



AGENDA

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If you would like to comment on a public hearing agenda item, please select the best option for your participation:

1. Join us via Zoom (*please mute your device until called upon*).
Join the Webinar: <https://ketchumidaho-org.zoom.us/j/86018307970>
Webinar ID: 860 1830 7970
2. Address the Commission in person at City Hall.
3. Submit your comments in writing at participate@ketchumidaho.org (*by noon the day of the meeting*).

This agenda is subject to revisions. All revisions will be underlined.

CALL TO ORDER:

ROLL CALL:

COMMUNICATIONS FROM COMMISSIONERS:

1. Public Comment 1
2. Public Comment 2

CONSENT AGENDA:

Note re: ALL ACTION ITEMS - The Commission is asked to approve the following listed items by a single vote, except for any items that a commissioner asks to be removed from the Consent Agenda and considered separately.

3. ACTION ITEM: Approve Minutes of March 8, 2022
4. ACTION ITEM: Recommendation to approve Findings of Fact, Conclusions and Law, and Decision for the 460 N Main Street Mixed-Use Building (5th & Main Condominiums) Design Review Application File No. P22-007.

- [5.](#) ACTION ITEM: Recommendation to approve Findings of Fact, Conclusions and Law, and Decision for the 460 N Main Street Mixed-Use Building (5th & Main Condominiums) Variance Application File No. 22-013.
- [6.](#) ACTION ITEM: Recommendation to approve Findings of Fact, Conclusions and Law, and Decision for the 460 N Main Street Mixed-Use Building (5th & Main Condominiums) Lot Consolidation Preliminary Plat Application File No. P22-005.
- [7.](#) ACTION ITEM: Recommendation to approve Findings of Fact, Conclusions and Law, and Decision for the 460 N Main Street Mixed-Use Building (5th & Main Condominiums) Condominium Subdivision Preliminary Plat Application File No. P22-006.

PUBLIC HEARING:

- [8.](#) ACTION ITEM: Recommendation to consider Draft Ordinance 1234 and Draft Conditional Use Permit Policy Statement.

PUBLIC HEARING:

ADJOURNMENT:

Suzanne McCollum

From: Erin Murphy <murphyerint@gmail.com>
Sent: Wednesday, March 9, 2022 8:03 AM
To: Amanda Breen; Neil Bradshaw; Michael David; Jim Slanetz; Courtney Hamilton; Brenda Moczygemba; Matthew Mead; Tim Carter; Spencer Cordovano External; Neil Morrow; Participate
Subject: Ketchum Proposed Interim Emergency Ordinance 1234

Dear Commissioners, Council and Mayor;

I began visiting Sun Valley as a child training at the rink every summer for years and as an adult, I came back to Ketchum hoping to make it a place I could still regularly visit. Over time, I've made it my home and an integral part of my family life. I own both my home in Ketchum and two long term apartment rentals in the area. I am even able to run my business virtually from the area and highlight to clients how amazing our community is. I have seen firsthand how we have navigated the ups and downs of the economy over the years. The proposed Interim/Emergency Ordinance 1234 represents a disregard of community and property owners rights by ignoring appropriate processes, existing zoning and ordinances, with a clear goal of financial gain over true community improvement. **I am writing to voice my strong opposition to the [proposed] Interim/Emergency Ordinance 1234 referenced as item 2 on the agenda packet.**

This proposed ordinance is full of arbitrary statements that are unacceptable when considering such significant changes to the well-established rules that are currently in place to guide development in the City and Community of Ketchum. Changes to existing zoning and ordinance in the manner being proposed in the "Interim"/"Emergency" ordinance is unacceptable and beyond the purview of the Commissioners and the City Staff.

There is a process in place for re-codification and re-zoning, and attempting to make any changes in any manner other than within the established protocols is uncalled for and a violation of property owners' rights and I would **hope we follow these protocols appropriately.**

The recommended changes as referenced on page 2 starting with item 3, sub-points a(i-iv), b, c, d and e are:

- 1) Not provided for in the current codes and zoning at this time.
- 2) Are unfounded/supported with regard to their potential benefits.
- 3) Have not been presented or opened up to public evaluation, comment, or discussion in a timely or acceptable manner.**
- 4) Ignore property owners' rights as they currently exist.
- 5) Disregard property owners' investments (current and proposed) into Ketchum that were made and founded on the promises made in current zoning and ordinances.
- 6) The language stating that *"Pursuant to the affirmative vote of one-half (1/2) plus one (1) of the 137 members of the City Council, the rule requiring two (2) separate readings by title and one (1) reading in full be waived, and the same is hereby dispensed with, and accordingly, this emergency ordinance shall be in full force and effect immediately upon its passage and approval."* is unacceptable and usurps the public's right to evaluate, question and comment on the proposed interim/emergency ordinance and strips away due process. **This takes the right of education, voting and approval out of the hands of the taxpayer majority and instead put it in the hands of a few people without appropriately following established protocols.**
- 7) The language in section 6 stating that, *"There shall now be standards for the consolidation of lots. Additionally, there shall be a specific application type, process, and additional standards for the review and approval of the consolidation"* and the language, "Permitted subject to additional standards" and "subject to waiver", is too subjective and gives the Planning and Zoning Commission, and City Staff, excessive discretion which creates uncertainty for property owners, disincentives investment into the City and Community of Ketchum, makes unfeasible certain types of development that accomplish the goals stated by the City Staff and ignores basic economic principles. The stipulation could prevent the development of projects that achieve

the goals of the Community as set forth in the existing Comprehensive Plan. Additionally the examples provided as supporting exhibits to the Interim Emergency Ordinance proposed are unrealistic, unachievable, and the Love Shack example is specific to that site and disregards the unique nature of many sites within the City.

8) The proposed requirement that a property that has multiple contiguous properties that they own and that wants/needs to shift lot lines on their properties owner have to go through the subdivision process as described in 6c strips away the property rights of a property owner and potentially prevents beneficial development.

9) Section 7 begs the question of "Why doesn't the restriction on demolition apply to commercial square footage as well as residential?" given that one of the stated goals is to increase and incentivise the development of commercial square footage?

In Closing:

Claimes are being made in an attempt to rationalize the proposed Emergency Order, however there are no supporting examples.

- The given rationale of, "An emergency interim ordinance addressing the short-term changes would minimize continued degradation of the issues and provide time for development of long-term regulatory changes. An emergency ordinance can be in effect for up to 182 days and is adopted by the City Council. After that an interim ordinance can be adopted for up to one year. During this time, staff can proceed with the preparation of a long term ordinance addressing the short term changes; however, the long term changes will take more time to implement, and the immediate impact of the changes will be diminished."

for the circumvention of due process and the accepted, approved, appropriate, ethical and legal process for re-codification and re-zoning is unacceptable and puts the cart before the horse. The City Staff has not looked into or evaluated the potential economic impact of taking such action, nor has the feasibility of the possible "solutions" presented in their "supporting" exhibits been evaluated by experts in the respective areas that this proposal addresses.

An "emergency" does not exist. The challenges facing Ketchum are not new - to us as a community or to the country as a whole. The ordinances and zoning that have been blatantly and selectively ignored by Planning and Zoning and City Staff were created through years of study, data collection, public feedback and an established process of codification and zone identification. While not perfect, they do establish a framework that will support the needs of the City and Community as well as those individuals willing to and capable of making beneficial investments into the City and Community of Ketchum.

These frameworks represent the long, hard work to build and maintain a community that follows clear guidelines on how we develop, what we prioritize and how we navigate growth. In any town, it is important to approach these issues mindfully. It becomes even more important in a town as small as ours. To blindly throw out these rules in an attempt to support an "emergency ordinance" would be in clear violation of community and property owners rights.

This proposed Interim/Emergency Ordinance 1234 egregiously disregards the historical investments made by those of us that have been stakeholders in this City and Community for decades. It ignores due process, property owners' rights and the existing code and zoning upon which many stakeholders in the City and Community of Ketchum have founded their current and potential investments.

I strongly object to Interim/Emergency Ordinance 1234 that is being proposed.

Sincerely,
Erin Murphy

Suzanne McCollum

From: Pam Colesworthy <pcoleswo@gmail.com>
Sent: Wednesday, March 9, 2022 3:12 PM
To: Participate
Subject: Housing Problem - Urgency

To the Commission and P/Z Department,

In listening to the commission discussion from the meeting on 3/8/22, on whether to adopt the emergency ordinance, I don't know if it was Tim or Mattie who asked whether we have a housing problem. However, the problem was not defined - is the crisis for rental or deed restricted or fair market housing. That question needs to be defined.

Let me state in clear terms for you: Increasing density in the KCC on the number of market-rate units will not increase the number of full time residents for the following reasons:

1. People have stuff - especially in this outdoors oriented community. Small units don't allow for their stuff (bikes, skis, animals, gear).
2. If the additional units are rental units, renters will make due. They know their rental won't last forever and they will have little invested, so they'll hang their bike from the ceiling if they need to.
3. If the cost of construction is high (which it is) and pushes the sales price up, the market rate buyer is very choosy about what they buy. They will insist on certain attributes - outdoor space (patio, balcony), and at least one parking space. If you don't take that into consideration, the small unit becomes a "weekender" that does not accommodate a year-round resident. And that's the trick.

What you really want are year-round residents in town. However, the majority of full time residents in the valley have pets and children. So it's likely that the most interested buyers for a downtown condo will be very young (pre-children) who can't afford the units because the cost will be so high, or older empty-nesters, who want a nice place with, again, parking and storage, a gracious entry and a place to entertain their friends. Further, they'll want at least one guest room for friends and family. If the unit is too small, they won't buy it either. All this means you still won't have year-round residents.

Back to defining who lives in our valley, the average family will want a yard and big garage, which is now largely unaffordable for the average worker in Ketchum. The market demand has driven prices to the point where fixing the problem in downtown is most likely simply too late, and there's no turning back. That doesn't mean you should give up, but be very clear about who you think really will live in the condos and whether what you propose really will achieve the goal of increased vibrancy.

Conclusion: focus on rental units. Do not over think the current building code. You can also insist (modify code) that by increasing the FAR they must have retail on the ground floor. I think everyone agrees that more retail and restaurant spaces are good for the town.

Thank you for your ear and your consideration.

Pam Colesworthy

Suzanne McCollum

From: Courtney Hamilton
Sent: Friday, March 11, 2022 7:41 AM
To: Participate
Subject: Fwd: please FWD to P&Z with many thanks!

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From: Billy <wilfrahug@cox.net>
Sent: Thursday, March 10, 2022 5:29:00 PM
To: nbradshaw@ketchum.org <nbradshaw@ketchum.org>; Courtney Hamilton <CHamilton@ketchumidaho.org>
Subject: please FWD to P&Z with many thanks!

"If lots in the city are reconfigured, a new structure must be placed in a conforming location off the protected hillside, the P&Z determined. If there is no alternative location on the site, a new structure must fit within the footprint, height and setbacks of the existing structure, subject to P&Z approval.

All other regulations of the Mountain Overlay District remain intact and enforceable by the city. All development applications must still go through the city's processes." - IME

From: [Participate](#)
To: [Morgan Landers](#)
Subject: FW: Proposed Emergency Ordinance 1234
Date: Tuesday, March 29, 2022 12:46:59 PM
Importance: High

Just in ...

LISA ENOURATO | CITY OF KETCHUM

Public Affairs & Administrative Services Manager

P.O. Box 2315 | 191 Fifth St. W. | Ketchum, ID 83340

o: 208.726.7803 | f: 208.726.7812

lenourato@ketchumidaho.org | www.ketchumidaho.org

From: bob@sunvalleyrealtors.org <bob@sunvalleyrealtors.org>

Sent: Tuesday, March 29, 2022 12:07 PM

To: Participate <participate@ketchumidaho.org>

Subject: Proposed Emergency Ordinance 1234

Importance: High

Ketchum KPZ:

Please consider the following five concerns in your deliberations of proposed emergency ordinance 1234 this afternoon.

1. **Do the issues that the proposed ordinance attempts to address comprise an EMERGENCY threatening the health, safety and welfare of Ketchum residents, as legally required to use emergency procedures?**
 - a. **NO!** If there is an emergency now it is an emergency related to the under supply of workforce and affordable housing, both of which will be addressed by i) **Ketchum's Housing Action Plan**, and ii) the **LOT use and rate increase** voters will be asked to approve on May 17th. The proposed ordinance does not address these matters, and therefore should not follow emergency ordinance procedures.

2. **Affordable and workforce housing needs ARE NOT addressed by this ordinance.**

The following quote is taken from page 2 of the staff report (2nd sentence, 2nd last paragraph, linked [here](#)):

- a. **"It is important to note that the goals above [of this ordinance] do not reference workforce housing or community housing specifically. The draft ordinance is solely focused on maintaining and increasing the housing stock within Ketchum, regardless of income level or affordability."**

By its own admission staff states that the proposed ordinance addresses the quantity of all housing at all price points, with no emphasis on whether such housing is affordable, suits the workforce, or requires locally employed workers to reside in it. We should demand legislation that addresses the pressing needs that we have, not that requires change without providing any discernable benefit to those pressing needs, especially when no meaningful proof or analysis has been provided that the proposed legislation is even feasible from a development perspective.

Multiple public comments have been made stating that requiring more units for the sake of having more units will increase overall project and housing costs (more bathrooms and kitchens required). There are simply not enough workforce participants requiring, for example, a \$1.5 million, 1,000 square foot condominium residence that will likely be the type of property that results if this

ordinance proceeds, to validate these wholesale changes, given the risks associated with proceeding before an understanding of the potential outcomes is in place.

This ordinance would likely result in a new style of second home owner who seeks a lower price point second home, and will not result in any increase in long term rentals or in attainable workforce or affordable housing.

3. **Increased stress on Labor and Housing Resources:** Requiring more units at prices not obtainable by the workforce will result in more new residents in Ketchum as the increased number of units than might otherwise be developed are absorbed by second home owners. More residents result in added stress on already stressed components of our economy, such as:
 - a. Staffing for restaurant, retail and other businesses to meet increased demand from more residents
 - b. Housing that is affordable for the extra staff required to meet the increased demand
 - c. Overcrowding at recreation sites (trailheads, etc.) due to increased population
4. **CUP Requirement / Proposed Design Review Text Changes are Unworkable:**
 - a. As has been discussed at length, requiring a CUP for development projects exceeding 1.0 FAR is unworkable as the resultant level of uncertainty on the entitlement process would likely result in a de facto moratorium on development in Ketchum.
 - b. As an alternative, staff has proposed that additional criteria shown on the top of page 3 of the staff report be included in the design review section (17.96.050) of the zoning code. The result of adding such language is essentially the same as the CUP requirement in that it significantly broadens the scope of design review approval negotiations and removes the programmatic decisions of the project from developers' purview. Allowing these additional criteria places significant uncertainty on entitlements at a point on the development timeline after significant cost has already been incurred. The result, as with the CUP, is that developers are likely to not begin development activities rather than face significant entitlement risk after expending material sums.
 - c. While we believe neither the CUP nor the design review language changes are workable, if an either/or choice is made, the design review language changes are preferable because there are at least state requirements that standards of design review be objective.
5. **Analysis Required:**
 - a. Ketchum employs consultants for many purposes (historic preservation, design guidelines, parking, housing action plan). The magnitude of change proposed by this ordinance requires detailed architectural and financial feasibility testing in order to ensure that the likely outcomes actually meet community needs, and do not exacerbate present labor and workforce housing issues.
 - b. While some aspects of the proposal (retail parking exemptions, no net loss of residential units) are well considered, the minimum residential density and lot consolidation provisions require additional professional evaluation. Again, to ensure desired outcomes are achieved, we should insist on completion of such work before proceeding.
 - c. There is no real risk associated with taking the time to properly evaluate this ordinance. If one or two developments proceed under existing zoning code rules while the appropriate study is done, they will provide affordable housing as part of those projects. Moving ahead before we fully understand the potential impact of the proposed ordinance could result in no improvement whatsoever in the workforce or affordable housing supply, and potentially no development at all, with the resultant negative effects on jobs, and the tax base.
 - d. **LOT Impact:** Finally, if a de facto moratorium does result from the provisions of this ordinance, why would any voter vote to approve the housing LOT provisions? If nothing will be built, why vote in an additional tax to fund building that will not happen?

Thank you for considering our comments.

Bob Crosby
Government Affairs Director
Sun Valley Board of REALTORS
208-721-8353



Planning and Zoning Commission Regular Meeting Minutes

Tuesday, March 8, 2022, at 4:30 PM
191 5th Street West, Ketchum, ID 83340

CALL TO ORDER

The meeting was called to order at 4:30 p.m. by Chairman, Neil Morrow (*video 00:10:00*).

ROLL CALL

PRESENT

Chairman, Neil Morrow
Vice-Chairman, Mattie Mead
Commissioner, Brenda Moczygemba
Commissioner, Tim Carter
Commissioner, Spencer Cordovano

OTHER STAFF

Director, Planning and Building - Suzanne Frick
Senior Planner - Morgan Landers
Senior Planner - Abby Rivin
Planner - Adam Crutcher
City Clerk - Tara Fenwick

COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE

- Tim Carter – disclosed a conversation related to Agenda item #3.
- Spencer Cordovano – disclosed general conversations with public related to submitted public comments.
- Neil Morrow – disclosed a correspondence related to Agenda item #2 and #3.

CONSENT CALENDAR — ACTION ITEMS

1. ACTION - Minutes of February 15, 2022.

Motion to approve the minutes. Motion made by Commissioner, Mattie Mead, Seconded by Commissioner, Spencer Cordovano . Voting Yea: Morrow, Mead, Moczygemba, Carter, Cordovano.

PUBLIC HEARING

2. Recommendation to consider concurrent Design Review, Variance, Lot Consolidation Preliminary Plat, and Condominium Subdivision Preliminary Plat for the 460 N Main Street Mixed-Use Building/5th & Main Condominiums.

Senior Planner, Abby Rivin provided a short presentation summary to the Commission.

The applicant provided a short presentation on the project, highlighting plan changes recommended by the Commission (*video 00:19:28*).

Chairman, Neil Morrow called for public comment.

Public Comment:

None.

Commissioners discussed the project.

Motion to approve the 460 N Main Street Mixed-Use Building Design Review, subject to conditions 1 – 16 and direct staff to return with findings of facts. Motion made by Commissioner, Brenda Moczygemba, Seconded by Commissioner, Mattie Mead. Voting Yea: Morrow, Mead, Moczygemba, Carter. Voting Nea: Cordovano.

Commissioner, Neil Morrow called for a short break.

- 3. Recommendation to consider Draft Ordinance #1234 and Draft Conditional Use Permit Policy Statement (*video 01:04:30*).

Building and Planning Director, Suzanne Frick, expressed appreciation to the Commission for encouraging the staff to work on material specifically addressing building requirements that address community issues.

Senior Planner, Morgan Landers, provided a short presentation summary to the Commission.

Chairman, Neil Morrow called for public comment.

Public Comment:

Bob Crosby	<i>Video 02:09:10</i>
Robert Smith	<i>Video 02:16:00</i>
Danny Sundali	<i>Video 02:19:00</i>
Sarah Michael	<i>Video 02:20:50</i>
Shannon Flavin	<i>Video 02:24:00</i>
Jim Laski	<i>Video 02:33:40</i>
Carson Palmer	<i>Video 02:37:40</i>
Tom Bruce	<i>Video 02:39:00</i>
Reid Sanborn	<i>Video 02:46:10</i>
Patience Moore	<i>Video 02:51:35</i>
Michael Carr	<i>Video 02:55:15</i>

Commissioners discussed the Draft Ordinance and directed staff to schedule another meeting, to continue the discussion.

Motion to table Draft Emergency Ordinance #1234 and schedule a special meeting to continue the discussion. Motion made by Commissioner, Spencer Cordovano, Seconded by Commissioner, Brenda Moczygemba. Voting Yea: Cordovano, Morrow, Moczygemba. Voting Nea: Mead, Carter.

- 4. Recommendation to approve Zoning Code Interpretation 22-001 regarding redeveloping non-

conforming properties within the Mountain Overlay (*video 04:00:00*).

Senior Planner, Abby Rivin provided a short presentation summary to the Commission.

Chairman, Neil Morrow invited by the applicant to address the Commission.

Commissioners discussed the recommendation.

Motion to approve Zoning Code Interpretation 22-001 with a clarification of non-conforming property in the first sentence and rewording of building pads in section A. Motion made by Commissioner, Brenda Moczygemba, Seconded by Commissioner, Tim Carter. Voting Yea: Morrow, Mead, Moczygemba, Carter, Cordovano.

ADJOURNMENT

Motion to adjourn at 9:53 p.m. Motion made by Commissioner, Neil Morrow, Seconded by Commissioner, Spencer Cordovano. Voting Yea: Morrow, Mead, Moczygemba, Carter, Cordovano.

Chairman, Neil Morrow
Planning and Zoning Commission

Secretary, Tara Fenwick



City of Ketchum
Planning & Building

IN RE:)
)
460 North Main Street Mixed-Use Building) KETCHUM PLANNING AND ZONING COMMISSION
5th & Main Condominiums) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Design Review) DECISION
)
Date: March 29, 2022)
)
File Number: P22-007)

PROJECT: 460 North Main Street Mixed-Use Building /5th & Main Condominiums

APPLICATION TYPE: Design Review

FILE NUMBER: P22-007

ASSOCIATED APPLICATIONS: Variance P22-013, Lot Consolidation Preliminary Plat P22-005, and
Condominium Subdivision Preliminary Plat P22-006

ARCHITECT: Michael Bulls, Ruscitto Latham Blanton Architecture

DEVELOPER & OWNER: David Wilson, Main Street Realty Partners LLC

LOCATION: 460 N Main Street (Ketchum Townsite: Block 5: Lots 3 & 4)

ZONING: Retail Core of the Community Core (CC-1)

OVERLAY: None

RECORD OF PROCEEDINGS

The Planning and Zoning Commission considered the 460 N Main Mixed-Use Building (5th & Main Condominiums) Design Review Application File No. P22-07 during their regular meeting on March 8th, 2022. The application was considered concurrently with Variance Application File No. P22-013, Lot Consolidation Preliminary Plat Application File No. P22-005, and Condominium Subdivision Preliminary Plat Application File No. P22-006 and the public hearings were combined in accordance with Idaho Code §67-6522.

Public Hearing Notice & Public Comment

The public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivision on February 16th, 2022. The public hearing notice was published in the Idaho Mountain Express the on February 16th, 2022. A notice was posted on the City’s website on February 16th, 2022. The public hearing notice was posted on the project site on March 1st, 2022. The Planning & Building Department received one public comment following publication of the

March 8th Staff Report, which was forwarded to the Commission for their consideration and incorporated into the project record.

FINDINGS OF FACT

The Planning and Zoning Commission having reviewed the entire project record, provided notice, and conducted the required public hearing does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

The applicant, property owner and developer David Wilson represented by architect Michael Bulls of Ruscitto Latham Blanton Architecture, is proposing to develop a new 26,386-square-foot mixed-use building at the southeast corner of Main and 5th Streets within the Retail Core (CC-1) Zoning District. The mixed-use building will accommodate two retail units on the ground floor, a parking garage with 8 off-street parking spaces, 4 community housing units with private entrances accessed from the alley, and 4 market-rate residential units.

Associated Applications & Review Process

The project is subject to Design Review pursuant to Ketchum Municipal Code (KMC) §17.96.010.A4 for the development of the new mixed-use building. Additionally, the applicant has submitted a variance request for relief from the 3-foot setback required from the alley to accommodate a retaining wall and guardrail that support the pathway accessing the community housing units. The Planning and Zoning Commission has the authority to review and approve the applicant's Design Review and Variance applications pursuant to Ketchum Municipal Code §17.96.030.B and §17.148.010.

The Lot Consolidation Subdivision Preliminary Plat Application will combine lots 3 and 4 within block 5 of Ketchum Townsite to consolidate the development parcel. The Condominium Subdivision Preliminary Plat Application will subdivide the mixed-use building into 2 retail condominium units, 4 market-rate residential units, and 1 condominium unit for the 4 community housing rental units. Additionally, the developer plans to offer units for sale individually as construction is completed and will pursue a Phased Development Plan for the project consistent with Ketchum Municipal Code §16.04.110. The first step in the subdivision process is preliminary plat review by the Planning and Zoning Commission (Ketchum Municipal Code §16.04.030.C.5a). The subdivision applications will then be forwarded to the City Council for their final review and approval (Ketchum Municipal Code §16.04.030.C.5b).

Formula Sports/Former Post Office Historic A-Frame Demolition

The Formula Sports/Former Post Office A-Frame on the project site is one of the 27 structures on Ketchum's Historic Building List. The Historic Preservation Commission (HPC) approved the applicant's request to demolish the historic structure on November 2nd, 2021. The HPC concluded that the A-Frame merits demolition because the structure cannot reasonably be repaired, restored, or converted to an adaptive reuse without diminishing the historic integrity of the building. The applicant proposes to memorialize the significance of the building in a commemorative exhibit incorporated into the development's archway entrances along Main Street.

Pre-Application Design Review: Commission's Feedback

The Planning and Zoning Commission considered the Pre-Application Design Review for this project during their meeting on January 11th, 2022. The Commission appreciated how the applicant

Design Review Application File No. P22-007: 460 N Main Mixed-Use Building (5th & Main Condominiums)

Findings of Fact, Conclusions of Law, and Decision

Planning & Zoning Commission Special Meeting of March 29th, 2022

City of Ketchum Planning & Building Department

thoughtfully utilized the site’s topography to reduce the visual appearance of building mass. They commented that the proposed development would contribute to the community by adding vibrancy to the street corner. The Commission appreciated that the developer went above and beyond by providing more community housing on site than what is required based on the gross floor area increase.

While they appreciated the horizontal floor setbacks provided by the second- and third-level terraces, the Commission commented that the building still appeared large and bulky due to its horizontal mass. The Commission suggested incorporating design treatments to mitigate the appearance of this horizontal building mass, such as providing a more transparent railing for the second- and third-level terraces. The Commission commented that more variety should be incorporated into the project’s exterior material palette to differentiate the new mixed-use building from the Idaho Mountain Bank building across the street. The Planning & Zoning Commission supported Staff’s suggestion that a connection be provided from the paver pathway along the alley that provides access to the community housing to the sidewalk along 5th Street.

Applicant’s Project Plan Updates

The applicant revised the project’s massing elements based on the Commission’s feedback. As indicated on Sheet A2.3 of the project plans, the middle portion of the third level terrace was extended towards Main Street to match the roof line of the second floor below. This modification creates a vertical element connecting the upper levels of the building. As shown on Sheet A4.2 of the project plans, the applicant modified the railing at the third level terrace by substituting the weathered wood vertical siding with glass panels. This transparent railing reduces the appearance of horizontal building mass. The applicant modified the exterior materials by lightening the color palette. The applicant provided a connection from the paver pathway along the alley to the sidewalk along 5th Street.

Findings Regarding Compliance with Zoning & Dimensional Standards

The project is in conformance with all dimensional and development standards required for projects in the Community Core except for the 3-foot required setback from the alley property line.

17.12.020 – District Use Matrix	Conformance
<i>Zone District: Community Core Subdistrict 1 – Retail Core (CC-1)</i>	YES
<p>Finding: Only pedestrian activated commercial uses like retail shops and restaurants are permitted on the ground-floor along the street frontage within developments in the Retail Core (CC-1) Zone (KMC §17.12.020). The proposed development includes ground-level retail units fronting Main and 5th Streets. The upper levels of the mixed-use building contain four market-rate residential units. Four community housing units are provided on site and accessed from a paver pathway bordering the block 5 alleyway. These multi-family dwelling units are permitted in the CC-1 Zone pursuant to Ketchum Municipal Code §17.12.020.</p>	

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<i>Minimum Lot Size</i>	YES
<p>Finding: <u>Required:</u> Minimum lot size of 5,500 square feet required in the CC-1 zone district.</p>	

Proposed: The subject property is 11,000 square feet.

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<i>Minimum Lot Width</i>	YES
Finding: <u>Required</u> : Minimum lot width of an average of 55 feet is required in the CC-1 Zone. <u>Proposed</u> : Lot 3A is 110 feet wide.	

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<i>Minimum Building Setbacks</i>	YES with variance
Finding: <u>Required</u> : Front (Main Street/west): 0 feet Side (5 th Street/north): 0 feet Side (interior/south): 0 feet Rear (alley/east): 3 feet Non-habitable structures, fixed amenities, solar and mechanical equipment affixed to a roof must be setback 10 feet from all building facades. <u>Proposed</u> : Front (Main Street/west): The piers of the arches along Main Street are built to the property line and setback 0 feet. The portion of the building in between the arch-piers is setback 3 feet creating an alcove with benches and landscaped planters. The entrance to the two retail units and residential lobby is setback 16'-4" from the front property line along Main Street. Side (5 th Street/north): 0 feet Side (interior/south): 1 foot Rear (alley/east): The mixed-use building is setback from the alley property line 3 feet. The freestanding retaining wall to support the pathway directly borders the rear property line and is setback 0 feet. The Commission has approved Variance Application P22-013 for relief from the 3-foot setback required from the alley. Non-habitable Structures/Fixed Amenities/Solar and Mechanical Equipment Affixed to the Roof from all Building Facades: The roof level plan on Sheet A2.4 shows that the rooftop access structure is setback 32' from the front façade, 36'-8" from the interior side wall, 45'-10" from the 5 th Street Façade, and 43'-8" from the rear wall. The roof decks enclosed by perimeter walls are setback 50'-10" front the front façade, 15'-11" from the interior side wall, 24'-7" from the 5 th Street façade, and 25'-2" from the rear wall. The mechanical equipment is setback 10' from the rear wall, 36'-8" from the east interior side wall, 45'-10" from the 5 th street side wall, and 50'-10" from the front facade.	

17.12.040 – Dimensional Standards. CC District Matrix	Conformance
<p data-bbox="147 142 1198 1776"><i>Maximum Building Heights</i></p> <p data-bbox="147 142 1198 1776">Finding: <u>Permitted:</u> 42 feet in the CC-1 Zone district</p> <p data-bbox="147 142 1198 1776">Definition - Height of building/CC District: The greatest vertical distance of a building in the community core district measured by determining the average elevation of the front property line and rear property line. Draw a line from the average front or rear elevation up to the maximum building height allowed, and then draw a line at that height parallel to the front or rear property line. The resulting line establishes the highest elevation of the front or rear facade. The front or rear facade shall not extend above this line. Side facades may be stepped up or down to transition from the highest elevation of the front facade height to the highest elevation of the rear facade. One or multiple steps along the side facades are allowed, except no step shall occur within 40 feet of the front elevation or within 35 feet of the rear facade. The City shall establish the elevation points used to calculate the average elevation of the front and rear property lines (see illustration A on file in the office of the City Clerk).</p> <p data-bbox="147 142 1198 1776">Cantilevered Decks and Overhangs: 8 feet above grade and/or walking surface.</p> <p data-bbox="147 142 1198 1776">Non-habitable Structures Located on Building Rooftops: 10 feet</p> <p data-bbox="147 142 1198 1776">Perimeter Walls Enclosing Rooftop Deck: 4 feet above roof surface and at least 75% transparent</p> <p data-bbox="147 142 1198 1776">Rooftop Solar and Mechanical Equipment: 5 feet above roof surface</p> <p data-bbox="147 142 1198 1776"><u>Proposed:</u> Front Property Line Average Elevation: 5836.2' Front Façade Maximum Height Elevation: 5878.2' Front Façade Height: 42 feet</p> <p data-bbox="147 142 1198 1776">Rear Property Line Average Elevation: 5844.3' Rear Façade Maximum Height Elevation: 5878.07' Rear Façade Height: 42 feet</p> <p data-bbox="147 142 1198 1776">Top of Flat Roof Elevation: 5873.57' Top of Nonhabitable Access Structure Elevation: 5882.57' Height of Nonhabitable Access Structure Above Flat Roof Surface: 9 feet Perimeter Walls Enclosing Rooftop Decks: 48 inches above roof surface height and 75% transparent Rooftop solar and Mechanical Equipment: The roof level plan on Sheet A2.4 indicates that the roof-mounted mechanical equipment is less than 5 feet in height above the roof surface.</p>	YES

17.124.040 – Floor Area Ratios and Community Housing	Conformance
<p><i>The permitted FAR in the Community Core Zone is 1.0. The Planning & Zoning Commission may allow an increased FAR subject to Design Review (Ketchum Municipal Code §17.124.040.B).</i></p>	<p>YES Condition #4</p>
<p>Finding: <u>Permitted:</u> Permitted FAR: 1.0 Permitted FAR with Community Housing: 2.25</p> <p><u>Proposed:</u> The FAR calculation is provided on Sheet A1.2 of the project plans. Total Gross Floor Area: 24,391 square feet Lot Area: 11,000 square feet FAR: 2.22</p> <p>Community Housing Mitigation Calculation: Permitted Gross Floor Area (1.0 FAR): 11,000 square feet Proposed Gross Floor Area: 24,391 square feet Increase Above Permitted FAR: 13,391 square feet 20% of Increase: 2,678 square feet Net Livable (15% Reduction): 2,276 square feet</p> <p>The applicant has proposed to provide four one-bedroom community housing units within the mixed-use building to satisfy the community housing contribution. The community housing units range in size from 658 square feet to 700 square feet. The total floor area of the four community housing units is 2,715 square feet, which is 439 square feet more than required for the FAR exceedance. Pursuant to condition #4, a FAR Exceedance Agreement between the applicant and the City to memorialize the community housing contribution shall be signed and recorded prior to issuance of a building permit for the project.</p>	

17.125.030 – Off Street Parking and Loading	Conformance
<p><i>Pursuant to Ketchum Municipal Code §17.125.020.A1, all new development must comply with the off street vehicle parking requirements.</i></p>	<p>YES</p>
<p>Finding: <u>Required pursuant to Ketchum Municipal Code §17.125.030:</u></p> <ul style="list-style-type: none"> - Parking Space Dimensions for 90-Degree Angle Space: 9x18 feet - Aisle Width for 90-Degree Parking Space: 24 feet - Access to Streets: unobstructed access to and from a street shall be provided for all off street parking spaces - Location: surface parking lots shall be located in the rear of a building or lot - Lighting and Screening <p><u>Proposed:</u> As shown on Sheet A1.0 of the project plans, all parking spaces meet the minimum 9x18 feet dimensional requirements. The aisle within the parking garage meets the 24-foot minimum required width. The parking garage is accessed from 5th Street. The curb cut to access</p>	

the parking garage along 5th Street is 35 feet, which is 35% of the property’s street frontage along 5th Street. The parking garage is fully enclosed within the ground floor and buffered from public views by the building walls.

<p align="center">17.125.040 – Off Street Parking and Loading Calculations 17.125.050 – Community Core District Off Street Parking and Loading Calculations</p>	<p align="center">Conformance</p>
<p><i>Pursuant to Ketchum Municipal Code 17.125.020.A1, all new development must comply with the off street vehicle parking requirements.</i></p>	<p align="center">YES</p>
<p>Finding: <u>Required (KMC §17.125.040)</u> Multi-Family Dwelling Units in CC Zone Units 750 square feet or less: 0 parking spaces Units 751 square feet to 2,000 square feet: 1 parking space Units 2,001 square feet and above: 2 parking spaces</p> <p>Non-residential: 1 parking space per 1,000 gross square feet (refer to definition of gross floor area with additional exclusion of common and public areas)</p> <p><u>Exemptions in CC Zone</u></p> <ul style="list-style-type: none"> • Community housing • Food service • The first 5,500 gross square feet of retail trade • The first 5,500 gross square feet of assembly uses <p><u>Project Parking Demand</u></p> <p><i>Ground Floor</i> Retail Unit 101 (2,082 gross sq ft): first 5,500 sq ft retail trade exempt Retail 102 (1,914 gross sq ft): first 5,500 sq ft retail trade exempt</p> <p><i>Second Floor</i> 5 Community Housing Units: Exempt Residential Unit 201 (2,766 square feet): 2 parking spaces required Residential Unit 202 (2,767 square feet): 2 parking spaces required</p> <p><i>Third Floor</i> Residential Unit 301 (3,387 square feet): 2 parking spaces required Residential Unit 302 (3,248 square feet): 2 parking spaces required</p> <p>Total Parking Demand: 8 Parking Spaces</p> <p><u>Proposed</u> 8 parking spaces are provided on-site within the ground-level parking garage satisfying the parking demand for the four market-rate residential units.</p>	

17.125.060 – Bicycle Parking	Conformance
	YES
<p>Finding: <u>Required:</u> 1 bicycle rack, accommodating at least two bicycles, for every four parking spaces required.</p> <p><u>Proposed:</u> Sheet A1.0 shows that 2 bike racks accommodating two bicycles have been provided on-site by the main building entrance along Main Street.</p>	

17.127 – Signage	Conformance
<i>Master Signage Plan for New Construction</i>	YES
<p>Finding: The master signage plan for the project is provided on Sheets A7.0 and A7.1 of the project plans.</p>	

FINDINGS REGARDING COMPLIANCE WITH DESIGN REVIEW STANDARDS

17.96.060.A.1 - Streets	Conformance
<i>The applicant shall be responsible for all costs associated with providing a connection from an existing City street to their development.</i>	YES Conditions #2 & #10
<p>Finding: The project is located at the southeast corner of Main and 5th streets. As shown on Sheet C2.0 of the project plans, the applicant proposes to expand and repair the asphalt roadway adjacent to the property along Main Street, 5th Street, and the alleyway. The ground-level parking garage will be accessed from 5th Street. The applicant will construct a zero-reveal curb and gutter to access the parking garage.</p> <p>The north end of the block 5 alleyway is unpaved but contains significant improvements, including retaining walls, a streetlight, telephone and cable tv risers, a concrete pad, and power boxes. The City allowed the existing electrical infrastructure to be placed within the alley right-of-way in 2007 as part of a project to underground overhead powerlines. The existing improvements within the right-of-way block the alley creating a dead end. Pursuant to Ketchum Municipal Code §16.04.040.I, dead-end alleys shall only be permitted after due consideration of the interests of adjacent property owners, including, but not limited to, the provision of fire protection, snow removal, and trash collection services to such properties.</p> <p>The City currently maintains and removes snow from the improved portion of the Block 5 alleyway. The Streets Department must drive their equipment in reverse backing the loader up to the dead end and then pushing as much of the snow out of the alley as possible. The dead end makes it impossible for the City to remove all of the snow from the alleyway.</p> <p>As shown on Sheet C0.2, only a portion of the existing alley right-of-way adjacent to the subject property is improved. This paved area serves as required access to five off-street parking spaces that serve the adjacent development on Lot 7 located at 471 N Leadville Avenue. Future</p>	

emergency vehicle access for the community housing units within the proposed development will be provided from the block 5 alleyway.

