



CITY OF KETCHUM, IDAHO REGULAR CITY COUNCIL MEETING

February 19, 2019, 4:00 p.m.

480 East Avenue, North, Ketchum, Idaho

AGENDA

1. CALL TO ORDER: By Mayor Neil Bradshaw
2. ROLL CALL
3. COMMUNICATIONS FROM MAYOR AND COUNCILORS
4. COMMUNICATIONS FROM THE PUBLIC on matters not on the agenda (Comments will be kept to 3 minutes)
5. CONSENT AGENDA: Note: **(ALL ACTION ITEMS)** The Council is asked to approve the following listed items by a single vote, except for any items that a Councilmember asks to be removed from the Consent Agenda and considered separately.
 - a. Approval of Minutes: Regular Meeting of February 4, 2019
 - b. Authorization and approval of the payroll register
 - c. Authorization and approval of the disbursement of funds from the City's treasury for the payment of bills in the total sum of \$2,138,880.35 as presented by the Treasurer.
 - d. Monthly Financial State of the City - Director of Finance and Internal Services Grant Gager
 - e. Motion to approve Alcohol Licenses for Wood River Whiskey and Despos Mexican Restaurant – Director of Finance and Internal Services Grant Gager
 - f. Authorization to Reallocate Ketchum Arts Commission Funds – Assistant City Administrator Lisa Enourato
 - g. Motion to approve Purchase Order 20318 for a Snow Plow – Street Superintendent Brian Christiansen
6. PUBLIC HEARINGS AND DISCUSSIONS (Public comment and input taken on the following items)
 - a. ACTION: Hemingway School Subdivision Plat Amendment and ROW Vacations (including portions of an alley in Block 31, an alley in Block 52, and portions of 9th and 10th Streets) – Director of Planning and Building John Gaeddert
 - b. ACTION: Recommendation to approve the final plat for 320 N. Leadville – Director of Planning & Building John Gaeddert
 - c. ACTION: Recommendation to approve the First Reading of Ordinance #1192 modifying the development standards for Light Industrial Zones I, II, and III – Director of Planning & Building John Gaeddert
 - d. ACTION: Recommendation to approve Ordinance 1194 adjusting the FY 19 budget - Director of Finance & Internal Services
7. EXECUTIVE SESSION:
 - a. Discussion pursuant to 74-206 1 (f)
8. ADJOURNMENT

If you need special accommodations, please contact the City of Ketchum in advance of the meeting.

This agenda is subject to revisions and additions. Revised portions of the agenda are underlined in bold.

Public information on agenda items is available in the Clerk's Office located at 480 East Ave. N. in Ketchum or by calling 726-3841.

Your participation and input is greatly appreciated. We would like to make this as easy as possible and familiarize you with the process. If you plan to speak, please follow the protocol below.

- Please come to the podium to speak.
- Stand approximately 4-6 inches from the microphone for best results in recording your comments.
- Begin by stating your name.
- Please avoid answering questions from audience members. All questions should come from City officials.
- Public comments will be limited by a time determined by the Mayor.
- You may not give your time to another speaker.
- If you plan to show a slide presentation or video, please provide a copy to the City Clerk by 3:00 p.m. on the meeting date.

Please note that all people may speak at public hearings.

Public comment on other agenda items is at the discretion of the Mayor and City Council.

Public comments may also be sent via email to participate@ketchumidaho.org

Visit www.ketchumidaho.org and sign up for notifications on agendas, meeting packets, dates and more.

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Thank you for your participation.

We look forward to hearing from you!



City Council

Regular Meeting

~ Minutes ~

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

Robin Crotty
208-726-3841

Monday, February 4, 2019

4:00 PM

Ketchum City Hall

Present: Mayor Neil Bradshaw
Council President Michael David
Councilor Jim Slanetz
Councilor Courtney Hamilton
Councilor Amanda Breen

Also Present: Ketchum City Administrator Suzanne Frick
Ketchum City Attorney Matt Johnson
Director of Finance and Internal Services Grant Gager
Director of Planning & Building John Gaeddert

1. CALL TO ORDER: By Mayor Neil Bradshaw

2. ROLL CALL

3. COMMUNICATIONS FROM MAYOR AND COUNCILORS

Councilor Courtney Hamilton talked about the success of the Boulder Mountain Tour.

Council President Michael David talked about the press the Council received over the past week and conveyed that the council is trying to do the best they can for the community. He talked about working together and working as a group and advised that the public thinking the council is not in support of YMCA is damaging. Not everyone will be happy with every decision, but council is trying to work with leaders and the community.

Councilor Jim Slanetz gave kudos to the Street Department for their snow removal efforts.

Mayor Neil Bradshaw gave a shout out to everybody that attended the workshop at the Limelight on the Light Industrial Area.

4. COMMUNICATIONS FROM THE PUBLIC on matters not on the agenda (Comments will be kept to 3 minutes)

Jim Hungelman talked about Cities only being able to sell land that has no value to the community. He voiced his opinion that the community feels they have not been part of the process and voiced concern about the protocol of the deal.

Michael Haxby 220 Parkway Dr. voiced concern over mistakes made by Planning & Zoning in the legal descriptions on the notices and motions and he and his neighbors are requesting that 6a be removed from today's agenda. He distributed a handout explaining the errors in detail.

Alex Kuczinsky, resident, spoke regarding 290-298 Northwood. She voiced that they want young people in this town and talked about problems with the deal and the fact that the city is giving up the Leadville property which is the location for the young working people. She talked about the problem with the Northwood area and said the city has failed in finding an appropriate lot. She voiced concerns about the council voting and knowing they are paying too much and voiced that she believes that Councilor Courtney Hamilton has a conflict of interest because her parents own Lutz Rental. Alex Kuczinsky said, if

the affordable housing goes forward for the Y, it will only leave 50 parking spaces and the 2005 original agreement YMCA is being discarded.

Gwen Raney expressed her disappointment in City government and advised that 3 minutes is not enough time to express her concerns. She gave her background of becoming a member of the Community. She voiced her disappointment in the way in which the Northwood property is being purchased and talked about the land swap deal saying it is an illegal process and building this affordable building is unacceptable. She is not pleased with the labeling of groups of people.

Elle Maan and Mary Kaiser, Community School Students and student representatives spoke about plastic bag recycling saying plastic bags should not be an option in grocery stores. They talked about protecting natural resources and gave suggestions with how to proceed. City Attorney Matt Johnson advised the students that State Legislature took this power away from cities and that they will need to contact their Legislator for any changes.

Lee Kranefuss talked about his disappointment with council except Councilor Jim Slanetz. He advised that the current council was voted for because the public was looking for transparency. He voiced concern over the Barsotti deal as well as the last meeting on 1/22/19. He talked about the cost and the appraisal and about the fact that 3 of 4 of the council are on record as saying the city is paying too much yet, voted for the deal. He said the whole thing is purely speculative and not done above board.

Mickei Adler, 220 Parkway Dr. talked about the Findings of Fact from the P & Z and the errors that were made. This neighborhood is not opposed to the expansion of Hemingway School, or the Trailing of the Sheep but voiced concerns over the neighborhood not being included in the decisions and talked about transparency. She advised that the neighbors all want to work with the Council and that is why they are here. Specifically, they believe the current route that is being realtered creates more issues. The proposed bike path will have more than 150 citizens affected.

Patty Kelly talked about Northwood saying she has a variety of concerns regarding the recent land purchase in the LI area. She spoke about others who have spoken in the past and about the proposed changes to the ordinance saying if the City keeps making changes there will eventually be no LI. Patty Kelly advised that in doing research the Northwood residents found a January 6, 1991, letter from Barsotti regarding that area. Patty Kelly turned in a letter for the record from Roger and Janet Dunbar.

Annie Corrock requested to remove item 7c from the agenda saying this it is not a modification, it is an elimination of all development impact fees. By taking all fees away, Ketchum residents will be affected. She would like to talk to the Financial Director about how this will affect the budget and would like the public involved in the process.

David Hurd advised that the public would all like to participate but does not feel it is a fair participation. He talked about all the public comments he has received throughout town and noted everybody is concerned about the council modus operandi. He voiced concerns over the City saying the parking lot is undevelopable but not explaining why. He outlined a plan that he thinks could work on the parking lot site. He questioned the City getting their money back if the area does not work for affordable housing but said that there is no mention of what happens with the swapped parking lot? He questioned who will pay liability insurance on the parking lot and questioned the Northwood property deal only having 2 weeks to go thru and how the vote was taken prior to the meeting at the Limelight Hotel. David Hurd said that he has ideas and would like to be part of the process.

Mayor Neil Bradshaw talked about the public comment process and asked for comments prior to the meeting and advised that he responds to every comment he receives.

5. **CONSENT AGENDA: Note: (ALL ACTION ITEMS) The Council is asked to approve the following listed items by a single vote, except for any items that a Councilmember asks to be removed from the Consent Agenda and considered separately.**

Mayor Neil Bradshaw asked for a motion to approve the consent agenda and clarified that Dock Dogs will be going forward for this year as planned. Councilor Amanda Breen pulled items 5a and Councilor Courtney Hamilton pulled 5f.

Motion to approve Consent Agenda 5 b, c d, and e

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Courtney Hamilton, Councilor
SECONDER:	Michael David, Council President
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

- a. **Approval of Minutes: Regular Meeting January 22, 2019**

Council Amanda Breen advised that a correction needed to be made to the minutes. Councilor Jim Slanetz was on time and Council President Michael David arrived at 4:15 pm.

Motion to approve minutes with correction as noted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amanda Breen, Councilor
SECONDER:	Courtney Hamilton, Councilor
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

- b. **Authorization and approval of the payroll register**
 c. **Authorization and approval of the disbursement of funds from the City's treasury for the payment of bills in the total sum of \$358,904.95 as presented by the Treasurer.**
 d. **Recommendation to approve Contract 20314 with Will Caldwell Productions for 2019 Ketch'em Alive and Jazz in the Park events – Assistant City Administrator Lisa Enourato**
 e. **Recommendation to approve Contract #20306 with DockDogs, Inc. for July 2019 Event – Assistant City Administrator Lisa Enourato**
 f. **Recommendation to approve Trademark License Agreement 20315 with Wood River Bicycle Coalition, Inc. for use of Wagon Days trademarks for Rebecca's Private Idaho event – Assistant City Administrator Lisa Enourato**

Assistant City Administrator Lisa Enourato explained the Trademark and how it works with Rebecca's Private Idaho.

Motion to approve Agreement 2315.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Courtney Hamilton, Councilor
SECONDER:	Michael David, Council President
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

6. PUBLIC HEARINGS AND DISCUSSIONS (Public comment and input taken on the following items)**a. ACTION: Hemingway School Subdivision Plat Amendment and ROW Vacations (including portions of an alley in Block 31, an alley in Block 52, and portions of 9th and 10th Streets) – Director of Planning and Building John Gaeddert**

Mayor Neil Bradshaw talked about Hemingway School expanding to K – 8 and about this being a positive for the City and good for families. He talked about the transferring of the tennis courts to the City and asked Director of Planning Building John Gaeddert to clarify the agenda item for the council. John Gaeddert talked about the proposed item on the staff report as well as the correction to the motion in the packet.

Mayor Neil Bradshaw opened the meeting for public comment.

Michael Haxby talked about the correction to today's agenda as well as the errors in the P & Z documents that he noted in his comments made earlier in the meeting.

Attorney Jim Phillips, representing the ranchers, talked about the dedicated, but unopen road. He talked about the Planning & Zoning recommendation and about the importance of the intended use and the proposed MOU. Jim Phillips advised there is no certainty of the MOU and talked about the importance of having the Plat note the intended use. He referenced the Street Department expansion and asked that the sheep trailing be noted as a permitted use.

John Peavey reminded the council that the bike path wouldn't be there if it wasn't for the sheep trailing. He appreciates the cooperation that the Mayor has shown and advised that he wants to be sure that 100 years from now the Trailing of the Sheep will still be happening.

Mickie Adler questioned if the bike path is being rerouted where the sheep will be running through. She voiced many questions regarding the repairs to the property's after the sheep go thru and advised that the neighbors have a proposal and that an easement needs to be considered.

Mayor Neil Bradshaw closed public comment and brought this topic back to Council for deliberation. Mayor Bradshaw advised the Council that the primary goal is for the plat amendment to go forward for K-8. The moving of the bike path is years out and the public process has not even started. This is the first piece in the process to let the school district go forward with their plans. City Attorney Matt Johnson asked for this topic to be kicked back to staff to correct the errors and the findings.

Mayor Neil Bradshaw thanked the public for bringing this to the council's attention and asked council for direction for staff as to what needs to be addressed in round #2. Councilor Amanda Breen questioned, if this is approved as recommended, where will the sheep go? Mayor Neil Bradshaw talked about the prescriptive right and the MOU that would allow the sheep to use whatever route they all agree on for all the years to come. The current easement does not contemplate sheep. Amanda Breen talked about her appreciation of public comment and wants to be sure the sheep and bikes are handled properly at

the appropriate time. Councilor Jim Slanetz talked about the agreement on the plat for the Blaine County School District. He said we may need an understanding with the school district, and it might be worthwhile to have a conversation with how we are going to approve this. Mayor Bradshaw explained that the current proposal is not limiting. There was a discussion among council regarding tennis courts.

Howard Royal clarified that all of Atkinsons Park and all fields belong to the Blaine County School District. All the fields are utilized and operated by the City of Ketchum. Mayor Neil Bradshaw voiced his appreciation for the use of the fields and point of clarification. Councilor Courtney Hamilton asked for clarification of the sheep easement. Blaine County School District, Superintendent GwenCarol Holmes voiced her support of the sheep and advised they will continue to be welcomed.

Motion to table matter to February 19th and continue public comment

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Courtney Hamilton, Councilor
SECONDER:	Michael David, Council President
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

b. ACTION: 320 Leadville Preliminary Plat – Director of Planning & Building John Gaeddert

Mayor Neil Bradshaw opened the meeting for public comment. There were no comments.

Mayor Neil Bradshaw asked council for clarification or a motion.

Motion to approve the 320 Leadville Building Condominium Preliminary Pat application, subject to conditions 1-7.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Courtney Hamilton, Councilor
SECONDER:	Amanda Breen, Councilor
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

c. ACTION: Recommendation to approve the First Reading of Ordinance #1192 modifying the development standards for Light Industrial Zones I, II, and III – Director of Planning & Building John Gaeddert

Councilor Courtney Hamilton asked if she should recuse herself from this discussion due to the public comment made earlier about her father owning Lutz Rental in the LI? Attorney Matt Johnson advised that he needs to dig further before giving her an answer. He said this is the first reading and he will clarify before the final reading.

Mayor Neil Bradshaw advised that he is delighted with the work Planning & Zoning has done on this topic and talked about the history. Director of Planning & Building John Gaeddert advised that the P&Z thinks this is a cap stone. He advised that the work began in February of 2018 and there were 13 public hearings. Staff is very confident that this is a very comprehensive look of the LI area.

Mayor Neil Bradshaw talked about finding the right balance and the outcome of the workshop. He talked about the proposal before them and how the people voted at the workshop. He clarified that we are not changing the parking requirements in the LI.

Patty Kelly advised that she had attended the open house at the Limelight and was appalled. She talked about surveying what people want to see and pitting the old people against the young people is not going to help. She talked about the sticker process and witnessing people putting multiple stickers in one spot. She does not think this process is accurate. She would like to see another form of asking the public of what they think is right for the public.

