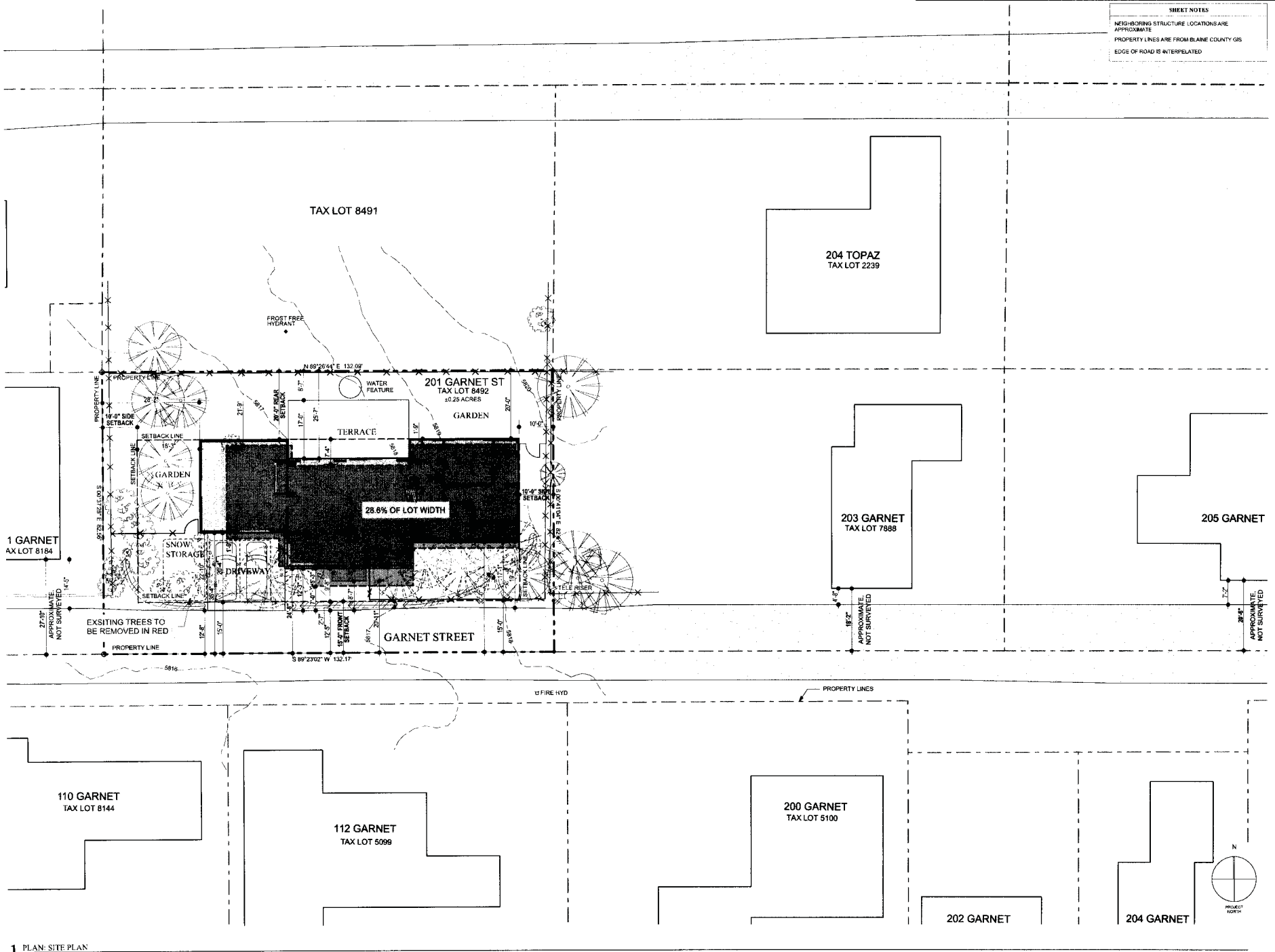
ENGINEER

THIS DRAWING HAS BEEN REVIEWED AND APPROVED BY THE ARCHITECT AND ENGINEER FOR THE PROJECT DESCRIBED HEREIN. IT IS THE RESPONSIBILITY OF THE ARCHITECT AND ENGINEER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 DRAWN \_\_\_\_\_  
 DATE \_\_\_\_\_  
 FILE \_\_\_\_\_

REVISIONS

NO.	DATE	DESCRIPTION

PRINTED CLASS: P:\projects\201 Garnet St\201 Garnet St.dwg



1 PLAN: SITE PLAN  
 SCALE 1" = 10'

SITE PLAN 1:10

**Attachment D.**

**Written public comment received as of 4:00 p.m. Wednesday, June 3rd, 2020**

**From:** [Marjolaine](#)  
**To:** [Participate](#)  
**Subject:** Nalen Appeal  
**Date:** Tuesday, June 02, 2020 9:53:29 AM

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Planning and Zoning Commission -

I am writing concerning the Nalen Appeal for a front yard setback at 201 Garnet Street, Ketchum.

A property owner can do whatever he/she wants within the confines of the planning and zoning rules and regulations attached to their property.

Changing the rules and regulations after purchase does not show for-thought. It shows greed. If Mr. Nalen had wanted more property available to him for his building site, he could have purchased a larger piece of property.

Garnet Street is a quiet street with appropriate sized buildings on each property.

We would welcome Mr. Nalen and his family.

We do not welcome someone who is trying to get more than what he is legally allowed to do.

I also am troubled that the property was sold to Mr. Nalen by Mr. Haemmerle, who is now his legal counsel. Were promises made before purchase? We will never know.

I am asking that the Planning and Zoning Commission do the right thing.  
In these troubled times, doing the right thing over the easy thing is the correct choice.  
It is up to you. Do the right thing.

Sincerely,

Marjolaine Renfro  
30 year resident of Garnet Street.  
49 year resident of Ketchum