The Fire Department requires a minimum 20-foot-wide travel lane for emergency vehicle access to be maintained clear and unobstructed at all times. The full 20-foot-width of the alley must be improved with asphalt pavement to provide compliant emergency vehicle access to the community housing units. The alley improvements must extend from the southeast corner of the development site to the edge of the existing retaining walls enclosing the power boxes at the north end of the alley. As the dead end makes it impossible for the City remove all the snow, the paved portion of the alley must include a snowmelt system in order to keep the required access clear and unobstructed during winter.

Pursuant to condition #2, the full 20-foot width of the alley must be improved with asphalt pavement and a snowmelt system. These improvements shall extend from the southeast corner of the development site to the edge of the existing retaining walls enclosing the power boxes at the north end of the alley.

Final civil drawings for all associated right-of-way and alley improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and the Streets Department. Final review of all right-of-way improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #10.

17.96.060.A.2 - Streets	Conformance
<i>All street designs shall be approved by the City Engineer.</i>	YES Condition #10
<p>Finding: No new streets or changes to the travel lanes or street designs are proposed with this project. Final civil drawings for all associated right-of-way improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and Streets Department. Final review of all right-of-way improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #10.</p>	

17.96.060.B.1 - Sidewalks	Conformance
<i>All projects under subsection 17.96.010.A of this chapter that qualify as a "substantial improvement" shall install sidewalks as required by the Public Works Department.</i>	YES
<p>Finding: The 460 N Main Mixed-Use Building project qualifies as a substantial improvement. The applicant has proposed to install new heated, paver sidewalks along Main and 5th Streets.</p>	

17.96.060.B.2 - Sidewalks	Conformance
<p><i>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></p>	<p>YES Conditions #6 & #10</p>
<p>Finding: The applicant has proposed to install new 8-foot wide, heated, paver sidewalks within the right-of-way along Main and 5th Streets. The applicant has also proposed to construct a new bulb-out at the intersection of Main and 5th Streets. The bulb-out as proposed does not comply with City standards. The applicant shall revise the bulb-out design to comply with City standards. 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. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #10.</p> <p>The project requires a ROW Encroachment Permit for the pavers and snowmelt system proposed to be installed for the sidewalks along Main and 5th Streets as well as the snowmelt system required to be installed within the Block 5 alleyway. The City Council has the authority to review and approval all permanent encroachments within the public right-of-way associated with a development project pursuant to Ketchum Municipal Code §17.96.030.C. Pursuant to condition #6, the applicant shall submit the ROW Encroachment Application prior to issuance of a building permit for the project for review and approval by the City Council.</p>	

17.96.060.B.3 - Sidewalks	Conformance
<p><i>Sidewalks may be waived if one of the following criteria is met:</i></p> <ul style="list-style-type: none"> <i>a) The project comprises an addition of less than 250 square feet of conditioned space.</i> <i>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> 	<p>N/A</p>
<p>Finding: N/A as sidewalks are required for this project.</p>	

17.96.060.B.4 - Sidewalks	Conformance
<p><i>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></p>	<p>YES</p>
<p>Finding: As shown on Sheet C2.0 of the project plans, the proposed sidewalk improvements are equal to the length of the property's street frontages along Main and 5th streets.</p>	

17.96.060.B.5 – Sidewalks	Conformance
<i>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>	YES Condition #10
<p>Finding: The new heated, paver sidewalk along Main Street will connect to the sidewalk to the south. While no sidewalk currently exists east of the property along 5th Street, the new sidewalk has been designed to facilitate this future connection. 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. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #10.</p>	

17.96.060.B.6 - Sidewalks	Conformance
<i>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 provision of these improvements. The contribution amount shall be 110 percent 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.</i>	N/A
<p>Finding: The applicant has not request relief from the requirement to construct sidewalks and Staff does not recommend a voluntary cash contribution in-lieu of improvements for this project.</p>	

17.96.060.C.1 - Drainage	Conformance
<i>All stormwater shall be retained on site.</i>	YES Condition #10
<p>Finding: All storm water shall be retained on site, including water from roof drains. All roof drain locations must be shown on the project plans submitted with the building permit application for final review and approval by the City Engineer. Sheets C2.0 and C2.1 indicate the proposed drainage improvements. The drainage plan is comprised of a system of catch basins and drywells.</p> <p>Pursuant to condition #10, the applicant shall submit final civil drawings for all drainage improvements with the building permit application to be verified, reviewed, and approved by the City Engineer. The final project plans submitted with the building permit application must specify the location of all roof drains.</p>	

17.96.060.C.2 - Drainage	Conformance
<i>Drainage improvements constructed shall be equal to the length of the subject property lines adjacent to any public street or private street.</i>	YES Condition #10
<p>Finding: See above analysis for Ketchum Municipal Code §17.96.060.C1. All drainage improvements are required to be constructed City standards. As shown on Sheet C1.0, all stormwater is retained on-site. The project proposes to construct right-of-way improvements the length of the subject property, including curb and gutter, along Main and 5th streets. The project also proposes drainage infrastructure in the alley behind the subject property for the full length of the subject property. Pursuant to condition #10, the applicant shall submit final civil drawings for all drainage improvements with the building permit application to be verified, reviewed, and approved by the City Engineer.</p>	

17.96.060.C.3 - Drainage	Conformance
<i>The City Engineer may require additional drainage improvements as necessary, depending on the unique characteristics of a site.</i>	N/A
<p>Finding: The City Engineer will determine if the drainage improvements are sufficient after reviewing the final civil drawings submitted with the building permit application. The City Engineer may require additional drainage improvements if necessary.</p>	

17.96.060.C.4 - Drainage	Conformance
<i>Drainage facilities shall be constructed per City standards.</i>	YES Condition #10
<p>Finding: Based on review of the project plans by the City Engineer during department review, all drainage facilities meet city standards. Final design of drainage facilities will be reviewed and approved by the City Engineer prior to issuance of a building permit per condition #10.</p>	

17.96.060.D.1 - Utilities	Conformance
<i>All utilities necessary for the development shall be improved and installed at the sole expense of the applicant.</i>	YES
<p>Finding: All project costs associated with the development, including installation of utilities, are the responsibility of the applicant.</p>	

17.96.060.D.2 - Utilities	Conformance
<i>Utilities shall be located underground and utility, power, and communication lines within the development site shall be concealed from public view.</i>	YES Condition #3
<p>Finding: All utilities within the development site shall be underground and concealed from public view. As shown on Sheet A1.0 of the project plans, the electric meters will be installed in an enclosed alcove within the parking garage. The gas meters will be installed at the back of the</p>	

building within a semi-enclosed alcove that screens the meters from public view along 5th Street.

Three existing power boxes are located within the alley right-of-way. Two of the power boxes are sited on a concrete pad. Retaining walls border three sides of this infrastructure. The retaining wall to the west of the power boxes encroaches over the property line and onto the development site. Sheet A2.2 of the project plans notes this portion of the retaining wall enclosure will be rebuilt. A new wall perpendicular to the rear property line will be installed to further screen the electrical equipment. The applicant has proposed installing the new transformer required to serve the proposed development within this retaining wall enclosure. A section of the new retaining wall enclosure encroaches within the area of the alley required to be maintained free and unobstructed for Fire Department access.

Pursuant to condition #3, the applicant will coordinate with the City and Idaho Power to determine the appropriate location for the relocated and proposed power boxes and sufficient screening that complies with both Design Review standards and Idaho Power’s clearance requirements. The power boxes, concrete pad, and retaining wall enclosure shall not encroach within the area of the alley required to be improved for emergency vehicle access. If the unimproved alley does not have sufficient space to accommodate all existing and proposed electrical infrastructure, then the new transformer to serve the new mixed-use building will be required to be installed on the development site.

17.96.060.D.3 - Utilities	Conformance
<i>When extension of utilities is necessary all developers will be required to pay for and install two-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.</i>	N/A
Finding: The location of the subject property is already served by fiber optical and therefore no conduit is required in this location.	

17.96.060.E.1 – Compatibility of Design	Conformance
<i>The project's materials, colors and signing shall be complementary with the townscape, surrounding neighborhoods and adjoining structures.</i>	YES
Finding: The project is in the heart of downtown Ketchum at the southeast corner of Main and 5th Streets. The development site is adjacent to: (a) the Idaho Independent Bank building across Main Street, (b) Silver Creek Outfitters across 5th Street, (c) Nails by Sherine (River Ranch/Tomason House/Kate Knight’s Antiques) and the McCotter (Crazy Horse) Building across the alley. The design incorporates exterior materials and ornamentation characteristic of alpine architecture. The project’s exterior materials are specified on Sheet A4.2 of the project plans and include natural stone veneer, matte dark bronze metal, and wood. The natural materials and earth tones complement the surrounding buildings downtown. This redevelopment project will contribute to the character of the community and enhance downtown’s built environment through its authentic design and engaging streetscape.	

17.96.060.E.2 – Compatibility of Design	Conformance
<i>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.</i>	YES
<p>Finding: The Formula Sports/Former Post Office A-Frame on the project site is one of the 27 structures on Ketchum’s Historic Building List. The Historic Preservation Commission (HPC) approved the applicant’s request to demolish the historic structure on November 2nd, 2021. The HPC concluded that the A-Frame merits demolition because the structure cannot reasonably be repaired, restored, or converted to an adaptive reuse without diminishing the historic integrity of the building.</p>	

17.96.060.E.3 – Compatibility of Design	Conformance
<i>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.</i>	N/A
<p>Finding: The project proposes to demolish the Formula Sports/Former Post Office A-Frame. The Historic Preservation Commission (HPC) approved the applicant’s request to demolish the historic structure on November 2nd, 2021. The HPC concluded that the A-Frame merits demolition because the structure cannot reasonably be repaired, restored, or converted to an adaptive reuse without diminishing the historic integrity of the building.</p>	

17.96.060.F.1 – Architectural	Conformance
<i>Building(s) shall provide unobstructed pedestrian access to the nearest sidewalk and the entryway shall be clearly defined.</i>	YES
<p>Finding: The building angles at the street softening its edge while exposed wood beams distinguish the entrance. The entrance to the two retail units and residential lobby along Main Street is setback 16’-4’’ from the front property line. Both building entrances lead to paver terraces, which connect to the new heated, paver sidewalks along Main and 5th Streets.</p>	

17.96.060.F.2 – Architectural	Conformance
<i>The building character shall be clearly defined by use of architectural features.</i>	YES
<p>Finding: The retail units provide an active use at the ground-level that will add vibrancy to both street frontages. The 12-foot first-floor ceiling height enhances the retail use’s prominence within the development. The commercial and residential uses with the building’s interior program are visually distinguished through different exterior materials and architectural features. The ground level is defined by natural stone veneer and arches. The arches are equally separated forming a repeating pattern that creates rhythm along the streetscape. The arches project 3 feet from the front and street side facades creating covered alcoves for benches and landscaped planters. These public amenities create an activated, pedestrian friendly streetscape.</p>	

Both the stone arches and wood beams echo the exposed structural elements that characterize alpine architecture and vernacular buildings, like the A-Frame, capable of shedding and withstanding snow loads in the mountains. The roof includes both flat and pitched, gable elements that vary the height of the roofline and provide visual interest. The gable roof elements are a defining architectural feature that distinguish this project from the flat-roofed, rectangular-shaped buildings dominating recent downtown infill and redevelopment projects.

17.96.060.F.3 – Architectural	Conformance
<i>There shall be continuity of materials, colors and signing within the project.</i>	YES
<p>Finding: The project uses a consistent set of materials and colors, including stained wood, natural stone veneer, and matte dark bronze. These natural materials and colors complement the surrounding built environment.</p>	

17.96.060.F.4 – Architectural	Conformance
<i>Accessory structures, fences, walls and landscape features within the project shall match or complement the principal building.</i>	YES
<p>Finding: The landscape plans are provided on Sheets L1.1, L1.2, and L1.3.</p> <p>As shown on Sheet L1.1, the applicant will install four street trees along Main Street and 3 street trees along 5th Street. The ground level arches project 3 feet from the front and street side facades creating covered spaces for benches and landscaped planters along both street frontages. As shown on Sheet L1.1, the vegetation within the ground-level planters will change seasonally. The vegetation within the planters will be annual flowers in the summer and pine bows and willow twigs in the winter. The ground-level landscaped planters and street trees soften the stone archways and create a pedestrian-friendly streetscape.</p> <p>The second-level landscape plan on Sheet L1.2 includes planters that border the second level terraces fronting Main Street and planters that border the 5th Street side wall. The vegetation within the planters bordering the terraces will include Juniper Blue Creepers, annuals, perennials, and Goldflame Spirea. The planters bordering the 5th Street side wall at the second level will include Juniper Blue Creepers and Tor Birchleaf Spirea. The third-level landscape plan is indicated on Sheet L1.3 and includes planters that border the terraces fronting Main Street. These planters wrap around the building corner and border a portion of the 5th street side wall. These planters will include Tor Birchleaf Spirea, Blue Oat Grass, annuals, and perennials. The landscaped planters at the second and third level project soften the building walls and complement the design of the mixed-use development.</p> <p>No accessory structures are proposed.</p>	

17.96.060.F.5 – Architectural	Conformance
<i>Building walls shall provide undulation/relief, thus reducing the appearance of bulk and flatness.</i>	YES
<p>Finding: The building tucks into the slope created by the site’s falling grade to reduce the visual appearance of building mass. The private terraces provided for the upper-level residential units step the building back at the second and third floors. The second-level terraces are 21’-3” and 35’-6” wide stepping the building back 16’-4” from the ground-floor façade. The third-level terraces are each 49 feet wide stepping back the floor 22’-4” from the ground-level and 6 feet from the second-level façade. This design breaks up the building into defined components that visually break up the mass of the building.</p>	

17.96.060.F.6 – Architectural	Conformance
<i>Building(s) shall orient toward their primary street frontage.</i>	YES
<p>Finding: The mixed-use development orients towards Main and 5th Streets. The building angles at the street corner softening its edge while exposed wood beams distinguish the entrance. The piers of the arches along Main Street are built to the property line and setback 0 feet. The portion of the building in between the arch-piers is setback 3 feet creating an alcove with benches and landscaped planters. The entrance to the two retail units and residential lobby is setback 16’-4” from the front property line along Main Street.</p>	

17.96.060.F.7 – Architectural	Conformance
<i>Garbage storage areas and satellite receivers shall be screened from public view and located off alleys.</i>	YES
<p>Finding: As shown on Sheet A1.0 of the project plans, the garbage area is located within an enclosed garage at the rear corner of the building by the intersection of 5th Street and the alley. While located at the rear of the building by the alley, the dumpster will be serviced by Clear Creek along 5th Street as Idaho Power infrastructure blocks access to the alley.</p>	

17.96.060.F.8 – Architectural	Conformance
<i>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.</i>	YES
<p>Finding: The roof level plan on Sheet A2.4 shows that roof drainage will be directed to 8 internal drains within the flat roof areas. Weather protection is provided at the building entrances and in areas where pedestrians gather and circulate. The entrance to the retail unit at the corner of Main and 5th Streets is covered by a roof. The entrance to the two retail units and residential lobby is setback 16’-4” from the front property line along Main Street and is covered by the second floor, which extends to the property line.</p>	

17.96.060.G.1 – Circulation Design	Conformance
<i>Pedestrian, equestrian and bicycle access shall be located to connect with existing and anticipated easements and pathways.</i>	YES Condition #10
<p>Finding: The new heated, paver sidewalk along Main Street will connect to the sidewalk to the south. While no sidewalk currently exists east of the property along 5th Street, the new sidewalk has been designed to facilitate this future connection. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #10.</p>	

17.96.060.G.2 – Circulation Design	Conformance
<i>Awnings extending over public sidewalks shall extend five feet or more across the public sidewalk but shall not extend within two feet of parking or travel lanes within the right-of-way.</i>	N/A
<p>Finding: The project does not include any awnings that extend over the public sidewalk.</p>	

17.96.060.G.3 – Circulation Design	Conformance
<i>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.</i>	YES Conditions #2 & #10
<p>Finding: The project is located at the southeast corner of Main and 5th streets. As shown on Sheet C2.0 of the project plans, the applicant proposes to expand and repair the asphalt roadway adjacent to the property along Main Street, 5th Street, and the alleyway. The ground-level parking garage will be accessed from 5th Street. The applicant will construct a zero-reveal curb and gutter to access the parking garage.</p> <p>The north end of the block 5 alleyway is unpaved but contains significant improvements, including retaining walls, a streetlight, telephone and cable tv risers, a concrete pad, and power boxes. The City allowed the existing electrical infrastructure to be placed within the alley right-of-way in 2007 as part of a project to underground overhead powerlines. The existing improvements within the right-of-way block the alley creating a dead end. Pursuant to Ketchum Municipal Code §16.04.040.i, dead-end alleys shall only be permitted after due consideration of the interests of adjacent property owners, including, but not limited to, the provision of fire protection, snow removal, and trash collection services to such properties.</p> <p>The City currently maintains and removes snow from the improved portion of the Block 5 alleyway. The Streets Department must drive their equipment in reverse backing the loader up to the dead end and then pushing as much of the snow out of the alley as possible. The dead end makes it impossible for the City to remove all of the snow from the alleyway.</p> <p>As shown on Sheet C0.2, only a portion of the existing alley right-of-way adjacent to the subject property is improved. This paved area serves as required access to five off-street parking spaces that serve the adjacent development on Lot 7 located at 471 N Leadville Avenue. Future</p>	

emergency vehicle access for the community housing units within the proposed development will be provided from the block 5 alleyway.

The Fire Department requires a minimum 20-foot-wide travel lane for emergency vehicle access to be maintained clear and unobstructed at all times. The full 20-foot-width of the alley must be improved with asphalt pavement to provide compliant emergency vehicle access to the community housing units. The alley improvements must extend from the southeast corner of the development site to the edge of the existing retaining walls enclosing the power boxes at the north end of the alley. As the dead end makes it impossible for the City remove all the snow, the paved portion of the alley must include a snowmelt system in order to keep the required access clear and unobstructed during winter.

Pursuant to condition #2, the full 20-foot width of the alley must be improved with asphalt pavement and a snowmelt system. These improvements shall extend from the southeast corner of the development site to the edge of the existing retaining walls enclosing the power boxes at the north end of the alley.

Final civil drawings for all associated right-of-way and alley improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and the Streets Department. Final review of all right-of-way improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #10.

17.96.060.G.4 – Circulation Design	Conformance
<i>Curb cuts and driveway entrances shall be no closer than 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>	N/A
Finding: The curb cut is located more than 50 feet from the intersection of Main and 5 th Streets.	

17.96.060.G.5 – Circulation Design	Conformance
<i>Unobstructed access shall be provided for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project.</i>	YES Conditions #2 & #10
Finding: Please see above analysis for Ketchum Municipal Code §17.96.060.G3. Unobstructed access has been provided for emergency vehicles along Main and 5 th Streets and the block 5 alley. Clear Creek will service the dumpster within the enclosed garage along 5 th Street. As the dead end makes it impossible for the City remove all the snow, the paved portion of the alley must include a snowmelt system in order to keep the required access clear and unobstructed during winter. Pursuant to condition #2, the full 20-foot width of the alley must	

be improved with asphalt pavement and a snowmelt system. These improvements shall extend from the southeast corner of the development site to the edge of the existing retaining walls enclosing the power boxes at the north end of the alley.

Final civil drawings for all associated right-of-way and alley improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and the Streets Department. Final review of all right-of-way improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #10.

17.96.060.H.1 – Snow Storage	Conformance
<i>Snow storage areas shall not be less than 30 percent of the improved parking and pedestrian circulation areas.</i>	N/A
Finding: All improved parking and pedestrian circulation areas are heated, which is permitted as an alternative to providing a snow storage areas on site by Ketchum Municipal Code §17.96.060.H4.	

17.96.060.H.2 – Snow Storage	Conformance
<i>Snow storage areas shall be provided on site.</i>	N/A
Finding: The applicant has proposed to snowmelt all hardscape areas, which is permitted as an alternative to providing a snow storage area by Ketchum Municipal Code §17.96.060.H4.	

17.96.060.H.3 – Snow Storage	Conformance
<i>A designated snow storage area shall not have any dimension less than five feet and shall be a minimum of 25 square feet.</i>	N/A
Finding: N/A as no snow storage areas have been provided on-site. The applicant has proposed snowmelt in lieu of providing any snow storage areas on site.	

17.96.060.H.4 – Snow Storage	Conformance
<i>In lieu of providing snow storage areas, snowmelt and hauling of snow may be allowed.</i>	YES
Finding: All improved hardscape areas are proposed to be heated with a snowmelt system instead of providing snow storage areas on site.	

17.96.060.I.1 – Landscaping	Conformance
<i>Landscaping is required for all projects.</i>	YES
Finding: The landscape plan is indicated on Sheets L1.1, L1.2, and L1.3 of the project plans.	

17.96.060.I.2 – Landscaping	Conformance
<i>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>	YES
<p>Finding: The landscape plan vegetation types include Autumn Blaze Maple street trees, annual flowers, pine bows, willow twigs, Tor Birchleaf Spirea, Juniper Blue Creeper, perennials, Goldflame Spirea, and Blue Oat Grass. The proposed landscaping will soften the building walls, beautify the surrounding streetscape, and complement the surrounding neighborhood. The landscape plan shall be readily adaptable to the site's microclimate, soil conditions, orientation, and aspect.</p>	

17.96.060.I.3 – Landscaping	Conformance
<i>All trees, shrubs, grasses and perennials shall be drought tolerant. Native species are recommended but not required.</i>	YES
<p>Finding: All trees, shrubs, grasses, and perennials shall be drought tolerant. Native species are recommended.</p>	

17.96.060.I.4 – Landscaping	Conformance
<i>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>	YES
<p>Finding: The subject property is surrounded by compatible uses within the Community Core Zone. The vegetation will enhance the pedestrian-friendly streetscape. The planters bordering the second- and third-level terraces will buffer these private outdoor spaces from Main Street.</p>	

17.96.060.J.1 – Public Amenities	Conformance
<p><i>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></p>	YES
<p>Finding: The arches project 3 feet from the front and street side facades creating covered spaces for benches and landscaped planters along both street frontages. These public amenities create an activated, pedestrian friendly streetscape. These amenities are provided on the subject property and do not encroach within the public right-of-way.</p>	

FINDINGS REGARDING COMPLIANCE WITH COMMUNITY CORE DESIGN REVIEW STANDARDS

17.96.070.A.1 – Streets	Conformance
<i>Street trees, streetlights, street furnishings, and all other street improvements shall be installed or constructed as determined by the Public Works Department.</i>	YES Conditions #6 & #10
<p>Finding: The placement of all street trees and streetlights require final review and approval by the City Engineer. 6 feet of clearance must be provided around all obstacles within the right-of-way, including street trees, grates, and lights. All amenities within the public right-of-way, including street trees and street lights, must be reviewed and approved by the City Engineer. 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. Final review of all improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #10.</p> <p>The project requires a ROW Encroachment Permit for the pavers and snowmelt system proposed to be installed for the sidewalks along Main and 5th Streets as well as the snowmelt system required to be installed within the Block 5 alleyway. The City Council has the authority to review and approval all permanent encroachments within the public right-of-way associated with a development project pursuant to Ketchum Municipal Code §17.96.030.C. Pursuant to condition #6, the applicant shall submit the ROW Encroachment Application prior to issuance of a building permit for the project for review and approval by the City Council.</p>	

17.96.070.A.2 – Streets	Conformance
<i>Street trees with a minimum caliper size of three inches, shall be placed in tree grates.</i>	Yes
<p>Finding: Sheets L1.1 and C2.2 provide tree details showing that the Autumn Blaze Maple will be 3” minimum caliper size and will be placed in tree wells in accordance with the City’s right-of-way standards. The placement of all street trees requires final review and approval by the City Engineer.</p>	

17.96.070.A.3 – Streets	Conformance
<i>Due to site constraints, the requirements of this subsection A may be modified by the Public Works Department.</i>	N/A
<p>Finding: Preliminary plans submitted with Design Review are reviewed by the City Engineer and Streets Department in concept only. Modification to the requirements of Ketchum Municipal Code §17.96.070.A may be recommended by the City Engineer and Streets Department following review of the civil final drawings submitted with the building permit application. No modifications to these requirements have been recommended by the City Engineer or Streets Department at this time.</p>	

17.96.070.B.1 - Architectural	Conformance
<i>Facades facing a street or alley or located more than five feet from an interior side property line shall be designed with both solid surfaces and window openings to avoid the creation of blank walls and employ similar architectural elements, materials, and colors as the front facade.</i>	YES
<p>Finding: All three facades facing Main Street, 5th Street, and the alley are design with both solid surfaces and window openings to avoid the creation of blank walls. The interior side wall is setback 1 foot from the property line. The applicant has incorporated material differentiation and has wrapped the natural stone veneer around the corner of the building to provide visual interest at this interior side wall.</p>	

17.96.070.B.2 - Architectural	Conformance
<i>For nonresidential portions of buildings, front building facades and facades fronting a pedestrian walkway shall be designed with ground floor storefront windows and doors with clear transparent glass. Landscaping planters shall be incorporated into facades fronting pedestrian walkways.</i>	YES
<p>Finding: The retail units provide an active use at the ground-level that will add vibrancy to both street frontages. The 12-foot first-floor ceiling height enhances the retail use’s prominence within the development. The commercial and residential uses with the building’s interior program are visually distinguished through different exterior materials and architectural features. The ground level is defined by natural stone veneer and arches. The arches are equally separated forming a repeating pattern that creates rhythm along the streetscape. The arches project 3 feet from the front and street side facades creating covered spaces for benches and landscaped planters along both street frontages. These public amenities create an activated, pedestrian friendly streetscape.</p>	

17.96.070.B.3 - Architectural	Conformance
<i>For nonresidential portions of buildings, front facades shall be designed to not obscure views into windows.</i>	YES
<p>Finding: All windows and doors have full views into the retail units along Main and 5th Streets.</p>	

17.96.070.B.4 - Architectural	Conformance
<i>Roofing forms and materials shall be compatible with the overall style and character of the structure. Reflective materials are prohibited.</i>	YES
<p>Finding: The roof includes both flat and pitched, gable elements that vary the height of the roofline and provide visual interest. The gable roof elements are a defining architectural feature that distinguish this project from the flat-roofed, rectangular-shaped buildings dominating recent downtown infill and redevelopment projects.</p>	

17.96.070.B.5 - Architectural	Conformance
<i>All pitched roofs shall be designed to sufficiently hold all snow with snow clips, gutters, and downspouts.</i>	YES
Finding: Drainage from the pitched roofs will be directed to 8 different internal roof drains within the flat roof areas. The gable roofs shall be designed to sufficiently hold all snow with snow clips.	

17.96.070.B.6 - Architectural	Conformance
<i>Roof overhangs shall not extend more than three feet over a public sidewalk. Roof overhangs that extend over the public sidewalk shall be approved by the Public Works Department.</i>	N/A
Finding: There are no roof overhangs that extend past the property boundary on any side of the proposed building.	

17.96.070.B.7 - Architectural	Conformance
<i>Front porches and stoops shall not be enclosed on the ground floor by permanent or temporary walls, windows, window screens, or plastic or fabric materials.</i>	N/A
Finding: The project does not contain ground floor residential units or elevated commercial space with front porches or stoops.	

17.96.070.C.1 – Service Areas and Mechanical/Electrical Equipment	Conformance
<i>Trash disposal areas and shipping and receiving areas shall be located within parking garages or to the rear of buildings. Trash disposal areas shall not be located within the public right-of-way and shall be screened from public views.</i>	YES
Finding: As shown on Sheet A1.0 of the project plans, the garbage area is located within an enclosed garage at the rear corner of the building by the intersection of 5 th Street and the alley. While located at the rear of the building by the alley, the dumpster will be serviced by Clear Creek along 5 th Street as Idaho Power infrastructure blocks access to the alley.	

17.96.070.C.2 – Service Areas and Mechanical/Electrical Equipment	Conformance
<i>Roof and ground mounted mechanical and electrical equipment shall be fully screened from public view. Screening shall be compatible with the overall building design.</i>	YES Condition #3
Finding: All utilities within the development site shall be underground and concealed from public view. The rooftop mechanical equipment will be screened by walls comprised of the same weathered wood horizontal siding used on the exterior of the main building. As shown on Sheet A1.0 of the project plans, the electric meters will be installed in an enclosed alcove within the parking garage. The gas meters will be installed at the back of the building within a semi-enclosed alcove that screens the meters from public view along 5th Street.	

Three existing power boxes are located within the alley right-of-way. Two of the power boxes are sited on a concrete pad. Retaining walls border three sides of this infrastructure. The retaining wall to the west of the power boxes encroaches over the property line and onto the development site. Sheet A2.2 of the project plans notes this portion of the retaining wall enclosure will be rebuilt. A new wall perpendicular to the rear property line will be installed to further screen the electrical equipment. The applicant has proposed installing the new transformer required to serve the proposed development within this retaining wall enclosure. A section of the new retaining wall enclosure encroaches within the area of the alley required to be maintained free and unobstructed for Fire Department access.

Pursuant to condition #3, the applicant will coordinate with the City and Idaho Power to determine the appropriate location for the relocated and proposed power boxes and sufficient screening that complies with both Design Review standards and Idaho Power’s clearance requirements. The power boxes, concrete pad, and retaining wall enclosure shall not encroach within the area of the alley required to be improved for emergency vehicle access. If the unimproved alley does not have sufficient space to accommodate all existing and proposed electrical infrastructure, then the new transformer to serve the new mixed-use building will be required to be installed on the development site.

17.96.070.D.1 - Landscaping	Conformance
<i>When a healthy and mature tree is removed from a site, it shall be replaced with a new tree. Replacement trees may occur on or off site.</i>	YES
Finding: Sheet A1.1 indicates the project proposes to remove 5 healthy and mature trees from the project site. The project proposes to replace those trees with 7 total Autumn Blaze Maple street trees.	

17.96.070.D.2 - Landscaping	Conformance
<i>Trees that are placed within a courtyard, plaza, or pedestrian walkway shall be placed within tree wells that are covered by tree grates.</i>	YES
Finding: Sheets L1.1 and C2.2 provide tree details showing that the Autumn Blaze Maple will be 3” minimum caliper size and will be placed in tree wells in accordance with the City’s right-of-way standards.	

17.96.070.D.3 - Landscaping	Conformance
<i>The City arborist shall approve all parking lot and replacement trees.</i>	YES
Finding: The applicant has proposed 7 street trees to replace the 5 healthy and mature trees that will be removed from the site. The proposed street trees comply with the City’s right-of-way standards.	

17.96.070.E.1 – Surface Parking Lots	Conformance
<i>Surface parking lots shall be accessed from off the alley and shall be fully screened from the street.</i>	N/A
Finding: N/A. No surface parking lot is proposed.	

17.96.070.E.2 – Surface Parking Lots	Conformance
<i>Surface parking lots shall incorporate at least one tree and one additional tree per ten on site parking spaces. Trees shall be planted in landscaped planters, tree wells and/or diamond shaped planter boxes located between parking rows. Planter boxes shall be designed so as not to impair vision or site distance of the traveling public.</i>	N/A
Finding: N/A. The project does not include a surface parking lot. On-site parking is provided within the enclosed garages accessed from 5 th Street.	

17.96.070.E.3 – Surface Parking Lots	Conformance
<i>Ground cover, low lying shrubs, and trees shall be planted within the planters and planter boxes. Tree grates or landscaping may be used in tree wells located within pedestrian walkways.</i>	YES
Finding: All on-site landscaping is planted within planter boxes. The street trees are planted within tree wells in accordance with the City’s right-of-way standards.	

17.96.070.F.1 – Bicycle Parking	Conformance
<i>One bicycle rack, able to accommodate at least two bicycles, shall be provided for every four parking spaces as required by the proposed use. At a minimum, one bicycle rack shall be required per development.</i>	YES
Finding: Sheet A1.0 shows that 2 bike racks accommodating two bicycles have been provided on-site by the main building entrance along Main Street.	

17.96.070.F.2 – Bicycle Parking	Conformance
<i>When the calculation of the required number of bicycle racks called for in this section results in a fractional number, a fraction equal to or greater than one-half shall be adjusted to the next highest whole number.</i>	N/A
Finding: 8 parking spaces are required to be provided on-site to satisfy the project’s parking demand and 2 bike racks are required.	

17.96.070.F.3 – Bicycle Parking	Conformance
<i>Bicycle racks shall be clearly visible from the building entrance they serve and not mounted less than 50 feet from said entrance or as close as the nearest non-ADA parking space, whichever is closest. Bicycle racks shall be located to</i>	YES

<p><i>achieve unobstructed access from the public right-of-way and not in areas requiring access via stairways or other major obstacles.</i></p>	
<p>Finding: Sheet A1.0 shows that 2 bike racks accommodating two bicycles have been provided on-site by the building entrance along Main Street.</p>	

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Design Review application for the development and use of the project site.
2. The Commission has authority to hear the applicant’s Design Review Application pursuant to Chapter 17.96 of Ketchum Municipal Code Title 17.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §17.96.080.
4. The Design Review application is governed under Ketchum Municipal Code Chapters 17.96, 17.124, 17.08, 17.12, 17.18, and 17.128.
5. The 460 N Main Street Mixed-Use Building (5th & Main Condominiums) Design Review Application File No. P22-007 meets all applicable standards specified in Title 17 of Ketchum Municipal Code.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Design Review Application File No. P22-007 this Tuesday, March 8th, 2022 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

Project Specific Standards of approval

1. The 460 N Main Mixed-Use Building Design Review Application File No. P22-007 is subject to Variance Application File No. P22-013, Lot Consolidation Preliminary Plat Application File No. P22-005, and Condominium Subdivision Preliminary Plat Application File No. P22-006. All associated conditions of approval shall apply to the project.
2. The full 20-foot width of the alley must be improved with asphalt pavement and a snowmelt system. These improvements shall extend from the southeast corner of the development site to the edge of the existing retaining walls enclosing the power boxes at the north end of the alley.

3. The applicant will coordinate with the City and Idaho Power to determine the appropriate location for the relocated and proposed power boxes and sufficient screening that complies with both Design Review standards and Idaho Power's clearance requirements. The power boxes, concrete pad, and retaining wall enclosure shall not encroach within the area of the alley required to be improved for emergency vehicle access. If the unimproved alley does not have sufficient space to accommodate all existing and proposed electrical infrastructure, then the new transformer to serve the new mixed-use building will be required to be installed on the development site.
4. As a voluntary contribution, in exchange for an increase in Floor Area Ratio, a total community housing contribution of 2,276 is required. A FAR Exceedance Agreement between the applicant and the City to memorialize the community housing contribution shall be signed and recorded prior to issuance of a building permit for the project.
5. Prior to issuance of a building permit for the project, the applicant shall receive approval of Lot Line Application File No. P22-005 to consolidate lots 3 and 4 within Block 5 of Ketchum Townsite.
6. The project requires a Right-of-Way (ROW) Encroachment Permit for the pavers and snowmelt system proposed to be installed for the sidewalks along Main and 5th Streets as well as the snowmelt system required to be installed within the Block 5 alleyway. The City Council has the authority to review and approval all permanent encroachments within the public right-of-way associated with a development project pursuant to Ketchum Municipal Code §17.96.030.C. The applicant shall submit the ROW Encroachment Application prior to issuance of a building permit for the project for review and approval by the City Council.