Lee Kranefuss talked about what a future Ketchum should look like and about people in the LI and how this will affect them. He advised the people in the LI are seeing this as being pushed out for residential and affordable housing. There is only so much room in Ketchum left that is developable and encouraged council to work more closely with Hailey, Sun Valley and the County.

Annie Corrock is concerned with unintended consequences. She has concerns about the LI and the property values. Up to 50% of the LI currently has housing and is in the code. Conflict of interest for Courtney Hamilton lies if the property values going up. She encouraged council to look back at a report previous Director of Planning & Building Micah Austin had previously done on the LI district. She said we are a town because of the LI district and objects to moving forward with marketing 2nd homes.

Jim Hungelman advised that he thinks it would behoove the council to step back. Back off the closing. This is about the process and would like council to consider this.

Bob Crosby advised that they have been involved in the administrative processes. This is a priority. How much do we need housing as opposed to LI? We are not getting rid of LI.

No other public comment.

Mayor Neil Bradshaw talked about the extensive process the City has taken. He advised that they have looked at the LI, there has been stakeholder meetings, they have met with potential developers. He felt the City was forming a really good picture. He is very proud of the process the staff has done and is not in a rush. We want a well thought out procedure. He advised that LI3 is where we are contemplating allowing residential units on the ground floor. LI3 is a buffer into LI1 & LI2.

Mayor Neil Bradshaw asked council for input and advised that they do not have to come to a decision today.

Councilor Courtney Hamilton abstained.

Council President Michael David referred to the comments of being less than transparent and Councilor Courtney Hamilton being recused. He would like us not to rush this. He likes the proposal before them this evening and advised that he is a little disappointed. He would like to encourage the people in the LI to come or submit written comment so we get as much involvement as we can. Mayor Neil Bradshaw advised of all who has been involved in the process.

Councilor Jim Slanetz thinks this has been a thought-out process. He asked the percentage of the Live Work and Residential. Director of Planning & Building John Gaeddert said you could have 2000 sq. ft if it is coveted to be LI, and 1000 sq. ft for residential. He talked about how the predominant work is physically divided. The LI portion should be bigger than the residential. Jim Slanetz is adamant that the first floor be LI. He is afraid that we are making this our affordable housing area. He talked about developing the Lift Tower Lodge. He is not opposed to putting some housing down there but does not want to make LI our affordable housing area. Mayor Neil Bradshaw confirmed that we do not want to put affordable housing all in one place, it should be scattered around town. Mayor Bradshaw advised that we are looking at other private lands and all areas are being explored. Council President Michael

David pointed out that the current affordable housing is not in that area. Mayor Neil Bradshaw talked about his participation in the Planning & Zoning meetings and how thoughtful they were. He complimented staff and the P & Z commission with how they handled this proposal.

Council President Michael David cannot move forward until Councilor Courtney Hamilton's issue is clarified.

Councilor Amanda Breen questioned the definition of Health & Fitness. John Gaeddert explained what the P & Z was trying to accomplish. Amanda Breen complimented the P & Z Commission on this process, however, this does deserve more discussion. Amanda Breen questioned the height limit. John Gaeddert clarified that 48' was the P & Z Commissions recommendation.

Motion to table to February 19, 2019 with continuation of public hearing.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael David, Council President
SECONDER:	Amanda Breen, Councilor
ABSTAIN:	Courtney Hamilton
AYES:	Michael David, Jim Slanetz, Amanda Breen

d. ACTION: Recommendation to Authorize the Mayor to sign the Amended Warfield Exceedance Agreement #20311

Mayor Neil Bradshaw asked for public comment. There was none.

Motion to authorize the Mayor to sign the Amended Warfield Exceedance Agreement Contract 20311 which will replace previous Contract #20193

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amanda Breen, Councilor
SECONDER:	Michael David, Council President
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

7. STAFF AND COUNCIL COMMUNICATIONS (council deliberation, public comment not taken)

a. ACTION: Recommendation to approve Contract 20305 Between the City of Ketchum and International Association of Fire Fighters Local 4758—Mayor Neil Bradshaw

Mayor Neil Bradshaw advised that he is appreciative of the Firefighters and their understanding of the consolidation with Sun Valley of the First Responders. All discussions have been civil, and he looks forward to working together and moving forward.

Director of Finance & Internal Services Grant Gager explained the changes in the contract. These impacts have not been included in the budget, however, we have contingent funds that will cover the monetary impact.

Councilor Amanda Breen appreciates the hard work done. Councilor Jim Slanetz talked about having the contract for a longer period when renegotiated in the future.

Motion to approve the Collective Bargaining Agreement 20305 between the IAFF Local 4758 and the City of Ketchum and authorize the mayor to sign the document.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael David, Council President
SECONDER:	Courtney Hamilton, Councilor
AYES:	Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

b. Discussion of Parking requirements for residential development—Mayor Neil Bradshaw

Councilor Amanda Breen talked about the KECH development parking ordinance that was passed 2 years ago. She was unsure if the ordinance still made sense. Amanda Breen explained that currently no parking is required for units under 750 sq. ft. With the new proposed unit there will be 36 units without any parking. She is wondering if this still makes sense with the newly proposed units.

Councilor Jim Slanetz explained the thought process when this ordinance was approved.

Council President Michel David is not opposed to having more discussion on this. There may be people that don't have vehicles. This is a choice that people make when purchasing or renting the units. Michael David worries about a reverse effect. He is currently in favor of the way it sits.

Councilor Courtney Hamilton feels it is a guinea pig and said that some people don't have cars but that is very few. This is potentially worth talking about before there is another one across the street. All of council discussed the pros and cons of the Ordinance the way it is currently written. Councilor Amanda Breen said there is nothing we can do to the KECH, however, she would like to look at the Ordinance to see if parking should be required for developments over a certain number of units.

Mayor Neil Bradshaw talked about parking that is currently available in the City. He talked about having 36 more units and the benefits of that over worrying about where 36 cars are going to park. He gave thanks to previous administration for putting this ordinance in place. This is about people and not about parking. He gave suggestions on how to move forward and asked council if they would like staff to review this now or can we look at it again in 2 to 3 months? Councilor Amanda Breen voiced concern about waiting until there is another proposal to look further into this. Mayor Bradshaw advised that he thinks people will figure out their own parking situation. Councilor Michael David talked about the history of parking and supports the Mayor's comments of 36 more people. Councilor Jim Slanetz voiced his support of making it more difficult to having a car in that location since it is a walkable area.

Mayor Neil Bradshaw would like to have this conversation again in few more meetings. Staff will not be tasked with this assignment at this time.

c. ACTION: Recommendation to adopt Resolution 19-003 to modify project impact fees—Mayor Neil Bradshaw

Mayor Neil Bradshaw advised that this be tabled until after executive session.

Attorney Matt Johnson advised that be tabled this evening.

8. EXECUTIVE SESSION

a. Discussion pursuant to 74-206 (1)(f)

Motion to go into Executive session at 6:20 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Courtney Hamilton, Councilor
SECONDER: Michael David, Council President
AYES: Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

Motion to come out of Executive Session at 6:49p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Courtney Hamilton, Councilor
SECONDER: Amanda Breen, Councilor
AYES: Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

9. ADJOURNMENT

Motion to adjourn at 6:50 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Courtney Hamilton, Councilor
SECONDER: Amanda Breen, Councilor
AYES: Michael David, Jim Slanetz, Amanda Breen, Courtney Hamilton

Neil Bradshaw, Mayor

Robin Crotty, City Clerk

Report Criteria:

Invoices with totals above \$0 included.
Paid and unpaid invoices included.
[Report].GL Account Number = "0110000000"- "9648008200", "9910000000"- "9911810000"
Invoice Detail.Voided = No,Yes

Vendor Name	Invoice Number	Description	Net Invoice Amount
GENERAL FUND			
01-2175-8000 P/R DEDUC PBL--EMPLOYEE CAF-MD			
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	FSAROLL	736.63
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	FSA	1,040.00
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	FSA	1,528.78
01-2175-9000 P/R DEDUC PBL--EMPLOYEE CAF-DC			
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	DCA	384.60
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	DCAP	656.00
Total :			4,346.01
LEGISLATIVE & EXECUTIVE			
01-4110-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	685780 JAN20	HRA Vision Jan 2019	22.95
01-4110-3200 OPERATING SUPPLIES			
US BANK	3077 012519	3077 - Frames	89.85
US BANK	3077 012519	3077 - Frames	29.95
01-4110-4910 MYR/CNCL-TRAINING/TRAVEL/MTG			
JAQUET, WENDY	020819	City Tour MD and CH	110.00
HAMILTON, COURTNEY	021319	Reimbursement for Travel	714.40
01-4110-7400 OFFICE FURNITURE & EQUIPMENT			
SCOTT'S FRAME & MAT	021119	Graphics for Council Chamber	1,020.00
Total LEGISLATIVE & EXECUTIVE:			1,987.15
ADMINISTRATIVE SERVICES			
01-4150-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	HRA	147.77
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	HRA	122.77
01-4150-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	685780 JAN20	HRA Vision Jan 2019	64.75
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	HRA Vision	1,489.36
01-4150-3100 OFFICE SUPPLIES & POSTAGE			
ATKINSONS' MARKET	04710144	Supplies	15.54
COPY & PRINT, L.L.C.	94732	Coffee	47.98
COPY & PRINT, L.L.C.	95002	Tea	62.48
SUN VALLEY NATURAL SPRING	00028675	Spring Water	59.49
UNITED STATES POSTMASTER	3801 021219	Air Service Board Box - Will be reimb. to City	70.00
US BANK	6806 012519	6806 - Phone Case	22.93
US BANK	6806 012519	6806 - Folders	25.88
US BANK	6806 012519	6806 - Credit	133.08
US BANK	6806 012519	6806 - Certificate Paper	25.18
US BANK	6806 012519	6806 - Office Supplies	25.98

Vendor Name	Invoice Number	Description	Net Invoice Amount
01-4150-4200 PROFESSIONAL SERVICES			
CASELLE, INC.	93110	March Support	2,204.00
COPY CENTER LLC	806	Posters	77.00
EXPRESS PUBLISHING, INC.	10002196 0131	10002196 013119	878.40
IDAHO SUNSHINE MEDIA LLC	7650	Advertising	200.00
IDAHO SUNSHINE MEDIA LLC	7676	Advertising	200.00
BROWN, LINDA DIANE	1902	Delivery for Feb 2019	95.00
01-4150-4400 ADVERTISING & LEGAL PUBLICATIO			
EXPRESS PUBLISHING, INC.	10002196 0131	10002196 013119	484.78
01-4150-4900 PERSONNEL TRAINING/TRAVEL/MTG			
US BANK	6806 012519	6806 - Meeting Food	51.04
01-4150-5100 TELEPHONE & COMMUNICATIONS			
CENTURY LINK	1460498051	74754376 012319	9.99
CENTURY LINK	1460530519	86467178 012319	1,912.25
COX WIRELESS	047131901 012	047131901 012619	89.00
01-4150-5110 COMPUTER NETWORK			
KETCHUM COMPUTERS, INC.	15762	Computer maintenance & support	8,696.70
KETCHUM COMPUTERS, INC.	15763	Computer maintenance & support	2,794.50
US BANK	0568 012519	0568 - Dropbox	2,250.00
01-4150-5150 COMMUNICATIONS			
US BANK	3077 012519	3077 - Mailchimp Monthly Plan	75.00
US BANK	3077 012519	3077 - Shutterstock	29.00
US BANK	3077 012519	3077 - Facebook Ad	16.73
US BANK	3077 012519	3077 - Constant Contact	9.50
GRANICUS	108827	Civic Streaming - February 2019	523.69
01-4150-5200 UTILITIES			
CLEAR CREEK DISPOSAL	1202034	960 7 012819	35.50
CLEAR CREEK DISPOSAL	1202966	951449 0 012819	60.00
IDAHO POWER	2203990334 02	2203990334 020819	64.97
IDAHO POWER	2206570869 02	2206570869 020819	15.61
INTERMOUNTAIN GAS	32649330001 0	32649330001 012819 2	879.75
INTERMOUNTAIN GAS	44919030005 0	44919030005 012519	31.69
01-4150-5900 REPAIR & MAINTENANCE-BUILDINGS			
IRISH ELECTRIC	22119	Electrical Work	468.50
WOOD RIVER LOCK SHOP, LLC	13309	Keys	26.00
01-4150-6500 CONTRACTS FOR SERVICES			
S & C ASSOCIATES LLC	1274 - 1283	1274 - 1283	2,730.00
Total ADMINISTRATIVE SERVICES:			26,955.63
PLANNING & BUILDING			
01-4170-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	685780 JAN20	HRA Vision Jan 2019	19.60
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	HRA Vision	219.18
01-4170-3100 OFFICE SUPPLIES & POSTAGE			
US BANK	4221 012519	4221 - USPS	33.50

Vendor Name	Invoice Number	Description	Net Invoice Amount
01-4170-4200 PROFESSIONAL SERVICES			
GALENA ENGINEERING, INC.	1318.08.3 1201	1318.08.3 120118	250.00
SIMPLIFILE, LLC	15000745760	20224	103.00
01-4170-4210 PROFESSIONAL SERVICES - IDBS			
DIVISION OF BUILDING SAFETY	020119	January 2019 - Building Permit Fees	12,976.30
Total PLANNING & BUILDING:			13,601.58
NON-DEPARMENTAL			
01-4193-4500 1ST/WASHINGTON RENT			
URBAN RENEWAL AGENCY	3002	January 2019 Rent	4,000.00
01-4193-6500 CONTRACT FOR SERVICE			
KIC	020719	January 2019	13,434.00
01-4193-6601 MASTER TRANSPORTATION PLAN			
HDR ENGINEERING, INC.	1200165583	Mater Transportation Plan Labor	641.80
01-4193-9930 GENERAL FUND OP. CONTINGENCY			
PERFECT APPEARANCE COLLISI	10309	Repair	357.94
Total NON-DEPARMENTAL:			18,433.74
FACILITY MAINTENANCE			
01-4194-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	685780 JAN20	HRA Vision Jan 2019	29.15
01-4194-3100 OFFICE SUPPLIES & POSTAGE			
CHATEAU DRUG CENTER	2019147	Supplies	23.24
01-4194-3200 OPERATING SUPPLIES			
GEM STATE PAPER & SUPPLY	1296505-00	Paper Goods	259.32
US BANK	2022 012519	2022 - Bathroom Supplies	94.84
US BANK	2022 012519	2022 - Coat Rack	47.96
US BANK	2022 012519	2022 - Handwarmers	58.88
01-4194-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	903422	38950 013119	569.29
01-4194-4200 PROFESSIONAL SERVICES			
BIG WOOD LANDSCAPE, INC.	17761	4th St pushing into Street	2,005.00
BIG WOOD LANDSCAPE, INC.	17762	2nd St. Parking Lot	923.50
BIG WOOD LANDSCAPE, INC.	17763	6th & Leadville	778.25
BIG WOOD LANDSCAPE, INC.	17764	Cimina Park	725.50
BIG WOOD LANDSCAPE, INC.	17765	City Maintenance Yard	623.50
BIG WOOD LANDSCAPE, INC.	17766	Forest Service Park	879.00
BIG WOOD LANDSCAPE, INC.	17767	KTS Exterior Sidewalks	972.75
BIG WOOD LANDSCAPE, INC.	17768	KTS Interior Park	972.75
BIG WOOD LANDSCAPE, INC.	17769	Ore Wagon Museum	684.50
BIG WOOD LANDSCAPE, INC.	17770	Town Square	1,300.00
IRISH ELECTRIC	13119	Electrical Work	1,675.50
IRISH ELECTRIC	20119	KD Designs	707.80