Standard Conditions of Approval

7. 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.
8. All governing ordinances, requirements, and regulations of the Fire Department (2018 International Fire Code and local Fire Protection Ordinance No.1217), Building Department (2018 International Building Code, the 2018 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.
9. Following approval of the project's master signage plan, separate sign permits shall be required for all new signs prior to installation (KMC §17.127.030.B).
10. The applicant shall submit final civil drawings prepared by an engineer registered in the State of Idaho to include specifications for the right-of-way, circulation design, 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.
11. 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). Any extension shall comply with KMC 17.96.090.
12. All Design Review elements shall be completed prior to issuance of a Certificate of Occupancy for the mixed-use building.

13. All exterior lighting on the property shall comply with Ketchum Municipal Code, Chapter 17.132, Dark Skies, and shall be inspected by Planning Staff and approved prior the issuance of a Certificate of Occupancy for the building.
14. The project shall comply with the requirements of §17.124.040 Development Standards as adopted on the date a Building Permit is submitted for the project.
15. 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 for review and approval by the Building, Planning, Streets, Utilities, and Fire departments.
16. In addition to the requirements set forth in this Design Review approval, this project shall comply with all applicable local, state, and federal laws.

Findings of Fact **adopted** this 29th day of March 2022.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



City of Ketchum
Planning & Building

IN RE:)
)
460 North Main Street Mixed-Use Building) KETCHUM PLANNING AND ZONING COMMISSION
5th & Main Condominiums) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Variance) DECISION
)
Date: March 29, 2022)
)
File Number: P22-013)

PROJECT: 460 North Main Street Mixed-Use Building /5th & Main Condominiums

APPLICATION TYPE: Variance

FILE NUMBER: P22-013

ASSOCIATED APPLICATIONS: Design Review P22-007, Lot Consolidation Preliminary Plat P22-005, and
Condominium Subdivision Preliminary Plat P22-006

ARCHITECT: Michael Bulls, Ruscitto Latham Blanton Architecture

DEVELOPER & OWNER: David Wilson, Main Street Realty Partners LLC

LOCATION: 460 N Main Street (Ketchum Townsite: Block 5: Lots 3 & 4)

ZONING: Retail Core of the Community Core (CC-1)

OVERLAY: None

RECORD OF PROCEEDINGS

The Planning and Zoning Commission considered the 460 N Main Mixed-Use Building (5th & Main Condominiums) Variance Application File No. P22-013 during their regular meeting on March 8th, 2022. The application was considered concurrently with Design Review Application File No. P22-007, Lot Consolidation Preliminary Plat Application File No. P22-005, and Condominium Subdivision Preliminary Plat Application File No. P22-006 and the public hearings were combined in accordance with Idaho Code §67-6522. After considering Staff’s analysis, the applicant’s presentation, and public comment, the Planning and Zoning Commission unanimously approved the applicant’s variance request.

Public Hearing Notice & Public Comment

The public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivision on February 16th, 2022. The public hearing notice was published in the Idaho Mountain Express the on February 16th, 2022. A notice was posted on the City’s

website on February 16th, 2022. The public hearing notice was posted on the project site on March 1st, 2022. The Planning & Building Department received one public comment following publication of the March 8th Staff Report, which was forwarded to the Commission for their consideration and incorporated into the project record.

FINDINGS OF FACT

The Planning and Zoning Commission having reviewed the entire project record, provided notice, and conducted the required public hearing does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

The applicant, developer and property owner David Wilson represented by architect Michael Bulls of Ruscitto Latham Blanton Architecture, is proposing to develop a new 26,386-square-foot mixed-use building at the southeast corner of Main and 5th Streets within the Retail Core (CC-1) Zoning District. The mixed-use building will accommodate two retail units on the ground floor, a parking garage with 8 off-street parking spaces, 4 community housing units with private entrances accessed from the alley, and 4 market-rate residential units. During their review of the Pre-Application for the project, the Commission supported Staff's suggestion that a connection be provided from the paver pathway along the alley to the sidewalk along 5th Street. The applicant provided this connection on the project plans submitted with the final Design Review application. The paver pathway is supported by a retaining wall and guardrail that borders the rear property line and encroaches within the 3-foot required setback from the alley.

The applicant submitted a variance request for relief from the 3-foot setback required from the alley to accommodate the retaining wall and guardrail that support the pathway accessing the community housing units. The Planning and Zoning Commission has the authority to review and approve the applicant's variance request pursuant to Ketchum Municipal Code §17.148.010. Pursuant to Ketchum Municipal Code §17.148.010, a variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of unique characteristics of the site and that the variance is not in conflict with the public interest. The applicant has demonstrated compliance with all of the variance criteria outlined in Ketchum Municipal Code §17.148.010.

Ketchum Municipal Code §17.148.010: Variance Criteria

- A. *The strict enforcement of the provisions of this title creates an undue hardship to the property owner; however, economic feasibility shall not be considered an undue hardship.*

Commission Findings: The hardship associated with this variance request is the existing utility and infrastructure encroaching within the block 5 alley and creating a dead end. This dead end impedes pedestrian and vehicular circulation. These obstructions within the alley also create challenges for emergency access and service delivery. These site constraints as well topographical challenges create an undue hardship to the property owner.

- B. *The variance is necessary because of the unique size, shape, topography or location of the subject property.*

Commission Findings: The north end of the block 5 alleyway is unpaved but contains significant improvements, including retaining walls, a streetlight, telephone and cable tv risers, a concrete pad, and power boxes. The existing improvements within the right-of-way block the alley creating

a dead end. Additionally, the development site is characterized by topographical challenges as the grade falls approximately 8 feet from the alley towards 5th Street.

- C. *The subject property is deprived, by provision of this title, of rights and privileges enjoyed legally by other properties in the vicinity and under an identical zone.*

Commission Findings: The subject property is denied the same rights and privileges enjoyed by other properties in the vicinity within the Community Core as the alleyway is blocked by existing utilities and infrastructure. The dead end impedes pedestrian and vehicular circulation as well as emergency access.

- D. *The need for the variance is not the result of actions of the applicant or property owner.*

Commission Findings: The need for the variance is not the result of actions by the applicant or property owner. The City allowed the existing electrical infrastructure to be placed within the alley right-of-way in 2007 as part of a project to underground overhead powerlines. The power boxes, concrete pad, and retaining walls block the alley and create a dead end.

- E. *The variance does not create health and safety hazards.*

Commission Findings: The variance does not create any health or safety hazards. The paver pathway enhances safety by providing access for emergency services around the entirety of the building. The paver pathway includes a snowmelt system so the area will be free of snow and ice in the winter. The guardrail provides fall protection as the alley grade descends to approximately 8 feet towards 5th Street.

- F. *The variance does not relieve an applicant from any of the procedural provisions of this title.*

Commission Findings: The variance request does not relieve the applicant from any of the procedural provisions of the zoning code (Title 17 of Ketchum Municipal Code). Excepting relief from the 3-foot setback required from the alley as requested through the variance, the project complies with all applicable zoning code standards.

- G. *The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted.*

Commission Findings: Ketchum Municipal Code §17.08.020 defines a variance as a modification of the requirements of the zoning code as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, parking areas, height of buildings, or other title provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. The applicant's variance request for relief from the 3-foot alley setback is in accordance with the definition of variance. No request has been made from any standard that prohibits the option to request a variance.

- H. *The variance does not relieve an applicant from conditions established during prior permit review.*

Commission Findings: The variance does not relieve the applicant from any conditions established during prior permit review or the development applications currently under review. The Commission recommended the applicant provide a connection from the community housing units to the 5th Street sidewalk during their review of the Pre-Application for the 460 N Main Mixed-Use Building Project. The retaining wall and guardrail enhance the safety of the pathway by providing

fall protection. The pathway enhances emergency access by providing access around the perimeter of the mixed-use building.

- I. *The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the property is located.*

Commission Findings: The variance does not allow the establishment of a prohibited use within the Community Core. The three-story mixed-use building includes two commercial units on the first floor, four community housing units, and four market-rate residential units on the upper levels. *Retail Trade and Dwelling, Multi-Family* are both permitted uses in the CC-1 Zone pursuant to Ketchum Municipal Code §17.12.020.

- J. *The variance is the minimum necessary to grant relief to applicant.*

Commission Findings: The applicant is seeking relief from the 3-foot alley setback required in the CC-1 Zone for the retaining wall and guardrail supporting the paver pathway. Due to the site constraints and topographical challenges, the variance is the minimum necessary to grant relief to the applicant and to provide fall protection, connectivity to the 5th Street sidewalk, and enhanced emergency access around the perimeter of the mixed-use building.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Idaho Code Title 50 and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified as Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9, and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in Ketchum Municipal Code and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City ordinances govern the applicant’s Variance Application for the development and use of the project site.
2. This Variance Application is governed under Chapter 17.148 of Ketchum Municipal Code.
3. The Planning and Zoning Commission has the authority to hear the applicant’s Variance Application pursuant to Ketchum Municipal Code §17.148.010.
4. The Ketchum Planning Department provided adequate notice for the review of this application in accordance with Ketchum Municipal Code §17.148.020.C.
5. The applicant’s variance request for relief from the 3-foot setback required from the alley to accommodate a retaining wall and guardrail that support the pathway accessing the community housing units meets the variance criteria specified in Ketchum Municipal Code §17.148.010 and meets the standards of approval under the zoning code.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this Variance Application File No. P22-013 this Tuesday, March 8th, 2022 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. The Variance is subject to the 460 N Main Mixed-Use Building (5th & Main Condominiums) Design Review Application File No. P22-007. All associated conditions of approval shall apply to the project.
2. Pursuant to Ketchum Municipal Code §17.148.050, the variance shall be issued and construction shall commence within 6 months from the date that such variance is granted, otherwise, the variance shall no longer be considered valid.
3. The applicant shall submit specifications for the retaining wall and guardrail on the civil drawings submitted with the building permit application for the project. The final design of the retaining wall, guardrail, and pathway shall be subject to review and approval by the Planning, Fire, and Streets departments and the City Engineer.

Findings of Fact **adopted** this 29th day of March 2022.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



**City of Ketchum
Planning & Building**

IN RE:)
)
 460 North Main Street Mixed-Use Building) KETCHUM PLANNING AND ZONING COMMISSION
 5th & Main Condominiums) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
 Lot Consolidation Subdivision Preliminary Plat) DECISION
)
 Date: March 29, 2022)
)
 File Number: P22-005)

PROJECT: 460 North Main Street Mixed-Use Building /5th & Main Condominiums

APPLICATION TYPE: Lot Consolidation Subdivision Preliminary Plat

FILE NUMBER: P22-005

ASSOCIATED APPLICATIONS: Design Review P22-007, Variance P22-013, and Condominium Subdivision Preliminary Plat P22-006

ARCHITECT: Michael Bulls, Ruscitto Latham Blanton Architecture

DEVELOPER & OWNER: David Wilson, Main Street Realty Partners LLC

LOCATION: 460 N Main Street (Ketchum Townsite: Block 5: Lots 3 & 4)

ZONING: Retail Core of the Community Core (CC-1)

OVERLAY: None

RECORD OF PROCEEDINGS

The Planning and Zoning Commission considered the 460 N Main Mixed-Use Building (5th & Main Condominiums) Lot Consolidation Subdivision Preliminary Plat Application File No. P22-005 during their regular meeting on March 8th, 2022. The application was considered concurrently with Design Review Application File No. P22-007, Variance Application File No. P22-013, and Condominium Subdivision Preliminary Plat Application File No. P22-006 and the public hearings were combined in accordance with Idaho Code §67-6522.

Public Hearing Notice & Public Comment

The public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivision on February 16th, 2022. The public hearing notice was published in the Idaho Mountain Express the on February 16th, 2022. A notice was posted on the

City’s website on February 16th, 2022. The public hearing notice was posted on the project site on March 1st, 2022. The Planning & Building Department received one public comment following publication of the March 8th Staff Report, which was forwarded to the Commission for their consideration and incorporated into the project record. After considering Staff’s analysis, the applicant’s presentation, and public comment, the Commission unanimously recommended approval of the Lot Consolidation Subdivision Preliminary Plat application to the City Council subject to conditions.

FINDINGS OF FACT

The Planning and Zoning Commission having reviewed the entire project record, provided notice, and conducted the required public hearing does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

The applicant, property owner and developer David Wilson represented by architect Michael Bulls of Ruscitto Latham Blanton Architecture, is proposing to develop a new 26,386-square-foot mixed-use building at the southeast corner of Main and 5th Streets within the Retail Core (CC-1) Zoning District. The mixed-use building will accommodate two retail units on the ground floor, a parking garage with 8 off-street parking spaces, 4 community housing units with private entrances accessed from the alley, and 4 market-rate residential units. The Lot Consolidation Subdivision Preliminary Plat Application will combine lots 3 and 4 within block 5 of Ketchum Townsite to consolidate the development parcel.

The Lot Consolidation Subdivision Preliminary Plat will combine lots 3 and 4 within block 5 of Ketchum Townsite to consolidate the development parcel. The request to combine two Ketchum Townsite lots downtown meets all applicable standards outlined in the City’s subdivision regulations. This project fits in with downtown’s local context and small-town character. The development of different buildings on smaller lots over time generates variety in design and detail to form a dynamic, authentic, and interesting streetscape. Lot consolidations impact the pattern of downtown development. This application combines two Ketchum Townsite lots. Combined lot 3A will have 110 feet of frontage along Main Street and 100 feet of frontage along 5th Street. The total area of the combined lots is 11,000 square feet. Many Ketchum Townsite lots have been consolidated downtown to support new development. Proposed Lot 3A is the same size and shape as the Idaho Independent Bank and Wells Fargo Bank properties across Main Street.

FINDINGS REGARDING COMPLIANCE WITH PRELIMINARY PLAT SUBDIVISION REQUIREMENTS

Preliminary Plat Requirements				
Compliant			City Code	City Standards
Yes	No	N/A		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.
			<i>Findings</i>	The City of Ketchum Planning and Building Department received the subdivision application and all applicable application materials on February 14, 2021.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	Contents Of Preliminary Plat: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application.
			<i>Findings</i>	The subdivision application was deemed complete on February 16, 2021.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following: The scale, north point and date.
			<i>Findings</i>	This standard is met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .2	The name of the proposed subdivision, which shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho.
			<i>Findings</i>	The subdivision is named "Lot 3A, Block 5, Ketchum Townsite" which is not the same as any other subdivision in Blaine County, Idaho.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .3	The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
			<i>Findings</i>	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	Legal description of the area platted.
			<i>Findings</i>	The legal description of the area platted is shown in the Certificate of Ownership on Sheet 2 of the preliminary plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.
			<i>Findings</i>	Sheet 1 of the preliminary plat indicates the boundary lines of the adjoining Ketchum Townsite lots to the west, east, north, and south.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .6	A contour map of the subdivision with contour lines and a maximum interval of five feet (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
			<i>Findings</i>	Existing site conditions, including topography, are included on Sheets A1.1 and C0.2 of the project plans approved with Design Review Application File No. P22-007.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I 7	The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.

			<i>Findings</i>	The project plans show the scaled location of existing building, dedicated streets, roadways, and easements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	Boundary description and the area of the tract.
			<i>Findings</i>	Sheet 1 provides the boundary description of the area and includes square footage and acreage of the lot.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	Existing zoning of the tract.
			<i>Findings</i>	Plat note #9 on Sheet 1 of the preliminary plat lists the existing zoning of the subject property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .10	The proposed location of street rights of way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.
			<i>Findings</i>	The preliminary plat shows the locations and lot lines for the master lot. No new streets or blocks are being proposed with this application.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .11	The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
			<i>Findings</i>	This standard is not applicable as there is no requirement or proposal for land dedicated for public or common use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .12	The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.
			<i>Findings</i>	Sheets C0.1, C0.2, C1.0, and C2.0, C2.1, C2.2, and C2.3 of the project plans approved with Design Review Application File No. P22-007 show these existing and proposed improvements.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .13	The direction of drainage, flow and approximate grade of all streets.
			<i>Findings</i>	This standard does not apply as no new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .14	The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.
			<i>Findings</i>	This standard does not apply as no new drainage canals or structures are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .15	All percolation tests and/or exploratory pit excavations required by state health authorities.
			<i>Findings</i>	This standard does not apply as no addition tests are required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .16	A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.
			<i>Findings</i>	The applicant provided a draft copy of the articles of incorporation, bylaws, and declarations with the application submittal for Condominium Subdivision Preliminary Plat Application File No. P22-006.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .17	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
			<i>Findings</i>	Sheet C0.1 includes a vicinity map that satisfies this requirement.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .18	The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.
			<i>Findings</i>	The subject property is not within a floodplain, floodway, or avalanche zone district.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .19	Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.
			<i>Findings</i>	A building envelope is not required as the subject property is not within the floodway, floodplain, or avalanche zone. The subject property is not adjacent to the Big Wood River, Trail Creek or Warm Springs. The subject property does not contain slopes greater than 25%. This application combines two lots within the original Ketchum Townsite and does not create a new lot.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			<i>Findings</i>	Sheet 1 of the preliminary plat shows the area of the overall lot.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			<i>Findings</i>	Sheet A1.1 and the topographic survey of the project plans outlines the existing vegetation on the subject property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .22	A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.
			<i>Findings</i>	The applicant provided a title commitment and a warranty deed with the initial application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .23	Three (3) copies of the preliminary plat shall be filed with the administrator.
			<i>Findings</i>	The City of Ketchum received hard and digital copies of the preliminary plat at the time of application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat. Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.
			<i>Findings</i>	This standard has been met. The construction design plans shall be submitted with the building permit application for review by City Departments. All improvements indicated on the project plans, including landscaping and right-of-way improvements, shall be installed in accordance with the Phased Development Agreement for the project.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.B	Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.
			<i>Findings</i>	This standard does not apply as this is a preliminary plat application, not a final plat application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.C	Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.
			<i>Findings</i>	Improvement plans shall be reviewed and approved by City Departments through the building permit application process.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.D	As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.
			<i>Findings</i>	All improvements indicated on the project plans, including landscaping and right-of-way improvements, shall be installed in accordance with the Phased Development Agreement.
			16.04.040.E	Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:

			<ol style="list-style-type: none"> 1. All angle points in the exterior boundary of the plat. 2. All street intersections, points within and adjacent to the final plat. 3. All street corner lines ending at boundary line of final plat. 4. All angle points and points of curves on all streets. 5. The point of beginning of the subdivision plat description.
		<i>Findings</i>	The applicant shall meet the required monumentation standards prior to recordation of the final plat.
		16.04.040.F	<p>Lot Requirements:</p> <ol style="list-style-type: none"> 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: <ol style="list-style-type: none"> a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met. b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section. 3. Corner lots shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use. 4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line. 5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. 6. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20')

				or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.
			<i>Findings</i>	This standard is not applicable as no new lots are being created.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	<p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <ol style="list-style-type: none"> 1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots. 2. Blocks shall be laid out in such a manner as to comply with the lot requirements. 3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features. 4. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.
			<i>Findings</i>	This standard is not applicable as no new blocks are being created.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H	<p>Street Improvement Requirements:</p> <ol style="list-style-type: none"> 1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land; 2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified; 3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features; 4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods; 5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing; 6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated; 7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a

			<p>dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;</p> <p>8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;</p> <p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to council for preliminary plat approval;</p> <p>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</p> <p>15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;</p> <p>16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;</p> <p>17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;</p> <p>18. Street lighting may be required by the commission or council where appropriate and shall be installed by the subdivider as a requirement improvement;</p> <p>19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section;</p> <p>20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the city;</p>
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				<p>21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;</p> <p>22. Sidewalks, curbs and gutters may be a required improvement installed by the subdivider; and</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights of way unless approved by the city council.</p>
			<i>Findings</i>	<p>The project is located at the southeast corner of Main and 5th streets. As shown on Sheet C2.0 of the project plans, the applicant proposes to expand and repair the asphalt roadway adjacent to the property along Main Street, 5th Street, and the alleyway. The ground-level parking garage will be accessed from 5th Street. The applicant will construct a zero-reveal curb and gutter to access the parking garage.</p> <p>Final civil drawings for all associated right-of-way and alley improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and the Streets Department. Final review of all right-of-way improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #10 of Design Review P22-007.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.I	<p>Alley Improvement Requirements: Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p>
			<i>Findings</i>	<p>The north end of the block 5 alleyway is unpaved but contains significant improvements, including retaining walls, a streetlight, telephone and cable tv risers, a concrete pad, and power boxes. The City allowed the existing electrical infrastructure to be placed within the alley right-of-way in 2007 as part of a project to underground overhead powerlines. The existing improvements within the right-of-way block the alley creating a dead end. Pursuant to Ketchum Municipal Code §16.04.040.I, dead-end alleys shall only be permitted after due consideration of the interests of adjacent property owners, including, but not limited to, the provision of fire protection, snow removal, and trash collection services to such properties.</p> <p>The City currently maintains and removes snow from the improved portion of the Block 5 alleyway. The Streets Department must drive their equipment in reverse backing the loader up to the dead end and then pushing as much of the</p>

				<p>snow out of the alley as possible. The dead end makes it impossible for the City to remove all of the snow from the alleyway.</p> <p>As shown on Sheet C0.2, only a portion of the existing alley right-of-way adjacent to the subject property is improved. This paved area serves as required access to five off-street parking spaces that serve the adjacent development on Lot 7 located at 471 N Leadville Avenue. Future emergency vehicle access for the community housing units within the proposed development will be provided from the block 5 alleyway.</p> <p>The Fire Department requires a minimum 20-foot-wide travel lane for emergency vehicle access to be maintained clear and unobstructed at all times. The full 20-foot-width of the alley must be improved with asphalt pavement to provide compliant emergency vehicle access to the community housing units. The alley improvements must extend from the southeast corner of the development site to the edge of the existing retaining walls enclosing the power boxes at the north end of the alley. As the dead end makes it impossible for the City remove all the snow, the paved portion of the alley must include a snowmelt system in order to keep the required access clear and unobstructed during winter.</p> <p>Pursuant to condition #2 of Design Review P22-007, the full 20-foot width of the alley must be improved with asphalt pavement and a snowmelt system. These improvements shall extend from the southeast corner of the development site to the edge of the existing retaining walls enclosing the power boxes at the north end of the alley.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.J	<p>Required Easements: Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.</p> <p>1. A public utility easement at least ten feet (10') in width shall be required within the street right of way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the city engineer to be necessary for the provision of adequate public utilities.</p> <p>2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.</p> <p>3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to</p>

				<p>an existing pedestrian easement, the council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.</p> <p>4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.</p> <p>5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.</p>
			<i>Findings</i>	No new easements are required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.K	<p>Sanitary Sewage Disposal Improvements: Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the city engineer, council and Idaho health department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho department of health and the council may be constructed on a temporary basis until such time as connection to the public sewage system is possible. In considering such alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.</p>
			<i>Findings</i>	The mixed-use development will connect to the municipal sewer system. The project shall meet all requirements of the Wastewater Department.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.L	<p>Water System Improvements: A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the city under the supervision of the Ketchum fire department and other regulatory agencies having jurisdiction. Furthermore, the central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted. All water systems shall be connected to the municipal water system and shall meet the standards of the following agencies:</p>

				Idaho department of public health, Idaho survey and rating bureau, district sanitarian, Idaho state public utilities commission, Idaho department of reclamation, and all requirements of the city.
			<i>Findings</i>	The mixed-use development will connect to the municipal water system. All utilities necessary must be improved and installed at the sole expense of the applicant. Final plans will be reviewed and approved by the Utilities Department prior to issuance of a building permit for the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	<p>Planting Strip Improvements: Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.</p>
			<i>Findings</i>	This standard does not apply as the mixed-use building is within the original Ketchum Townsite subdivision.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N	<p>Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:</p> <ol style="list-style-type: none"> 1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or council as part of the preliminary plat application. 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: <ul style="list-style-type: none"> a. Proposed contours at a maximum of five foot (5') contour intervals. b. Cut and fill banks in pad elevations. c. Drainage patterns. d. Areas where trees and/or natural vegetation will be preserved. e. Location of all street and utility improvements including driveways to building envelopes. f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements. 3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways. 4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision. 5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the

				<p>construction. Until such times as such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.</p> <p>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</p> <ul style="list-style-type: none"> a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability. b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American standard testing methods). c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability. d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope. e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.
			<i>Findings</i>	The project shall meet all cut, fill, and grading standards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.O	<p>Drainage Improvements: The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the city on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.</p>
			<i>Findings</i>	All storm water shall be retained on site, including water from roof drains. All roof drain locations must be shown on the project plans submitted with the building permit application for final review and approval by the City Engineer. Sheets C2.0 and C2.1 indicate the proposed drainage improvements. The drainage plan is comprised of a system of catch basins and drywells.

				Pursuant to condition #10 of Design Review P22-007, the applicant shall submit final civil drawings for all drainage improvements with the building permit application to be verified, reviewed, and approved by the City Engineer. The final project plans submitted with the building permit application must specify the location of all roof drains.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.P	Utilities: In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.
			<i>Findings</i>	All utilities shall be installed underground.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.Q	Off Site Improvements: Where the offsite impact of a proposed subdivision is found by the commission or council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.
			<i>Findings</i>	The proposed condominium development does not create substantial additional traffic; therefore, no off-site improvements are required.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant’s Lot Consolidation Subdivision Preliminary Plat application for the development and use of the project site.
2. The Commission has authority to review and approve the applicant’s Lot Consolidation Subdivision Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §16.04.030.
4. The Lot Consolidation Subdivision Preliminary Plat application is governed under Chapter 16.04 of Ketchum Municipal Code.
5. The 5th & Main (460 N Main Mixed-Use Building) Lot Consolidation Subdivision Preliminary Plat application meets all applicable standards specified in Title 16 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **approves** this Lot Consolidation Preliminary Plat Application File No. P22-005 this Tuesday, March 8, 2022 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. The Lot Consolidation Preliminary Plat is subject to all conditions of approval associated with Design Review Application File No P22-007.
2. Failure to record a Final Plat within two (2) years of Council's approval of a Preliminary Plat shall cause the Preliminary Plat to be null and void.

Findings of Fact **adopted** this 29th day of March 2022.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



**City of Ketchum
Planning & Building**

IN RE:)
)
460 North Main Street Mixed-Use Building) KETCHUM PLANNING AND ZONING COMMISSION
5th & Main Condominiums) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Condominium Subdivision Preliminary Plat) DECISION
)
Date: March 29, 2022)
)
File Number: P22-006)

PROJECT: 460 North Main Street Mixed-Use Building /5th & Main Condominiums

APPLICATION TYPE: Condominium Subdivision Preliminary Plat

FILE NUMBER: P22-006

ASSOCIATED APPLICATIONS: Design Review P22-007, Variance P22-013, and Lot Consolidation Preliminary Plat P22-005

ARCHITECT: Michael Bulls, Ruscitto Latham Blanton Architecture

DEVELOPER & OWNER: David Wilson, Main Street Realty Partners LLC

LOCATION: 460 N Main Street (Ketchum Townsite: Block 5: Lots 3 & 4)

ZONING: Retail Core of the Community Core (CC-1)

OVERLAY: None

RECORD OF PROCEEDINGS

The Planning and Zoning Commission considered the 460 N Main Mixed-Use Building (5th & Main Condominiums) Condominium Subdivision Preliminary Plat Application File No. P22-006 during their regular meeting on March 8th, 2022. The application was considered concurrently with Design Review Application File No. P22-007, Variance Application File No. P22-013, and Lot Consolidation Preliminary Plat Application File No. P22-005 and the public hearings were combined in accordance with Idaho Code §67-6522.

Public Hearing Notice & Public Comment

The public hearing notice for the project was mailed to all owners of property within 300 feet of the project site and all political subdivision on February 16th, 2022. The public hearing notice was published in the Idaho Mountain Express the on February 16th, 2022. A notice was posted on the

City's website on February 16th, 2022. The public hearing notice was posted on the project site on March 1st, 2022. The Planning & Building Department received one public comment following publication of the March 8th Staff Report, which was forwarded to the Commission for their consideration and incorporated into the project record. After considering Staff's analysis, the applicant's presentation, and public comment, the Commission unanimously recommended approval of the Condominium Subdivision Preliminary Plat application to the City Council subject to conditions.

FINDINGS OF FACT

The Planning and Zoning Commission having reviewed the entire project record, provided notice, and conducted the required public hearing does hereby make and set forth these Findings of Fact, Conclusions of Law, and Decision as follows:

The applicant, property owner and developer David Wilson represented by architect Michael Bulls of Ruscitto Latham Blanton Architecture, is proposing to develop a new 26,386-square-foot mixed-use building at the southeast corner of Main and 5th Streets within the Retail Core (CC-1) Zoning District. The mixed-use building will accommodate two retail units on the ground floor, a parking garage with 8 off-street parking spaces, 4 community housing units with private entrances accessed from the alley, and 4 market-rate residential units.

The Condominium Subdivision Preliminary Plat Application will subdivide the mixed-use building into 2 retail condominium units, 4 market-rate residential units, and 1 condominium unit for the 4 community housing rental units. Additionally, the developer plans to offer units for sale individually as construction is completed and will pursue a Phased Development Plan for the project consistent with Ketchum Municipal Code §16.04.110. As conditioned, the request to subdivide meets all applicable standards for Condominium Preliminary Plats outlined in Ketchum Municipal Code's Subdivision (Title 16) and Zoning (Title 17) Zoning regulations.

Memorializing Uses

Retail & Community Housing

Sheets A1.0 and A2.1 of the project plans designate the ground-level commercial units as retail. Pursuant to Ketchum Municipal Code §17.125.040.C1c, the first 5,500 square feet of retail trade is exempt from providing parking. The applicant has taken advantage of this exemption and has not provided parking spaces for the commercial units on site. As such, the retail units may not be converted to another commercial use that generate parking demand. Ketchum Municipal Code §17.124.040 encourages new development to include a reasonable supply of affordable and resident-occupied housing for sale or rent to help meet the demand and needs for housing of the community's workforce. The applicant has provided four community housing units within the mixed-use building in exchange for an FAR increase. The Commission has added the following conditions to the Condominium Subdivision Preliminary Plat to memorialize the retail and community housing uses within the mixed-use building:

Condition No. 3: Units 101 and 102 within the 5th & Main Condominiums shall be designated as retail units on the subdivision plat. In addition, the applicant shall add the following plat note: *Units 101 and 102 are designated as retail and shall not be converted to another commercial use.*

Condition No. 4: The applicant shall add the following plat note: *Unit CH1, Unit CH2, Unit CH3, and Unit CH4 on the second floor of the 5th & Main Condominiums are deed-restricted community housing units targeted for Blaine County Housing Authority Income Category 4 or lower. The configuration, number, and floor area of these units shall not be modified.*

FINDINGS REGARDING COMPLIANCE WITH PRELIMINARY PLAT SUBDIVISION REQUIREMENTS

Preliminary Plat Requirements				
Compliant			City Code	City Standards
Yes	No	N/A		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C.1	The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this chapter.
			<i>Findings</i>	The City of Ketchum Planning and Building Department received the subdivision application and all applicable application materials on February 14, 2021.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I	Contents Of Preliminary Plat: The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application.
			<i>Findings</i>	The subdivision application was deemed complete on February 16, 2021.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .1	The preliminary plat shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall show the following: The scale, north point and date.
			<i>Findings</i>	This standard is met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .2	The name of the proposed subdivision, which shall not be the same or confused with the name of any other subdivision in Blaine County, Idaho.
			<i>Findings</i>	The subdivision is named "5 th & Main Condominiums" which is not the same as any other subdivision in Blaine County, Idaho.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .3	The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat.
			<i>Findings</i>	This standard has been met.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .4	Legal description of the area platted.
			<i>Findings</i>	The legal description of the area platted is shown in the Certificate of Ownership on Sheet 5 of the preliminary plat.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .5	The names and the intersecting boundary lines of adjoining subdivisions and parcels of property.

			<i>Findings</i>	Sheet 1 of the preliminary plat indicates the boundary lines of the adjoining Ketchum Townsite lots to the west, east, north, and south.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .6	A contour map of the subdivision with contour lines and a maximum interval of five feet (5') to show the configuration of the land based upon the United States geodetic survey data, or other data approved by the city engineer.
			<i>Findings</i>	Existing site conditions, including topography, are included on Sheets A1.1 and C0.2 of the project plans approved with Design Review Application File No. P22-007.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I 7	The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways and easements, public and private.
			<i>Findings</i>	The project plans show the scaled location of existing building, dedicated streets, roadways, and easements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .8	Boundary description and the area of the tract.
			<i>Findings</i>	Sheet 1 provides the boundary description of the area and includes square footage and acreage of the lot. Sheets 2, 3, and 4 indicate the area of each residential unit as will be platted for sale.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .9	Existing zoning of the tract.
			<i>Findings</i>	Plat note #9 on Sheet 1 of the preliminary plat lists the existing zoning of the subject property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .10	The proposed location of street rights of way, lots, and lot lines, easements, including all approximate dimensions, and including all proposed lot and block numbering and proposed street names.
			<i>Findings</i>	The preliminary plat shows the locations and lot lines for the master lot and lot lines of condominium units. No new streets or blocks are being proposed with this application.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .11	The location, approximate size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision.
			<i>Findings</i>	This standard is not applicable as there is no requirement or proposal for land dedicated for public or common use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .12	The location, size and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers, water mains, and storage facilities, street improvements, street lighting, curbs, and gutters and all proposed utilities.
			<i>Findings</i>	Sheets C0.1, C0.2, C1.0, and C2.0, C2.1, C2.2, and C2.3 of the project plans approved with Design Review Application File No. P22-007 show these existing and proposed improvements.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .13	The direction of drainage, flow and approximate grade of all streets.
			<i>Findings</i>	This standard does not apply as no new streets are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .14	The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements, whether they are located within or outside of the proposed plat.

			<i>Findings</i>	This standard does not apply as no new drainage canals or structures are proposed.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .15	All percolation tests and/or exploratory pit excavations required by state health authorities.
			<i>Findings</i>	This standard does not apply as no addition tests are required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .16	A copy of the provisions of the articles of incorporation and bylaws of homeowners' association and/or condominium declarations to be filed with the final plat of the subdivision.
			<i>Findings</i>	The applicant provided a draft copy of the articles of incorporation, bylaws, and declarations with the application submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .17	Vicinity map drawn to approximate scale showing the location of the proposed subdivision in reference to existing and/or proposed arterials and collector streets.
			<i>Findings</i>	Sheet C0.1 includes a vicinity map that satisfies this requirement.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .18	The boundaries of the floodplain, floodway and avalanche zoning district shall also be clearly delineated and marked on the preliminary plat.
			<i>Findings</i>	The subject property is not within a floodplain, floodway, or avalanche zone district.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.030.I .19	Building envelopes shall be shown on each lot, all or part of which is within a floodway, floodplain, or avalanche zone; or any lot that is adjacent to the Big Wood River, Trail Creek, or Warm Springs Creek; or any lot, a portion of which has a slope of twenty five percent (25%) or greater; or upon any lot which will be created adjacent to the intersection of two (2) or more streets.
			<i>Findings</i>	A building envelope is not required as the subject property is not within the floodway, floodplain, or avalanche zone. The subject property is not adjacent to the Big Wood River, Trail Creek or Warm Springs. The subject property does not contain slopes greater than 25%. This application subdivides a mixed-use building into condominium units and does not create a new lot.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .20	Lot area of each lot.
			<i>Findings</i>	Sheets 1, 2, 3, and 4 of the preliminary plat shows the area of the overall lot and area of each individual condominium unit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .21	Existing mature trees and established shrub masses.
			<i>Findings</i>	Sheet A1.1 and the topographic survey of the project plans outlines the existing vegetation on the subject property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .22	A current title report shall be provided at the time that the preliminary plat is filed with the administrator, together with a copy of the owner's recorded deed to such property.
			<i>Findings</i>	The applicant provided a title commitment and a warranty deed with the initial application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.I .23	Three (3) copies of the preliminary plat shall be filed with the administrator.
			<i>Findings</i>	The City of Ketchum received hard and digital copies of the preliminary plat at the time of application.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.A	Required Improvements: The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat.

				<p>Construction design plans shall be submitted and approved by the city engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the city. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, watercourses, rock outcroppings, established shrub masses and historic areas, shall be preserved through design of the subdivision.</p>
			<i>Findings</i>	<p>This standard has been met. The construction design plans shall be submitted with the building permit application for review by City Departments. All improvements indicated on the project plans, including landscaping and right-of-way improvements, shall be installed in accordance with the Phased Development Agreement for the project.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.B	<p>Improvement Plans: Prior to approval of final plat by the commission, the subdivider shall file two (2) copies with the city engineer, and the city engineer shall approve construction plans for all improvements required in the proposed subdivision. Such plans shall be prepared by a civil engineer licensed in the state.</p>
			<i>Findings</i>	<p>This standard does not apply as this is a preliminary plat application, not a final plat application.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.C	<p>Prior to final plat approval, the subdivider shall have previously constructed all required improvements and secured a certificate of completion from the city engineer. However, in cases where the required improvements cannot be constructed due to weather conditions or other factors beyond the control of the subdivider, the city council may accept, in lieu of any or all of the required improvements, a performance bond filed with the city clerk to ensure actual construction of the required improvements as submitted and approved. Such performance bond shall be issued in an amount not less than one hundred fifty percent (150%) of the estimated costs of improvements as determined by the city engineer. In the event the improvements are not constructed within the time allowed by the city council (which shall be one year or less, depending upon the individual circumstances), the council may order the improvements installed at the expense of the subdivider and the surety. In the event the cost of installing the required improvements exceeds the amount of the bond, the subdivider shall be liable to the city for additional costs. The amount that the cost of installing the required improvements exceeds the amount of the performance bond shall automatically become a lien upon any and all property within the subdivision owned by the owner and/or subdivider.</p>
			<i>Findings</i>	<p>Improvement plans shall be reviewed and approved by City Departments through the building permit application process.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.D	<p>As Built Drawing: Prior to acceptance by the city council of any improvements installed by the subdivider, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the city engineer. Within ten (10) days after completion of improvements and submission of as built drawings, the city engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit a copy of such certification to the administrator and the subdivider. If a performance</p>

			<p>bond has been filed, the administrator shall forward a copy of the certification to the city clerk. Thereafter, the city clerk shall release the performance bond upon application by the subdivider.</p>
		<i>Findings</i>	<p>All improvements indicated on the project plans, including landscaping and right-of-way improvements, shall be installed in accordance with the Phased Development Agreement.</p>
		16.04.040.E	<p>Monumentation: Following completion of construction of the required improvements and prior to certification of completion by the city engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, and type of material as shown on the subdivision plat. The monuments shall be located as follows:</p> <ol style="list-style-type: none"> 1. All angle points in the exterior boundary of the plat. 2. All street intersections, points within and adjacent to the final plat. 3. All street corner lines ending at boundary line of final plat. 4. All angle points and points of curves on all streets. 5. The point of beginning of the subdivision plat description.
		<i>Findings</i>	<p>The applicant shall meet the required monumentation standards prior to recordation of the final plat.</p>
		16.04.040.F	<p>Lot Requirements:</p> <ol style="list-style-type: none"> 1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development, and preserve solar access to adjacent properties and buildings. 2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contains land with a slope in excess of twenty five percent (25%), based upon natural contours, or creates corner lots at the intersection of two (2) or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures, and provide open space and solar access for each lot and structure. Also, building envelopes shall be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, watercourses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "lot, buildable" in section 16.04.020 of this chapter. Building envelopes shall be established outside of hillsides of twenty five percent (25%) and greater and outside of the floodway. A waiver to this standard may only be considered for the following: <ol style="list-style-type: none"> a. For lot line shifts of parcels that are entirely within slopes of twenty five percent (25%) or greater to create a reasonable building envelope, and mountain overlay design review standards and all other city requirements are met.

				<p>b. For small, isolated pockets of twenty five percent (25%) or greater that are found to be in compliance with the purposes and standards of the mountain overlay district and this section.</p> <p>3. Corner lots shall have a property line curve or corner of a minimum radius of twenty five feet (25') unless a longer radius is required to serve an existing or future use.</p> <p>4. Side lot lines shall be within twenty degrees (20°) to a right angle or radial line to the street line.</p> <p>5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts.</p> <p>6. Every lot in a subdivision shall have a minimum of twenty feet (20') of frontage on a dedicated public street or legal access via an easement of twenty feet (20') or greater in width. Easement shall be recorded in the office of the Blaine County recorder prior to or in conjunction with recordation of the final plat.</p>
			<i>Findings</i>	This standard is not applicable as no new lots are being created.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.G	<p>G. Block Requirements: The length, width and shape of blocks within a proposed subdivision shall conform to the following requirements:</p> <p>1. No block shall be longer than one thousand two hundred feet (1,200'), nor less than four hundred feet (400') between the street intersections, and shall have sufficient depth to provide for two (2) tiers of lots.</p> <p>2. Blocks shall be laid out in such a manner as to comply with the lot requirements.</p> <p>3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, watercourses and topographical features.</p> <p>4. Corner lots shall contain a building envelope outside of a seventy five foot (75') radius from the intersection of the streets.</p>
			<i>Findings</i>	This standard is not applicable as no new lots or blocks are being created.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.H	<p>Street Improvement Requirements:</p> <p>1. The arrangement, character, extent, width, grade and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land;</p> <p>2. All streets shall be constructed to meet or exceed the criteria and standards set forth in chapter 12.04 of this code, and all other applicable ordinances, resolutions or regulations of the city or any other governmental entity having jurisdiction, now existing or adopted, amended or codified;</p> <p>3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad or limited access highway right of way, the council may require a frontage street, planting strip, or similar design features;</p> <p>4. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods;</p>

			<p>5. Street grades shall not be less than three-tenths percent (0.3%) and not more than seven percent (7%) so as to provide safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing;</p> <p>6. In general, partial dedications shall not be permitted, however, the council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the council finds it practical to require the dedication of the remainder of the right of way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right of way shall be dedicated;</p> <p>7. Dead end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead end street serves more than two (2) lots, a temporary turnaround easement shall be provided, which easement shall revert to the adjacent lots when the street is extended;</p> <p>8. A cul-de-sac, court or similar type street shall be permitted only when necessary to the development of the subdivision, and provided, that no such street shall have a maximum length greater than four hundred feet (400') from entrance to center of turnaround, and all cul-de-sacs shall have a minimum turnaround radius of sixty feet (60') at the property line and not less than forty five feet (45') at the curb line;</p> <p>9. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°);</p> <p>10. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector streets, and one hundred twenty five feet (125') for minor streets;</p> <p>11. Streets with centerline offsets of less than one hundred twenty five feet (125') shall be prohibited;</p> <p>12. A tangent of at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets;</p> <p>13. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confused with the names of existing streets within Blaine County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to council for preliminary plat approval;</p> <p>14. Street alignment design shall follow natural terrain contours to result in safe streets, usable lots, and minimum cuts and fills;</p> <p>15. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets;</p>
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				<p>16. Reserve planting strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat, and all landscaping and irrigation systems shall be installed as required improvements by the subdivider;</p> <p>17. In general, the centerline of a street shall coincide with the centerline of the street right of way, and all crosswalk markings shall be installed by the subdivider as a required improvement;</p> <p>18. Street lighting may be required by the commission or council where appropriate and shall be installed by the subdivider as a requirement improvement;</p> <p>19. Private streets may be allowed upon recommendation by the commission and approval by the council. Private streets shall be constructed to meet the design standards specified in subsection H2 of this section;</p> <p>20. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the city;</p> <p>21. Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, such construction or improvement shall be a required improvement by the subdivider. Such construction or improvement shall be in accordance with adopted standard specifications;</p> <p>22. Sidewalks, curbs and gutters may be a required improvement installed by the subdivider; and</p> <p>23. Gates are prohibited on private roads and parking access/entranceways, private driveways accessing more than one single-family dwelling unit and one accessory dwelling unit, and public rights of way unless approved by the city council.</p>
			<i>Findings</i>	<p>The project is located at the southeast corner of Main and 5th streets. As shown on Sheet C2.0 of the project plans, the applicant proposes to expand and repair the asphalt roadway adjacent to the property along Main Street, 5th Street, and the alleyway. The ground-level parking garage will be accessed from 5th Street. The applicant will construct a zero-reveal curb and gutter to access the parking garage.</p> <p>Final civil drawings for all associated right-of-way and alley improvements shall be submitted with the building permit application to be verified, reviewed, and approved by the City Engineer and the Streets Department. Final review of all right-of-way improvements to the right-of-way will be completed prior to issuance of a building permit for the project pursuant to condition of approval #10 of Design Review P22-007.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.I	<p>Alley Improvement Requirements: Alleys shall be provided in business, commercial and light industrial zoning districts. The width of an alley shall be not less than twenty feet (20'). Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead end alleys shall be prohibited. Improvement of alleys</p>

				<p>shall be done by the subdivider as required improvement and in conformance with design standards specified in subsection H2 of this section.</p>
			<i>Findings</i>	<p>The north end of the block 5 alleyway is unpaved but contains significant improvements, including retaining walls, a streetlight, telephone and cable tv risers, a concrete pad, and power boxes. The City allowed the existing electrical infrastructure to be placed within the alley right-of-way in 2007 as part of a project to underground overhead powerlines. The existing improvements within the right-of-way block the alley creating a dead end. Pursuant to Ketchum Municipal Code §16.04.040.I, dead-end alleys shall only be permitted after due consideration of the interests of adjacent property owners, including, but not limited to, the provision of fire protection, snow removal, and trash collection services to such properties.</p> <p>The City currently maintains and removes snow from the improved portion of the Block 5 alleyway. The Streets Department must drive their equipment in reverse backing the loader up to the dead end and then pushing as much of the snow out of the alley as possible. The dead end makes it impossible for the City to remove all of the snow from the alleyway.</p> <p>As shown on Sheet C0.2, only a portion of the existing alley right-of-way adjacent to the subject property is improved. This paved area serves as required access to five off-street parking spaces that serve the adjacent development on Lot 7 located at 471 N Leadville Avenue. Future emergency vehicle access for the community housing units within the proposed development will be provided from the block 5 alleyway.</p> <p>The Fire Department requires a minimum 20-foot-wide travel lane for emergency vehicle access to be maintained clear and unobstructed at all times. The full 20-foot-width of the alley must be improved with asphalt pavement to provide compliant emergency vehicle access to the community housing units. The alley improvements must extend from the southeast corner of the development site to the edge of the existing retaining walls enclosing the power boxes at the north end of the alley. As the dead end makes it impossible for the City remove all the snow, the paved portion of the alley must include a snowmelt system in order to keep the required access clear and unobstructed during winter.</p> <p>Pursuant to condition #2 of Design Review P22-007, the full 20-foot width of the alley must be improved with asphalt pavement and a snowmelt system. These improvements shall extend from the southeast corner of the development site to the edge of the existing retaining walls enclosing the power boxes at the north end of the alley.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.J	<p>Required Easements: Easements, as set forth in this subsection, shall be required for location of utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.</p>

				<p>1. A public utility easement at least ten feet (10') in width shall be required within the street right of way boundaries of all private streets. A public utility easement at least five feet (5') in width shall be required within property boundaries adjacent to Warm Springs Road and within any other property boundary as determined by the city engineer to be necessary for the provision of adequate public utilities.</p> <p>2. Where a subdivision contains or borders on a watercourse, drainageway, channel or stream, an easement shall be required of sufficient width to contain such watercourse and provide access for private maintenance and/or reconstruction of such watercourse.</p> <p>3. All subdivisions which border the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a ten foot (10') fish and nature study easement along the riverbank. Furthermore, the council shall require, in appropriate areas, an easement providing access through the subdivision to the bank as a sportsman's access. These easement requirements are minimum standards, and in appropriate cases where a subdivision abuts a portion of the river adjacent to an existing pedestrian easement, the council may require an extension of that easement along the portion of the riverbank which runs through the proposed subdivision.</p> <p>4. All subdivisions which border on the Big Wood River, Trail Creek and Warm Springs Creek shall dedicate a twenty five foot (25') scenic easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the riverbank and to protect structures from damage or loss due to riverbank erosion.</p> <p>5. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights. A written copy of such approval shall be filed as part of required improvement construction plans.</p> <p>6. Nonvehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements shall be dedicated by the subdivider to provide an adequate nonvehicular transportation system throughout the city.</p>
			<i>Findings</i>	No new easements are required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.K	Sanitary Sewage Disposal Improvements: Central sanitary sewer systems shall be installed in all subdivisions and connected to the Ketchum sewage treatment system as a required improvement by the subdivider. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the city engineer, council and Idaho health department prior to final plat approval. In the event that the sanitary sewage system of a subdivision cannot connect to the existing public sewage system, alternative provisions for sewage disposal in accordance with the requirements of the Idaho department of health and the council may be constructed on a temporary basis until such time as connection to the public sewage system is

				possible. In considering such alternative provisions, the council may require an increase in the minimum lot size and may impose any other reasonable requirements which it deems necessary to protect public health, safety and welfare.
			<i>Findings</i>	The mixed-use development will connect to the municipal sewer system. The project shall meet all requirements of the Wastewater Department.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.L	Water System Improvements: A central domestic water distribution system shall be installed in all subdivisions by the subdivider as a required improvement. The subdivider shall also be required to locate and install an adequate number of fire hydrants within the proposed subdivision according to specifications and requirements of the city under the supervision of the Ketchum fire department and other regulatory agencies having jurisdiction. Furthermore, the central water system shall have sufficient flow for domestic use and adequate fire flow. All such water systems installed shall be looped extensions, and no dead end systems shall be permitted. All water systems shall be connected to the municipal water system and shall meet the standards of the following agencies: Idaho department of public health, Idaho survey and rating bureau, district sanitarian, Idaho state public utilities commission, Idaho department of reclamation, and all requirements of the city.
			<i>Findings</i>	The mixed-use development will connect to the municipal water system. All utilities necessary must be improved and installed at the sole expense of the applicant. Final plans will be reviewed and approved by the Utilities Department prior to issuance of a building permit for the project.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.M	Planting Strip Improvements: Planting strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or light industrial districts or off street parking areas, the subdivider shall provide planting strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for such planting strip with the preliminary plat application, and the landscaping shall be a required improvement.
			<i>Findings</i>	This standard does not apply as the mixed-use building is within the original Ketchum Townsite subdivision.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.N	Cuts, Fills, And Grading Improvements: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following: 1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or council as part of the preliminary plat application. 2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Such plan shall contain the following information: a. Proposed contours at a maximum of five foot (5') contour intervals. b. Cut and fill banks in pad elevations. c. Drainage patterns.

				<p>d. Areas where trees and/or natural vegetation will be preserved.</p> <p>e. Location of all street and utility improvements including driveways to building envelopes.</p> <p>f. Any other information which may reasonably be required by the administrator, commission or council to adequately review the affect of the proposed improvements.</p> <p>3. Grading shall be designed to blend with natural landforms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.</p> <p>4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.</p> <p>5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as such revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.</p> <p>6. Where cuts, fills, or other excavations are necessary, the following development standards shall apply:</p> <p>a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.</p> <p>b. Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHO T99 (American Association of State Highway Officials) and ASTM D698 (American standard testing methods).</p> <p>c. Cut slopes shall be no steeper than two horizontal to one vertical (2:1). Subsurface drainage shall be provided as necessary for stability.</p> <p>d. Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top and existing or planned cut slope.</p> <p>e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3'), plus one-fifth (1/5) of the height of the cut or the fill, but may not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet (6'), plus one-fifth (1/5) of the height of the cut or the fill. Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.</p>
			<i>Findings</i>	The project shall meet all cut, fill, and grading standards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.O	Drainage Improvements: The subdivider shall submit with the preliminary plat application such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural

				<p>drainage courses shall be shown as an easement common to all owners within the subdivision and the city on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways or improved public easements and shall extend across and under the entire improved width including shoulders.</p>
			<i>Findings</i>	<p>All storm water shall be retained on site, including water from roof drains. All roof drain locations must be shown on the project plans submitted with the building permit application for final review and approval by the City Engineer. Sheets C2.0 and C2.1 indicate the proposed drainage improvements. The drainage plan is comprised of a system of catch basins and drywells.</p> <p>Pursuant to condition #10 of Design Review P22-007, the applicant shall submit final civil drawings for all drainage improvements with the building permit application to be verified, reviewed, and approved by the City Engineer. The final project plans submitted with the building permit application must specify the location of all roof drains.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.040.P	<p>Utilities: In addition to the terms mentioned in this section, all utilities including, but not limited to, electricity, natural gas, telephone and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.</p>
			<i>Findings</i>	All utilities shall be installed underground.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16.04.040.Q	<p>Off Site Improvements: Where the offsite impact of a proposed subdivision is found by the commission or council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities.</p>
			<i>Findings</i>	The proposed condominium development does not create substantial additional traffic; therefore, no off-site improvements are required.

FINDINGS REGARDING COMPLIANCE WITH CONDOMINIUM SUBDIVISION REQUIREMENTS

Condominium Plat Requirements				
Compliant			City Code	Standards
Yes	No	N/A		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.B	The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed bylaws and condominium declarations of the proposed condominium development. Said documents shall adequately

				provide for the control and maintenance of all common areas, recreational facilities and open space.
			<i>Findings</i>	The applicant provided a draft copy of the articles of incorporation, bylaws, and declarations with the application submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.D	All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.
			<i>Findings</i>	As shown on Sheet 2 of the preliminary plat, the garage units are designated as limited common elements and specifically referenced to a unit number.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.E	Adequate storage areas shall be provided for boats, campers and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.
			<i>Findings</i>	The community housing units each have a separate storage area on the paver porches adjacent to the front entrance to each unit. Each of the market-rate residential units have areas designated as flex space that are sufficient for the storage of personal property.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.F	A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.
			<i>Findings</i>	Each floor includes limited common area that may be used for storage of maintenance equipment or supplies.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.G	The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area usable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access.
			<i>Findings</i>	The community housing units each have a small front porch area by the front door. All market-rate residential units have private terraces fronting Main Street. The two residential units on the third level have an additional terrace on the rooftop.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.070.H	All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.
			<i>Findings</i>	The project has been reviewed for compliance with all other section of the subdivision standards. The project is in compliance as discussed above.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the ordinances and regulations, which ordinances are codified in the Ketchum Municipal Code (“KMC”) and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this

reference and which City Ordinances govern the applicant's Condominium Subdivision Preliminary Plat application for the development and use of the project site.

2. The Commission has authority to review and approve the applicant's Condominium Subdivision Preliminary Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided notice for the review of this application in accordance with Ketchum Municipal Code §16.04.030.
4. The Condominium Subdivision Preliminary Plat application is governed under Chapter 16.04 of Ketchum Municipal Code.
5. The 5th & Main (460 N Main Mixed-Use Building) Condominium Subdivision Preliminary Plat application meets all applicable standards specified in Title 16 of Ketchum Municipal Code.

DECISION

THEREFORE, the Commission **approves** this Preliminary Plat Application File No. P22-006 this Tuesday, March 8, 2022 subject to the following conditions of approval.

CONDITIONS OF APPROVAL

1. The 5th & Main Condominium Subdivision Preliminary Plat is subject to all conditions of approval associated with Design Review Application File No P22-007.
2. Failure to record a Final Plat within two (2) years of Council's approval of a Preliminary Plat shall cause the Preliminary Plat to be null and void.
3. Units 101 and 102 within the 5th & Main Condominiums shall be designated as retail units on the subdivision plat. In addition, the applicant shall add the following plat note: *Units 101 and 102 are designated as retail and shall not be converted to another commercial use.*
4. The applicant shall add the following plat note: *Unit CH1, Unit CH2, Unit CH3, and Unit CH4 on the second floor of the 5th & Main Condominiums are deed-restricted community housing units targeted for Blaine County Housing Authority Income Category 4 or lower. The configuration, number, and floor area of these units shall not be modified.*

Findings of Fact **adopted** this 29th day of March 2022.

Neil Morrow, Chair
City of Ketchum
Planning and Zoning Commission



City of Ketchum Planning & Building

STAFF REPORT KETCHUM PLANNING AND ZONING COMMISSION REGULAR MEETING OF MARCH 29, 2022

EXECUTIVE SUMMARY

An interim ordinance was presented to the Planning and Zoning Commission (the “Commission”) on March 8, 2022. The ordinance, to be adopted through emergency procedures, focused on achieving the following goals:

- Promote projects that contribute towards the long-term vibrancy and economic stability of the downtown
- Increase the production of housing throughout Ketchum that in turn increases the supply and availability of housing for all income levels
- Provides the Planning and Zoning Commission the tools to engage, discuss and influence proposed uses in a building to ensure the project is of benefit to the community and meets the goals of the Comprehensive Plan

The draft ordinance included five main components:

1. Minimum residential densities in certain zone districts
2. Provisions for the consolidation of lots
3. Limitations on the net loss of units
4. Clarification of retail parking exemptions
5. Requirement of conditional use permits (CUP) for projects with density bonuses

The Commission did not make a recommendation to City Council on the proposed ordinance at the March 8, 2022, meeting. The Commission provided comments on the ordinance and posed questions to staff for further discussion. The draft ordinance presented on March 8, 2022, is included as Attachment A to this report. For the full staff report and all attachments, please see Attachment C of this report.

Below is an overview of what we heard from the Commission and additional information from staff for consideration.

BACKGROUND

Following a joint work session with the Ketchum City Council, the Ketchum Urban Renewal Agency, and the Commission on February 8, 2022, the Commission has been considering various changes to Title 16 – *Subdivision Regulations* and Title 17 – *Zoning Regulations* of the Ketchum Municipal Code in response to the current workforce housing crisis and concerns related to the long-term vibrancy of the downtown. As mentioned above, the draft ordinance was reviewed at the March 8, 2022, meeting of the Commission and continued to a March 29, 2022, special meeting for further discussion.

ANALYSIS

Commission Discussion

Discussion during the March 8, 2022, meeting indicated support of the first four components with no requested changes from the Commission. The Commission also indicated support for the Policy Statement drafted by staff outlining goals for successful development in the Community Core, Tourist, and High-Density Zone Districts (Attachment B). The Commission provided the following comments for additional discussion:

- Clarify the ability to achieve minimum residential densities on interior single Ketchum Townsite lots in the Community Core
- Clarify how impact fees are calculated for projects to understand the potential cost impacts of minimum residential densities
- Clarify how minimum residential densities and the requirement for no net loss of units is applied to projects that are 100% residential in areas where commercial development is strongly desired and if the proposed ordinance limits redevelopment potential
- Understand the long-term impact to the parking inventory that may result from the revised ordinance and whether additional exemptions for uses such as office should be considered

The Commission expressed concerns as to the uncertainty created by the CUP requirement for projects with a density bonus. The Commission requested clarification on whether the CUP can dictate types of uses such as short-term rentals. The Commission also discussed whether there is another mechanism to achieve the goal, other than the CUP. The information below

General Information

As proposed, the interim ordinance would be in effect for a period of 182 days, approximately six months. The purpose of an interim ordinance is to:

- Provide clarity to the development community of the goals and objectives of Ketchum
- Provide Temporary regulations that can be tested while permanent regulations are developed

The interim period is an opportunity to gather feedback on the proposed regulations through a more extensive public process and craft permanent regulations based on feedback from the community and subject matter experts including but not limited to developers, architects, and contractors. It is appropriate to view interim ordinances as a starting point to set expectations, that get refined through the development of the permanent ordinance.

The goal of the draft ordinance is to:

- Increase the supply of housing
- Limit the loss of existing housing or development potential
- Incentivize the development of commercial space
- Implement measures in this development season

It is important to note that the goals above do not reference workforce housing or community housing specifically. The draft ordinance is solely focused on maintaining and increasing the housing stock within Ketchum, regardless of income level or affordability. This approach speaks to the supply and demand functionality of the current housing market in Ketchum. Currently, there is limited supply and high demand. Figure 1 is a simple diagram illustrating the economic function of supply and demand. As shown, when there is high demand and low supply, the price is higher. This is the case regardless of whether the unit is a bag of potato chips or a residential dwelling unit. By simply increasing the supply of housing, the cost per unit should decrease over time. What is unknown is by how much and over what period. What we do know is that the longer we wait to make changes to the equation, the less impact the change will have.

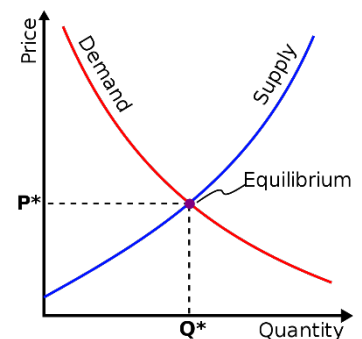


Figure 1: Supply and Demand

Additionally, the Housing Action Plan, being developed by the City of Ketchum, is focused on identifying the need and solutions for Ketchum's workforce, specifically those in the 0-120% area median income (AMI) category. Following completion of the Housing Action Plan, additional changes to the zoning regulations will be necessary to specifically address those needs.

Conditional Use Permit

The goal of the CUP requirement for density bonus projects is to provide the Commission the ability to ensure all projects receiving a density bonus contribute not only to community housing, but to the vibrancy of the community and the economic stability of Ketchum. Staff recommended this be achieved through the CUP process, however, the Commission expressed concerns related to the uncertainty of the CUP for the development community. Staff provided a policy document for the Commission to consider, which sought to reduce that uncertainty.

If the CUP is not the desired regulatory tool to achieve the goal, another tool is to utilize the existing Design Review process. As discussed in the March 8, 2022, meeting, the Design Review process is currently limited to review of the exterior design of the building and corresponding site improvements. Staff recommends the interim ordinance modifies the current Design Review criteria to include the ability to review uses in projects located in the Community Core (Subdistricts 1 and 2), Tourist (T, T-3000, and T-4000), and General Residential-High Density zone districts. Staff recommends the following additional criteria for consideration:

1. The design and uses conform with the goals, policies, and objectives of the comprehensive plan.
2. The design and uses are compatible with the context of the immediate surroundings and neighborhood.
3. The design and uses conform with the goals and objectives of applicable adopted Commission policy statements.

Minimum Residential Densities

Staff believe the proposed minimum densities in each zone district as proposed in the draft ordinance are an appropriate place to start. Staff evaluated the comments from the Commission related to interior Ketchum townsite lots and increased cost of construction. Staff is not making any recommended revisions to the minimum residential density numbers currently.

Staff believe the minimum density requirements for interior Ketchum Townsite lots can be achieved as proposed based on the Love Schack development scenarios. Additionally, the draft ordinance includes a provision that if a project cannot meet the minimum residential densities as required, the densities can be reduced through the CUP process. CUPs are reviewed and approved only by the Commission and can be reviewed concurrent with Design Review applications. Staff believe that this is an appropriate approach for the interim ordinance and can be refined through development of the permanent ordinance.

The city assesses impact fees on a per unit basis for fire, parks, police, and streets. Staff acknowledges that an increase in minimum number of units, does increase the cost of a project. For a 750 square foot unit, the cost for impact fees is \$8/SF. For a 2,000 SF unit, the cost is \$3. It is important to note that impact fees are waived for community housing units, which the CUP policy document encourages on-site. Impact fees are in place to offset the impact of new development on key city services. With an increase in units, the city will see an increase in demand for city services. The Commission could make a recommendation to the City Council to review impact fees so they do not deter production of additional housing units.

Net Loss of Units

The draft ordinance does not restrict the addition of commercial space when redeveloping a 100% residential project, however, it may result in the residential units being of a smaller size or the project would be reconfigured for a more efficient use of land area. As noted in the March 8, 2022, meeting, most of the city's housing stock was constructed prior to 1980. Many existing projects are only two stories and have surface parking lot. Redevelopment of these properties may utilize underground parking and additional building height to achieve development goals and meet minimum residential requirements.

Parking Exemptions

The City of Ketchum is in the process of updating the parking inventory and utilization numbers for the Community Core including both subdistricts. Updated data is expected Summer 2022 for use in parking policy decisions. An extensive parking analysis was conducted in 2017 to incentivize the development of retail and food service establishments. Additional incentives for office were not provided at that time as office space did not carry the same priority level as retail and food service establishments in the community core. The current parking requirement for office in the community core is one parking space per 1,000 square feet. Staff believe this requirement is still appropriate for office uses. However, if the Commission would like to evaluate this further, staff could evaluate potential parking reductions or exemptions as part of the permanent ordinance.

STAFF RECOMMENDATION

Staff request the Commission consider the information above and make a recommendation on the proposed ordinance. Although a hearing with the Commission is not required for the ordinance, staff recommends the Commission make a recommendation to the City Council.

ATTACHMENTS:

- A. Emergency Ordinance 1234
- B. Policy Statement For Community Core, Tourist, and GR-H Projects
- C. March 8, 2022 Planning and Zoning Commission - Staff Report and Attachments

Attachment A:
Draft Emergency
Ordinance 1234

ORDINANCE 1234

AN EMERGENCY ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, FINDING AN IMMINENT PERIL TO PUBLIC HEALTH, SAFETY, OR WELFARE EXISTS AND THE NEED TO IMMEDIATELY IMPLEMENT REVISED DEVELOPMENT STANDARDS THAT REQUIRE MINIMUM RESIDENTIAL DENSITIES IN CERTAIN ZONE DISTRICTS; REGULATE THE CONSOLIDATION OF LOTS IN CERTAIN ZONE DISTRICTS; PROHIBIT THE REDUCTION OF DWELLING UNITS IN CONJUNCTION WITH DEVELOPMENT PROJECTS REQUIRE A CONDITIONAL USE PERMIT FOR CERTAIN DEVELOPMENT PROJECTS IN THE COMMUNITY CORE (CC) ZONE DISTRICT; AND CLARIFY PARKING REQUIREMENTS FOR RETAIL USES IN THE CC ZONE DISTRICT; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND A SUNSET DATE.

WHEREAS, Idaho Code Section 67-6523 authorizes local jurisdictions to enact emergency ordinances when the local governing board finds imminent peril to the public health, safety, or welfare; and

WHEREAS, the State of Idaho and the Idaho Housing and Finance Association has stated that access to workforce housing has become a statewide challenge impacting urban, rural, and resort communities, resulting in a proposal for a state-led gap financing program for development of workforce housing; and

WHEREAS, the 2014 Ketchum Comprehensive Plan identifies ten core values vital to the City's ability to achieve its vision including 1) A Strong and Diverse Economy, 2) Vibrant Downtown, and 4) A Variety of Housing Options; and

WHEREAS, the City of Ketchum (the "City") is experiencing a significant population increase and a severe shortage of housing for the local workforce at all income levels which is threatening the livelihood and straining the resources of the City, its citizens, and its businesses; and

WHEREAS, businesses in Ketchum have been forced to reduce operating hours in the past two years due to lack of workforce; and

WHEREAS, the City's average annual population growth rate is approximately 1%, however, the population of the City increased 25% from 2019 to 2020; and

WHEREAS, the City collects housing specific data and is developing a Housing Action Plan to address the immediate need for more housing in the City; and

WHEREAS, the City lost 475 long-term rental and ownership housing units from 2000 to 2019; and

WHEREAS, in addition to the 475 housing units lost, the Housing Action Plan Summary and Findings identify the need to build, convert, or stabilize between 65 and 100 housing units

annually in the City to ensure adequate housing for the City's workforce and support the dynamic demands of a resort community economy; and

WHEREAS, from 1990 to 2009, approximately 290 units were constructed for an average of 15 units per year. From 2010 to 2020, only 92 units were constructed for an average of 9 units per year, a significant decrease from previous years; and

WHEREAS, the City is experiencing an increase in the redevelopment of property as more than half of the City's housing stock was built before 1980 and there are a limited number of vacant properties within city limits; and

WHEREAS, development permitted under the current zoning regulations result in low-density residential development in areas where the 2014 Ketchum Comprehensive Plan envisions medium to high density residential and vibrant mixed-use development; and

WHEREAS, the City Council, Planning and Zoning Commission, and Ketchum Urban Renewal Agency determined at a joint meeting on February 8, 2022, that immediate action to address housing issues within the City were necessary; and

WHEREAS, staff presented options for addressing housing issues to the Planning and Zoning Commission at a special meeting on February 15, 2022; and

WHEREAS, the Planning and Zoning Commission reaffirmed the urgent need for solutions to address housing issues; and

WHEREAS, the traditional development season is imminent and there is an immediate necessity to provide development applicants with some certainty on standards sooner than later; and

WHEREAS, the provisions of this ordinance are temporary in nature and shall expire one hundred and eighty-two (182) days after the adoption of this emergency ordinance; and

WHEREAS, during the pendency of this emergency ordinance, the City will pursue a public process to explore the development and creation of an interim ordinance and/or permanent ordinance to further formalize the changes proposed in this emergency ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM, IDAHO:

Section 1. Finding of Imminent Peril to the Public Health, Safety and Welfare. The City Council hereby finds that an imminent peril to the public health, safety and welfare exists caused by the permanent loss of land in Ketchum available to house the local workforce and provide a mixture of commercial uses necessary to support the Ketchum economy based on the following:

- a. Businesses in the Community Core are closing or reducing business hours due to a lack of workers.
- b. Commercial, entertainment, retail and restaurant use in the Community Core are essential to the economic vitality and public health, safety and welfare of the residents and visitors to the City.

- c. Each time a project is developed with low density residential, similar to single family dwellings, or with limited commercial use, the City permanently loses the potential to develop such property for higher density residential or projects containing commercial, entertainment, restaurant or retail uses.
- d. The permanent loss of properties that could otherwise be development for higher density residential or commercial uses, threatens the economic vitality of the City, threatens to permanently impair, or reduce revenue to support city operations and essential services without limitation, fire, police, emergency medical, and snow removal.
- e. If the upcoming development season proceeds without more immediate revisions to development standards, then the negative impacts and harms listed above will be further exacerbated in a nonreversible way.
- f. The City finds it requires sufficient time to study and review the public health, safety, and welfare concerns as identified above and adopt interim standards while the review is underway.

Section 2. The following interim regulations and standards apply to applications filed pursuant to Title 16 - Subdivision Regulations and Title 17 - Zoning Regulations. Wherever any provision in Title 16 or Title 17 or any other ordinance, rule or regulation of any kind contain standards covering the same subject matter, the standards of this Ordinance shall apply.

Section 3. All zoning districts referenced in this ordinance are pursuant to Ketchum Municipal Code (the “KMC”) Chapter 17.18 – *Zoning Districts* and abbreviated as referenced. All terms in this ordinance are defined in Section 17.08.020 – *Terms Defined* and 16.04.020-*Definitions* of the KMC with the addition of the following:

- A. Consolidation – the action or process of combining more than one lot or unit into a single lot or unit.
- B. Residential Density – the number of dwelling units per square feet of lot area.

Section 4. There shall now be minimum residential densities for multi-family and mixed-use developments in certain zone districts within the City as follows:

Zone District	Minimum Residential Density Required (units/SF)			
CC Subdistricts 1 and 2	100% Residential Development 9 / 5,500			
	Mixed Use Development			
	≤ 30% Commercial 5 / 5,500	31-60% Commercial 3 / 5,500	61-80% Commercial 1 / 5,500	≥ 80% Commercial No Minimum
T	100% Residential Development 9 / 10,000			
	Mixed Use Development			
	≤ 30% Commercial 5 / 10,000	31-60% Commercial 3 / 10,000	61-80% Commercial 1 / 10,000	≥ 80% Commercial No Minimum

T-3000	5 / 10,000
T-4000	10 / 10,000
GR-H	10 / 10,000
GR-L	No minimum
LR, LR-1, and LR-2	No minimum
STO-1, STO-4, and STO-H	No minimum
LI, LI-2, and LI-3	No minimum
RU and AF	No minimum

Section 5. Minimum densities identified in Section 4 may be adjusted subject to the review and approval of a Conditional Use Permit by the Planning and Zoning Commission.

Section 6. There shall now be standards for the consolidation of lots. Additionally, there shall be a specific application type, process, and additional standards for the review and approval of the consolidation of lots as follows:

A. Consolidation of lots within the City shall be permitted in certain zone districts as follows:

Zone District	Consolidation of Lots
CC - Subdistricts 1 and 2	Permitted subject to additional standards
T	Permitted subject to additional standards
T-3000	Permitted subject to additional standards
T-4000	Permitted subject to additional standards
GR-H	Permitted subject to additional standards
GR-L	Permitted subject to waiver
LR, LR-1, and LR-2	Permitted subject to waiver
STO-1, STO-4, and STO-H	Permitted subject to waiver
LI, LI-2, and LI-3	Permitted subject to additional standards
RU and AF	Permitted subject to additional standards

B. The definition of “Readjustment of Lot Lines” in KMC Section 16.04.020 - *Definitions*, also known as Lot Line Shifts, shall no longer include the “removal of lot lines”.

C. Consolidation of lots may only be considered pursuant to the requirements and standards of KMC Section 16.04.030 – *Procedure for Subdivision Approval*.

D. All preliminary plat applications for consolidation of lots shall be submitted concurrent with a building permit application or land use development application as applicable.