Vendor Name	Invoice Number	Description	Net Invoice Amount
01-4194-4800 DUES, SUBSCRIPTIONS & MEMBERSH			
BASE LINE IRRIGATION SOLUTI	9385891-348	1 YEAR SUBSCRIPTION	99.00
01-4194-4900 PERSONNEL TRAINING/TRAVEL/MTG			
STAUFFACHER, JUERG	021319	Reimbursement for Travel	515.10
US BANK	2022 012519	2022 - Horticulture Overpayment	75.00-
01-4194-5200 UTILITIES			
CLEAR CREEK DISPOSAL	1202033	960 2 012819	80.00
IDAHO POWER	2203313446 02	2203313446 020719	5.34
INTERMOUNTAIN GAS	32649330001 0	32649330001 012819 2	50.96
INTERMOUNTAIN GAS	65669030002 0	65669030002 012519	46.75
01-4194-6100 REPAIR & MAINT--MACHINERY & EQ			
BARRY EQUIPMENT RENTAL IN	183141-2	#35 Tolcat	67.68
NAPA AUTO PARTS	962247	parts	13.62
01-4194-6950 MAINTENANCE			
CEM AQUATICS	131379	Poly Tubing	43.40
CHATEAU DRUG CENTER	2020095	Supplies	6.64
COLOR HAUS, INC.	216233	Paint	22.00
IDAHO LUMBER & HARDWARE	760044	Paint	77.98
US BANK	2022 012519	2022 - Cleaner	32.22
Total FACILITY MAINTENANCE:			14,316.42
POLICE			
01-4210-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	685780 JAN20	HRA Vision Jan 2019	12.90
01-4210-3100 OFFICE SUPPLIES & POSTAGE			
CHATEAU DRUG CENTER	2023863	Yak Trax	28.49
PARTEK SOLUTIONS	23191 2	Freight Envelopes	72.08
01-4210-3200 OPERATING SUPPLIES			
UNITED OIL	903432	39060 013119	78.62
01-4210-3610 PARKING OPS PROCESSING FEES			
SUMKO, NATE	020519	Refund Parking Pass	120.00
01-4210-3620 PARKING OPS EQUIPMENT FEES			
OMNI PARK	112412	Omni Park Subscription	274.00
01-4210-4200 PROFESSIONAL SERVICES			
IDAHO STATE POLICE	BCI0069 01251	BCI0069 012519	192.00
Total POLICE:			778.09
FIRE & RESCUE			
01-4230-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	HRA	114.74
01-4230-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	685780 JAN20	HRA Vision Jan 2019	77.65
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	HRA Vision	784.00

Vendor Name	Invoice Number	Description	Net Invoice Amount
01-4230-3200 OPERATING SUPPLIES FIRE			
A.C. HOUSTON LUMBER CO.	014-137948	Ice Melt	8.38
ALSCO - AMERICAN LINEN DIVI	LBO11675674	5109 020419	29.75
ATKINSONS' MARKET	08298778	Coffee	27.54
GEM STATE PAPER & SUPPLY	1299085-00	Paper and cleaning supplies	112.36
LUTZ RENTALS	91974-1	Propane	15.44
01-4230-3210 OPERATING SUPPLIES EMS			
A.C. HOUSTON LUMBER CO.	014-137948	Ice Melt	8.37
ATKINSONS' MARKET	08298778	Coffee	27.54
BOUNDTREE MEDICAL	83096716	call - in bag	319.95
BOUNDTREE MEDICAL	83097911	Medical Supplies	442.88
CHATEAU DRUG CENTER	2026180	Supplies	63.00
CHATEAU DRUG CENTER	2026254	Supplies	38.89
GEM STATE PAPER & SUPPLY	1299085-00	Paper and cleaning supplies	112.35
NORCO	25679326	54794 013019	143.48
NORCO	25697977	52355 013119	33.54
NORCO	25699000	54794 013119	231.88
RIVER RUN AUTO PARTS	6538-137906	Floor Mats	134.95
HENRY SCHEIN	61629113	Medical Supplies	519.63
01-4230-3500 MOTOR FUELS & LUBRICANTS FIRE			
UNITED OIL	903246	37267 013119	141.16
01-4230-3510 MOTOR FUELS & LUBRICANTS EMS			
UNITED OIL	903246	37267 013119	103.61
01-4230-4900 TRAINING/TRAVEL/MTG FIRE			
US BANK	4977 012519	4977 - ACLS	132.00
US BANK	4977 012519	4977 - ACLS	132.00
US BANK	4977 012519	4977 - ACLS	132.00
US BANK	4977 012519	4977 - Excel Workshop	298.00
US BANK	4977 012519	4977 - ACLS	132.00
01-4230-4910 TRAINING EMS			
STEPHENS, CHRIS	021219	State Renewal	25.00
STEPHENS, CHRIS	021219	Recertifications ACLS, PALS, BLS	297.50
STEPHENS, CHRIS	021219	Certification	20.00
US BANK	4977 012519	4977 - Excel Class	29.99
01-4230-4920 TRAINING-FACILITY			
IDAHO POWER	2224210258 02	2224210258 020519	70.76
01-4230-5100 TELEPHONE & COMMUNICATION FIRE			
BLAINE COUNTY EMERGENCY	KFD2-2019	New Ambulance Radio Usage	160.00
KETCHUM RURAL FIRE DISTRIC	020119	Mtn Space Rental	603.47
MTE COMMUNICATIONS	056983 020119	Digital Subscriber Line	17.62
01-4230-5110 TELEPHONE & COMMUNICATION EMS			
KETCHUM RURAL FIRE DISTRIC	020119	Mtn Space Rental	603.46
MTE COMMUNICATIONS	056983 020119	Digital Subscriber Line	17.62
01-4230-6000 REPAIR & MAINT-AUTO EQUIP FIRE			
ATKINSONS' MARKET	04712411	Water	2.52
RIVER RUN AUTO PARTS	6538-137970	Battery	359.90
RIVER RUN AUTO PARTS	6538-138052	Wiper Blade	29.90

Vendor Name	Invoice Number	Description	Net Invoice Amount
01-4230-6900 OTHER PURCHASED SERVICES FIRE			
DEPT. OF HEALTH & WELFARE	7931939	Background Checks	325.00
01-4230-6910 OTHER PURCHASED SERVICES EMS			
DEPT. OF HEALTH & WELFARE	7931939	Bachground Checks	130.00
US BANK	4977 012519	4977 - Criminal Checkup	21.60
Total FIRE & RESCUE:			7,031.43
STREET			
01-4310-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	HRA	216.58
01-4310-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	685780 JAN20	HRA Vision Jan 2019	45.90
01-4310-3200 OPERATING SUPPLIES			
BUSINESS AS USUAL INC.	145307	supplies	100.50
FASTENAL COMPANY	IDJER80448	Welding Wire	102.78
US BANK	3077 012519	3077 - Business Cards	69.24
01-4310-3400 MINOR EQUIPMENT			
A.C. HOUSTON LUMBER CO.	014-135363	Ice Chipper	73.48
A.C. HOUSTON LUMBER CO.	014-135790	Supplies	89.37
01-4310-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	903248	37269 013119	5,660.53
01-4310-4200 PROFESSIONAL SERVICES			
BECK, ROB LLC	5797	Roof Shoveling	300.00
BIG WOOD LANDSCAPE, INC.	17760	Snow Removal	1,895.00
S. ERWIN EXCAVATION INC	19-029	Snow Hauling	8,850.00
HIATT TRUCKING, INC.	2406	SNOW HAULING	9,037.50
JOE'S BACKHOE SERVICES, INC.	234131	Snow Hauling	5,025.00
RICK'S EXCAVATION, INC.	496	Snow Hauling	2,625.00
CANYON EXCAVATION. LLC	1528	Snow Hauling	1,762.50
01-4310-5200 UTILITIES			
INTERMOUNTAIN GAS	32649330001 0	32649330001 012819 2	216.66
INTERMOUNTAIN GAS	32649330001 0	32649330001 012819 2	783.46
INTERMOUNTAIN GAS	49439330009 0	49439330009 012519	179.88
01-4310-6100 REPAIR & MAINT--MACHINERY & EQ			
BARRY EQUIPMENT RENTAL IN	183141-2	#35 Tolcat	60.52
CLEARWATER POWER EQUIPME	02051901	Joystick Controller	300.99
NAPA AUTO PARTS	960898	parts	29.14
NAPA AUTO PARTS	961055	parts	22.64
NAPA AUTO PARTS	961177	parts	43.98
NAPA AUTO PARTS	961602	Fluids	52.14
NAPA AUTO PARTS	961966	parts	13.38
RIVER RUN AUTO PARTS	6538-138131	Liquid Cleaner	59.75
WESTERN STATES CAT	IN000872893	Parts	103.70
WESTERN STATES CAT	IN000872911	Parts	276.87
WESTERN STATES CAT	IN000877490	Cutting Edge	3,481.86
JACKSON GROUP PETERBILT	195914	Blower Work	64.76
GEFFS MANUFACTURING INC.	405894	Hopper	2,155.42

Vendor Name	Invoice Number	Description	Net Invoice Amount
01-4310-6910 OTHER PURCHASED SERVICES			
ALSCO - AMERICAN LINEN DIVI	LBO11675268	5831 020119	43.63
ALSCO - AMERICAN LINEN DIVI	LBO11677125	5831 020819	43.63
NORCO	25698055	53271 013119	214.90
01-4310-6920 SIGNS & SIGNALIZATION			
ECONO SIGNS LLC	10-950227	Signage	133.00
ECONO SIGNS LLC	10-950434	Signage	188.60
01-4310-6930 STREET LIGHTING			
IDAHO POWER	2200059315 02	2200059315 020719	13.38
IDAHO POWER	2200506786 02	2200506786 020719	23.45
IDAHO POWER	2201174667 02	2201174667 020719	16.34
IDAHO POWER	2202627564 02	2202627564 020719	27.35
IDAHO POWER	2203027632 02	2203027632 020719	5.34
IDAHO POWER	2205963446 02	2205963446 020719	59.65
01-4310-6950 MAINTENANCE & IMPROVEMENTS			
CONCRETE CONSTRUCTION SU	S31428	Patch	312.00
Total STREET:			44,779.80
RECREATION			
01-4510-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	HRA	3,174.36
01-4510-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	685780 JAN20	HRA Vision Jan 2019	16.50
01-4510-3250 RECREATION SUPPLIES			
US BANK	7926 012519	7926 - Box	37.79
US BANK	7926 012519	7926 - Box	16.64
WEBB LANDSCAPING	K-IN-130308	Top Soil	14.99
01-4510-3500 MOTOR FUELS & LUBRICANTS			
LUTZ RENTALS	91816-1	Propane	20.18
LUTZ RENTALS	91963-1	Propane	30.89
UNITED OIL	903247	37268 013119	144.60
01-4510-4200 PROFESSIONAL SERVICE			
CLEAR CREEK LAND CO. LLC	20892	180 - Mobile Storage	75.00
01-4510-5200 UTILITIES			
INTERMOUNTAIN GAS	31904030009 0	31904030009 012519	190.96
Total RECREATION:			3,721.91
Total GENERAL FUND:			135,951.76
GENERAL CAPITAL IMPROVEMENT FD			
GENERAL CIP EXPENDITURES			
03-4193-4250 ENERGY WORK PROGRAM			
OPEN SPACES NORTHWEST	58004	February portion of Contract	1,250.00

Vendor Name	Invoice Number	Description	Net Invoice Amount
03-4193-7190 SIDEWALK/LIGHTING GALENA ENGINEERING, INC.	1318.173 01011	1318.173 010119	93.75
03-4193-7200 TECHNOLOGY UPGRADES			
COOK, WILLIAM	570915	Pond Hockey Photography	150.00
US BANK	6806 012519	6806 - Credit	118.75-
US BANK	6806 012519	6806 - 8x8	120.10
03-4193-7400 COMPUTER/COPIER LEASING			
GREAT AMERICA FINANCIAL SE	24145393	Copier Lease	1,643.36
DELL FINANCIAL SERVICES	79855668	79855668 020619	22.60
Total GENERAL CIP EXPENDITURES:			3,161.06
Total GENERAL CAPITAL IMPROVEMENT FD:			3,161.06
FIRE & RESCUE CAPITAL IMPR.FND			
FIRE/RESC CAPITAL EXPENDITURES			
11-4230-7600 OTHER MACH & EQUIP			
US BANK	4977 012519	4977 - Toolset	529.99
US BANK	4977 012519	4977 - Toolbox	364.76
Total FIRE/RESC CAPITAL EXPENDITURES:			894.75
Total FIRE & RESCUE CAPITAL IMPR.FND:			894.75
ORIGINAL LOT FUND			
ORIGINAL LOT TAX			
22-4910-6060 EVENTS/PROMOTIONS			
CLEAR CREEK DISPOSAL	0001202738	56339 Liquid Waste	162.50
KEARNEY, JOHN	2698	Coffee for Pond Hockey	70.20
DOCKDOGS INC.	020819	20306 Competition	3,750.00
22-4910-6090 CONSOLIDATED DISPATCH			
BLAINE COUNTY EMERGENCY	021319	Remainder 2nd Quarterly Payment	1,076.50
Total ORIGINAL LOT TAX:			5,059.20
Total ORIGINAL LOT FUND:			5,059.20
ADDITIONAL1%-LOT FUND			
ADDITIONAL 1%-LOT			
25-4910-4220 SUN VALLEY AIR SERVICE BOARD			
SUN VALLEY AIR SERVICE BOA	020519	Dec 2018 Additional 1%	281,950.71
SUN VALLEY AIR SERVICE BOA	020519	Direct Cost's	5,522.66-
Total ADDITIONAL 1%-LOT:			276,428.05
Total ADDITIONAL1%-LOT FUND:			276,428.05
IN-LIEU HOUSING FUND			
IN-LIEU HOUSING EXPENDITURES			
52-4410-7115 AFFORDBLE WORKFORCE HOUSING			
BLAINE COUNTY TITLE	021219	Closing on BCT file 1821033a	1,554,738.08