E. The final plat for consolidation of lots shall not be signed by the City Clerk and recorded until the development has received one or both of the following as applicable:

1. A certificate of occupancy issued by the City of Ketchum; and

2. Completion of all design review elements as approved by the Planning and Zoning Administrator.
- F. In addition to KMC Section 16.04.040, all preliminary plat applications for consolidation of lots shall comply with the following criteria:
1. The preliminary plat application is in conformance with all applicable building permit and land use development approvals.
 2. The preliminary plat application is in conformance with all applicable Zoning Regulations contained within Title 17 – Zoning Regulations.
 3. The preliminary plat application is found to be in conformance with the comprehensive plan in effect at the time the application was deemed complete.

Section 7. No demolition permit shall be issued pursuant to Chapter 15.16 of the KMC that results in the net loss in the total number of residential units currently existing on a property as of the effective date of this ordinance. The following standards apply to all properties within the City:

- A. Development of property, in any zone district, may not result in the net loss of dwelling units.
- B. Total number of dwelling units shall be calculated including all listed or defined dwelling unit uses and terms in the KMC such as, but not limited to, “dwelling, one family”, “dwelling, multi-family”, “dwelling unit, accessory”, and “work/live unit”.
- C. No demolition permit shall be issued for any structure until a building permit application for a replacement project on the property and required fees have been accepted by the City and deemed complete.

Section 8. There shall be no parking required for individual retail spaces of 5,500 square feet or less within the Community Core (CC) and Tourist (T) zoning districts.

Section 9. A Conditional Use Permit (CUP), as stipulated in KMC Chapter 17.116, is required for all development projects that:

- a. Exceed a 1.0 floor area ratio (FAR) within Subdistrict 1 and Subdistrict 2 of the CC zone district and a 0.5 FAR in the T, T-3000, T-4000, and GR-H zone districts.
- b. Change of use resulting in a conversion of commercial square footage to residential square footage.
- c. No fee shall be charged for Conditional Use Permit applications submitted concurrent with Design Review applications with FAR exceedance.

Section 10. This ordinance shall be in full force and effect from and after its passage and approval and shall remain in effect for a period not to exceed one hundred and eight two (182) days from its effective date, pursuant to Idaho Code Section 67-6523.

Section 11. The notice and hearing requirements generally applicable to ordinances are not practical in light of the emergency nature of this ordinance, and therefore this ordinance will be heard under an abbreviated notice process pursuant to Idaho Code Section 67-6523.

Section 12. Pursuant to the affirmative vote of one-half (1/2) plus one (1) of the

members of the City Council, the rule requiring two (2) separate readings by title and one (1) reading in full be waived, and the same is hereby dispensed with, and accordingly, this emergency ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED BY THE CITY COUNCIL and APPROVED by the MAYOR OF KETCHUM IDAHO, on this ___ day of ___ 2022.

APPROVED:

Neil Bradshaw, Mayor

ATTEST:

Tara Fenwick, City Clerk

DRAFT

Attachment B:
Policy Statement for
Community Core, Tourist, and
GR-H Projects



City of Ketchum
Planning & Building

PLANNING AND ZONING COMMISSION POLICY STATEMENT

Goals for Successful Development in the Community Core, Tourist, and High-Density Zone Districts

The city adopted Emergency Ordinance 1234 which requires a Conditional Use Permit for any project taking advantage of the density bonus program outlined in Ketchum Municipal Code Section 17.124.040 – *Floor area ratios and community housing*. The goal of the Conditional Use Permit is to ensure that all projects receiving a density bonus contribute not only to community housing, but to the vibrancy of the community and the economic stability of Ketchum. The 2014 Ketchum Comprehensive Plan outlines future land uses for each zone district in Ketchum which were codified in 2015 when the zoning regulations were updated to include stated purposes for each zone district. To provide additional clarity to the development community, the following information outlines the purpose of each zone district and outlines the expectations and type of projects encouraged by the Planning and Zoning Commission.

Community Core (CC-1 and CC-2)

Zoning Ordinance Purpose

The purpose of the CC community core district is to promote a compact and cohesive center of commerce and culture, to promote an attractive and safe pedestrian environment which includes sidewalks, gathering spaces, streetscape amenities and landscaping, to retain the unique small-town scale and character and to encourage buildings which respect Ketchum's historical and geographic context while providing diversity. Compatible mixed uses including retail, office, residential and cultural uses are encouraged. Commercial uses are concentrated in the CC District which is consistent with the City's comprehensive plan and the downtown master plan.

Successful projects in the Community Core - Retail Core subdistrict have:

- Maximized ground floor restaurant and retail uses with outdoor public amenities such as outdoor seating and dining.
- Upper floors of primarily office use and minimal residential.
- On-site community housing.
- Parking allocations that do not exceed minimum parking requirements, except for public parking.
- Underground or tuck under parking for projects on more than one Ketchum Townsite Lot.
- Below grade uses limited to storage, mechanical, and parking.

Successful projects in the Community Core - Mixed Use subdistrict have:

- Maximized ground floor restaurant and retail uses with outdoor public amenities such as outdoor seating and dining.
- Primarily active commercial on the ground floor such as retail, restaurants, recreation, health/wellness services, and government.

- Commercial uses, such as office, on the upper floors. Limited office uses on the ground floor but should not be fronting the street.
- Below grade uses limited to storage, mechanical, and parking. Placement of commercial or residential uses below grade is not appropriate.
- Parking allocations that do not exceed minimum parking requirements, except for public parking.
- Underground parking for projects on more than one Ketchum Townsite Lot.
- Upper floors primarily contain commercial or residential uses.
- On-site community housing.
- 100% residential projects have strong connection to the street such as individual entrances to each ground floor residential unit and non-privatized outdoor common areas.

Tourist (T)

Zoning Ordinance Purpose

The purpose of the T Tourist District is to provide the opportunity for high density residential and tourist use, land ownership and development including certain restricted business and personal service establishments in conjunction with such use, which can be justified on the basis of the primary use within the district. Tourist district classifications are intended to be carefully placed in the neighborhood structure to assure the closest possible compatibility with the surrounding uses and development. Dimensional requirements in this zone are designed to complement and enhance the neighborhoods in this zone, and to encourage articulation and quality design in new buildings. The tourist zone contains several distinct areas, including the Entrance Corridor, Second Avenue, River Run, Warm Springs Base Area and Saddle Road.

Successful projects in the Tourist zone district have:

- High density residential projects with a variety of housing unit types and sizes
- On-site community housing
- Active non-privatized common areas
- Active and passive commercial uses and hotels focused on serving visitors and second homeowners
- Underground parking where feasible to maximize public gathering areas

T-3000, T-4000, and General Residential-High Density (GR-H)

Zoning Ordinance Purpose

GR-H: The purpose of the GR-H General Residential - High Density District is to accommodate the need for higher density residential land use alternatives within a district generally limited to residential uses while still preserving neighborhood amenities and favorable aesthetic surroundings.

Tourist-3000 and Tourist-4000: The purpose of the T-3000 District is to provide the opportunity for short term tourist accommodations with limited tourist support services subordinate to and in conjunction with tourist housing. Dimensional requirements in this zone are designed to complement and enhance the neighborhoods in this zone and to encourage articulation and quality design in new buildings.

Successful multi-family residential developments have:

- High-density residential projects with a variety of housing unit types and sizes within the entirety of a project
- On-site community housing
- Active non-privatized common areas

DRAFT

Attachment C:
March 8, 2022 PZ
Meeting - Staff
Report and
Attachments



City of Ketchum
Planning & Building

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF MARCH 8, 2022

EXECUTIVE SUMMARY

Proposed is an interim ordinance, to be adopted through emergency ordinance procedures, that encourages development projects that meet the goals and objectives of the Ketchum Comprehensive Plan. The intent of the Ordinance is to:

- Promote projects that contribute towards the long-term vibrancy and economic stability of the downtown
- Increase the production of housing throughout Ketchum that in turn increases the supply and availability of housing for all income levels
- Provides the Planning and Zoning Commission the tools to engage, discuss and influence proposed uses in a building to ensure the project is of benefit to the community and meets the goals of the Comprehensive Plan

The ordinance is being proposed because:

- Ketchum experienced a significant population increase from 2019 to 2020 of approximately 25%, when annual population growth is traditionally 1%.
- Ketchum lacks available office, retail, and restaurant space, limiting the ability for businesses to start or expand within Ketchum.
- Ketchum has a severe shortage of housing for the local workforce at all income levels which is threatening the livelihood and straining the resources of the city, its citizens, and its businesses.
- Ketchum lost 475 long term rental and ownership housing units from 2000 to 2019.
- Construction of residential units within Ketchum has decreased significantly since 1989. From 1990 to 2009, approximately 290 units were constructed for an average of 15 units per year. From 2010 to 2020, only 92 units were constructed for an average of 9 units per year, a significant decrease from previous years.
- In addition to the 475 housing units lost, the Housing Action Plan Summary and Findings identify the need to build, convert, or stabilize between 65 and 100 housing units annually to ensure adequate housing for the City's workforce and support the dynamic demands of a resort community economy
- Development permitted under the current zoning regulations result in low-density residential development in areas where the 2014 Ketchum Comprehensive Plan envisions medium to high density residential and vibrant mixed-use development
- If the upcoming development season proceeds without more immediate revisions to development standards, then the negative impacts and harms listed above will be further exacerbated in a nonreversible way

The ordinance does not:

- Place a moratorium on development or reduce the development potential of properties
- Change, reduce or increase, the permitted maximum building heights, or floor area ratios (FAR)

The ordinance does:

1. Provide clarity and direction to the development community of the goals and objectives of Ketchum
2. Provide temporary regulations while permanent regulations are developed
3. Recommend five changes to the Ketchum zoning regulations as follows:
 - a. Minimum residential densities required for certain zone districts depending on project type
 - i. Community Core - Requires a minimum of 9 units per Ketchum townsite lot for 100% residential projects. For mixed-use projects the ordinance requires 5 units per townsite lot for projects with 30% or less commercial space, 3 units per townsite lot for projects with 31-60% commercial space, and one unit per townsite lot for projects with 61-80% commercial space. No residential units are required for projects with 80% or more of commercial space.
 - ii. Tourist - Requires a minimum of 9 units per 10,000 square feet of lot area for 100% residential projects. For mixed-use projects the ordinance requires 5 units per 10,000 square feet for projects with 30% or less commercial space, 3 units per 10,000 square feet for projects with 31-60% commercial space, and one unit per 10,000 square feet for projects with 61-80% commercial space. No residential units are required for projects with 80% or more of commercial space.
 - iii. T-3000 – Requires 5 units per 10,000 square feet of lot area.
 - iv. T-4000 and GR-H – requires 10 units per 10,000 square feet of lot area.
 - v. No minimum densities are proposed for General Residential-Low Density (GR-L), Limited Residential (LR, LR-1, and LR-2), Short-Term Occupancy (STO-1, STO-4, and STO-H), Light Industrial (LI, LI-1, and LI-2), Recreation Use (RU), or Agricultural and Forestry (AF) zone districts.
 - b. Consolidation of lots
 - i. Consolidation of lots permitted in all zone districts except General Residential-Low Density (GR-L), Limited Residential (LR, LR-1, and LR-2), Short-Term Occupancy (STO-1, STO-4, and STO-H).
 - ii. Consolidation of lots requires a preliminary plat and final plat application
 - iii. Additional review standards requiring conformance with land use approvals, zoning regulations, and comprehensive plan
 - c. Net loss of units
 - i. No project can result in the net loss of residential units through consolidation of units, or demolition and redevelopment of property
 - d. Retail parking exemptions
 - i. Any individual retail unit less than 5,500 square feet is exempt from parking requirements in the Community Core and Tourist zone districts
 - e. Conditional Use Permits for projects with density bonuses
 - i. Conditional Use Permits are required for any project utilizing the density bonus program in the Community Core (CC-1 and CC-2), the Tourist (T, T-3000, and T-4000), and General Residential - High Density (GR-H)
 - ii. The Planning and Zoning Commission has prepared a policy document to outline the expectations for successful projects
4. The ordinance would apply to all projects not deemed complete by the effective date of the ordinance.

BACKGROUND

The City of Ketchum, like most of Idaho, has seen a tremendous amount of growth in the past two years. In 2021, the State of Idaho had the highest population growth in the United States, according to US Census estimates. While the annual population growth rate in the City of Ketchum has been 1%, the city's population grew approximately 25% from 2019 to 2020. The City of Ketchum's 2014 Comprehensive Plan is the guiding document to assist the city in decision making when addressing population growth and the systems that support that growth, such as housing, transportation, and the economy. Due to the dramatic increase in

population growth, exacerbated by COVID-19, the lack of available housing to support employees of local businesses and the lack of available office, retail and restaurant spaces have escalated to a crisis level.

Changes to the zoning regulations have been made over time to facilitate a vibrant downtown and development of high-density housing. Some of the changes include:

- Elimination of the Form Based Code to allow for more innovation and creativity in downtown development
- Reduction or elimination of parking requirements for encouraged uses in the community core
- Density bonus program to incentivize the development of housing in certain zone districts
- Increased building heights in the Community Core, from a three-story limitation to four stories subject to City Council approval.

Although some projects are providing high density multi-family and mixed-use projects that contribute to the vibrancy of the downtown, many development projects are not. Market conditions and land prices are driving the development of low density, large luxury single-family residences, penthouse units and low-density townhouses throughout the city. Land prices are in part a function of the amount of square footage and mix of uses permitted through zoning. Currently, the development standards allow for the type of development that is counter to the Plan objectives. In the Community Core specifically, this results in little to no new commercial square footage to support the economy within the downtown and provide the vibrancy the Comprehensive Plan envisions.

Further, the trend for low density residential in the downtown consists of large single-family type condominiums for second homeowners. Over time, this results in dark streets with limited activity. This is not a new issue in the downtown. In 2005 Ketchum adopted an emergency ordinance prohibiting new single-family units in the Community Core. It was found that single family units degrade the vitality and economic stability of the downtown. Since 2005, single family dwellings have been prohibited in the Community Core.

The city's ability to respond to the current housing demand is hindered by the trend of residential development over the past 30 years. Data collected and published in the city's [Housing Action Plan Findings](#) indicate over 50% of the city's housing stock was built prior to 1980 and there has been a dramatic decrease in residential construction since 1989. As discussed in detail in the staff report below, older high-density developments have been demolished and replaced with less dense developments, reducing the number of available units to the community. Ketchum has also lost residential units to the consolidation of lots, consolidation of units, and conversion of long-term rentals into short-term rentals. It is estimated that from 2000 to 2019, the city lost 475 long term rental and ownership housing units in Ketchum. from the long-term housing stock to.

The Housing Action Plan Findings indicate that in addition to the 475 housing units lost to short term rentals, there will need to be between 65 and 100 housing units built, converted, or stabilized annually in Ketchum to ensure adequate housing for the City's workforce and support the dynamic demands of a resort community economy. In addition to the loss of long-term rental and ownership units in Ketchum, the construction of new housing units is decreasing not increasing. From 1990 to 2009, approximately 290 units were constructed for an average of 15 units per year. From 2010 to 2020, only 92 units were constructed for an average of 9 units per year, a significant decrease from previous years.

What this means for Ketchum today is that there is less housing being constructed now than in the past. This results in a scarcity of housing for all income levels thereby increasing the cost and limiting availability of housing. Simply put, Ketchum is not constructing enough housing to meet the demand.

The City Council, Planning and Zoning Commission, and Urban Renewal Agency acknowledged there is a crisis during a joint work session on February 8, 2022 and identified short-term actions that could be taken by each entity based on their role, authority, and capacity. The Commission has the authority to recommend changes to the City of Ketchum Zoning Regulations for consideration by the City Council. Staff presented three ideas at the Feb 8 meeting for consideration:

- Establish minimum density requirement in multi-family, tourist, and community core zone districts
- Eliminate or reduce minimum lot size in residential zoning districts
- Permit multi-family development to occur in all residential zoning districts, including single-family zones

The Commission also expressed concern about the type of development projects occurring in the downtown and the long-term impact on the vibrancy and housing inventory. Expressing a sense of urgency, the Commission asked staff to develop a list of regulatory changes that could address the concerns. On February 15, 2022, Staff presented potential short- and long-term code changes for consideration (Attachment C). Short-term changes are those that can be easily implemented with minimal staff time. The long-term changes require additional time allowing for staff analysis, outreach, and development.

At the February 15, 2022, Commission meeting, there was general agreement with the proposed short-term recommendations. The Commission reiterated that changes to the regulations need to be thoughtful and carefully crafted to achieve the goals of the city and allow the development community the flexibility and predictability to execute projects. The Commission asked staff to draft an ordinance for review prior to presentation to City Council for review.

Proposed Ordinance

An interim ordinance, adopted through emergency ordinance procedures, is a tool to quickly and temporarily implement code changes while permanent ordinance language is being developed. Interim ordinances layer over the existing zoning regulations, superseding applicable regulations, allowing the city to test regulations and determine effectiveness for a limited period. Upon expiration of the ordinance, a permanent ordinance must be in place, or the regulations become null and void. As proposed, the ordinance would be adopted through emergency ordinance procedures. Ketchum is in crisis with the loss of restaurants, retail, and offices in the downtown coupled with the scarcity of housing available for all income levels. If something is not done immediately, there will be irreparable harm to the long-term vitality and economic stability of Ketchum and irreversible loss of housing to support a diverse community and a strong economy.

The proposed ordinance is not a moratorium on development within the city and does not propose any decrease or change to maximum building heights or permitted floor area ratios (FAR). Staff carefully crafted the ordinance to consider available data and policy directives from the 2014 Comprehensive Plan, ensuring that all proposed changes are reasonable and can be executed by the development community. Primarily, the ordinance sets standards that will support a strong and diverse economy, foster a vibrant downtown, and provide a variety of housing options for all residents and visitors. The full ordinance can be found as Attachment A. Below is an overview of each element of the ordinance.

ANALYSIS

Staff recommends interim changes to Title 16 – *Subdivision Regulations* and Title 17-*Zoning Regulations* of the Ketchum Municipal Code related to the following:

- Minimum residential densities
- Consolidation of lots
- Net loss of units
- Retail parking exemptions
- Conditional Use Permits for projects with density bonuses

Staff initially recommended a change to the definition of “dwelling, multi-family”, but no longer recommends a change to this definition. After a deeper review of how an update to the definition would impact all zone districts, it was determined that a change would create zoning interpretation issues within the GR-L, LR, and LI zone districts requiring a much more extensive set of text changes. Staff believe the goals are effectively addressed in the short term with the code changes proposed.

Below is an overview of the proposed standards, goal of the proposal, and any additional data or information staff used to develop the recommendation. It is important to note that no change in building height or increase in allowable floor area ratio (FAR) is being proposed at this time.

Ordinance Section 4 - Minimum Residential Densities

Goal: Increase the supply of housing and number of new residential units constructed in appropriate high density and select commercial zone districts as guided by the comprehensive plan.

Not all zone districts, particularly low-density residential districts, need minimum density requirements to achieve the goals of the comprehensive plan. Staff is not recommending minimum residential density requirements for the General Residential – Low Density (GR-L), Limited Residential (LR, LR-1, and LR-2), Short Term Occupancy (STO-1, STO-4, and STO-H), Light Industrial (LI, LI-2, and LI-3), Recreation Use (RU), and Agricultural and Forestry (AF) zone districts. Staff proposes minimum residential densities in the Community Core (CC-1 and CC-2), Tourist (T, T-3000, and T-4000), and General Residential – High Density (GR-H) zone districts. Staff also recommends some flexibility in the minimum density requirements by allowing the densities to be adjusted with approval of a Conditional Use Permit (Section 5 of the Ordinance).

To develop a sound recommendation for consideration by the Commission, staff analyzed sample data from constructed projects in each zone district and land use designations in the 2014 Comprehensive Plan. Below is additional information on how these pieces of information were used.

- Sample of constructed projects within each zone district – Staff selected a sample of constructed projects in each zone district representing a variety of densities, low and high. This data is site specific and based on actual lot area and number of units. Although the sample does not include all constructed projects within a zone district, the data clarifies and quantifies what exists today and the range of development possibilities. Detailed data of constructed projects by zone district is included as Attachment E.
- Future Land Use Map Designation – The Future Land Use Map (FLUM) included in the 2014 Comprehensive Plan is the guiding document for future land uses and intensities of those uses when changes occur. The FLUM designates future land uses for every property within the City. Examples of designations include low, medium, and high density residential as well as “Commercial/Employment”. It is important that the targeted minimum density is consistent with what the FLUM states is the desired future use. Although specific density targets are not included in the Plan, except for low density residential, the Plan identifies primary and secondary uses and those were used to identify appropriate density targets. Staff compared the current zone districts within the city with the FLUM

designation to ensure that proposed densities are appropriate. See Attachment G for the zone district and FLUM comparison.

In addition to the information above, staff analyzed data from previous efforts conducted by the city and developed additional development scenarios specific to the Community Core zone district:

- 2017 Love Schack Architecture Parking and Development Analysis – The city contracted with the architectural firm to evaluate how parking requirements impact development in the community core. The analysis was utilized by staff, the Commission, and City Council when determining the parking incentives and parking requirements for development in the downtown that are in place today. The analysis included development scenarios for a variety of project types including 100% residential and mixed-use, with or without underground parking. Staff believes these examples are still valid and can assist in the establishment of minimum density requirements downtown. These examples were not used in the development of minimum densities for the T or GR-H zone districts. Please see Attachment D for the full analysis.
- Development scenarios conducted by staff - As the Love Schack scenarios did not contemplate more than one floor of commercial, staff evolved the base assumptions of the Love Schack model to project scenarios of projects with 30%, 60%, and 80% commercial square footage. This analysis is important to understand what impact increased commercial space has on residential density potential. The model assumes on-site community housing, average unit size of 1,200 square feet, surface parking on the rear of the ground floor, and 15% of square footage dedicated to common areas and mechanical systems. The mixed use development scenarios can be found in Attachment F.

Below is an overview of each zone district where minimum densities are proposed and why the density target was chosen:

Community Core (Subdistricts 1 and 2)

The comprehensive plan designates the Community Core as “Retail Core” and “Mixed Use Commercial” mirroring the current CC-1 and CC-2 zone districts. Both designations identify the primary use of commercial, but state that residential can be appropriate on upper floors in both designations. As such, it is important to not hinder commercial development with minimum residential density requirements. As shown in Table 1, staff recommends a minimum residential density for projects that are 100% residential, and different minimum residential densities for mixed-use projects depending on the amount of commercial square footage. Commercial square footage is calculated as amount of “net leasable area”.

Table 1: Recommended Minimum Residential Densities for CC district (units/SF)

CC Subdistricts 1 and 2	100% Residential Development			
	9 units / 5,500 SF			
	Mixed Use Development			
	≤ 30% Commercial	31-60% Commercial	61-80% Commercial	≥ 80% Commercial
	5 units / 5,500 SF	3 units/ 5,500 SF	1 units / 5,500 SF	No Minimum

Since 2018, following changes to the parking standards to facilitate smaller units, restaurant and retail uses, the city has approved 11 projects including five that are 100% residential and six that are mixed use. All approved projects are either under construction or have been completed by the date of this report. Table 2 provides an overview of the residential densities for the 11 projects in the community core. Densities are listed as units per standard Ketchum Townsite lot (5,500 square feet).

Table 2: Approved Project Densities 2018-2021 (units/5,500 SF)

Project Type	High	Low	Average	Median
100% Residential	20	5	11	7
Mixed-Use	7	1	4	4

The mixed-use projects outlined above included a range of commercial square feet from 16-62% commercial with an average of 32% commercial space.

The Love Schack development scenarios included in Attachment D outline mixed use and 100% residential projects that can be achieved under the city’s current parking requirements. The scenarios assume only ground floor commercial and surface parking on single Ketchum Townsite lots. The development scenarios outline that the following densities can be achieved and parked under the current code.

Table 3: Love Schack Development Scenarios – Ketchum Townsite Lots

Project Type	Density
100% Residential	6-11 units
Mixed Use*	13-14 units

The last data point used by staff are development scenarios for mixed use projects with varying amounts of commercial square footage as shown in Table 4. The densities shown reflect a range as there is 1,169 square feet of community housing required, which could result in one or two units depending on unit size.

Table 4: Residential Density Scenarios for Mixed Use Projects

	30% Commercial	60% Commercial	80% Commercial
Residential Density	6-7 units	4-5 units	2-3 units

As demonstrated above, there are a variety of project types and development scenarios that can be achieved in the Community Core. Staff believe the recommended minimum densities take into consideration the various constraints of a property such as lot size and parking. Staff also believe that the minimum densities encourage the development of more units and variety of unit types and sizes, when using the parking incentives.

Tourist Zone Districts (T, T-3000, and T-4000)

The comprehensive plan designates the Tourist zone districts as either “Commercial/Employment” or “High Density Residential” except for T-3000 which is designated “Medium Density Residential”. The Commercial/Employment category is only present in the T zone district and mimics many of the characteristics of the Mixed-Use designation in the Community Core, however, commercial spaces should be geared towards visitors. There are a variety of residential unit types, and the current development pattern is similar to a residential district, therefore, the densities should not be as high as those in the Community Core.

As shown in Table 5, staff recommends minimum residential densities for residential and mixed-use projects in the T zone district, but mixed-use projects are not contemplated for the T-3000 and T-4000 zone districts. It is important to note that the residential densities outlined are per 10,000 square feet of land, not per Ketchum townsite lot. This is because the standard Ketchum Townsite lot is only found in the Community Core and would not be a reasonable unit of measure for other areas of town.

Table 5: Proposed Minimum Residential Densities for Tourist Zone Districts (units/SF)

T	100% Residential Development 9 units / 10,000 SF			
	≤ 30% Commercial 5 units / 10,000 SF	31-60% Commercial 3 units / 10,000 SF	61-80% Commercial 1 unit / 10,000 SF	≥ 80% Commercial No Minimum
T-3000	5 units / 10,000 SF			
T-4000	10 units / 10,000 SF			

The proposed residential densities above were developed by analyzing a range of projects within these zone districts and reviewing the targeted future land use for the zone district. As shown in Table 6 below, a variety of densities exist in these zone districts today, including projects with densities over 10 per 10,000 square feet.

Table 6: Actual Project Densities by Zone District (units/10,000 SF)

Zone District	High	Low	Average	Median
Tourist	12	1	5	5
T-3000	7	3	4	4
T-4000	2	1	1	1

The T-4000 zone district is unique as it is currently made up of one single family subdivision and one large piece of vacant land. The Comprehensive Plan designates this zone district as “High Density Residential”. This is likely to ensure that when the vacant property is redeveloped, that the product is high density residential rather than a continuation of the single-family pattern of development.

GR-H Zone District

The comprehensive plan designates the GR-H zone district as “High Density Residential”. Staff recommend a minimum residential density of 10 units per 10,000 square feet. Table 7 is an overview of what is present in the zone district today.

Table 7: Actual Project Densities (units/10,000 SF)

Zone District	High	Low	Average	Median
GR-H	6	2	4	4

As discussed in the introduction of this staff report, the GR-H zone district is the area where higher density projects have been replaced with lower density projects. These examples include the Bavarian Apartments with a density of 4 units per 10,000 square feet, replaced with three residential projects with a density of 1. The Wood River Raquet Club had a density of 8 units per 10,000 square feet, replaced for a project with a density of 3. Additionally, the GR-H zone district is an area where continued decrease in density has occurred in recent years. As shown in Attachment E, historic densities are double or triple the density of projects proposed in the past two to three years.

Staff believe a minimum of 10 units per 10,000 square feet facilitates the development of high-density residential in a location designated for such development by the comprehensive plan and allows the city to build back the loss of residential units from previous redevelopments.

Ordinance Section 6 - Consolidation of Lots

Goal: Limit the loss of existing housing stock and preserve future development potential on vacant lots.

As discussed at the February 15, 2022, meeting with the Commission, consolidation of lots can be an effective way to achieve the minimum densities proposed above as it provides more land area and potential for more efficient building design or use of space. Staff proposes that consolidation of lots be permitted, with additional review standards, in all zone districts except for the GR-L, STO, and LR zone districts. These zone districts do not have proposed minimum densities and therefore consolidation of lots to achieve density requirements is not applicable. Additionally, prohibiting consolidation of lots in these zone districts limit the loss of development potential or reduction in existing housing stock.

Staff recommend the following for consolidation of lots in zone districts where permitted:

- Consolidation applications no longer processed through the Readjustment of Lot Lines process to ensure review by the Commission
- Addition of approval criteria to ensure all consolidations conform with development or building permit approvals, zoning regulations, and the comprehensive plan.
- Final Plat approval for consolidation of lots cannot be complete until the associated project is complete

Ordinance Section 7 - Net Loss of Units

Goal: Prevent loss of residential units to ensure the total number of residential units in the city does not decrease.

Loss of units can occur through the consolidation of existing units such as duplexes or condos into one unit, or demolition of an existing structure and replacement with new development that provides less units than previously existed on the property. To limit the consolidation of units and ensure the number of units existing on a property does not decrease, staff recommends that no project can result in the net loss of residential units on a property. The best way to implement this requirement is to evaluate proposed projects upon receipt of a demolition permit. Not all projects require Design Review approval, but in both scenarios mentioned above, a demolition permit is required.

Staff recommends that no demolition permit be issued which results in a net loss of residential units and that all demolition permits must be submitted with a building permit application for a replacement project. This approach is similar to the review and approval of demolition permits on structures that are older than 50 years.

For properties in zone districts with minimum density requirements, number of units may be dictated by the minimum density or the number of existing units. Below are two examples that illustrate how the regulations work together:

- If a property contains two units in a zone district where a minimum of five units are required, redevelopment of the project must include five units.
- If a property contains eight units in a zone district where a minimum of five units are required, redevelopment of the property must include eight units.

Ordinance Section 8 - Parking Exemptions

Goal: Incentivize the development of retail space within all subdistricts of the Community Core zone district.

The city updated the parking standards for the CC and Tourist zone districts in 2017. As an incentive to provide retail space in new development, no parking was required for retail space less than 5,500 square feet. The 5,500 square foot threshold was established to prevent big box or single tenant large volume retailers from

locating in the downtown. The present code language is inhibiting inclusion of multiple retail spaces at or under 5,500 square feet from being included in projects.

To provide greater flexibility and encourage multiple smaller retail spaces in a project, staff recommend the parking exemption for retail space less than 5,500 square feet be applied on a per retail unit basis, not total net leasable square footage of the project. This approach would encourage further development of retail uses on the ground floor of larger projects.

Ordinance Section 9 - Conditional Use Permits

Goal: Provide the Commission the ability to ensure all projects receiving a density bonus contribute not only to community housing, but to the vibrancy of the community and the economic stability of Ketchum.

Staff recommends a Conditional Use Permit (CUP) be required for projects exceeding the base floor area ratio (FAR) outlined in Section 17.124.040 of the KMC and as shown below in Table 8.

Table 8: Floor Area Ratio Maximums by Zone District

Districts	Permitted Gross FAR	Inclusionary Housing Incentive
GR-H	0.5	1.4
T	0.5	1.6
T-3000	0.5	1.6
T-4000	0.5	1.6
CC	1.0	2.25

Staff also recommends a Conditional Use Permit for conversion of commercial space into residential space in the above listed zone districts. Currently, the Commission only has oversight of the design review criteria for projects which does not address mix of uses which is a key ingredient for ensuring a vibrant and active downtown and tourist areas. To provide clarity to applicants and more certainty in the project review process, the Commission asked to establish a policy statement outlining goals and expectations for projects within the Community Core. Staff prepared a policy document included as Attachment B for consideration.

Although some members of the Commission recommended a higher threshold for the CUP than what is proposed, staff recommends the threshold for CUP be consistent with the density bonus program to reduce confusion. The density bonus threshold is what delineates discretionary review from what is allowed by-right. It is important to provide a consistent benchmark for the development community of when certain rules apply.

STAFF RECOMMENDATION

Staff request the Commission consider the information above and make a recommendation on the proposed ordinance and draft conditional use permit policy statement. Although a hearing with the Commission is not required for the ordinance, staff recommends the Commission make a recommendation to the City Council.

ATTACHMENTS:

- A. Emergency Ordinance 1234
- B. Policy Statement for Community Core, Tourist, and GR-H Projects
- C. Staff Memorandum – February 15, 2022
- D. Love Schack Architecture Analysis
- E. Zone District Density Data
- F. Mixed Use Development Scenarios
- G. Comprehensive Plan Zone District Comparison
- H. Public Comment

**Attachment A:
Emergency Ordinance 1234**

ORDINANCE 1234

AN EMERGENCY ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, FINDING AN IMMINENT PERIL TO PUBLIC HEALTH, SAFETY, OR WELFARE EXISTS AND THE NEED TO IMMEDIATELY IMPLEMENT REVISED DEVELOPMENT STANDARDS THAT REQUIRE MINIMUM RESIDENTIAL DENSITIES IN CERTAIN ZONE DISTRICTS; REGULATE THE CONSOLIDATION OF LOTS IN CERTAIN ZONE DISTRICTS; PROHIBIT THE REDUCTION OF DWELLING UNITS IN CONJUNCTION WITH DEVELOPMENT PROJECTS REQUIRE A CONDITIONAL USE PERMIT FOR CERTAIN DEVELOPMENT PROJECTS IN THE COMMUNITY CORE (CC) ZONE DISTRICT; AND CLARIFY PARKING REQUIREMENTS FOR RETAIL USES IN THE CC ZONE DISTRICT; PROVIDING FOR PUBLICATION BY SUMMARY; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND A SUNSET DATE.

WHEREAS, Idaho Code Section 67-6523 authorizes local jurisdictions to enact emergency ordinances when the local governing board finds imminent peril to the public health, safety, or welfare; and

WHEREAS, the State of Idaho and the Idaho Housing and Finance Association has stated that access to workforce housing has become a statewide challenge impacting urban, rural, and resort communities, resulting in a proposal for a state-led gap financing program for development of workforce housing; and

WHEREAS, the 2014 Ketchum Comprehensive Plan identifies ten core values vital to the City's ability to achieve its vision including 1) A Strong and Diverse Economy, 2) Vibrant Downtown, and 4) A Variety of Housing Options; and

WHEREAS, the City of Ketchum (the "City") is experiencing a significant population increase and a severe shortage of housing for the local workforce at all income levels which is threatening the livelihood and straining the resources of the City, its citizens, and its businesses; and

WHEREAS, businesses in Ketchum have been forced to reduce operating hours in the past two years due to lack of workforce; and

WHEREAS, the City's average annual population growth rate is approximately 1%, however, the population of the City increased 25% from 2019 to 2020; and

WHEREAS, the City collects housing specific data and is developing a Housing Action Plan to address the immediate need for more housing in the City; and

WHEREAS, the City lost 475 long-term rental and ownership housing units from 2000 to 2019; and

WHEREAS, in addition to the 475 housing units lost, the Housing Action Plan Summary and Findings identify the need to build, convert, or stabilize between 65 and 100 housing units

annually in the City to ensure adequate housing for the City’s workforce and support the dynamic demands of a resort community economy; and

WHEREAS, from 1990 to 2009, approximately 290 units were constructed for an average of 15 units per year. From 2010 to 2020, only 92 units were constructed for an average of 9 units per year, a significant decrease from previous years; and

WHEREAS, the City is experiencing an increase in the redevelopment of property as more than half of the City’s housing stock was built before 1980 and there are a limited number of vacant properties within city limits; and

WHEREAS, development permitted under the current zoning regulations result in low-density residential development in areas where the 2014 Ketchum Comprehensive Plan envisions medium to high density residential and vibrant mixed-use development; and

WHEREAS, the City Council, Planning and Zoning Commission, and Ketchum Urban Renewal Agency determined at a joint meeting on February 8, 2022, that immediate action to address housing issues within the City were necessary; and

WHEREAS, staff presented options for addressing housing issues to the Planning and Zoning Commission at a special meeting on February 15, 2022; and

WHEREAS, the Planning and Zoning Commission reaffirmed the urgent need for solutions to address housing issues; and

WHEREAS, the traditional development season is imminent and there is an immediate necessity to provide development applicants with some certainty on standards sooner than later; and

WHEREAS, the provisions of this ordinance are temporary in nature and shall expire one hundred and eighty-two (182) days after the adoption of this emergency ordinance; and

WHEREAS, during the pendency of this emergency ordinance, the City will pursue a public process to explore the development and creation of an interim ordinance and/or permanent ordinance to further formalize the changes proposed in this emergency ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM, IDAHO:

Section 1. Finding of Imminent Peril to the Public Health, Safety and Welfare. The City Council hereby finds that an imminent peril to the public health, safety and welfare exists caused by the permanent loss of land in Ketchum available to house the local workforce and provide a mixture of commercial uses necessary to support the Ketchum economy based on the following:

- a. Businesses in the Community Core are closing or reducing business hours due to a lack of workers.
- b. Commercial, entertainment, retail and restaurant use in the Community Core are essential to the economic vitality and public health, safety and welfare of the residents and visitors to the City.

- c. Each time a project is developed with low density residential, similar to single family dwellings, or with limited commercial use, the City permanently loses the potential to develop such property for higher density residential or projects containing commercial, entertainment, restaurant or retail uses.
- d. The permanent loss of properties that could otherwise be development for higher density residential or commercial uses, threatens the economic vitality of the City, threatens to permanently impair, or reduce revenue to support city operations and essential services without limitation, fire, police, emergency medical, and snow removal.
- e. If the upcoming development season proceeds without more immediate revisions to development standards, then the negative impacts and harms listed above will be further exacerbated in a nonreversible way.
- f. The City finds it requires sufficient time to study and review the public health, safety, and welfare concerns as identified above and adopt interim standards while the review is underway.

Section 2. The following interim regulations and standards apply to applications filed pursuant to Title 16 - Subdivision Regulations and Title 17 - Zoning Regulations. Wherever any provision in Title 16 or Title 17 or any other ordinance, rule or regulation of any kind contain standards covering the same subject matter, the standards of this Ordinance shall apply.

Section 3. All zoning districts referenced in this ordinance are pursuant to Ketchum Municipal Code (the “KMC”) Chapter 17.18 – *Zoning Districts* and abbreviated as referenced. All terms in this ordinance are defined in Section 17.08.020 – *Terms Defined* and 16.04.020-*Definitions* of the KMC with the addition of the following:

- A. Consolidation – the action or process of combining more than one lot or unit into a single lot or unit.
- B. Residential Density – the number of dwelling units per square feet of lot area.

Section 4. There shall now be minimum residential densities for multi-family and mixed-use developments in certain zone districts within the City as follows:

Zone District	Minimum Residential Density Required (units/SF)			
CC Subdistricts 1 and 2	100% Residential Development 9 / 5,500			
	Mixed Use Development			
	≤ 30% Commercial 5 / 5,500	31-60% Commercial 3 / 5,500	61-80% Commercial 1 / 5,500	≥ 80% Commercial No Minimum
T	100% Residential Development 9 / 10,000			
	Mixed Use Development			
	≤ 30% Commercial 5 / 10,000	31-60% Commercial 3 / 10,000	61-80% Commercial 1 / 10,000	≥ 80% Commercial No Minimum

T-3000	5 / 10,000
T-4000	10 / 10,000
GR-H	10 / 10,000
GR-L	No minimum
LR, LR-1, and LR-2	No minimum
STO-1, STO-4, and STO-H	No minimum
LI, LI-2, and LI-3	No minimum
RU and AF	No minimum

Section 5. Minimum densities identified in Section 4 may be adjusted subject to the review and approval of a Conditional Use Permit by the Planning and Zoning Commission.

Section 6. There shall now be standards for the consolidation of lots. Additionally, there shall be a specific application type, process, and additional standards for the review and approval of the consolidation of lots as follows:

A. Consolidation of lots within the City shall be permitted in certain zone districts as follows:

Zone District	Consolidation of Lots
CC - Subdistricts 1 and 2	Permitted subject to additional standards
T	Permitted subject to additional standards
T-3000	Permitted subject to additional standards
T-4000	Permitted subject to additional standards
GR-H	Permitted subject to additional standards
GR-L	Permitted subject to waiver
LR, LR-1, and LR-2	Permitted subject to waiver
STO-1, STO-4, and STO-H	Permitted subject to waiver
LI, LI-2, and LI-3	Permitted subject to additional standards
RU and AF	Permitted subject to additional standards

B. The definition of “Readjustment of Lot Lines” in KMC Section 16.04.020 - *Definitions*, also known as Lot Line Shifts, shall no longer include the “removal of lot lines”.

C. Consolidation of lots may only be considered pursuant to the requirements and standards of KMC Section 16.04.030 – *Procedure for Subdivision Approval*.

D. All preliminary plat applications for consolidation of lots shall be submitted concurrent with a building permit application or land use development application as applicable.

E. The final plat for consolidation of lots shall not be signed by the City Clerk and recorded until the development has received one or both of the following as applicable:

1. A certificate of occupancy issued by the City of Ketchum; and

2. Completion of all design review elements as approved by the Planning and Zoning Administrator.
- F. In addition to KMC Section 16.04.040, all preliminary plat applications for consolidation of lots shall comply with the following criteria:
1. The preliminary plat application is in conformance with all applicable building permit and land use development approvals.
 2. The preliminary plat application is in conformance with all applicable Zoning Regulations contained within Title 17 – Zoning Regulations.
 3. The preliminary plat application is found to be in conformance with the comprehensive plan in effect at the time the application was deemed complete.

Section 7. No demolition permit shall be issued pursuant to Chapter 15.16 of the KMC that results in the net loss in the total number of residential units currently existing on a property as of the effective date of this ordinance. The following standards apply to all properties within the City:

- A. Development of property, in any zone district, may not result in the net loss of dwelling units.
- B. Total number of dwelling units shall be calculated including all listed or defined dwelling unit uses and terms in the KMC such as, but not limited to, “dwelling, one family”, “dwelling, multi-family”, “dwelling unit, accessory”, and “work/live unit”.
- C. No demolition permit shall be issued for any structure until a building permit application for a replacement project on the property and required fees have been accepted by the City and deemed complete.

Section 8. There shall be no parking required for individual retail spaces of 5,500 square feet or less within the Community Core (CC) and Tourist (T) zoning districts.

Section 9. A Conditional Use Permit (CUP), as stipulated in KMC Chapter 17.116, is required for all development projects that:

- a. Exceed a 1.0 floor area ratio (FAR) within Subdistrict 1 and Subdistrict 2 of the CC zone district and a 0.5 FAR in the T, T-3000, T-4000, and GR-H zone districts.
- b. Change of use resulting in a conversion of commercial square footage to residential square footage.
- c. No fee shall be charged for Conditional Use Permit applications submitted concurrent with Design Review applications with FAR exceedance.

Section 10. This ordinance shall be in full force and effect from and after its passage and approval and shall remain in effect for a period not to exceed one hundred and eight two (182) days from its effective date, pursuant to Idaho Code Section 67-6523.

Section 11. The notice and hearing requirements generally applicable to ordinances are not practical in light of the emergency nature of this ordinance, and therefore this ordinance will be heard under an abbreviated notice process pursuant to Idaho Code Section 67-6523.

Section 12. Pursuant to the affirmative vote of one-half (1/2) plus one (1) of the

members of the City Council, the rule requiring two (2) separate readings by title and one (1) reading in full be waived, and the same is hereby dispensed with, and accordingly, this emergency ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED BY THE CITY COUNCIL and APPROVED by the MAYOR OF KETCHUM IDAHO, on this ____ day of ____ 2022.

APPROVED:

Neil Bradshaw, Mayor

ATTEST:

Tara Fenwick, City Clerk

Attachment B:
Policy Statement for
Community Core, Tourist, and
GR-H Projects



City of Ketchum
Planning & Building

PLANNING AND ZONING COMMISSION POLICY STATEMENT

Goals for Successful Development in the Community Core, Tourist, and High-Density Zone Districts

The city adopted Emergency Ordinance 1234 which requires a Conditional Use Permit for any project taking advantage of the density bonus program outlined in Ketchum Municipal Code Section 17.124.040 – *Floor area ratios and community housing*. The goal of the Conditional Use Permit is to ensure that all projects receiving a density bonus contribute not only to community housing, but to the vibrancy of the community and the economic stability of Ketchum. The 2014 Ketchum Comprehensive Plan outlines future land uses for each zone district in Ketchum which were codified in 2015 when the zoning regulations were updated to include stated purposes for each zone district. To provide additional clarity to the development community, the following information outlines the purpose of each zone district and outlines the expectations and type of projects encouraged by the Planning and Zoning Commission.

Community Core (CC-1 and CC-2)

Zoning Ordinance Purpose

The purpose of the CC community core district is to promote a compact and cohesive center of commerce and culture, to promote an attractive and safe pedestrian environment which includes sidewalks, gathering spaces, streetscape amenities and landscaping, to retain the unique small-town scale and character and to encourage buildings which respect Ketchum's historical and geographic context while providing diversity. Compatible mixed uses including retail, office, residential and cultural uses are encouraged. Commercial uses are concentrated in the CC District which is consistent with the City's comprehensive plan and the downtown master plan.

Successful projects in the Community Core - Retail Core subdistrict have:

- Maximized ground floor restaurant and retail uses with outdoor public amenities such as outdoor seating and dining.
- Upper floors of primarily office use and minimal residential.
- On-site community housing.
- Parking allocations that do not exceed minimum parking requirements.
- Underground or tuck under parking for projects on more than one Ketchum Townsite Lot.
- Below grade uses limited to storage, mechanical, and parking.

Successful projects in the Community Core - Mixed Use subdistrict have:

- Maximized ground floor restaurant and retail uses with outdoor public amenities such as outdoor seating and dining.
- Primarily active commercial on the ground floor such as retail, restaurants, recreation, health/wellness services, and government.

- Commercial uses, such as office, on the upper floors. Limited office uses on the ground floor but should not be fronting the street.
- Below grade uses limited to storage, mechanical, and parking. Placement of commercial or residential uses below grade is not appropriate.
- Parking allocations that do not exceed minimum parking requirements.
- Underground parking for projects on more than one Ketchum Townsite Lot.
- Upper floors primarily contain commercial or residential uses.
- On-site community housing.
- 100% residential projects have strong connection to the street such as individual entrances to each ground floor residential unit and non-privatized outdoor common areas.

Tourist (T)

Zoning Ordinance Purpose

The purpose of the T Tourist District is to provide the opportunity for high density residential and tourist use, land ownership and development including certain restricted business and personal service establishments in conjunction with such use, which can be justified on the basis of the primary use within the district. Tourist district classifications are intended to be carefully placed in the neighborhood structure to assure the closest possible compatibility with the surrounding uses and development. Dimensional requirements in this zone are designed to complement and enhance the neighborhoods in this zone, and to encourage articulation and quality design in new buildings. The tourist zone contains several distinct areas, including the Entrance Corridor, Second Avenue, River Run, Warm Springs Base Area and Saddle Road.

Successful projects in the Tourist zone district have:

- High density residential projects with a variety of housing unit types and sizes
- On-site community housing
- Active non-privatized common areas
- Active and passive commercial uses and hotels focused on serving visitors and second homeowners
- Underground parking where feasible to maximize public gathering areas

T-3000, T-4000, and General Residential-High Density (GR-H)

Zoning Ordinance Purpose

GR-H: The purpose of the GR-H General Residential - High Density District is to accommodate the need for higher density residential land use alternatives within a district generally limited to residential uses while still preserving neighborhood amenities and favorable aesthetic surroundings.

Tourist-3000 and Tourist-4000: The purpose of the T-3000 District is to provide the opportunity for short term tourist accommodations with limited tourist support services subordinate to and in conjunction with tourist housing. Dimensional requirements in this zone are designed to complement and enhance the neighborhoods in this zone and to encourage articulation and quality design in new buildings.

Successful multi-family residential developments have:

- High-density residential projects with a variety of housing unit types and sizes within the entirety of a project
- On-site community housing
- Active non-privatized common areas

Attachment C:
Staff Memorandum –
February 15, 2022



City of Ketchum Planning & Building

STAFF REPORT KETCHUM PLANNING AND ZONING COMMISSION REGULAR MEETING OF FEBRUARY 15, 2022

INTRODUCTION

The City of Ketchum, like most of Idaho, has seen a tremendous amount of growth in the past two years. In 2021, the State of Idaho had the highest population growth in the United States, according to US Census estimates. The City of Ketchum's 2014 Comprehensive Plan is the guiding document to assist the city in decision making when addressing population growth and the systems that support that growth, such as housing, transportation, and the economy. Due to the dramatic increase in growth, exacerbated by COVID-19, some key issues identified in the plan such as the fostering of a vibrant downtown and the need to house the community's workforce have escalated.

The City of Ketchum is actively working on many key infrastructure projects and the development of a Housing Action Plan to ensure that the city can adequately support our growing community. Additionally, changes to the zoning regulations have been made over time to facilitate a vibrant downtown and development of high-density housing. Some of the changes include:

- Elimination of the Form Based Code to allow for more innovation and creativity in downtown development
- Reduction or elimination of parking requirements for certain types of uses in the community core
- Density bonus program to incentivize the development of housing in certain zone districts
- Increased building heights in the Community Core, from a three-story limitation to four stories subject to City Council approval.

Although some projects are meeting the overall intent of the changes, providing high density multi-family and mixed-use projects that contribute to the community, many development projects are not. Market conditions and land prices are driving the development of low density, large luxury single-family residences, penthouse units and low-density townhouses throughout the city. In the Community Core specifically, this results in very limited development of commercial square footage needed to support the economy within the downtown and provide the vibrancy the comprehensive plan envisions. Further, the trend for residential in the downtown consists of low-density single-family type condominiums for second homeowners. Over time, this results in dark streets with limited activity. Below is an overview of key issues and trends seen in current development projects not only in the Community Core, but throughout the city.

Identified Issues and Development Trends:

- **Loss of Housing/Density**
 - Removal of multiple units on a site and replacement with a project containing fewer units that previously existed. For example, there may be 2-3 units on a site that are being demolished and replaced with a project of 1-2 units.
 - Construction of fewer units in areas that are identified for high density development such as the Community Core, Tourist, and GR-H zone districts.
 - Loss of smaller more affordable units as a result of combining multiple residential lots for development of one large lot for one large single-family home.

- **Vibrancy in the Community Core**

- Development of 2-4 large single family condominium units on sites that can accommodate 5-7 units of varying sizes and affordability in the Community Core. The larger units are targeted for individuals who will not be full time residents in the downtown resulting in projects with little to no activity.
- Low inventory of commercial space in the Community Core for office and retail uses placing pressure on Light Industrial zone district for uses that are not permitted in the Light Industrial area.
- Low inventory of restaurant space limiting new restaurants and existing restaurants the ability to relocate or expand due to increase in size or displacement from redevelopment.
- Lack of public gathering spaces on the ground floor in the community core limiting opportunities for the community to gather

ANALYSIS

Currently, the Planning and Zoning Commission has no authority to review or modify mix of uses proposed in new development. The Planning and Zoning Commission’s purview is limited to design review of the building.

To address the stated issues above, the Commission would need the authority to evaluate not only the design of a building but also the proposed mix of uses in a new development project. The mix of uses is a key ingredient for ensuring a vibrant and active downtown. The Commission has the authority to recommend changes to the City of Ketchum Zoning Regulations for consideration by the City Council. Staff believe there are a variety of short- and long-term regulatory changes that can be made. Below is an overview of proposed changes for consideration by the Commission.

As we enter a new development season, the Commission may want to consider immediate short-term measures that can be easily implemented while a longer-term solution is being developed. The other option is to focus on the longer-term solutions without interim measures in place. Staff would recommend the Commission consider recommending short term measures to be in place while the long-term measures are being reviewed and adopted.

Short Term

The following regulatory changes could be made through an emergency interim ordinance to immediately allow Commission review of the mix of uses in a new project, halt the loss of housing, and increase the density of proposed projects where appropriate.

- 1. Require Conditional Use Permit for any project over 1.0 FAR in the Community Core.**

In order for the Commission to have review and approval authority over the mix and type of uses in a new project, there must be a permit required for review. In the short term, the Commission could require a Conditional Use Permit along with the Design Review Permit for any project over 1.0 FAR. This would allow the Commission to review new mixed-use projects to allow for site specific evaluation of the project’s programming and how it achieves the desired vision for the downtown. This would be considered an interim step while the development of more specific program requirements is evaluated .

- 2. Require minimum residential densities in the Community Core (CC), Tourist (T), and General Residential – High Density (GR-H).**

A minimum number of residential units based on the size of the lot could be set for each zone district based on an analysis of what the comprehensive plan envisions, what the zoning regulations allow for, and what has been constructed. Minimum densities would be different for 100% residential projects than for mixed-use projects with commercial and residential uses. Proposed projects would be required to include a minimum number of residential units

based on the lot area of the project. For example, on a Ketchum Townsite lot in the CC district with a Floor Area Ratio (FAR) bonus, a higher density project could accommodate 5-7 units of varying sizes where currently only two units are required.

3. Update the definition of “ Dwelling, multi-family”

Currently, the zoning regulations define “dwelling, multi-family” as “Dwelling, multiple-family: A building, under single or multiple ownership, containing two or more dwelling units used for residential occupancy.” In most communities, this definition would be used to describe a “duplex” not a multi-family development. Today, a project within the community core or in the high-density districts (GR-H and Tourist), is only required to include two dwelling units to be qualified as multifamily development. Single family units are prohibited in the Community Core and to avoid this restriction, some projects propose two large units. The definition of multi-family could be updated to reflect a larger number of units. This change would apply to not only the CC district, but also multi-family projects in all T and GR-H zone districts.

4. Limit ability of consolidation of lots.

An increase in consolidation of lots has occurred over the past few years. In most zone districts, this results in larger lots with larger single-family homes. The same area could be utilized for a larger number of smaller homes, more reflective of the originally platted subdivisions. In some areas, such as the CC, T, and GR-H zones, consolidation of lots can be an effective way to achieve higher density on a project as it provides more land area and potential for more efficient building design. The code could be revised to limit the ability for consolidation of lots in low density residential areas and allow consolidation of lots in the CC, T, and GR-H minimum densities are met as discussed above. These projects would still be subject to design review to ensure the bulk, mass, and scale of the project is appropriate.

5. Prohibit reduction in total unit counts for redevelopment projects

The consolidation of lots sometimes comes with the demolition of existing housing stock. In one recent example, two adjacent lots, each containing a modest single-family cabin, were consolidated with the intention of demolishing the two cabins for construction of one larger single-family home. Additionally, the city has seen the conversion of attached duplexes into single family homes. The code could be revised to prohibit the reduction in the number of units on a property. This approach does not eliminate redevelopment of the property but would require that redevelopment of the property contain the same number or more of units that existed prior to redevelopment.

Long Term

Building on the foundation of the short-term changes, the following long-term changes can be considered. Implementation of these changes is more complex, requiring detailed analysis of the proposed change and potential impacts on infrastructure, community character, and other city policy initiatives. These changes should be developed through analysis and comprehensive community outreach before final decisions are made.

- 1. Reduce minimum lot sizes or shift to maximum lot sizes in certain residential zone districts.**
- 2. Increase the CC-1 district area within the Community Core to require ground floor commercial space on more properties.**
- 3. Include requirements for the mix and percentages of uses for mixed-use projects, prioritizing underground parking and differentiating between active and passive commercial uses.**
- 4. Disincentivize the creation of large residential units of a certain size in certain zone districts.**
- 5. Re-evaluate the base FAR to incentivize the types of projects desired in certain areas.**
- 6. Allow duplex or multi-family uses in all zone districts where appropriate.**

7. Evaluate current parking incentives to identify potential opportunities.

Implementation of short-term solutions allows the city to track effectiveness of proposed changes to determine if desired outcomes are achieved. This evaluation will inform the approach the city takes in implementing the long-term solutions and may result in additional long-term solutions being identified throughout the process.

STAFF RECOMMENDATION

Staff requests the Commission consider the information above and provide directions on the next steps. Staff believes implementation of short-term measures are critical to address the loss of vitality in the downtown, continued loss of residential housing and increase the density of projects.

1. Provide direction to staff on which of the short-term measures should be addressed.
2. Provide direction to staff on the process by which the short-term measures should be adopted.
An emergency interim ordinance addressing the short-term changes would minimize continued degradation of the issues and provide time for development of long-term regulatory changes. An emergency ordinance can be in effect for up to 182 days and is adopted by the City Council. After that an interim ordinance can be adopted for up to one year. During this time, staff can proceed with the preparation of a long term ordinance addressing the short-term changes; however, the long term changes will take more time to implement, and the immediate impact of the changes will be diminished.

ATTACHMENTS:

- A. None

Attachment D:
Love Schack Architecture
Analysis

How Parking Influences Development & Density, in Ketchum, Idaho.

Love Schack Architecture, P.C.
www.loveschackarchitecture.com

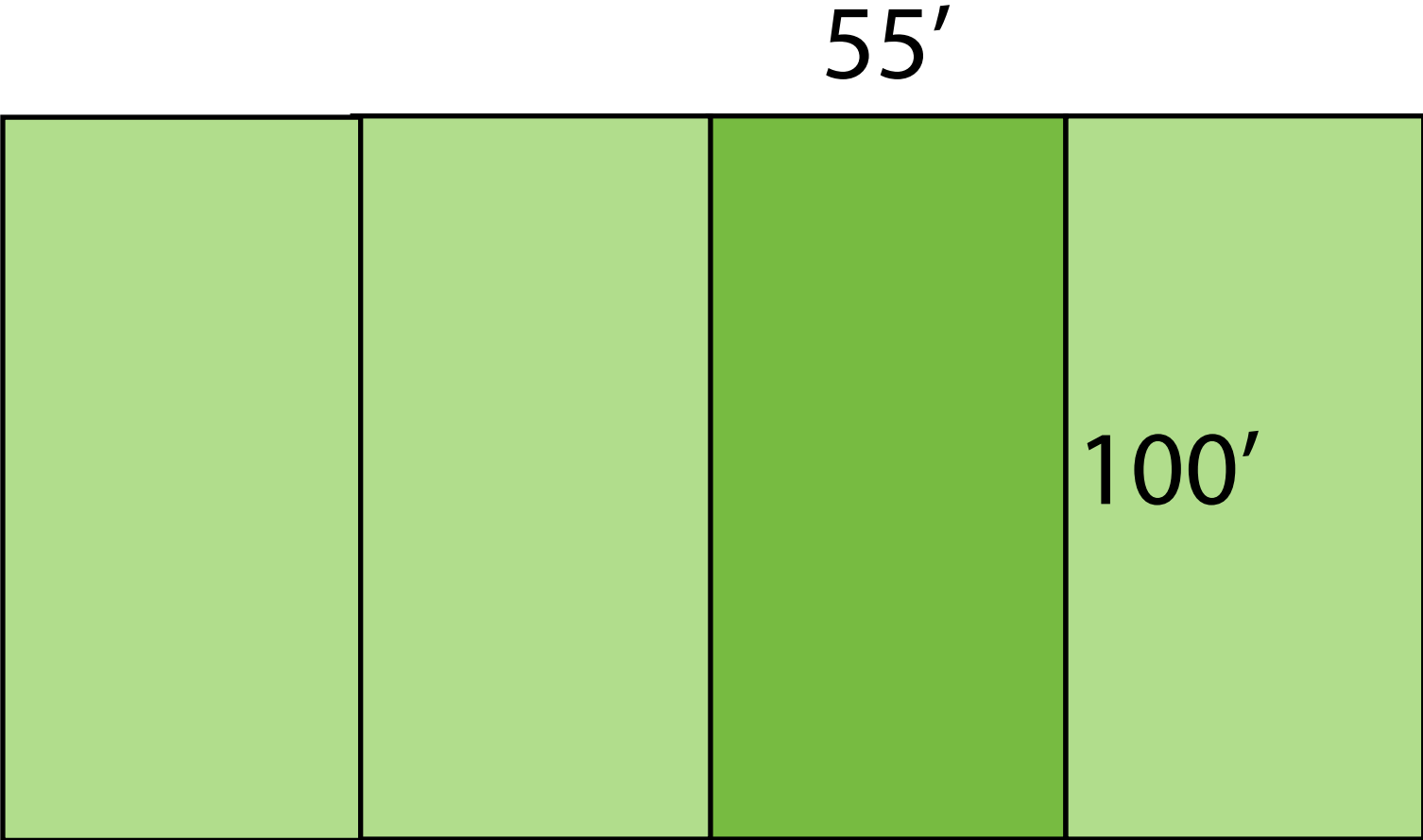


City of Ketchum

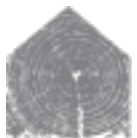


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ARCHITECTURE

Typical Property within the
Community Core is
55' x 100', or 5500 sqft area.



City of **Ketchum**

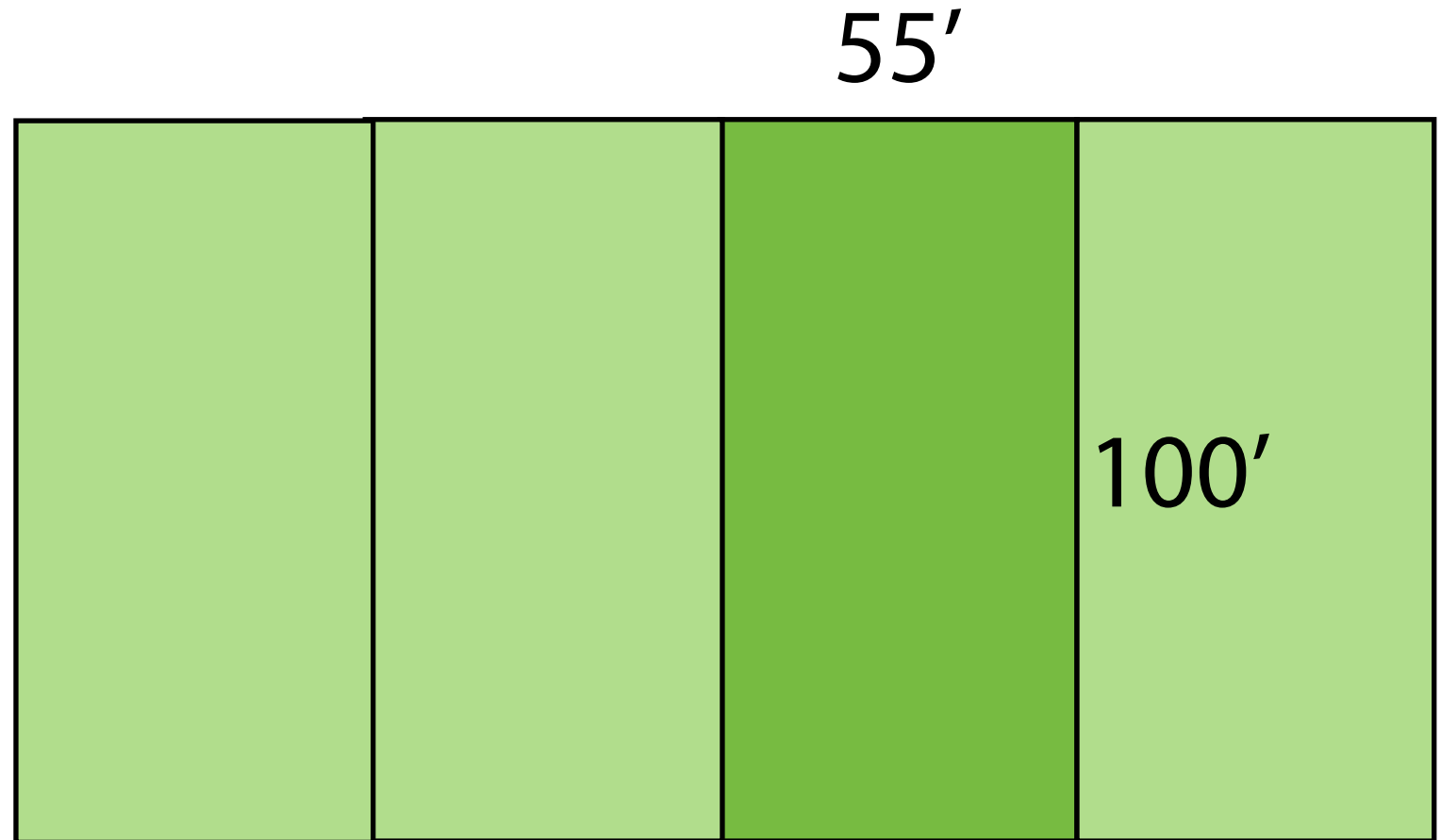


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What is the development potential?

In addition to local parking requirements, how do other components of Local Zoning and National Building Code impact the allowable density and viability of development?

What are the opportunities?



City of **Ketchum**



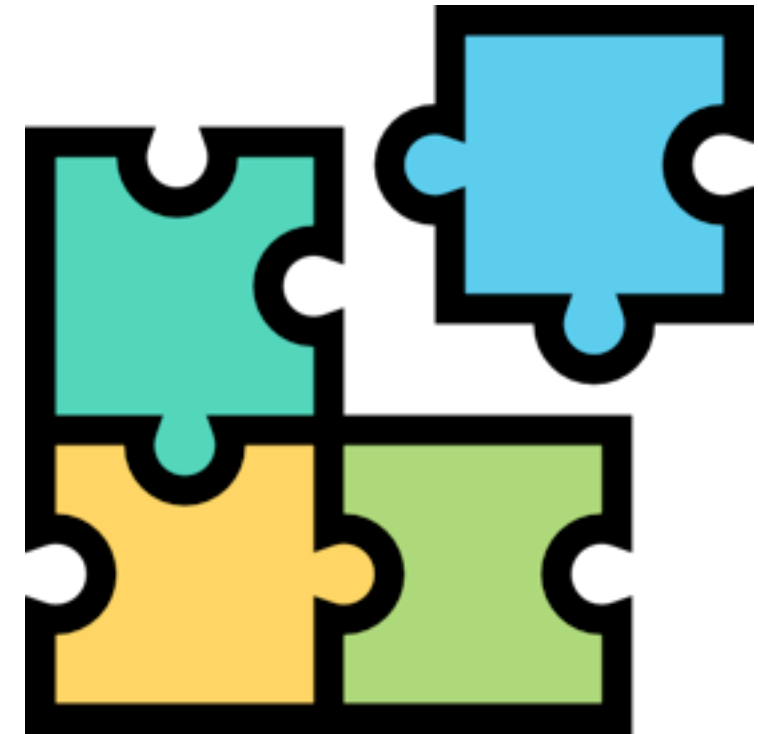
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Approach :

Code Review and Zoning Analysis with guidelines provided by the Ketchum Planning Department to objectively determine the maximum development potential. Five prototypes were developed.

Zoning Considerations :

- **Minimum Parking Requirements**
- **Density Bonuses for Community Housing**
- Lot Sizes
- Allowed Uses
- Setbacks
- Maximum Height



City of **Ketchum**



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Building Code, IBC 2012

Underground Parking Car Ramp Requirements Egress & Life Safety

Construction Type

Building Use & Occupancy

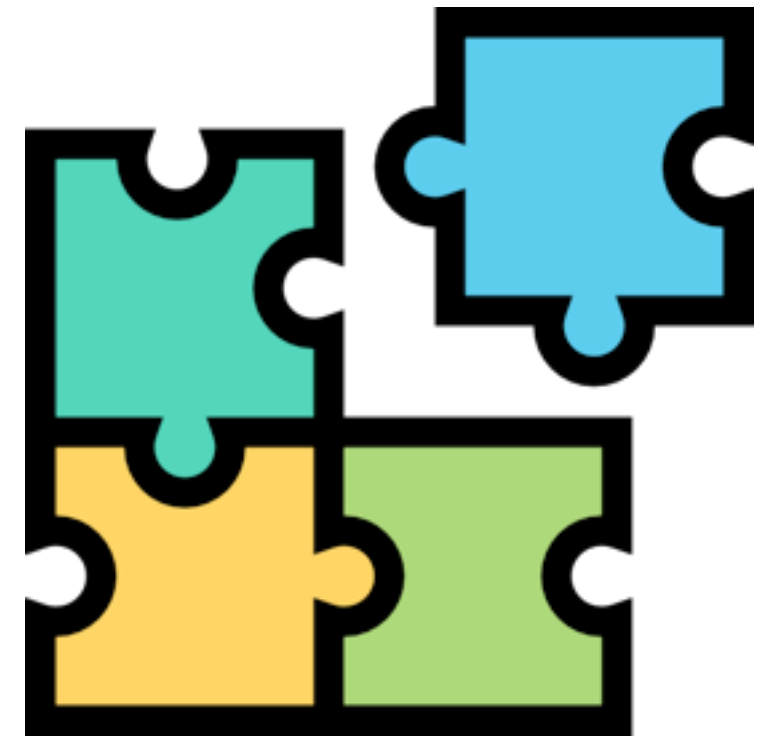
Allowed Footprint/Maximum Stories

Fire Sprinkler Requirements

Fire Rating for Exterior Walls & Allowed Adjacencies

Requirement of ADA Units

Requirement of ADA Parking Spaces



City of **Ketchum**



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Existing

based on *cumulative sq.ft.* of each use

residential = 1 car/1500 sq.ft.

commercial = varies:

- 1 car/100 sq.ft. of assembly in restaurants
- 1 car/500 sq.ft. of retail



* 4 on-street parking places are credited for commercial use, after 4 spaces provided on-site

0 parking req'd for CH



Proposed

residential = based on ranges of sq.ft., parking spaces are required per unit

commercial = varies:

- 1 car/1000 sq.ft. generally
- all restaurants exempt
- first 5,500 sq.ft. of retail exempt

*note: on-street parking credit remains available for developments providing on-site parking

0 parking req'd for ground level retail, up to 5,500 sq.ft., and restaurant

0 parking req'd for CH

0 parking req'd for small residential units

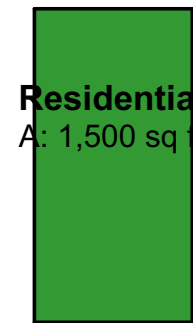
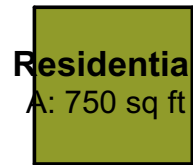
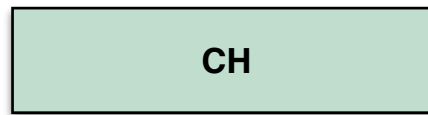
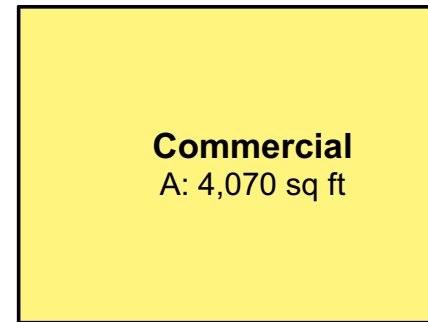
<750 sqft



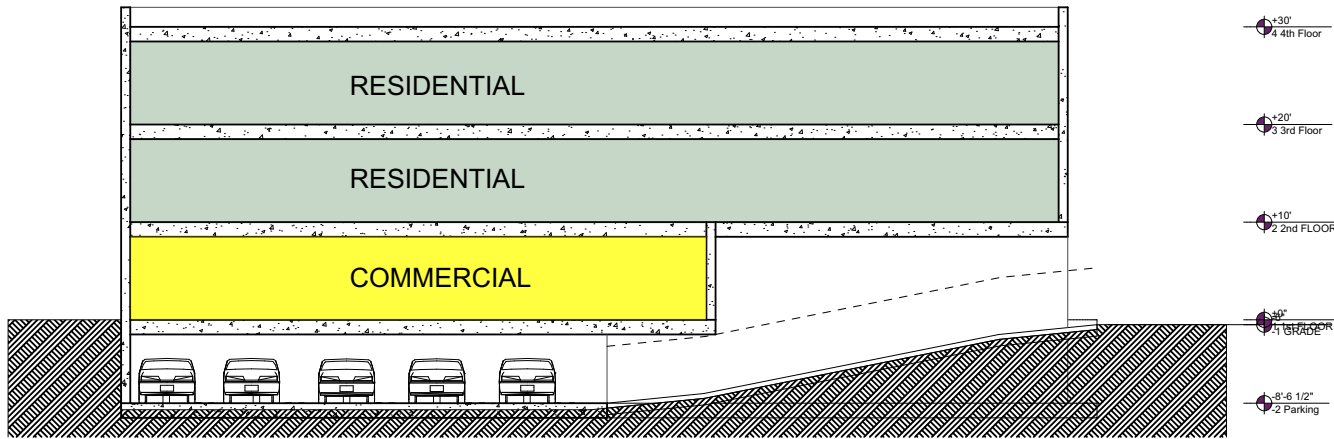
750-1500 sqft



1500+ sqft



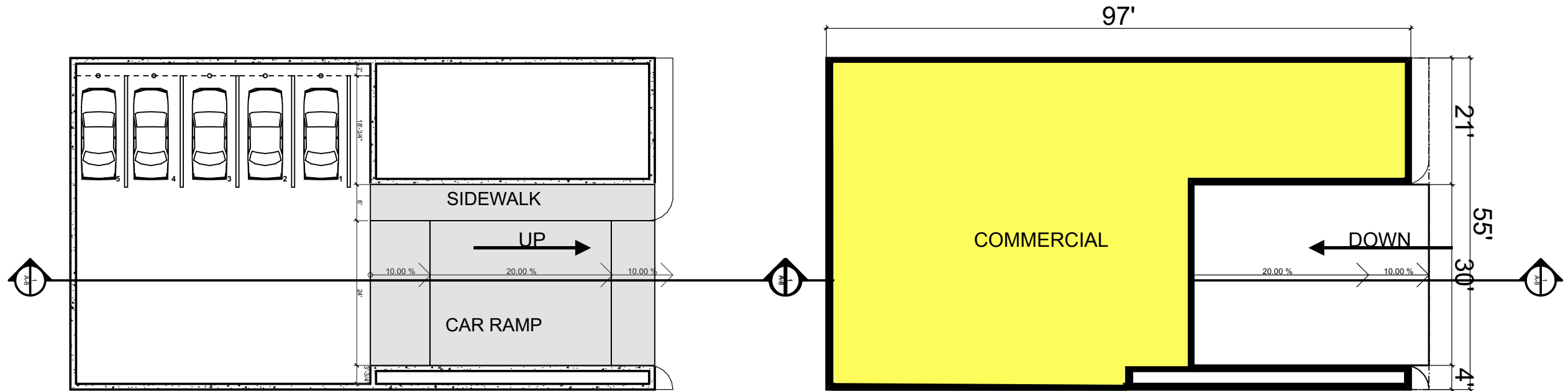
Underground parking \neq a solution for 1 lot



1 Building Section
SCALE: 1/16" = 1'-0"



**based on minimum head heights allowed by code, trucks and vans do not fit!*



FAR (Floor Area Ratio) =
developable square footage
(floor area) compared to square
footage of lot

When Community Housing (CH) is included in development, or when CH is met by payment-in-lieu of construction, a significant density bonus is added to the FAR.