Vendor Name	Invoice Number	Description	Net Invoice Amount
Total IN-LIEU HOUSING EXPENDITURES:			1,554,738.08
Total IN-LIEU HOUSING FUND:			1,554,738.08
WATER FUND			
63-3700-3600 REFUNDS & REIMBURSEMENTS			
RHEINSCHILD, WILLIAM	012319	Overpayment Refund	153.15
Total :			153.15
WATER EXPENDITURES			
63-4340-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	685780 JAN20	HRA Vision Jan 2019	16.50
63-4340-3100 OFFICE SUPPLIES & POSTAGE			
ALSCO - AMERICAN LINEN DIVI	LBO11675297	5493 020119	53.79
UNIFIED OFFICE SERVICES	264998	Office Supplies	18.44
WOOD RIVER LOCK SHOP, LLC	13465	Lube/service lock	64.95
63-4340-3200 OPERATING SUPPLIES			
A.C. HOUSTON LUMBER CO.	014-136171	Supplies	4.29
A.C. HOUSTON LUMBER CO.	014-138233	Supplies	8.76
A.C. HOUSTON LUMBER CO.	014-138729	supplies	10.99
ALSCO - AMERICAN LINEN DIVI	LBO11675295	5192 020119	21.49
COLOR HAUS, INC.	216337	Paint	10.29
GEM STATE PAPER & SUPPLY	1300147-00	Paper Goods	33.46
UNIFIED OFFICE SERVICES	264714	Office Supplies	156.16
63-4340-3250 LABORATORY/ANALYSIS			
GO-FER-IT	82866	292 - 013119	17.00
MAGIC VALLEY LABS, INC.	11180	Drinking water	110.00
63-4340-3400 MINOR EQUIPMENT			
PIPECO, INC.	S3259349.001	Shovel	24.55
USA BLUEBOOK	807488	Tools	86.75
63-4340-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	903250	37271 013119	376.14
63-4340-3800 CHEMICALS			
GEM STATE WELDERS SUPPLY,I	E258096	Chemicals	252.24
63-4340-4200 PROFESSIONAL SERVICES			
WILRO PLUMBERS LLC	13251	Plumbing Service	228.00
63-4340-4900 PERSONNEL TRAINING/TRAVEL/MTG			
FERGUSON ENTERPRISES, INC.	0705994	CEU Roadshow	180.00
63-4340-5100 TELEPHONE & COMMUNICATIONS			
CENTURY LINK	2087250715 02	2087250715 020419	114.07
CENTURY LINK	2087255045 02	2087255045 020419	50.08
63-4340-5200 UTILITIES			
DIG LINE	0060105-IN	Monthly Fee	70.70

Vendor Name	Invoice Number	Description	Net Invoice Amount
INTERMOUNTAIN GAS	32649330001 0	32649330001 012819 2	42.12
INTERMOUNTAIN GAS	32649330001 0	32649330001 012819 2	184.92
63-4340-6000 REPAIR & MAINT-AUTO EQUIP			
RIVER RUN AUTO PARTS	6538-137756	Parts	18.93
RIVER RUN AUTO PARTS	6538-138306	Parts	39.95
63-4340-6100 REPAIR & MAINT-MACH & EQUIP			
A.C. HOUSTON LUMBER CO.	014-137257	Tape	8.69
COLOR HAUS, INC.	216044	Paint	155.00
Total WATER EXPENDITURES:			2,358.26
Total WATER FUND:			2,511.41
WATER CAPITAL IMPROVEMENT FUND			
WATER CIP EXPENDITURES			
64-4340-7800 CONSTRUCTION			
GALENA ENGINEERING, INC.	1318.166 01011	1318.166 010119	291.00
Total WATER CIP EXPENDITURES:			291.00
Total WATER CAPITAL IMPROVEMENT FUND:			291.00
WASTEWATER FUND			
65-3700-3600 REFUNDS & REIMBURSEMENTS			
RHEINSCHILD, WILLIAM	012319	Overpayment Refund	310.89
Total :			310.89
WASTEWATER EXPENDITURES			
65-4350-2505 HEALTH REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	CP210594 JAN	HRA	1,498.02
65-4350-2515 VISION REIMBURSEMENT ACCT(HRA)			
NBS-NATIONAL BENEFIT SERVI	685780 JAN20	HRA Vision Jan 2019	32.75
65-4350-3100 OFFICE SUPPLIES & POSTAGE			
UNIFIED OFFICE SERVICES	264998	Office Supplies	18.44
65-4350-3120 DATA PROCESSING			
US BANK	9642 012519	9642 - Fraud Credit	79.67-
65-4350-3200 OPERATING SUPPLIES			
A.C. HOUSTON LUMBER CO.	014-136221	Ice Melt	100.50
ALSCO - AMERICAN LINEN DIVI	LBO11675295	5192 020119	21.49
ALSCO - AMERICAN LINEN DIVI	LBO11675296	5292 020119	97.01
GEM STATE PAPER & SUPPLY	1295765-00	Handwash	53.20
GEM STATE PAPER & SUPPLY	1297286-00	Paper Goods	26.43
UNIFIED OFFICE SERVICES	264714	Office Supplies	52.06
UPS STORE #2444	4948	4948 shipping 010219	10.46
UPS STORE #2444	4993	4993 shipping 010919	10.46
UPS STORE #2444	5025	5025 shipping 011619	10.48
UPS STORE #2444	5065	5065 shipping 012319	10.46

Vendor Name	Invoice Number	Description	Net Invoice Amount
UPS STORE #2444	5101	5101 shipping 013019	10.46
US BANK	9642 012519	9642 - Earplugs	19.90
65-4350-3400 MINOR EQUIPMENT			
US BANK	9642 012519	9642 - Pruners	40.96
65-4350-3500 MOTOR FUELS & LUBRICANTS			
UNITED OIL	903249	37270 013119	40.30
65-4350-3800 CHEMICALS			
NORTH CENTRAL LABORATORI	418281	Chemicals	480.19
65-4350-4200 PROFESSIONAL SERVICES			
ANALYTICAL LABORATORIES, I	60095	Testing	268.18
65-4350-4900 PERSONNEL TRAINING/TRAVEL/MTG			
OXFORD SUITES BOISE	BSE-6241	Room Charge - Chad Riggs	188.00
US BANK	9642 012519	9642 - Training	75.00
RIGGS, CHAD	021319	Reimbursement for Travel	203.65
65-4350-5200 UTILITIES			
IDAHO POWER	2224304721 02	2224304721 020719	14.39
INTERMOUNTAIN GAS	32649330001 0	32649330001 012819	827.29
INTERMOUNTAIN GAS	32649330001 0	32649330001 012819 2	299.29
INTERMOUNTAIN GAS	32649330001 0	32649330001 012819 2	197.01
INTERMOUNTAIN GAS	32649330001 0	32649330001 012819 2	42.12
65-4350-6000 REPAIR & MAINT-AUTO EQUIP			
NAPA AUTO PARTS	960669	Core Deposit / Air Hose Credit	93.79-
SAWTOOTH WOOD PRODUCTS, I	0000111235	Welded Shaft	363.29
65-4350-6100 REPAIR & MAINT-MACH & EQUIP			
US BANK	9642 012519	9642 - Battery	249.99
US BANK	9642 012519	9642 - Battery	37.99
Total WASTEWATER EXPENDITURES:			5,126.31
Total WASTEWATER FUND:			5,437.20
WASTEWATER CAPITAL IMPROVE FND			
WASTEWATER CIP EXPENDITURES			
67-4350-7810 HEADWORKS CONSTR. & EQUIP.			
RSCI	20167 9	20167 - 9	149,930.21
Total WASTEWATER CIP EXPENDITURES:			149,930.21
Total WASTEWATER CAPITAL IMPROVE FND:			149,930.21
PARKS/REC DEV TRUST FUND			
PARKS/REC TRUST EXPENDITURES			
93-4900-6500 ICE RINK-PRIVATE			
KETCHUM AUTOMOTIVE INC.	82454	stick shift fix	377.30
Total PARKS/REC TRUST EXPENDITURES:			377.30

Vendor Name	Invoice Number	Description	Net Invoice Amount
Total PARKS/REC DEV TRUST FUND:			377.30
ESSENTIAL SERVICES FAC. TRUST			
ESF TRUST EXPENDITURES			
95-4193-7205 FUTURE ESF FIRE			
COLE ARCHITECTS PLLC	1248	Schematic Design	4,100.33
Total ESF TRUST EXPENDITURES:			4,100.33
Total ESSENTIAL SERVICES FAC. TRUST:			4,100.33
Grand Totals:			2,138,880.35

Report Criteria:

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

[Report].GL Account Number = "0110000000"- "9648008200", "9910000000"- "9911810000"

Invoice Detail.Voided = No,Yes



City of Ketchum

February 19, 2019

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation to Receive and File Treasurer's Monthly Financial Report

Recommendation and Summary

Staff is recommending the council receive and file the Treasurer's monthly report in accordance with statutory requirements and adopt the following motion:

"I move to receive and file the Treasurer's financial report."

The reasons for the recommendation are as follows:

- State statute establishes requirements for monthly financial reports from the City Treasurer.

Introduction and History

Idaho State Statute 50-208 establishes requirements for monthly financial reports from the City Treasurer to the Council. The Statute provides that the Treasurer "render an accounting to the city council showing the financial condition of the treasury at the date of such accounting."

Analysis

Pursuant to the above statutory requirements, enclosed for Council review is a monthly financial report showing the financial condition of the City in the current fiscal year. This report, along with complete financial statements, is available on the City's website.

Financial Impact

There is no financial impact to this reporting.

Attachments

- Attachment A: Monthly Financial Report Charts



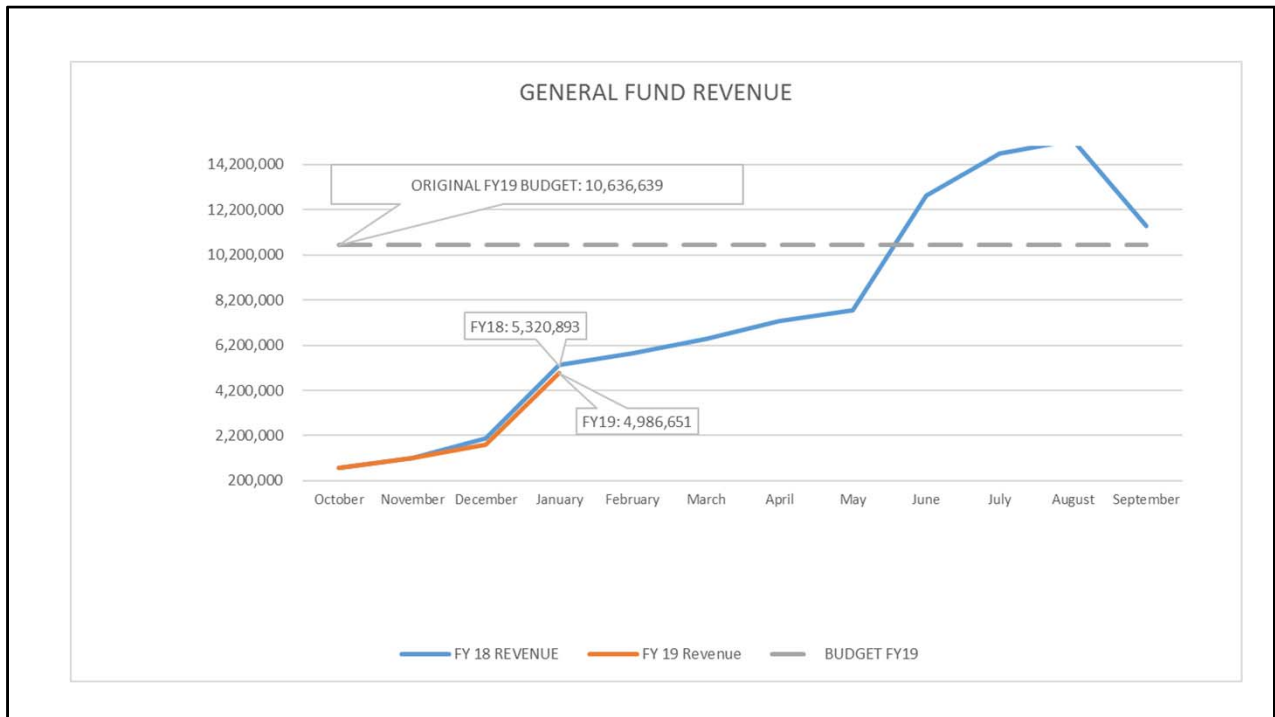
Monthly Financial Reports

As of January 31, 2019

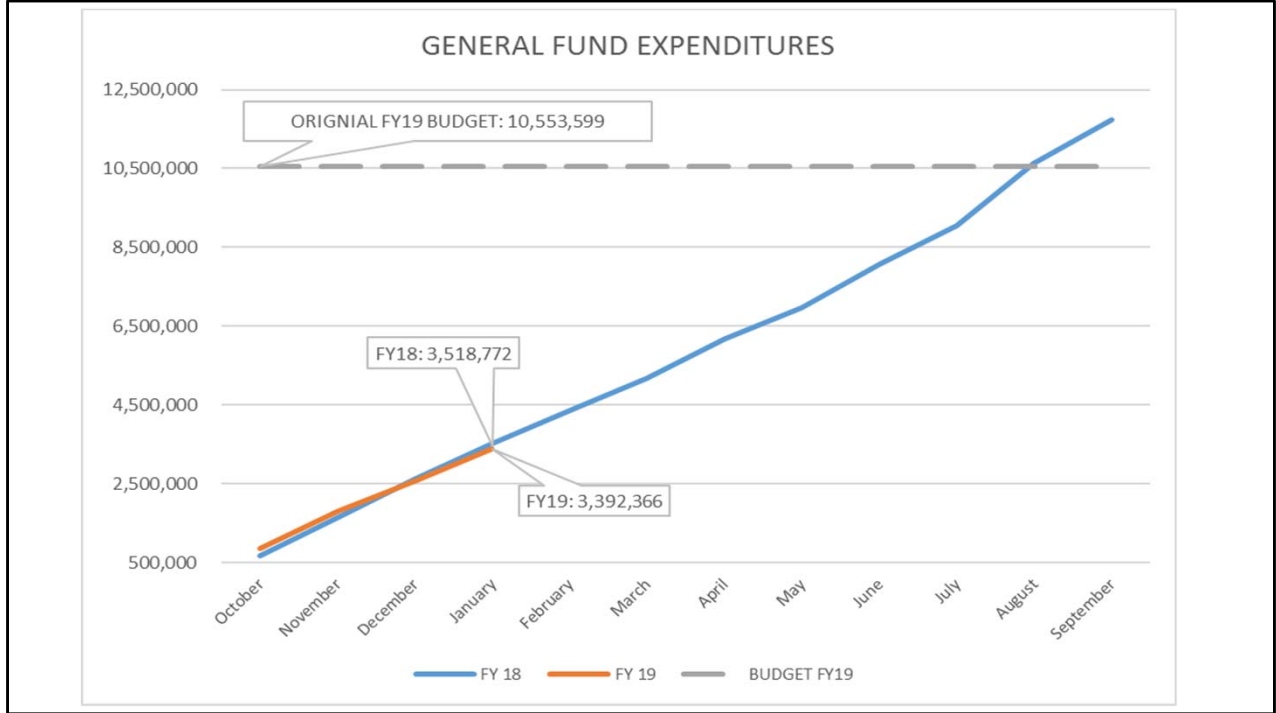
This packet is divided into three sections: (1) General Fund charts (pages 2-13); (2) Original LOT charts (pages 14-18); (3) Enterprise Fund charts (pages 19-23); and Off-Street Parking Lot charts (pages 24-28).

Each chart includes information on current progress relative to the prior year and also the current budget. Where deviations are 5% or greater, an explanation on the major drivers of such changes is included.