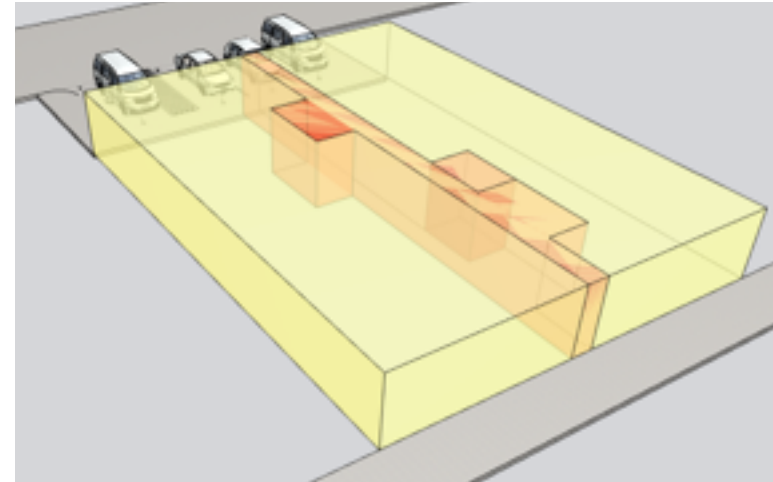
Example:

If a lot is 100' x 55' = 5500 sqft, including CH allows up to 12,375 sqft w/ an FAR of 2.25 to be developed

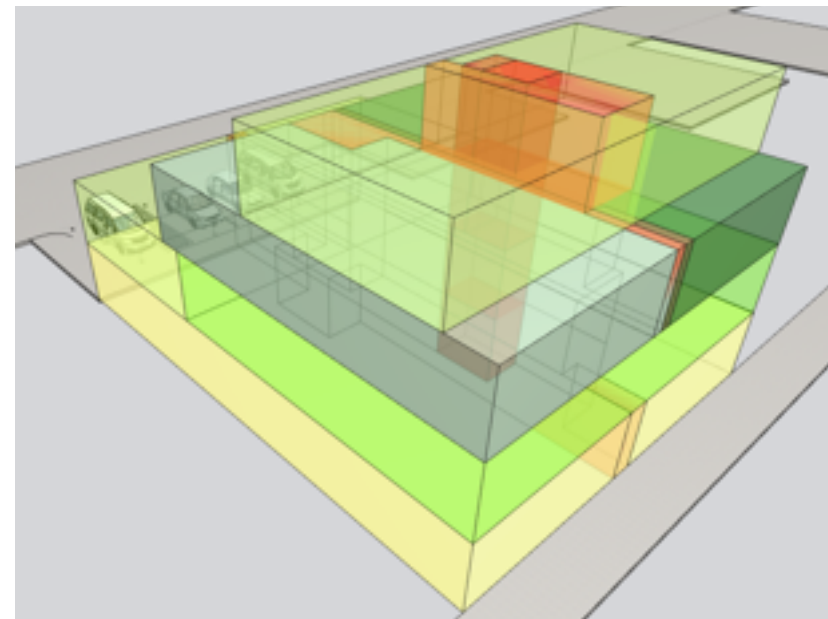
With an FAR of 2.25, 1375 sqft of CH is required, or a fee-in-lieu for 1,375 sq ft can be paid.

For the following development prototypes CH is included on site.

FAR 1.0



FAR 2.25

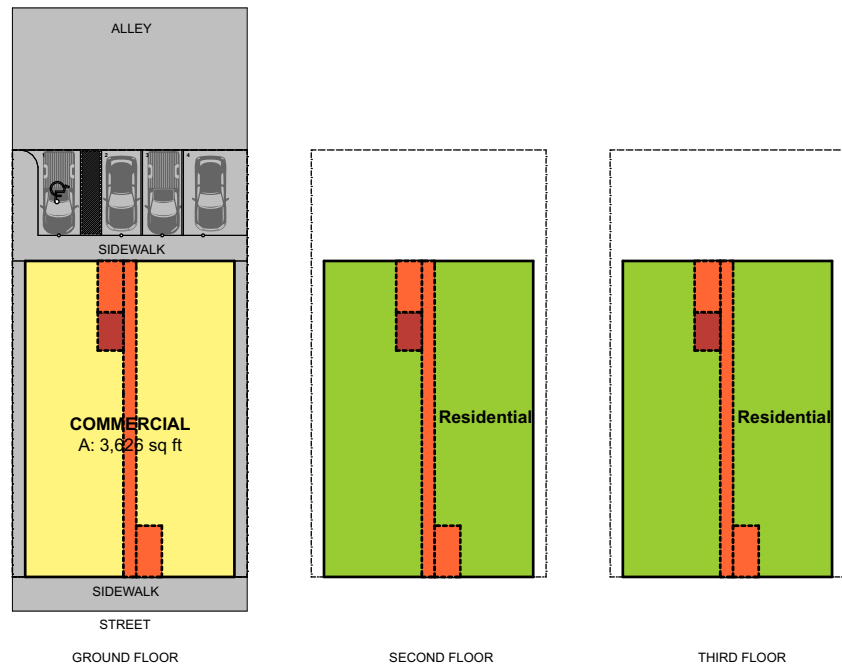


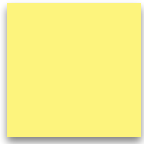

City of **Ketchum**



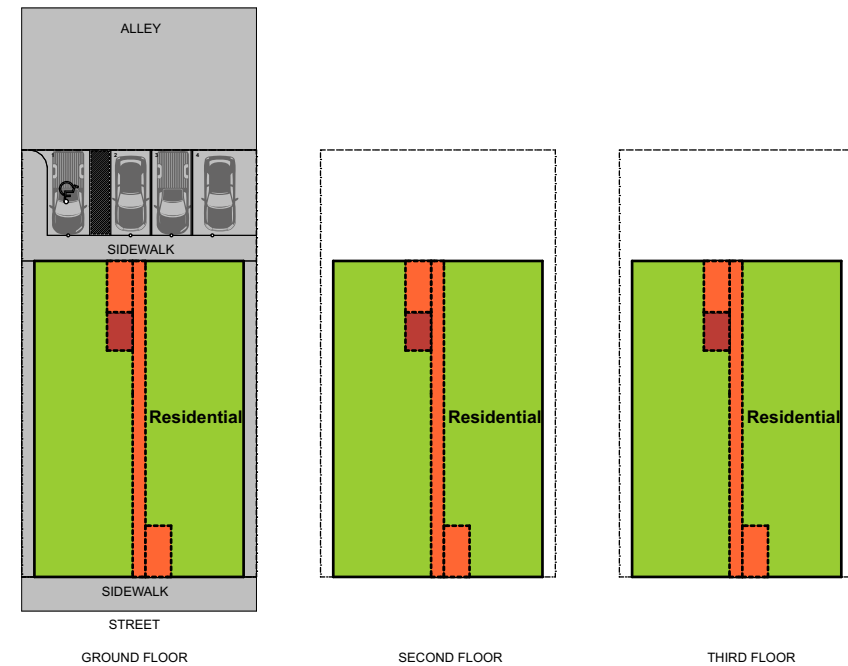
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ARCHITECTURE

Mixed Use defined by ground floor being 100% commercial and upper floors residential.

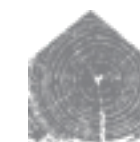


 = COMMERCIAL USE
 = RESIDENTIAL USE

Residential Only = all units residential.



City of **Ketchum**

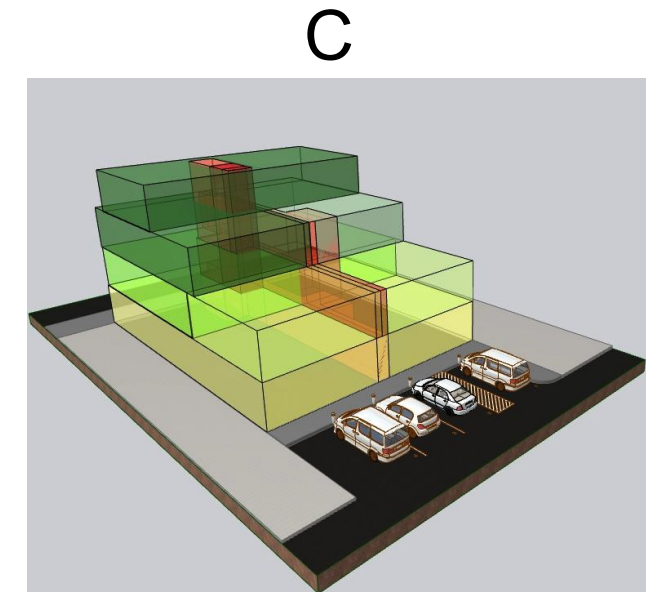
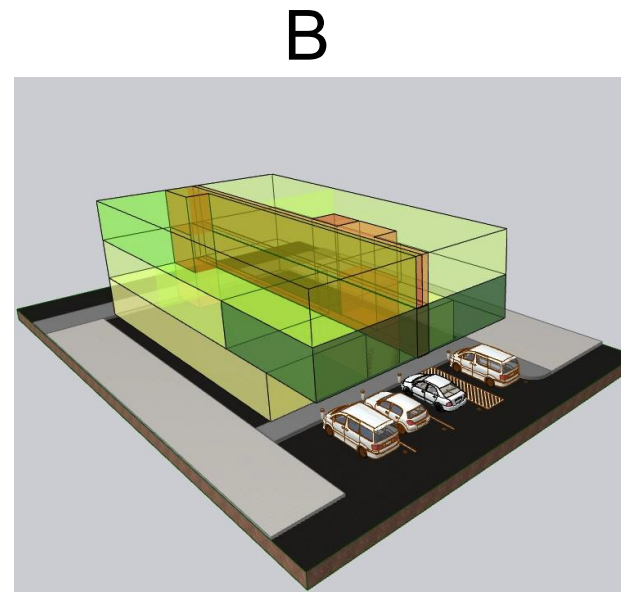
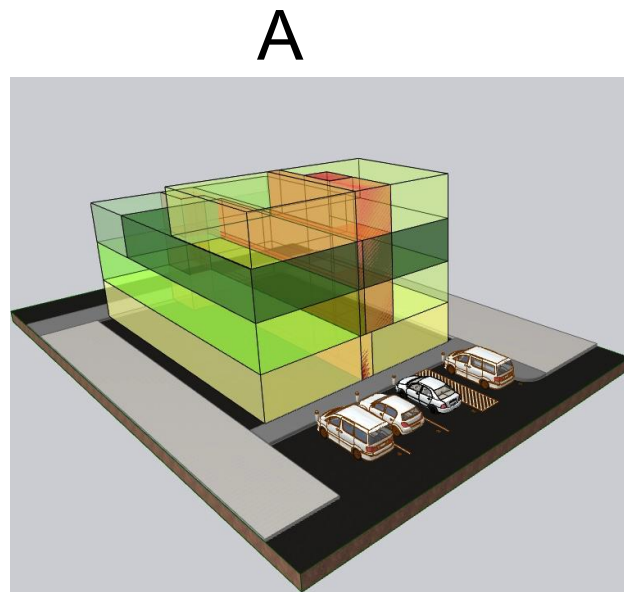


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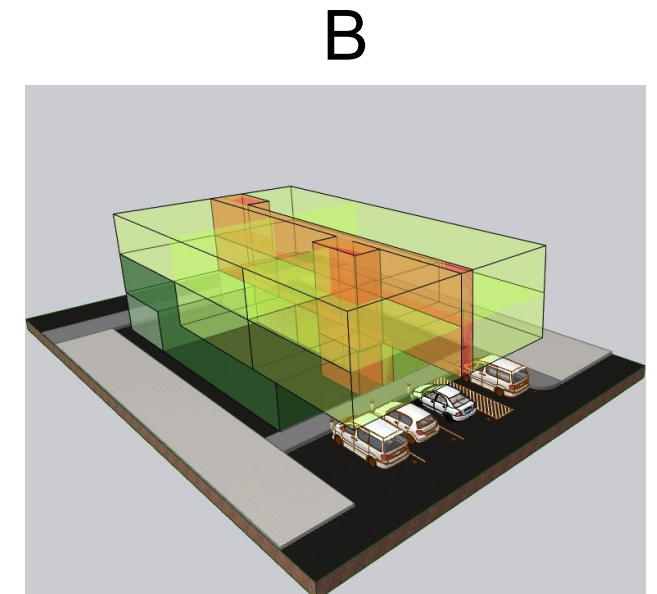
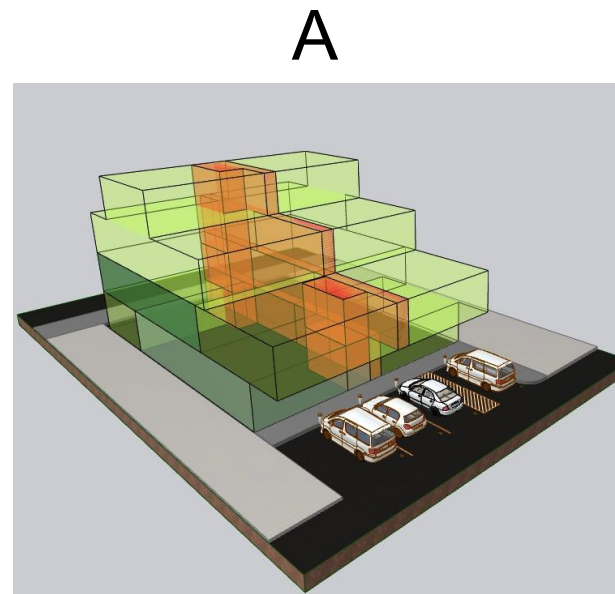
Floor Area Ratio (FAR) Scenarios

All Scenarios are 2.25 FAR
All Scenarios included the required 1,375 sq ft of CH on site.

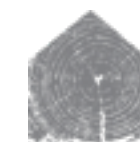
MIXED USE OPTIONS



RESIDENTIAL ONLY OPTIONS



**we did not consider all of the potential options, but considered options with different priorities, i.e. maximizing commercial sqft on the ground level or avoiding side setbacks, or maintaining a simple rectangular building vs. keeping the height low, all the while, maintaining the full build-out of 12,375 sqft to achieve the maximum FAR of 2.25*



Mixed Use - Option A (12,375 sqft) 2.25 FAR

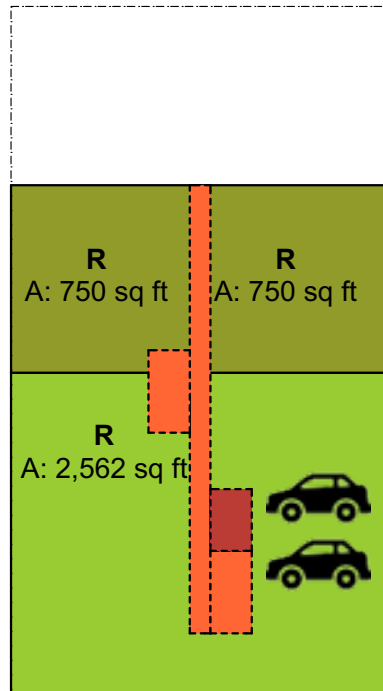
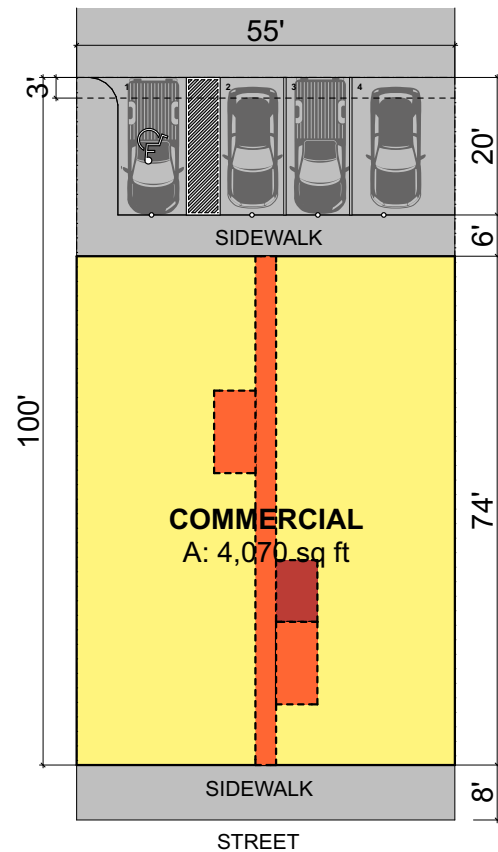
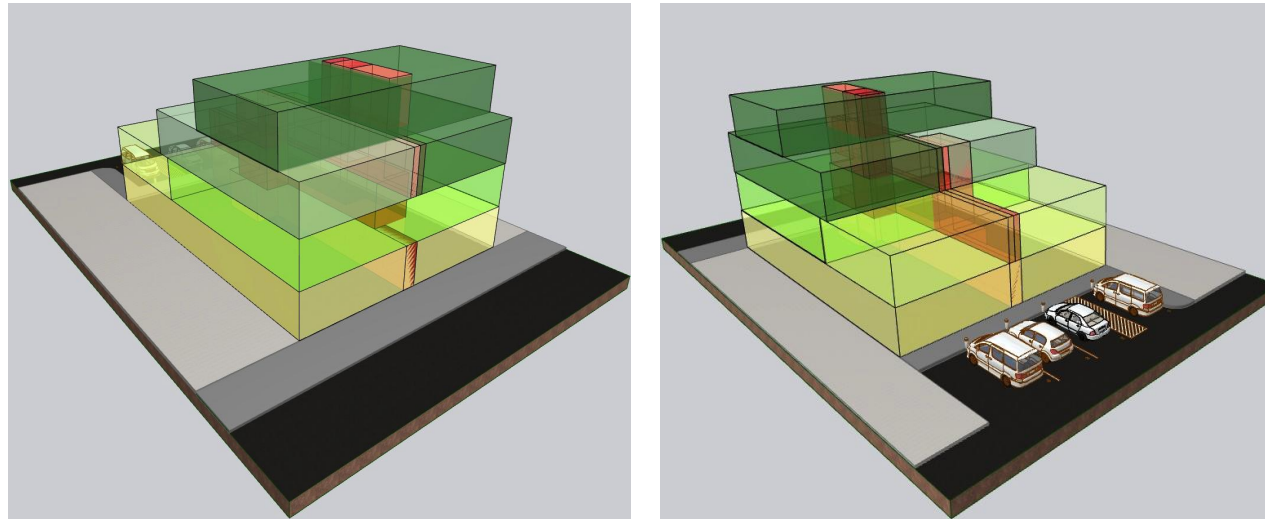
Community Core - Subdistrict A

Development Priority: Maximize commercial = no side setbacks

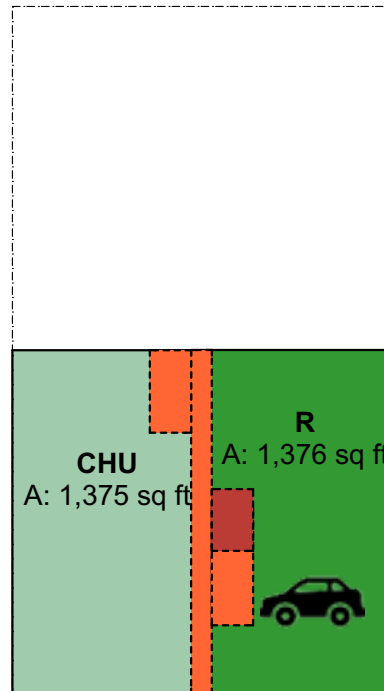
**all Mixed Use options require an elevator to reach ADA unit above ground floor*

***max of 4 units/floor by fire code*

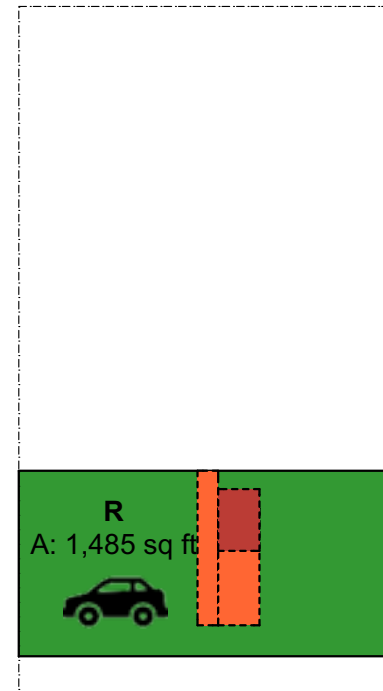
- 0 Parking : Residential, Under 750 sqft
- 1 Parking : Residential, 751 - 1500 sqft
- 2 Parking : Residential, 1501+ sqft
- 0 Parking : CHU 1,375 sqft
- Commercial
- Egress



SECOND FLOOR



THIRD FLOOR



FOURTH FLOOR

Current On-Site Parking
Regs Require :
13 total spaces, 9 after credit

New On-Site Parking
Regs Require :
4 spaces

Mixed Use - Option B (12,375 sqft) 2.25 FAR

Community Core - Subdistrict A

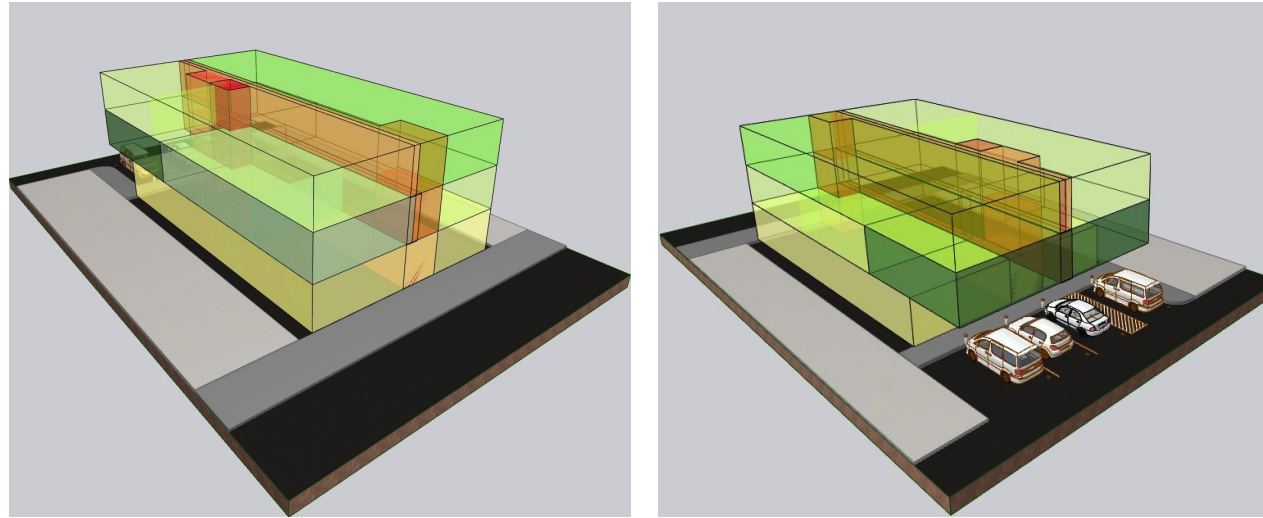
Development Priority = Maximize Residential, 3 stories only

**all Mixed Use options require an elevator to reach ADA unit above ground floor*

***requires 3' side setbacks per fire code*

****no limit on # of units/story*

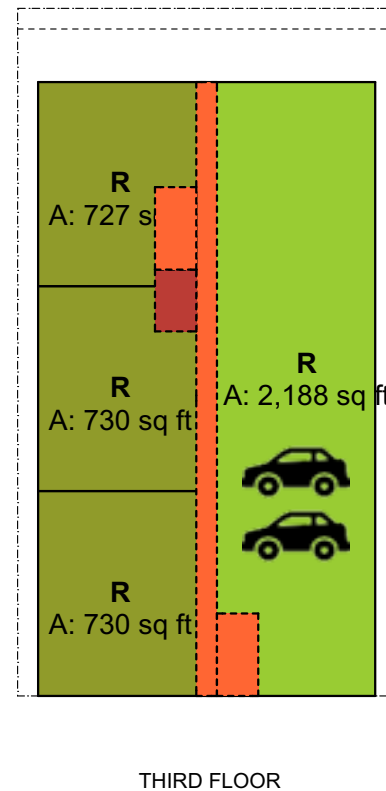
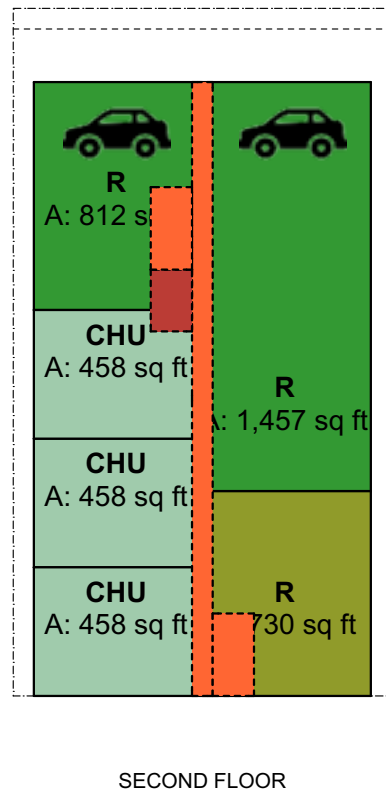
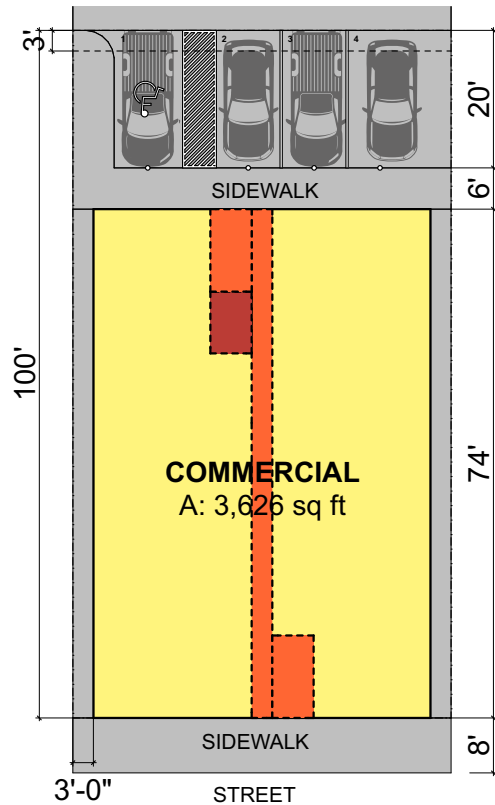
- 0 Parking : Residential, Under 750 sqft
- 1 Parking : Residential, 751 - 1500 sqft
- 2 Parking : Residential, 1501+ sqft
- 0 Parking : CHU 1,375 sqft
- Commercial
- Egress



Current On-Site Parking
Regs Require :
12 spaces
After Credit : 8



New On-Site Parking
Regs Require :
4 spaces



Mixed Use - Option C (12,375 sqft) 2.25 FAR

**all Mixed Use options require an elevator to reach ADA unit above ground floor*

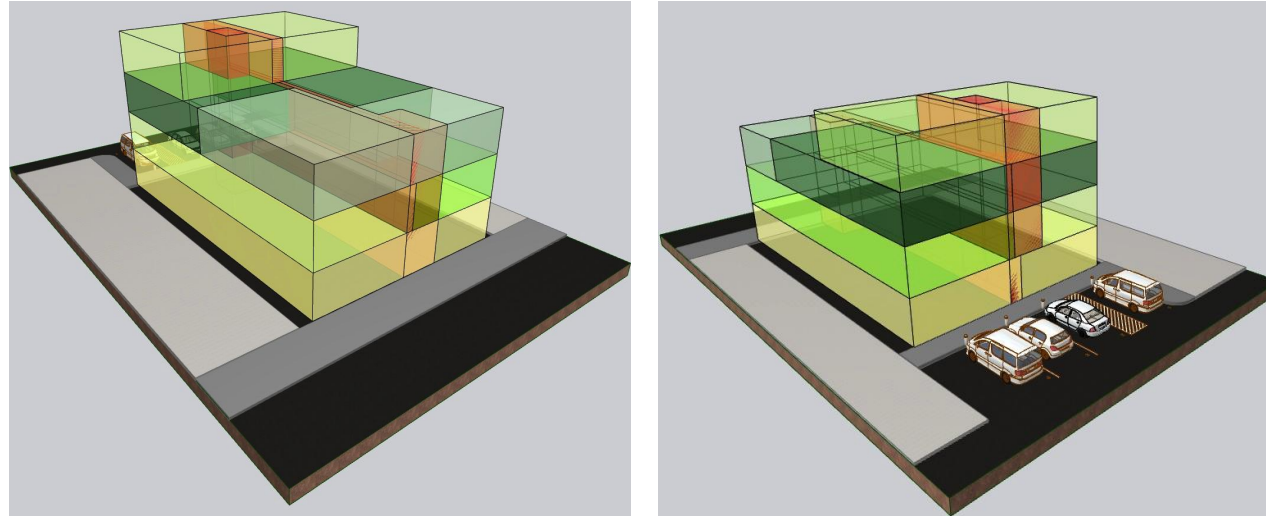
Community Core - Subdistrict A

Development Priority = Maximize Residential, maintain simple rectangle (no overhang over parking)

***requires 3' side setbacks per fire code*

****no limit on # of units/story*

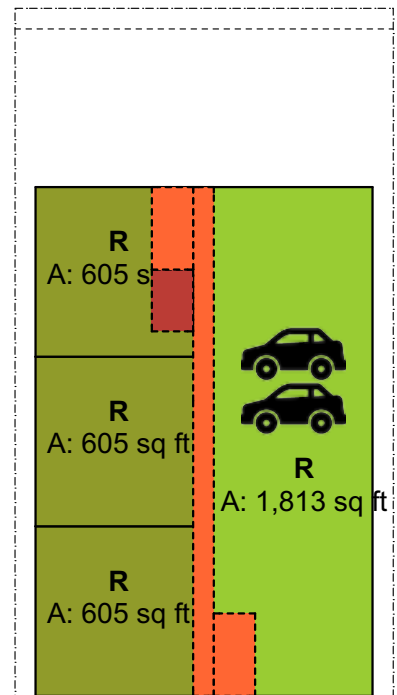
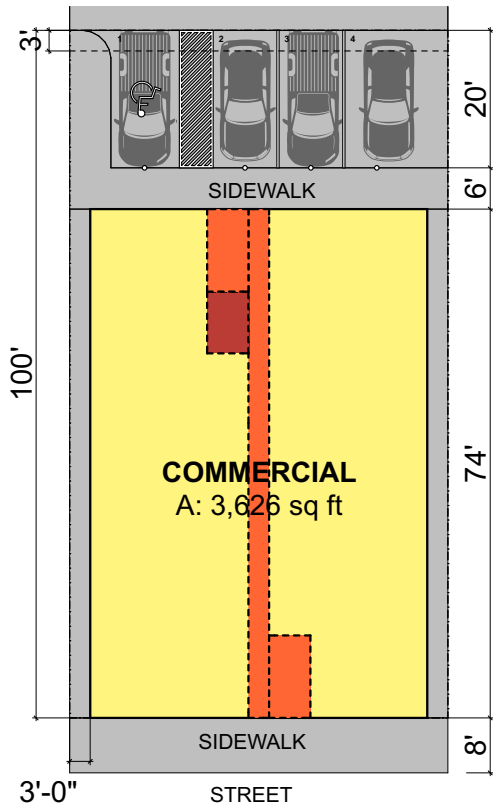
- 0 Parking : Residential, Under 750 sqft
- 1 Parking : Residential, 751 - 1500 sqft
- 2 Parking : Residential, 1501+ sqft
- 0 Parking : CHU 1,375 sqft
- Commercial
- Egress



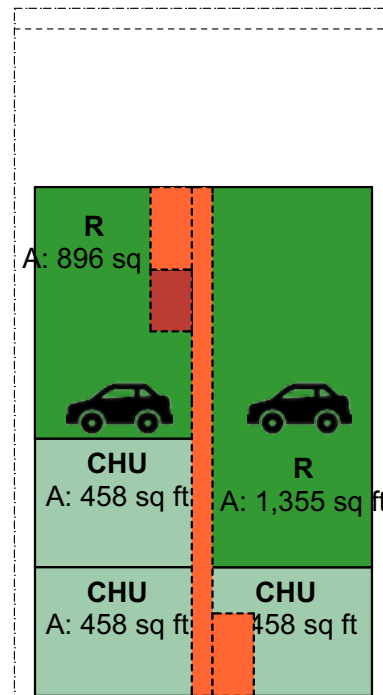
**Current on-Site Parking
Regs Require :
12 spaces
After Credit : 8**



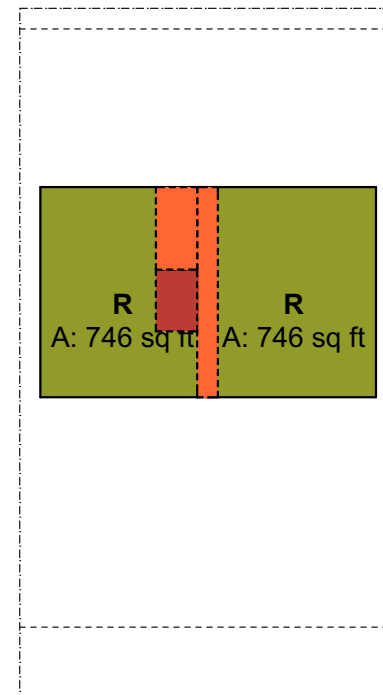
**New On-Site Parking
Regs Require :
4 spaces**



SECOND FLOOR



THIRD FLOOR



FOURTH FLOOR

Residential Only- Option A (12,375 sqft) 2.25 FAR

Community Core - Subdistrict C

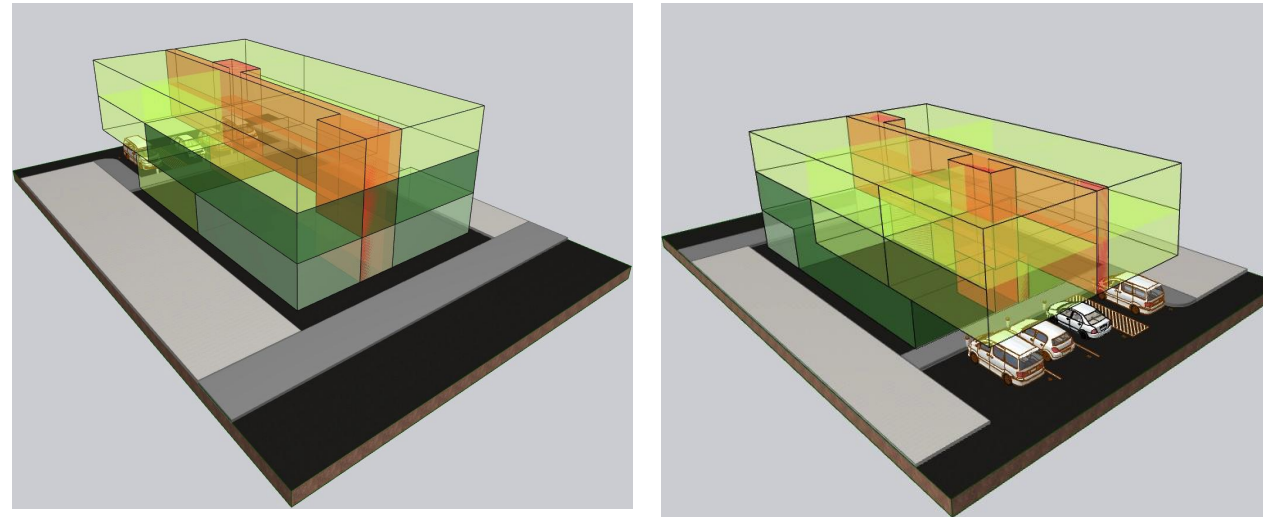
Development Priority = Maximize Residential