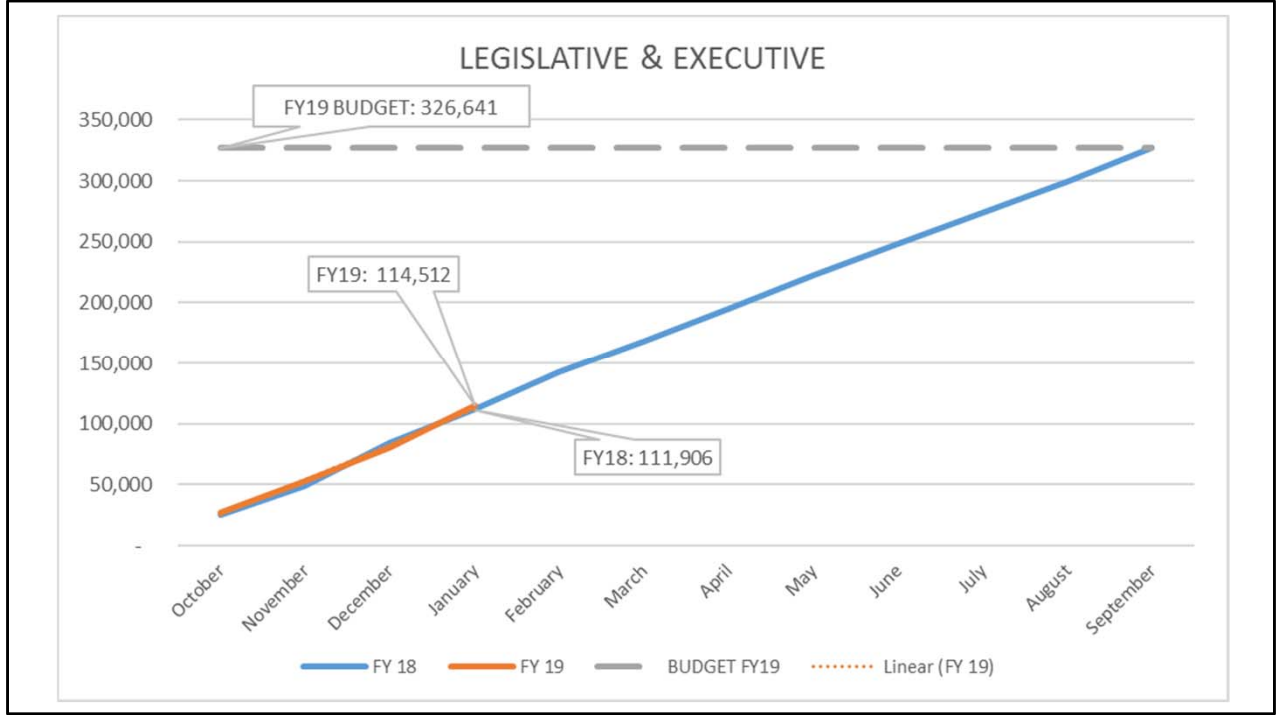
General Fund



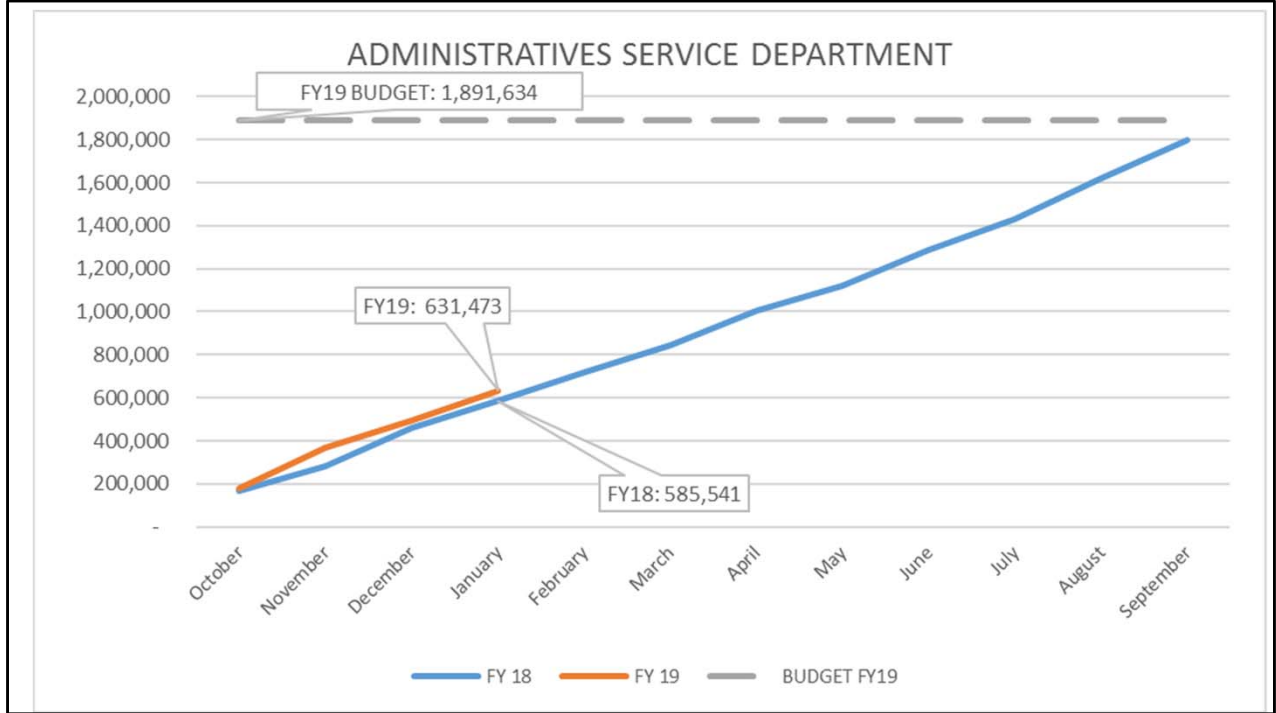
The General Fund revenues are down approximately \$334,241 (6.3%) in FYTD. This decrease is largely due to Planning & Building, licensing, permits and charges for services.



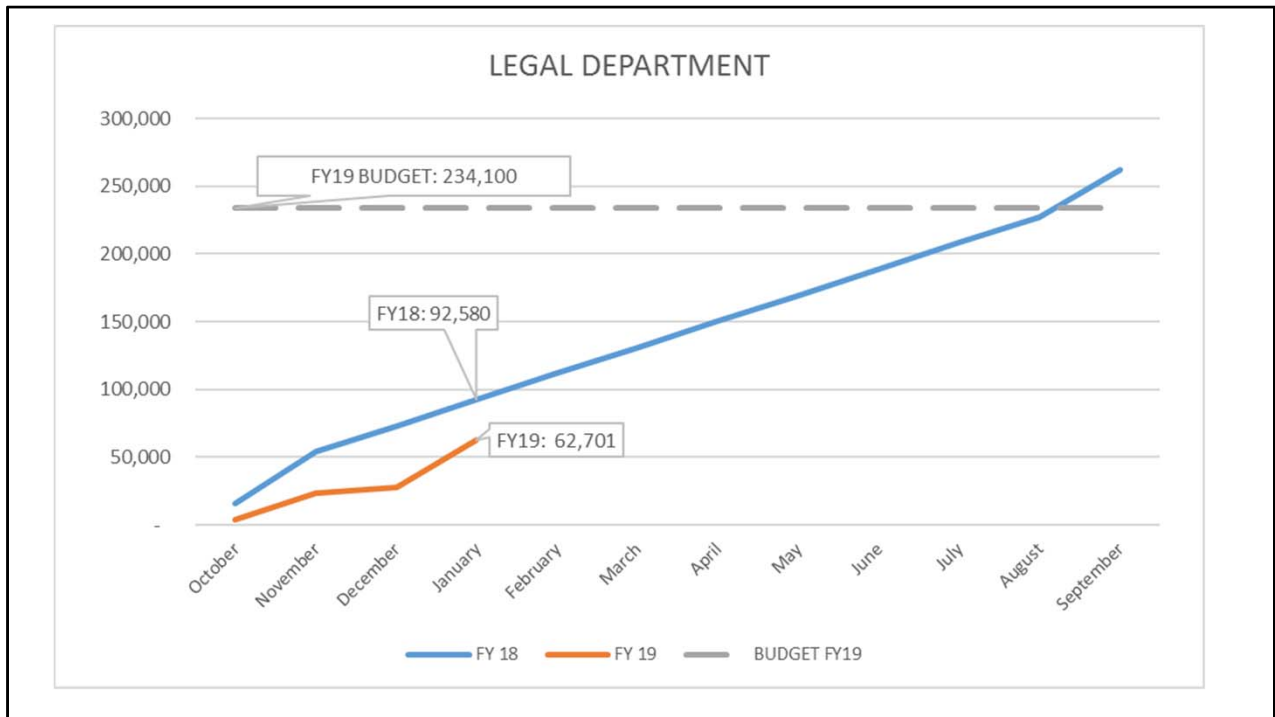
The General Fund expenditures are down \$126,406 (3.6%) FYTD.



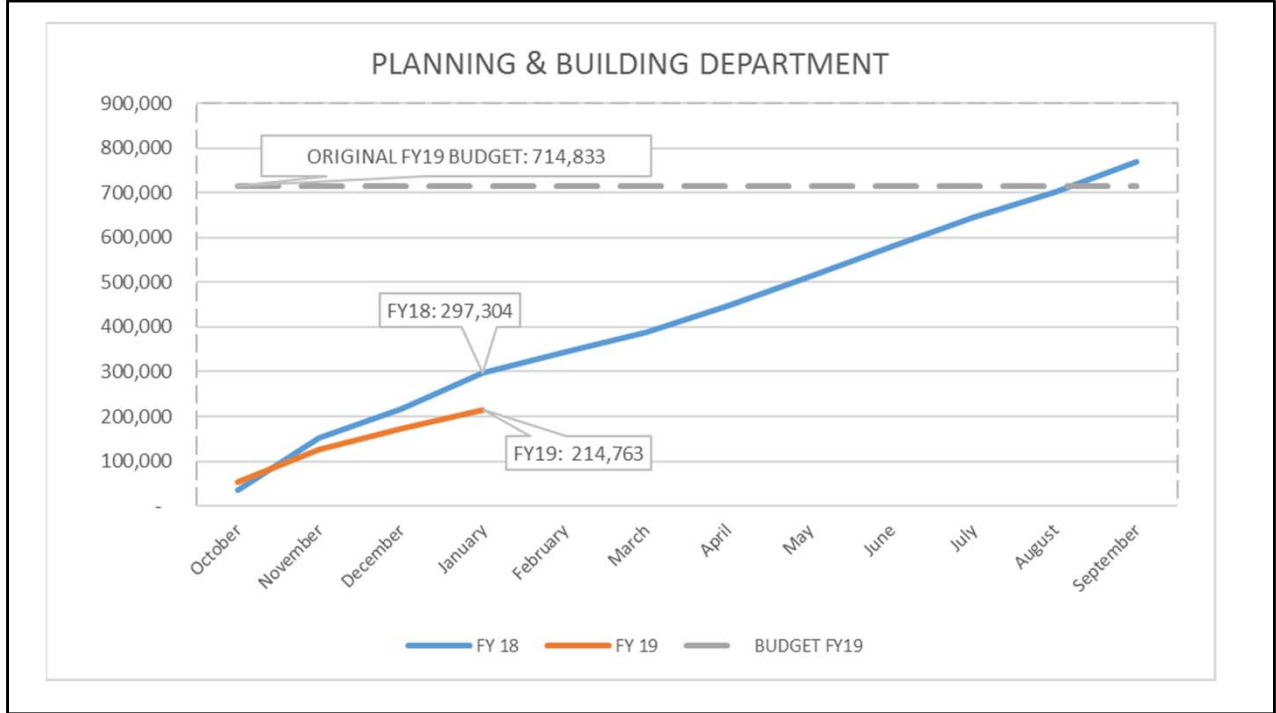
The Legislative & Executive Department expenditures are up \$2,606 (2.3%) FYTD.



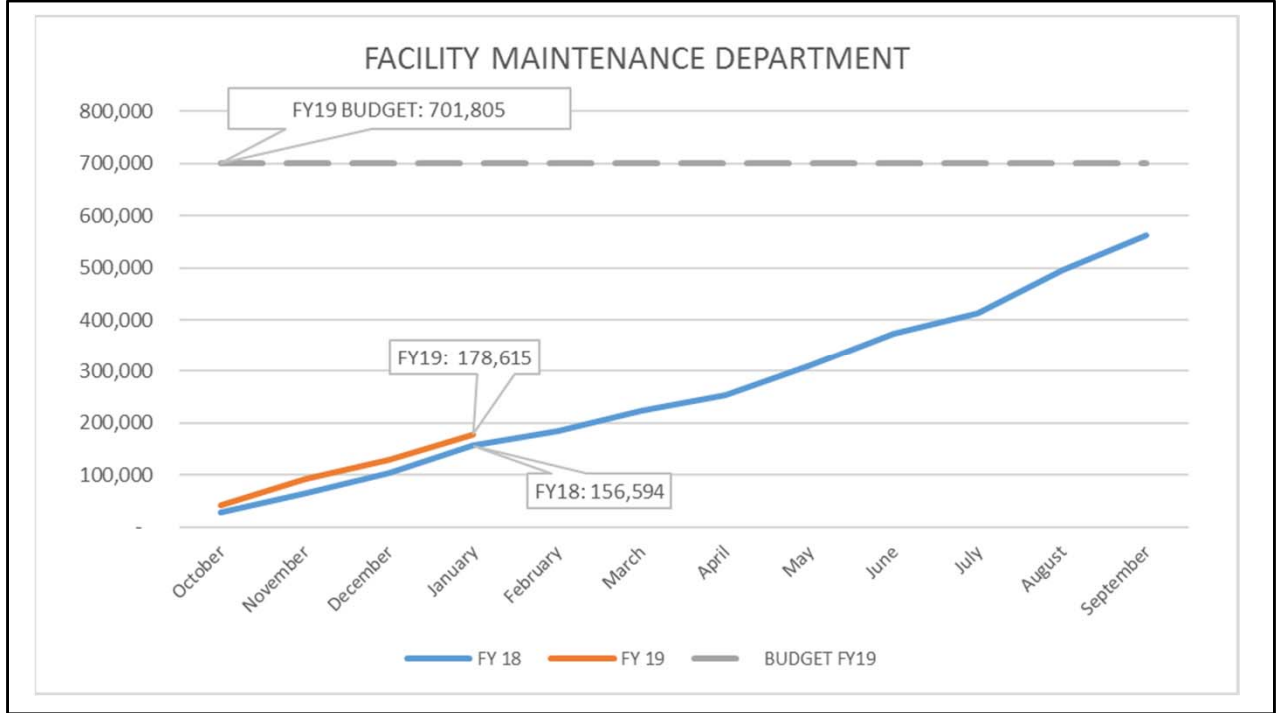
The Administrative Services Department expenditures are up \$45,932 (7.8%) FYTD. This increase is due largely to increased salary and benefit costs.



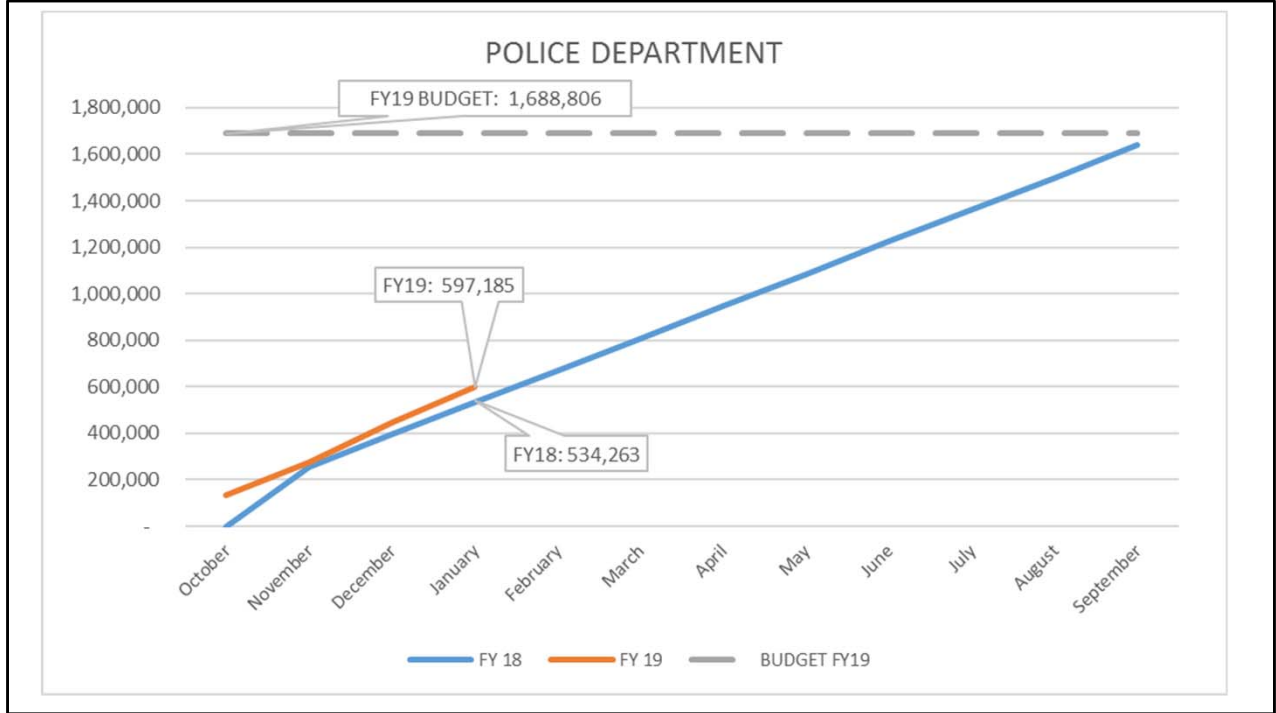
The Legal Department expenditures are down \$29,879 (32.3%) FYTD. This decrease is largely due to the timing of the contract billing with White Peterson relative to the prior year.



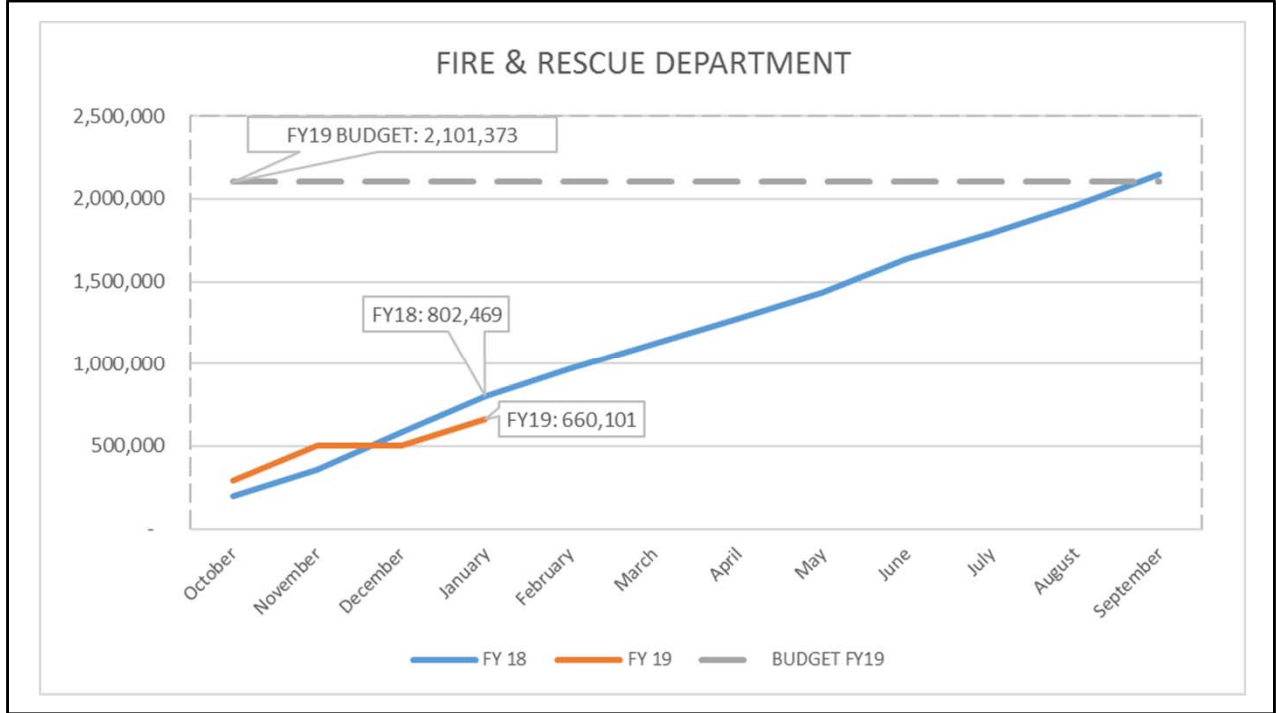
The Planning & Building Department expenditures are down \$82,541 (27.8%) FYTD. This decrease is largely due to payments to the Idaho Division of Building Safety related to permits and plan review. This expenditure decrease corresponds to the lower general fund revenue noted on slide 3.



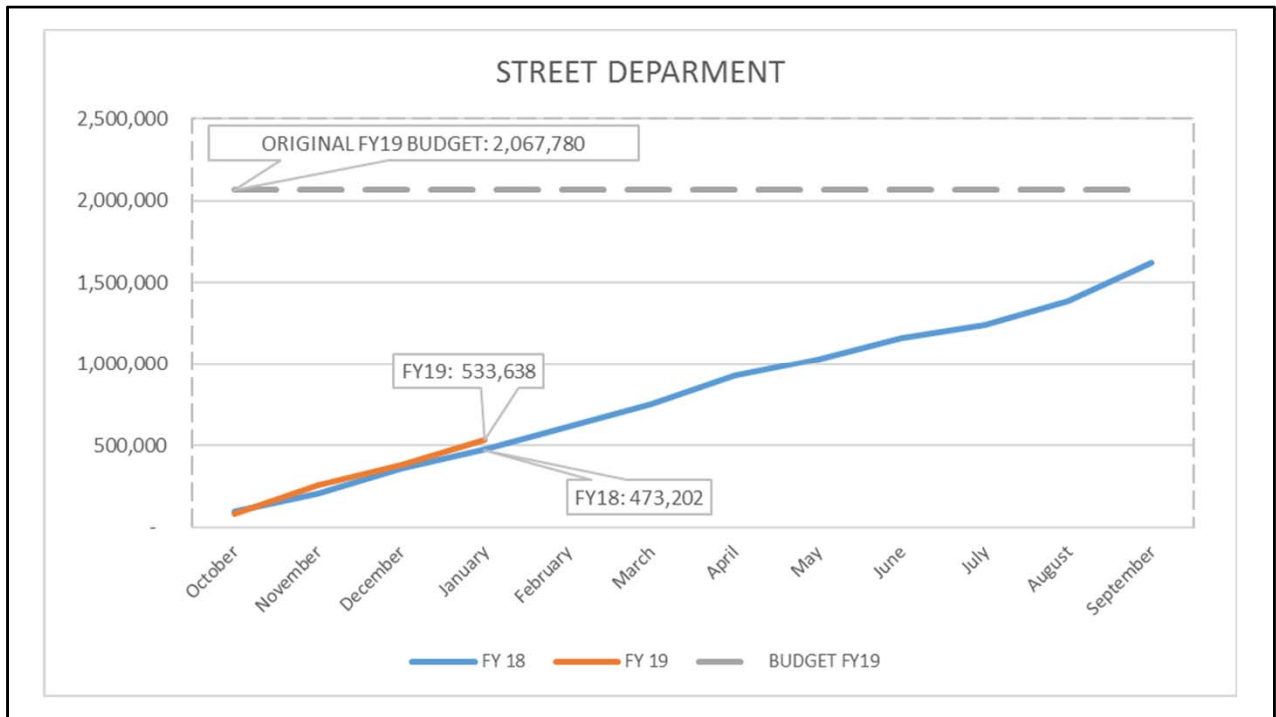
The Facilities Maintenance Department expenditures are up \$22,021 (14.1%) FYTD. This increase is largely due to increased salary and benefit expenditures as the department has filled previously vacant positions.



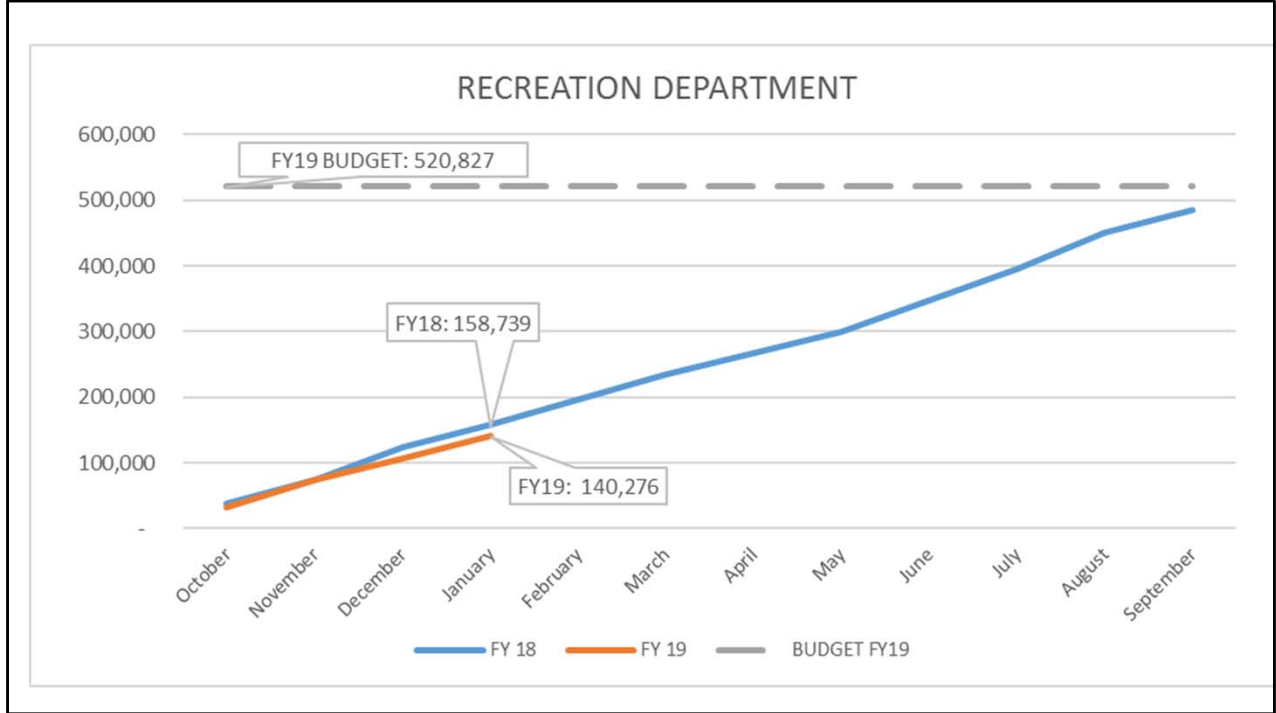
The Police Department expenditures are up \$69,922 (11.8%) FYTD. This increase is due to changes in the Blaine County Sheriff's Office contract.



The Fire & Rescue Department expenditures are down \$142,368 (17.7%) FYTD. This decrease is largely due to reduced salary and benefit costs associated with a department vacancy and also the timing of billings from the City of Sun Valley for management services. This decrease is partially one of timing and that component is expected to disappear in the coming months.

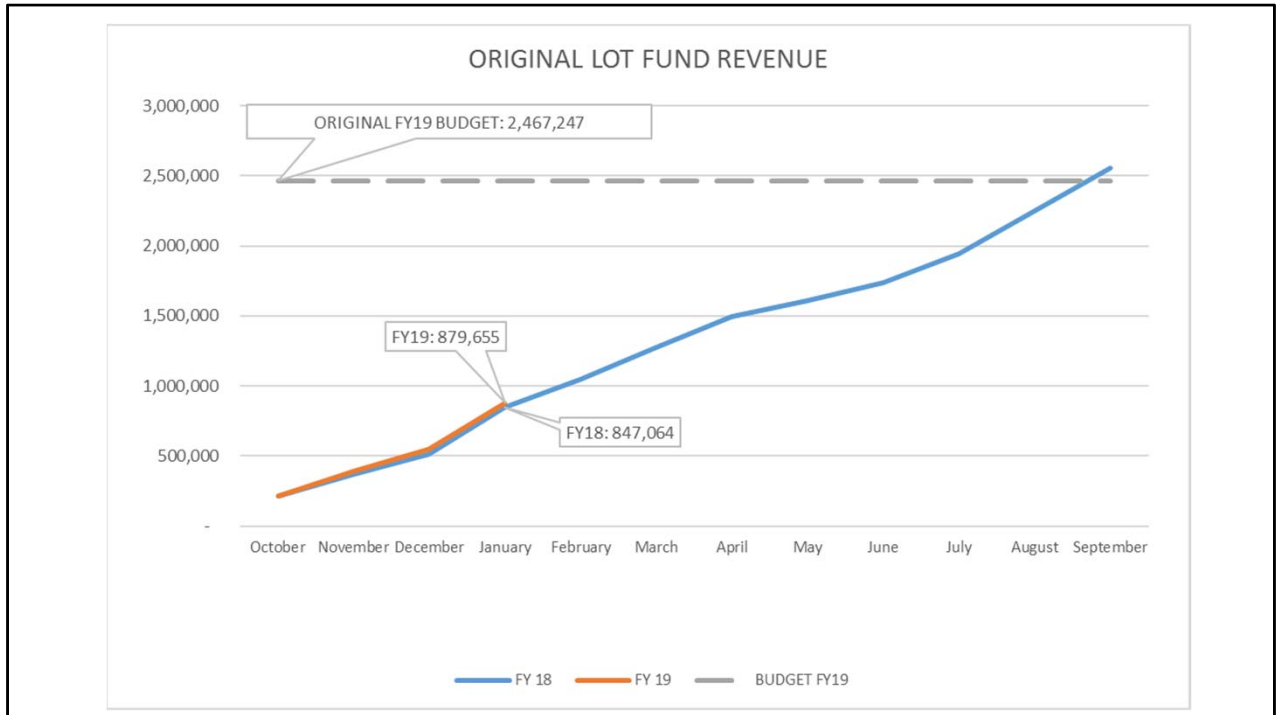


The Streets Department expenditures are up \$60,436 (12.8%) FYTD. This increase is largely due to salaries and benefit expenditures as the department has filled previously vacant positions.