**Residential Only allows ADA unit on ground floor, no elevator required*

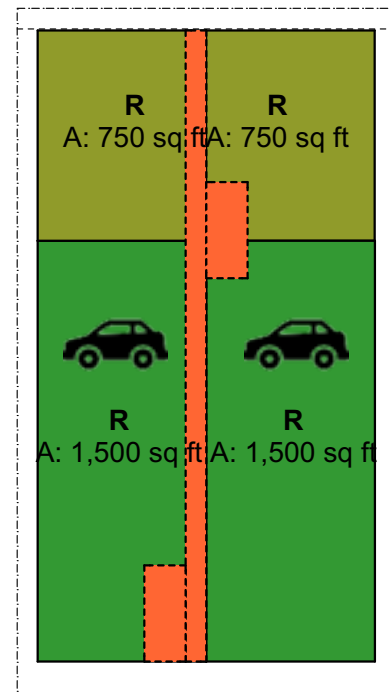
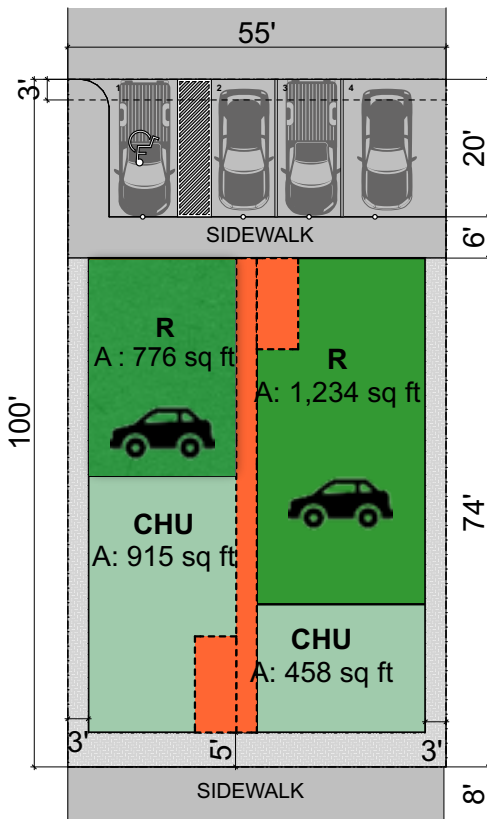
***requires 3' side setbacks per fire code*

****no limit on # of units/story*

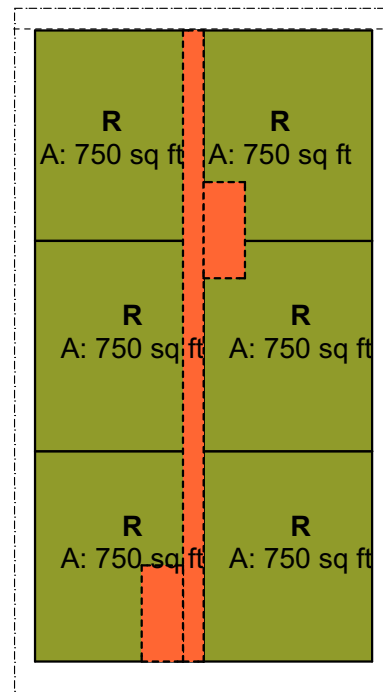
- 0 Parking : Residential, Under 750 sqft
- 1 Parking : Residential, 751 - 1500 sqft
- 2 Parking : Residential, 1501+ sqft
- 0 Parking : CHU 1,375 sqft
- Commercial
- Egress



Current On-Site Parking
Regs Require :
7 spaces



SECOND FLOOR



THIRD FLOOR

New On-Site Parking
Regs Require :
4 spaces

Residential only - Option B (12,375 sqft) 2.25 FAR

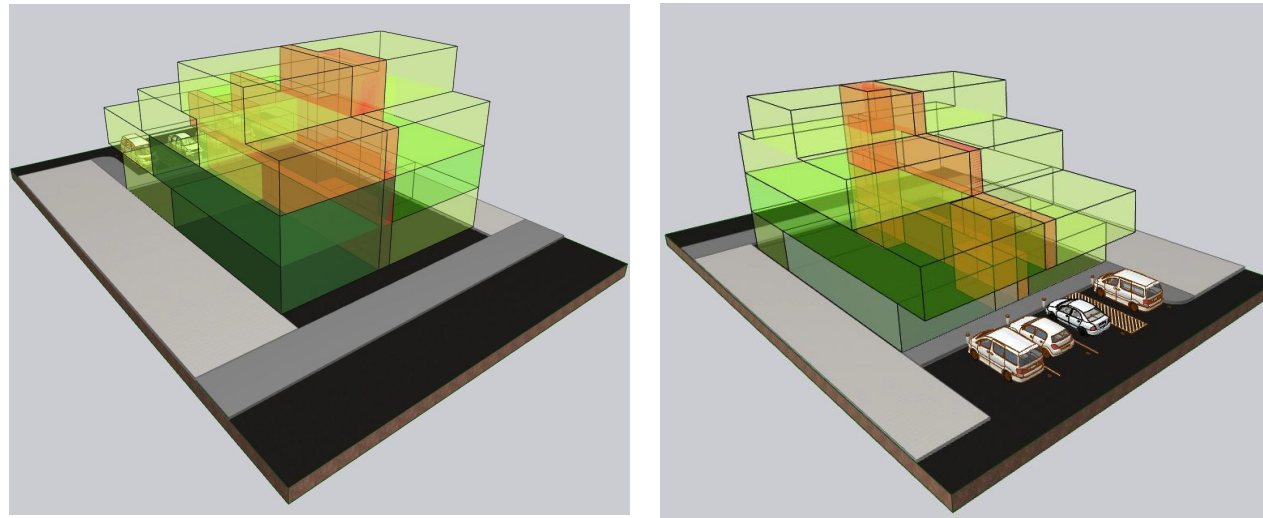
Community Core - Subdistrict C

Maximize Residential, with no side setbacks

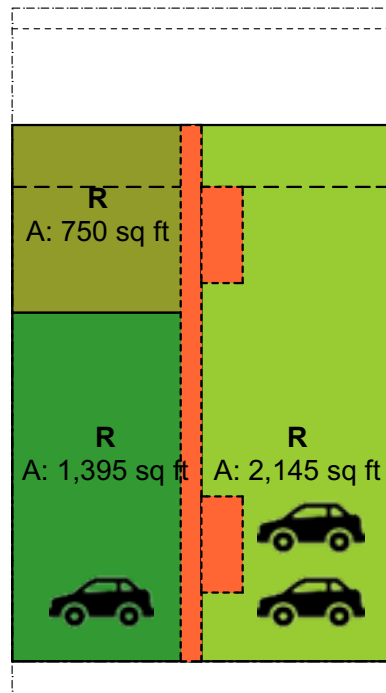
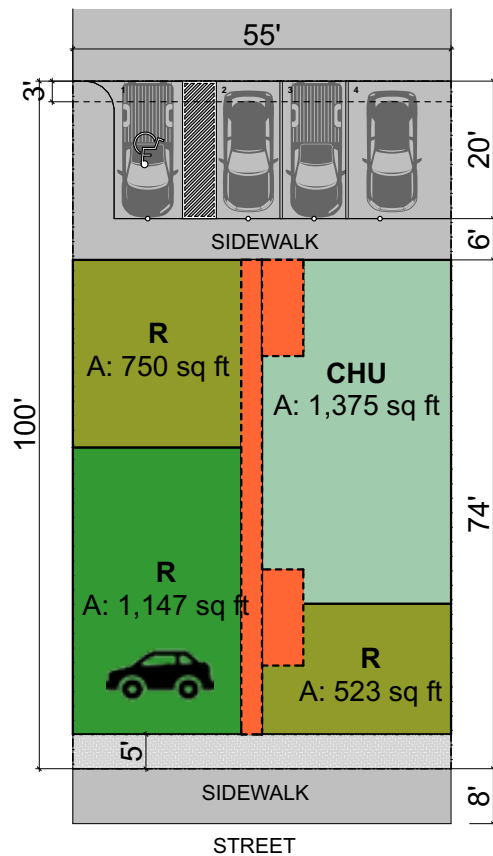
**Residential Only allows ADA unit on ground floor, no elevator required*

***max of 4 units/floor by fire code*

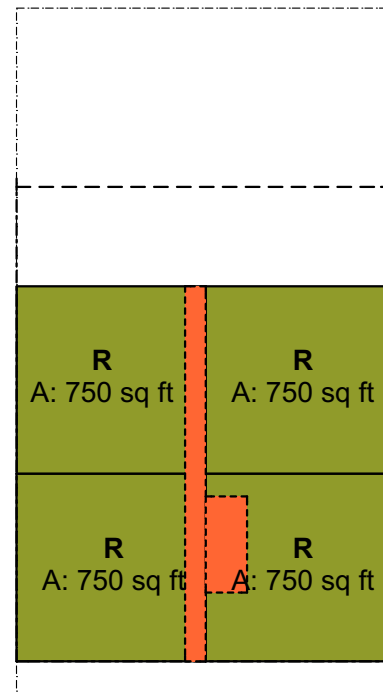
- 0 Parking : Residential, Under 750 sqft
- 1 Parking : Residential, 751 - 1500 sqft
- 2 Parking : Residential, 1501+ sqft
- 0 Parking : CHU 1,375 sqft
- Commercial
- Egress



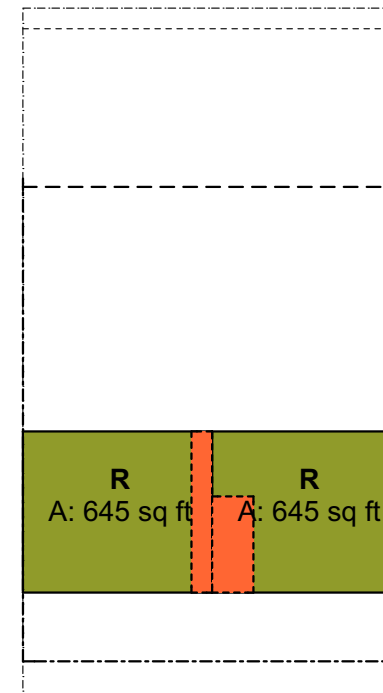
*Current On-Site Parking
Regs Require :
7 spaces*



SECOND FLOOR



THIRD FLOOR



FOURTH FLOOR

*New On-Site Parking
Regs Require :
4 spaces*

Summary

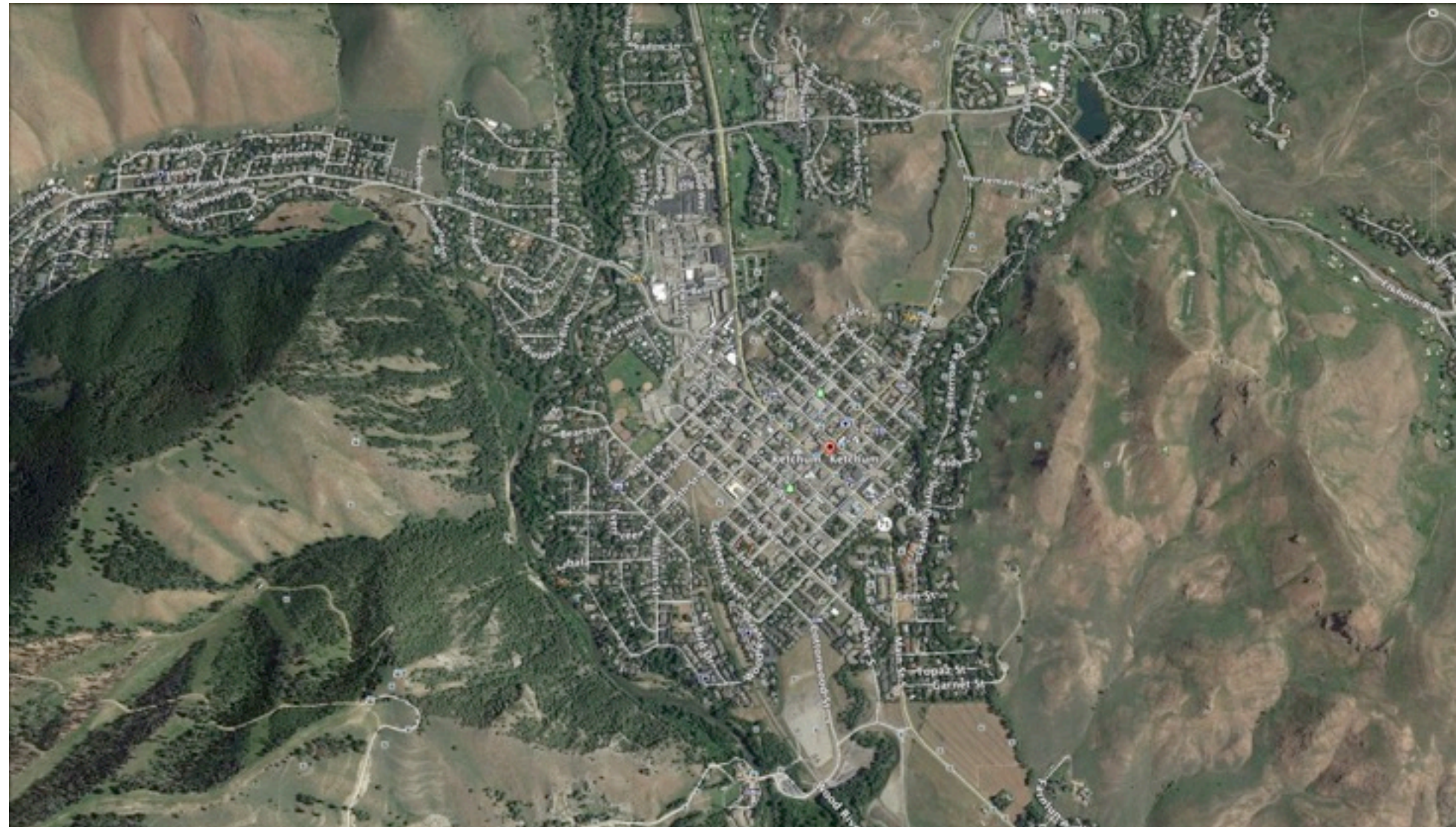
- Parking regulations do impact the density of development.
- The new parking regulations proposed by the City of Ketchum are less restrictive than the current parking regulations and enable full build-out of city lots.
- 5500 square foot lots are more developable under the proposed code.



City of **Ketchum**



LOVE | SCHACK
ARCHITECTURE



Contact

Lindsey Love & Lindsay Schack
Love Schack Architecture
offices in Bozeman, MT and Driggs, ID
<http://loveschackarchitecture.com/>
phone : 406.282.4277
email : info@loveschack.com

Thank you
City of Ketchum



LOVE | SCHACK
ARCHITECTURE

Attachment E: Zone District Density Data

DENSITY COMPARISON BY ZONE DISTRICT - CITY OF KETCHUM DEVELOPMENT

Community Core	# of projects	Total # of units	Density	
			Per Townsite Lot	
100% Residential Projects	5	55	Average	11
	<i>*37 units came from 2 projects</i>		Median	7

Mixed Use Projects	# of projects	Total # of units	Density	
			Per Townsite Lot	
	6	42	Average	4
			Median	4

Tourist	# of projects	Total # of units	Density	
			Per 10k	
	17	420	average	5
			median	5

T-3000	# of projects	Total # of units	Density	
			Per 10k	
	16	140	average	4
			median	4

GR-H	# of projects	Total # of units	Density	
			Per 10 K	
	11	172	average	4
	<i>*85 units came from 1 project</i>		median	4

Community Core - 100% Residential Projects

Project #	Year Approved	Lot Area	# of Units	Density
				<i>Per Townsite Lot</i>
Project 1	2018	5500	20	20
Project 2	2019	5500	17	17
Project 3	2019	5500	7	7
Project 4	2019	4125	4	5
Project 5	2021	5500	7	7
Totals and Averages			55	11
			<i>median</i>	<i>7</i>

Community Core - Mixed Use Projects

Project #	Year Approved	Lot Area	# of Units	Density
				Per Townsite Lot
Project 1	2018	5500	4	4
Project 2	2019	8250	4	3
Project 3	2020	5482	4	4
Project 4	2020	16,500	4	1
Project 5	2020	18,163	23	7
Project 6	2021	5,500	3	3
Totals and Averages			42	4
			<i>median</i>	4

Tourist

				Density
				Per 10K
Project #	Year Built	Lot Area	# of Units	
Project 1	1977	64782	32	5
Project 2	1981	20720	9	4
Project 3	1987	45708	9	2
Project 4	2003	54340	9	2
Project 5	1973	41491	27	7
Project 6	1970	40192	49	12
Project 7	1972	34880	28	8
Project 8	1972	123438	64	5
Project 9	1971	33000	20	6
Project 10	1978	16518	8	5
Project 11	1980	27639	12	4
Project 12	1980	75177	36	5
Project 13	2000	54014	27	5
Project 14	2007	286214	69	2
Project 15	2015	21885	9	4
Project 16	2018	15015	8	5
Project 17	2021	54,551	4	1
Totals and Averages			420	5
			<i>median</i>	5

Tourist - 3000

				Density
Project #	Year Approved	Lot Area	# of Units	Per 10k
Project 1		90740	30	3
Project 2		9979	3	3
Project 3		14795	10	7
Project 4		9979	4	4
Project 5		14026	10	7
Project 6		21124	7	3
Project 7		14647	7	5
Project 8		29923	14	5
Project 9		42906	20	5
Project 10		25421	11	4
Project 11		7839	3	4
Project 12		9979	4	4
Project 13		9979	3	3
Project 14		9905	3	3
Project 15		20000	6	3
Project 16		10005	5	5
Totals and Averages			140	4
			median	4

Tourist - 4000

				Density
Project #	Year Approved	Lot Area	# of Units	Per 10k
Project 1		14204	1	1
Project 2		13952	1	1
Project 3		13120	1	1
Project 4		12880	1	1
Project 5		12513	1	1
Project 6		21882	1	2
Project 7		11807	1	1
Project 8		10778	1	1
Project 9		14137	1	1
Project 10		12828	1	1
Project 11		13958	1	1
Project 12		19315	1	2
Project 13		44833	5	1
Project 14		6422	1	1
Project 15		8439	1	1
Totals and Averages			19	1
			median	1

Genera Residential - High Density

Genera Residential - High Density				Density
				<i>Per 10k</i>
Project #	Year Built	Lot Area	# of Units	
Project 1	1971	17614	11	6
Project 2	1975	206310	85	4
Project 3	1979	24464	14	6
Project 4	1994	19000	9	5
Project 5	1997	16604	8	5
Project 6	2001	18640	8	4
Project 7	2008	32936	11	3
Project 8	2019	9078	2	2
Project 9	2021	18,130	4	2
Project 10	2008	60540	10	2
Project 11	2020	47,338	10	2
Totals and Averages			172	4
			<i>median</i>	4

Attachment F: Mixed Use Development Scenarios

MIXED USE DEVELOPMENT SCENARIOS

Zone District	CC
Lot Size	5,500
FAR 2.25	12,375
1st Floor	1,430
	3,795
2nd Floor	4,290
3rd Floor	4,290
Dev SF	12,375

parking
**Assume 5 ft front setback, 3 ft rear setback*

Zone District	CC
Lot Size	11,000
FAR 2.25	24,750
1st Floor	1,360
	8,862
2nd Floor	7,944
3rd Floor	7,944
Dev SF	24,750

parking ramp
**Assume parking ramp, 3 ft rear setback and 5ft front setback*

	30%	60%	80%	
Commercial	3,713	7,425	9,900	
Net	3,156	6,311	8,415	<i>*15% reduction for common area</i>
CH	1,169	1,169	1,169	
Residential	7,494	3,781	1,306	
Net	6,370	3,214	1,110	<i>*15% reduction for common area</i>
# of units	5	3	1	<i>*Average of 1200 SF</i>

	30%	60%	80%	
Commercial	7,425	14,850	19,800	
Net	6,311	12,623	16,830	<i>*15% reduction for common area</i>
CH	2,338	1,169	1,169	
Residential	14,988	8,731	3,781	
Net	12,739	7,422	3,214	<i>*15% reduction for common area</i>
# of units	11	6	3	<i>*Average of 1200 SF</i>

Attachment G:
Comprehensive Plan Zone
District Comparison

CITY OF KETCHUM ZONE DISTRICT - FUTURE LAND USE COMPARISON

ZONE DISTRICT	GENERAL AREA/NEIGHBORHOOD	COMP PLAN DESIGNATION
CC-1	Sun Valley Rd/Main Street/4th Street	Retail Core
CC-2	Downtown	Mixed Use Commercial
T	South of Downtown	Commercial/Employment
	Warm Springs - Skiway Dr/Picabo	Commercial/Employment
	Saddle Rd	High Density Residential
T-3000	Warm Springs - Jane/Ritchie/Picabo	Medium Density Residential
T-4000	Warm Springs - Lloyd Ct and west	High Density Residential
GR-H	Pinewood	High Density Residential
	West Ketchum - Bird Dr	High Density Residential
GR-L	Warm Springs - Sage Rd	Low Density Residential
	Warm Springs - Irene and Bald Mtn	Low Density Residential
	Warm Springs - Wanderers	Low Density Residential
	Warm Springs - Flower	Medium Density Residential
	West Ketchum	Medium Density Residential
	Red Fox Ln	Medium Density Residential
	Warm Springs - Four Seasons	High Density Residential
LR	Warm Springs - N of Warm Springs Rd	Low Density Residential
	Warm Springs - S of Warm Springs Rd/River Run	Low Density Residential
	Gem Streets	Low Density Residential
	Spur Lane	Low Density Residential
	Mortgage Row	Medium Density Residential
LR-1	Mortgage Row	Medium Density Residential
LR-2	Beaver Springs and North	Residential Transition
STO-1	Bigwood	Low Density Residential
STO-4	Bigwood	Low Density Residential
STO-H	Bigwood	Low Density Residential
LI	Lewis Street	Mixed Use Industrial
LI-2	Northwood Way S of Saddle Rd	Mixed Use Industrial
LI-3	9th and 10th Stree N of CC district	Mixed Use Industrial

Attachment H: Public Comment

From: [linda](#)
To: [Participate](#)
Subject: Commercial Core crisis
Date: Tuesday, February 15, 2022 12:51:36 PM

To the Mayor and City Council members,

When I moved to Ketchum in 1979, there were 3 gas stations, a bunch of bars, a few banks on Main Street and some small restaurants. It was a one stoplight town. Everyone had to go to Twin to buy light bulbs or get underwear. I am afraid this will happen again due to the lack of commercial and office space in the CC area. All of the new buildings going up are pre-leased. According to the commercial brokers in town, the average price per square foot now is \$2.00. My landlord came in and told me that my rent has to go up to match that norm. I own the Vault, a high-end consignment store and I have a 3,800 sq ft space. Rico's Pizza building is for lease right now at \$9,000 a month plus pass throughs. No one has rented that space for the simple reason; they can't afford it. A person who works to pay the bills and support a family, can't make money at that high a price in this town.

What I foresee happening is that we will have a lot of little shops and no quality stores. If the vibrancy is going to be supplied by the affordable housing units in town, stores will need to cater to that market. The charming little stores that make our town so wonderful will be gone.

I am lucky my lease has a 3% cap per year on it. The building is changing hands now and after my lease is up, I don't know where I can go in Ketchum that will be affordable. Maybe the Mayor and City officials will decide to put affordable commercial buildings in the residential area. That makes just as much sense as affordable housing in the CC area.

You will need to be careful about the future of business in our little town. Just like the housing market, supply and demand are driving the prices up right now. It will be the same for commercial space as well. You want to be careful that we don't go back to all gas stations and T shirt shops.

I have been watching the alarming number of businesses that are closing their doors. Please pay attention to this and go visit the business owners in town to get their opinions. It would be ironic if we have lots of affordable housing units in the CC and no jobs.

Respectfully yours,

Linda Badell

Mayor Bradshaw
Retail space in Ketchum
Let's think about this

Hi Neil,

I currently have a business located in the 'Perry's' building, Changes Hair Studio. I am one of 12 tenants located in this business/retail space.

As you are well aware, this building has been purchased by developers and is soon to be demolished. The owners are certainly nice people and have the right to develop their property as they wish.

They have appealed to the public as 'doing good for the community by providing workforce housing'. It is my understanding that the total number of 'workforce housing' units they are planning, is 2, out of possibly 10 or 12 maybe.

Meanwhile, 12 established and essential businesses are being forced out. Many peoples lives disrupted, for the monetary gain of a few already wealthy individuals, I might add. Perry's alone has at least 10 employees that will be out of work.

This is not my first encounter with this situation. My last hair studio was located in Trail Creek Village, 'the Hole', and we all know the status of that project...being forced to move out of retail space, for a project that has not materialized, and now facing another eviction out of retail space, to make room for high end condos that will likely be second homes, is beyond frustrating. It might be easier to face if there were retail spaces available to move in to in town.

It is difficult to be faced with having to be relocating my business(again) with literally no place to go. It seems that some of these businesses will be forced to move down valley, just like the working class workers living situation.

If approvals for these huge projects are ridding the community of affordable retail space, then retail space(affordable please, just like workforce housing) needs to be added to these projects. Of course what retail space if any, that are planned, (which the owners say is optional)will be high end retail and therefore not affordable to most of us being forced out, but I guess raising rates is the answer to that problem...

Not only is the housing crisis 'a thing', but so is affordable retail space, which seems to be dwindling with every crane that rolls into town.

Thanks for listening.

Lisa Eckley- Changes Hair Studio

These tenants with businesses in the Perry's building are in total agreement with this situation.



Marco Romero Computer Services



Pioneer Associates Real Estate Brokers



Black Fly College Counseling

Atlas Tax Service



Aurora's General Sewing & Alterations



Bodies By Science

Core Spinal Fitness



Thia Konig Photography

Photos Do Not Bend Gallery



Plummer Video Productions

The Wax Room

KDPI Radio

Josh Pate Screen Writer

Probably cannot include Scott's Frame And Mat and Perry's Restaurant, since they sold the building. However, I know that Perry's would love to sell the business BUT there is nowhere to move the restaurant....

I will add myself to this letter for sure, I have been on this building since 2002, I created a business here and a life for me and my family (3 kids, 4 dogs, 1 bunny, 4 oxilados and a snake) and now I feel so frustrated and stress because I will need to move my office (retail and services) but the worst thing is that is not even any places to go, the whole town it is becoming a little Park City or little Beverly Hills, so expensive to run a business without mentioning affordable places to live for locals and workers, many businesses are being affected and I love money and nothing against PROGRESS but at the same time what is going to happened in town, it will be a bunch of empty retail places and penthouses that only millionaires will be able to afford ??? What can we do???? Raise or fees ??? We need some help from the city, some guidelines, some boundaries for all these rich investors that come to town and take it all. I can not afford to move, I can not afford to stop working, I have many mouths to feed including mortgage in my house, car payments etc etc. Please Mayor give us some light, some light at the of this capitalism tunnel.

Marco Romero

Owner of Marco Romero Computer Services, LLC since 2002

Cell 208-720-3777

A handwritten signature in blue ink, appearing to read "Marco Romero". The signature is stylized with a large, sweeping initial "M" and a long horizontal line underneath.

From: nicole@mediciarchitects.com
To: [Participate](#)
Subject: Density and Vibrancy P+Z emergency ordinance
Date: Thursday, February 17, 2022 12:32:03 PM

Good Afternoon,

What a great discussion at the special P+Z meeting Tuesday night. I would like to touch on the emergency measures you are looking to pass in the CC zone. I agree wholeheartedly with Commissioner Moczygemba's remarks on the matter, that an emergency ordinance is not necessary. The concepts you are aiming for are important, but specific goals must be addressed, not vague concepts that provide zero direction to landowners and architects for development requirements. I would also disagree that the CUP process does not put any additional hardship on a developer. A developer must be extremely invested in the project with architectural drawings to get a project to a point where one can even submit for a CUP review. Specific, concrete requirements are needed to guide the development community. If an architect and developer can't start a project from the beginning with solid parameters, it would be foolish to start at all.

The emergency ordinance would be detrimental to the projects that are currently in design phases and also in the Construction Document production phase that have been designed following the current City of Ketchum zoning requirements. Developers that have invested time and fees will now be punished for it if this emergency ordinance went into place now, or in the very near future. It is a given that some of those projects will abandon ship. If it is feedback you are looking for, you will not get it with a self-imposed moratorium. It is extremely unfair to burden these projects with new zoning regulations at the last minute, as tens and tens of thousands of dollars have already been spent to get these projects to a certain point. It feels like targeting, and maybe it is.

I also heard very little about the parking requirements during the meeting; these go hand in hand with increased number of units. Also, please be aware of Accessibility requirements for buildings that must follow the International Building Code requirements. With certain unit counts, ADA required parking is triggered as well as Accessibility requirements, which might preclude specific unit sizes. Also, how would increased unit count pertain to the City of Ketchum parking and FAR regulations?

I understand the Commission wants to be a part of the conversation around the program of the building, but the Commission needs a collective stance instead of a gut reaction. I would advocate that the staff analyze recent projects, and make sure what you are asking for is feasible in reality and implement the analyzed findings as a long-term planning solution.

I would also suggest the Commission also look at long-term solutions outside the CC zone, as I believe there is a lot of opportunity with different types of housing stock that could be built outside the Ketchum Community Core. In addition, I believe the problem is not only a lack of entry-level housing; but with those that would like to move up from entry-level housing, which could open up housing opportunities for others.

Thanks,

Nicole Ramey
Principal Architect, AIA
208.726.0194 ext. 212 | Office
208.721.0194 | Mobile
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Ketchum, Idaho 83340

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Bellevue, WA 98005

[Website](#) | [Houzz](#) | [Facebook](#)

From: [Tom Drougas](#)
To: [Abby Rivin](#)
Cc: [Suzanne Frick](#); [Neil Bradshaw](#); [Bob Crosby](#)
Subject: Follow-up to our conversation
Date: Friday, February 25, 2022 4:04:02 PM
Attachments: [ITEM-Attachment-001-4349f3f591b54622a7693294a8651bc2.pdf](#)

Hi Abby,

I watched the entire video of the P&Z discussions regarding short term emergency code amendment in the CC, T, and GR-H zones. My takeaway was staff is going to refine some of the key points of concern by the P&Z for further review prior to a vote to recommend to City Council.

A couple of weeks ago you and I discussed a property I was working on listing for sale, 160 N East Ave. It is a vacant lot in the CC2 zoning district. I inquired to clarify my understanding of FAR calculation, which I had read in the code. The property is now listed, and I need to make accurate representations regarding what is allowable on a permitted or by-right basis, with or without increases in FAR. The consideration of a minimum density and new definition of multi-family is of particular concern, along with the possibility of the CUP process for development in excess of 1.0 FAR until a long term code change is enacted. With the short term ordinance preceding, I suspect it will be a minimum of 18 months until a long term plan is in effect.

Presently there is no minimum density for this lot or requirement for street level commercial use, therefore an owner could build a single family home, a duplex townhome or condominium, or possibly 3 condos with sizes determined by land available for parking at the ground level. With minimum density up in the air, the property is likely not salable because a purchaser is unable to evaluate risk relative to intended use and price.

I experienced this exact response this week from a potential buyer who has been interested in this property for his family's personal use as the primary motivation, with some additional residential use including Community Housing not required if he stays under 1.0 FAR. He said he just couldn't consider an investment with the level of uncertainty possible in the near and long term. He is not a developer, but simply won't buy without knowing what he is buying.

I've also had conversations with the adjacent neighbors who have interest with no particular immediate use in mind, but they can't make a financial decision without knowing what might be required by code in the future. Time will tell, but it may be that Ketchum is not investable during this limbo period.

I serve on the Government Affairs Committee of the Sun Valley Board of Realtors, so will be following the actions at the P&Z and City Council. But, please let me know if my understanding of the code and potential changes are accurate. I've included the attached doc in my listing for agents to review, but appreciate any updates for my representation and disclosures.

Finally, I want to assure you as a resident and business owner in Ketchum since 1975, I fully appreciate and share the concerns and efforts of the staff, P&Z (upon which I served), the Mayor, and Council during this unprecedented period of growth; so much that I am working out of civic duty on non-profit housing solutions for the entire community. Just thought I'd share this real life day to day issue within my business practice and value your help!

Thanks,

Tom

Tom Drougas/ Owner/Broker
Sun Valley Real Estate LLC
CHRISTIE'S INTERNATIONAL REAL ESTATE
300 N. Main Street
Ketchum Idaho, 83340-2277

(208) 720 6089 Mobile
tdrougas@gmail.com
www.sunvalleyrealestate.com



From: bob@sunvalleyrealtors.org
To: [Matthew Mead](#); [Neil Morrow](#); [Tim Carter](#); [Spencer Cordovano External](#); [Brenda Moczygemba](#)
Cc: [Participate](#)
Subject: Item 8 - today's agenda development regulation
Date: Tuesday, February 15, 2022 2:50:46 PM
Importance: High

Ketchum P&Z;

It is with great concern that I read the staff report today for item 8 on today's agenda. Staff is requesting that you provide direction to it, which direction would include consideration of another "emergency" ordinance where no emergency exists. This is abusive governance especially when there are existing procedures in place to address the items staff would have you include in the emergency ordinance, except for the most egregious request of all which is that you require projects with density in excess of 1.0 FAR in the CC zone to receive a conditional use permit in addition to all of the already existing entitlement requirements in the zoning code.

When you review the criteria and conditions of approval for CUPs in section 17-116 of the code, which I hope you will do before further consideration of these requests, you see that if a CUP is required, the KPZ is granted essentially a blank check authority to alter development proposals as it sees fit in exchange for its approval, making the rules as established in other sections of the zoning code meaningless. With all due respect, it places the power with your commission, an appointed/unelected body, to dictate programmatic characteristics (and virtually every other characteristic) of a development regardless of other code provisions. It removes the checks and balances, and any certainty of outcome, that an established, written zoning code offers to the public.

Here are two excerpts from section 17.166.050 indicating that types of conditions it would be within your power to impose:

- E. Designate the exact location and *nature of the development*.
- G. Require *more restrictive standards* than those generally required in an ordinance.

If the staff requests are enacted as presented, project sponsors will have no certainty with regard to the entitlement procedure, making it virtually impossible to justify purchasing property for development in Ketchum. How does this fit with the desire to have accelerated development of workforce housing? What about the families whose living is dependent on the multiple trades and professions benefitting from responsible development in Ketchum? An emergency ordinance (182 days) and interim ordinance (1 year) that in reality could be a very thinly disguised 1.5 year development moratorium entirely ignores their needs, and the need to engage the private sector in the workforce housing solution. There is no fair play or fair process included in this heavy handed approach.

Finally, **it is impossible for the public to adequately review, consider and offer alternatives or solutions** to a set of requests with scope as huge as these, when the first public notice of it was given three business days before you are being asked to recommend the way forward for staff. Unless the public is treated more inclusively, and without several more meetings during which you are able to receive its comments, this will represent a mockery of the public process that this administration says is its primary concern.

Please include in your directions to staff the requirements, before this matter is taken to the City Council, for i) more extensive public outreach including workshops and time for the public to adequately consider these requests, ii) a prohibition on another unjustified emergency ordinance, and iii) removal of the request to require CUPs for CC zone developments in excess of 1.0 FAR.
Sincerely,

Bob Crosby
Government Affairs Director
Sun Valley Board of REALTORS
208-721-8353

From: [Pam Colesworthy](#)
To: [Participate](#)
Subject: Proposed KCC Building Moratorium
Date: Wednesday, March 02, 2022 1:00:45 PM

Dear Commissioners and Planning Department,

As you debate whether to impose a building moratorium in the coming weeks, please consider the following:

- **Downtown Vibrancy** - Is the current building development truly hindering downtown vibrancy? As I see it now, none of the current new construction in the core has eliminated residences. In fact, once completed they will accommodate more downtown housing than with the previous old buildings that were used strictly for retail or offices.
- **Size and Mass** - If shrinking the mass of buildings to create more sidewalk relief and interest with different profiles, materials and textures is the aim, then allowing for **single lot** development should not be hindered. By this I mean that you might put a moratorium on combining or consolidating lots, while you review how you want those to be developed. However, a moratorium on a single 5,500 sf lot will hinder the good kind of development that you want, and even potentially more workforce housing as a developer works with the city to create the current models of ground floor retail with upper floor condominiums.
- **Infill** - Throughout the Tourist and GR-H zones I'm seeing some infill projects, which again adds to our economy. I would not want you to squelch those projects too through a moratorium.

Thank you for hearing my thoughts. I look forward to the discussion at the next meeting.

Sincerely,

Pam Colesworthy