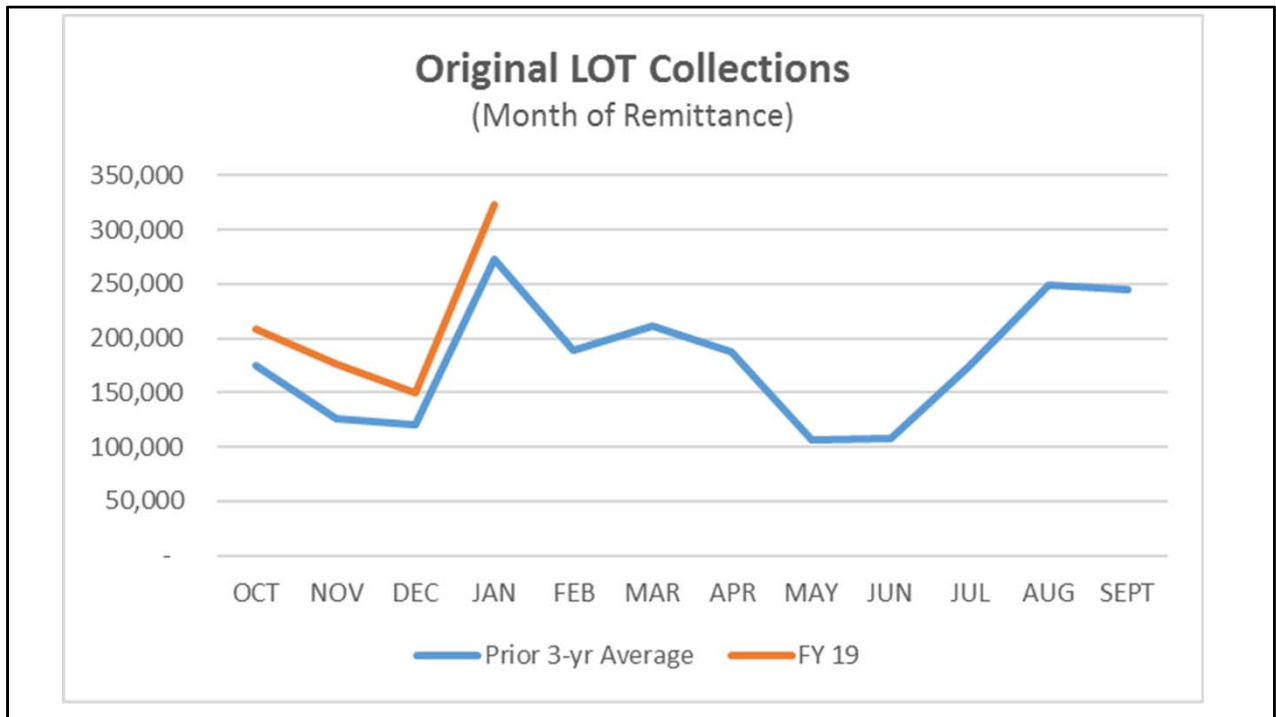


The Recreation Department expenditures are down \$18,463 (11.6%) FYTD. This decrease is largely due to lower materials and services utilization relative to the prior year.

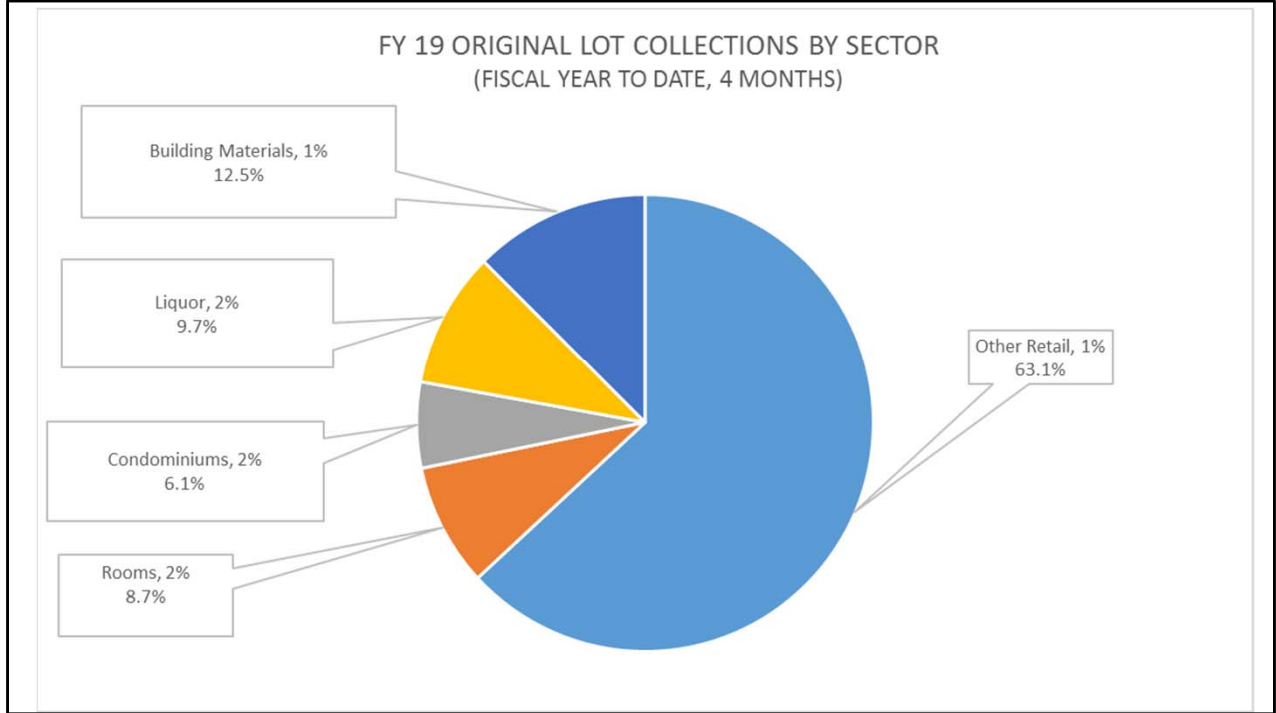
LOT Analysis



Revenue to the Original LOT Fund is up approximately \$32,591 (3.8%) FYTD due to greater tax receipts.

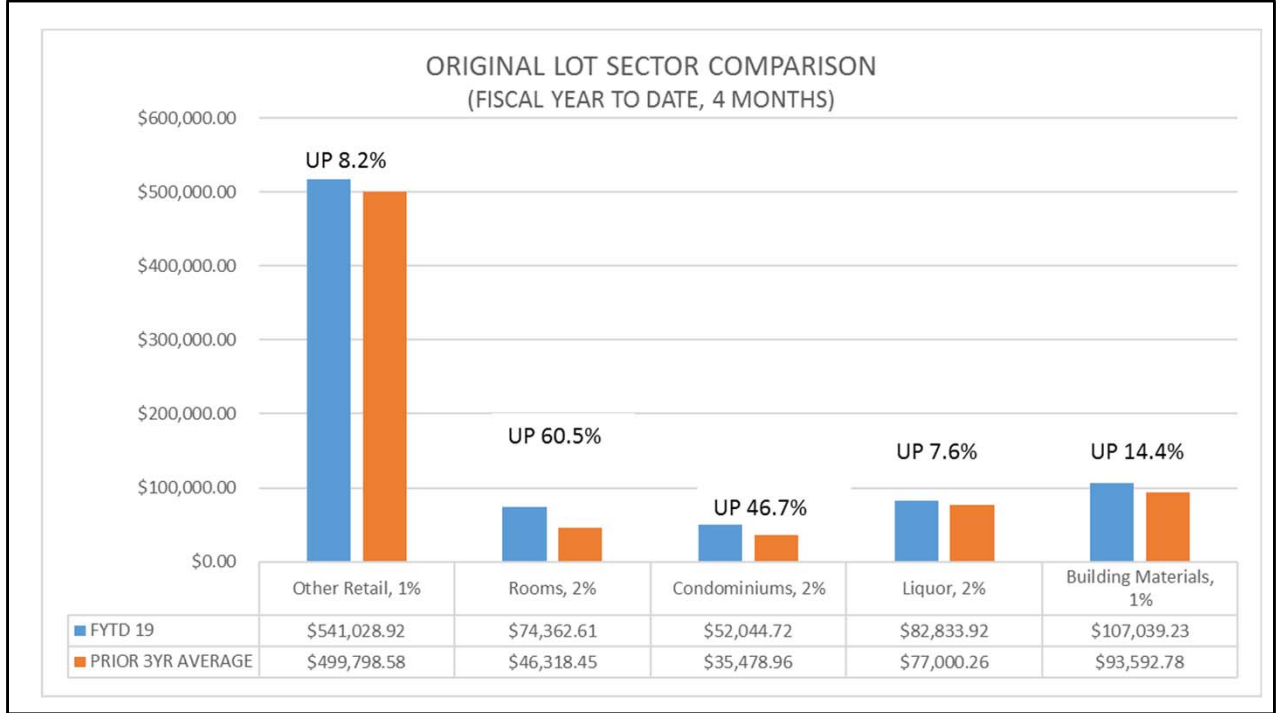


Revenues from Original LOT covered sales are up approximately 14.0 % over the average of the prior three years.



To date in FY 19 (4 months), Original LOT collections have been generated by each sector as follows:

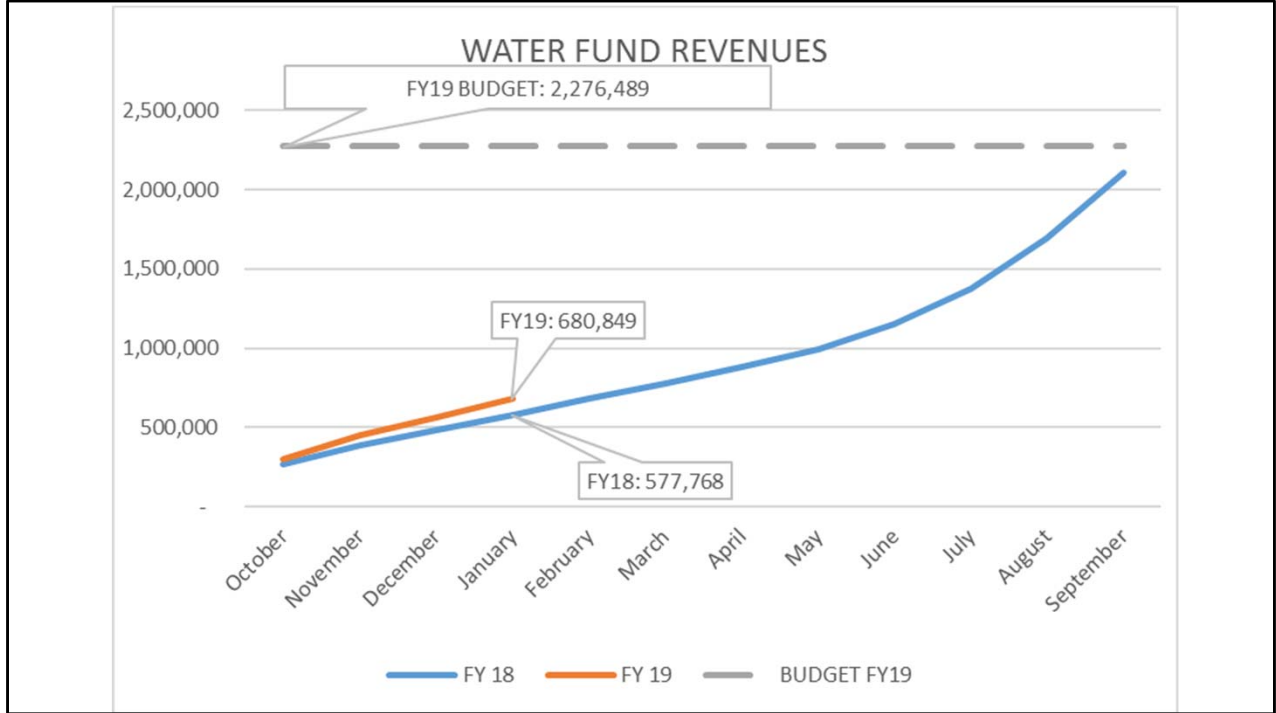
1. Retail has generated 63.1% of the total.
2. Building Materials have generated 12.5%.
3. Liquor has generated 9.7%.
4. Rooms have generated 8.7%.
5. Condominiums have generated 6.1%.



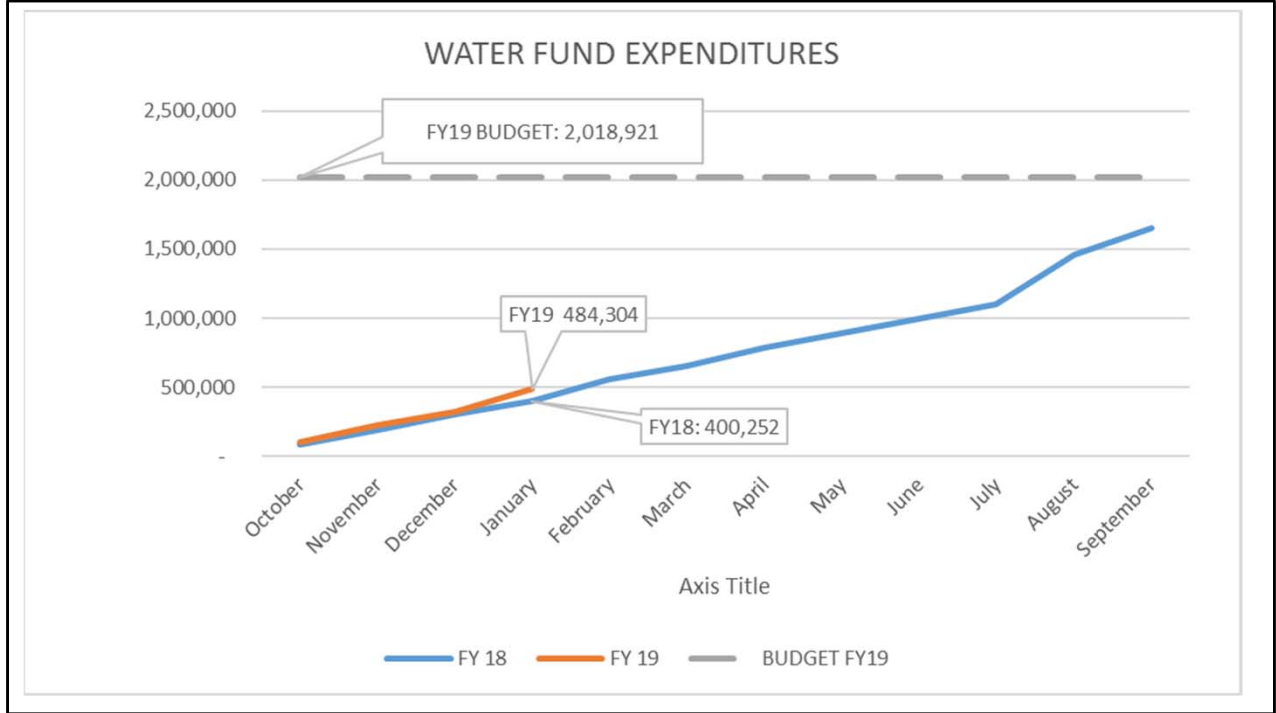
Through the first 4 months of FY 19, collections compared to the prior three year average are as follows:

1. Retail is up 8.2%.
2. Rooms are up 60.5%.
3. Condominiums are up 46.7%
4. Liquor is up 7.6%.
5. Building Materials are up 14.4%.

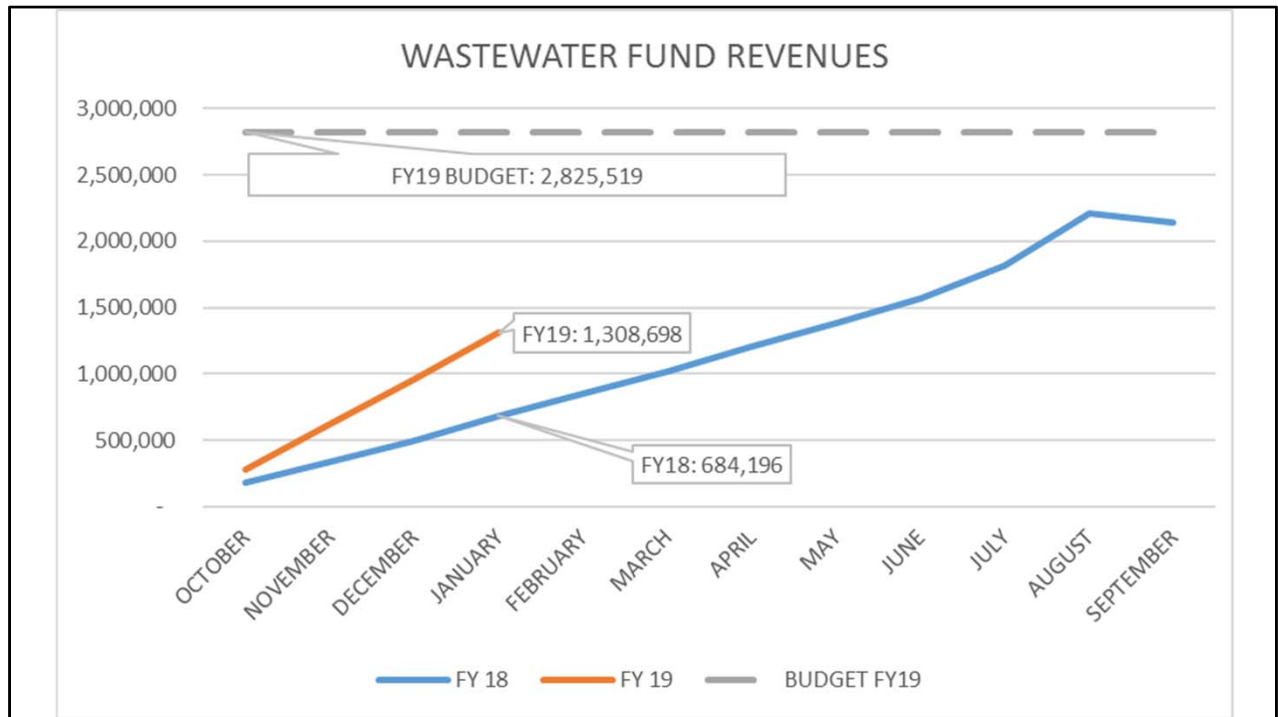
Enterprise Funds



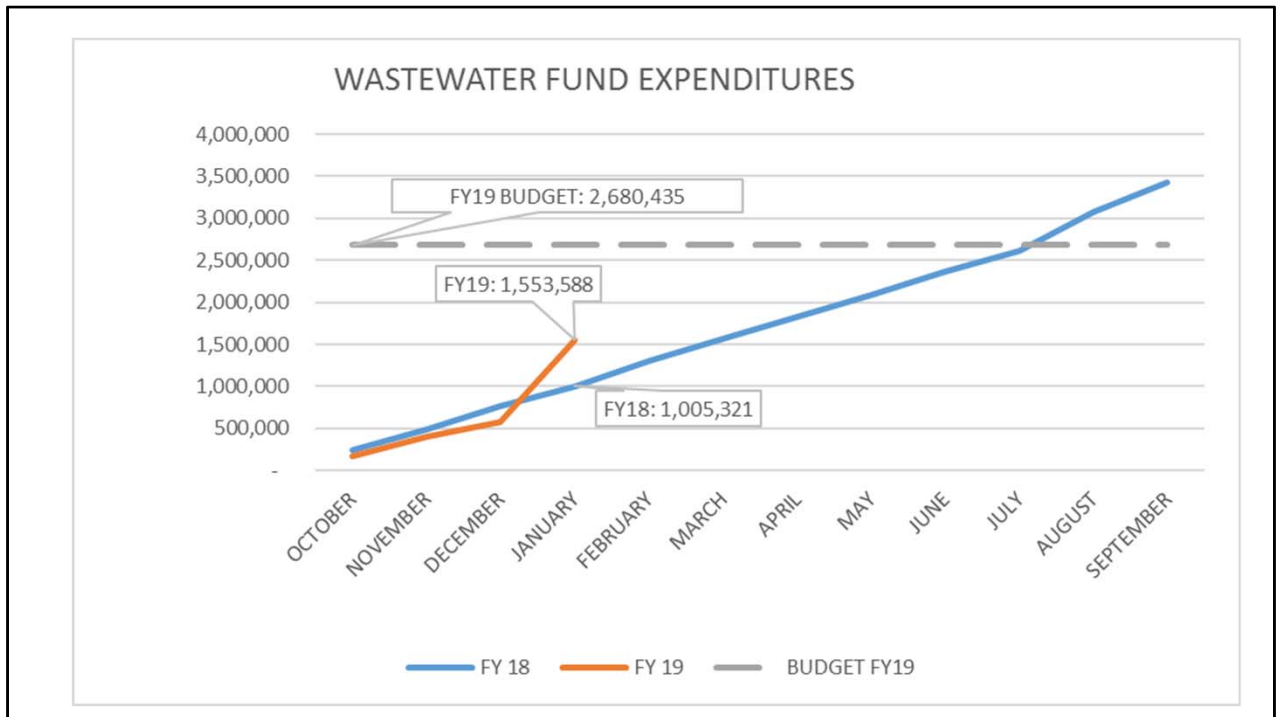
The Water Fund revenues are up \$103,081 (17.8%) FYTD. This increase is due to changes to the water rate structure implemented as part of the FY 19 budget.



The Water Fund expenditures are up \$84,052 (21%) FYTD. This increase is largely due to the timing of a debt service payment.

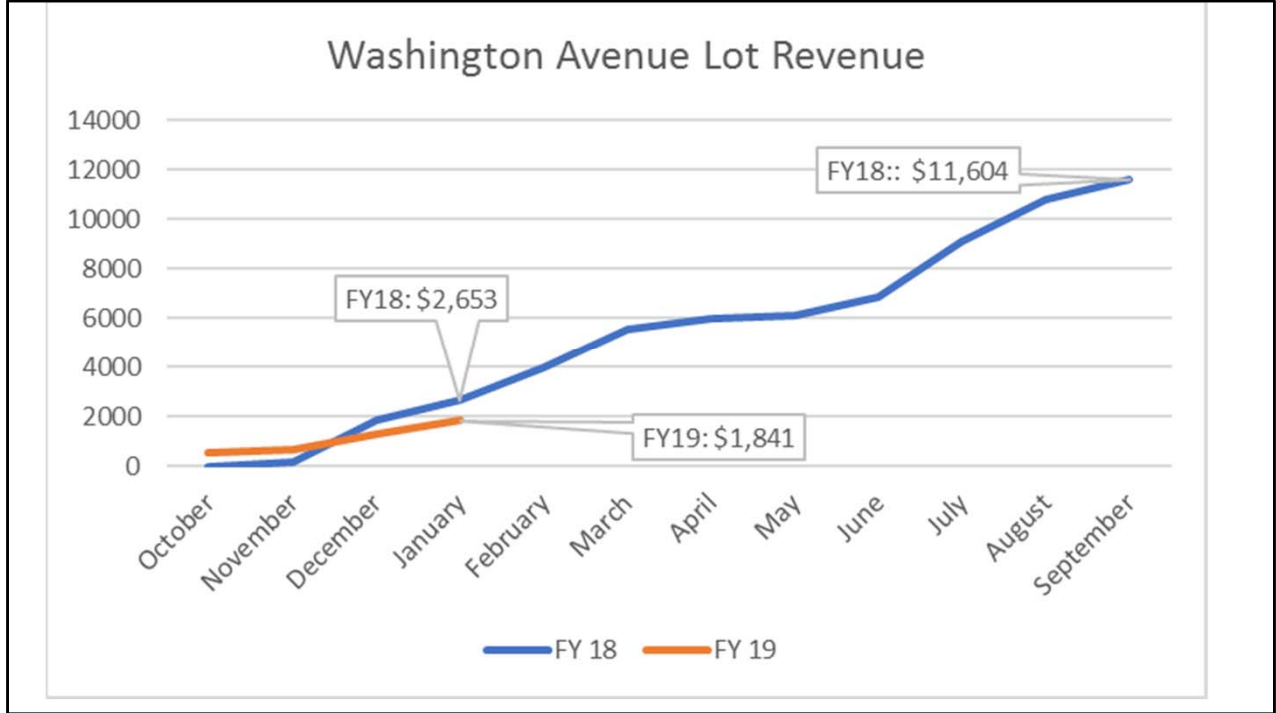


The Wastewater Fund revenues are up \$624,502 (91.3%) FYTD. This increase is driven by two factors: (1) Wastewater rate increases included in the FY 19 budget which have added approximately \$165,495 FYTD; and (2) increased reimbursements from the Sun Valley Water and Sewer District related to the Headworks project which have added approximately \$454,355 in revenues FYTD.



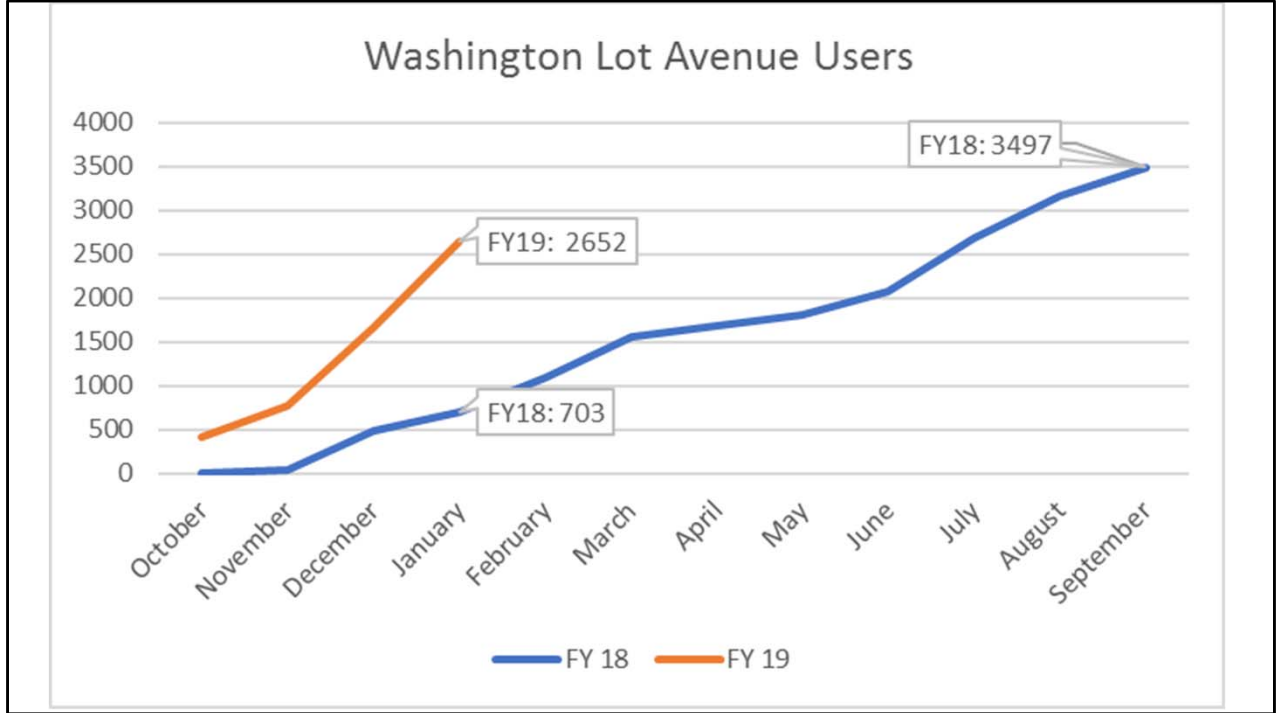
The Wastewater Fund expenditures are down approximately \$548,267 (50.5%) FYTD. The increase is largely due to the Headworks project.

Off-Street Parking Lots



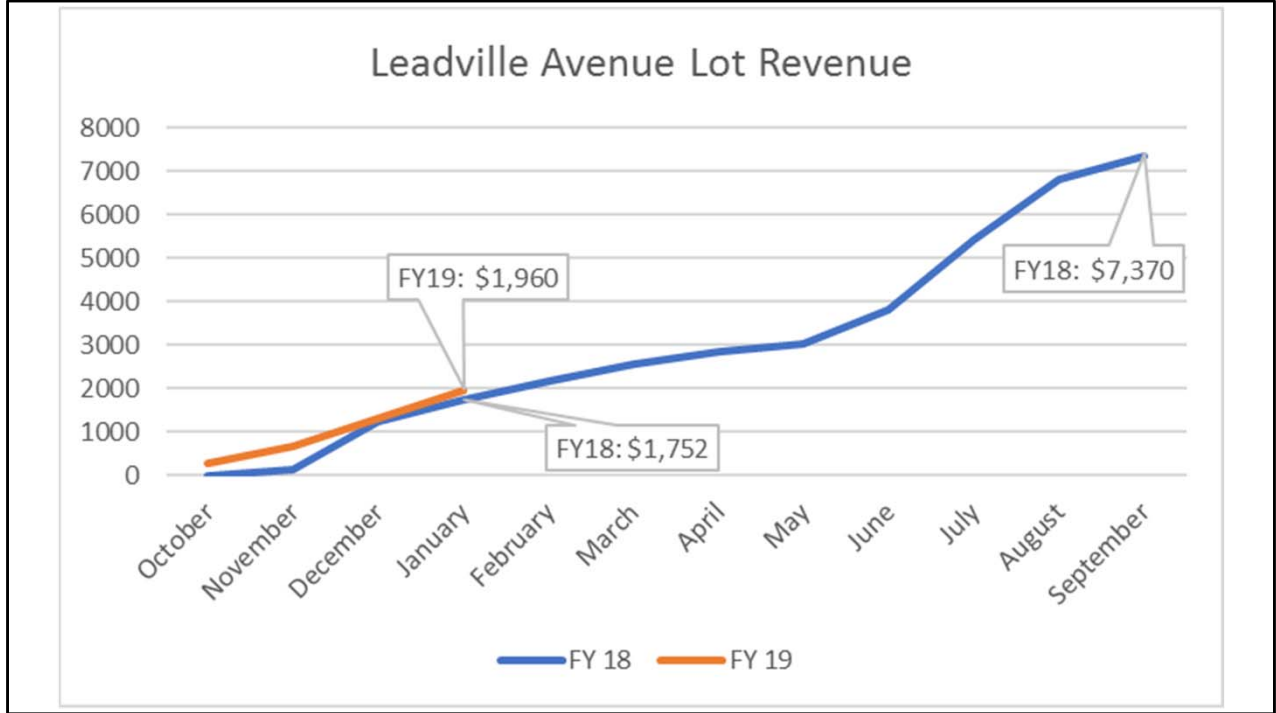
In the fiscal year to date, revenues at the Washington Avenue parking lot are down \$812 (30.6%) relative to the prior year. The institution of three hours of free parking per user per day has resulted in a decrease in the average revenue per user from \$3.77 in FY 18 to \$0.69 in FY 19.

It is important to note that the Washington Avenue Lot was not a paid lot until November 17, 2017.



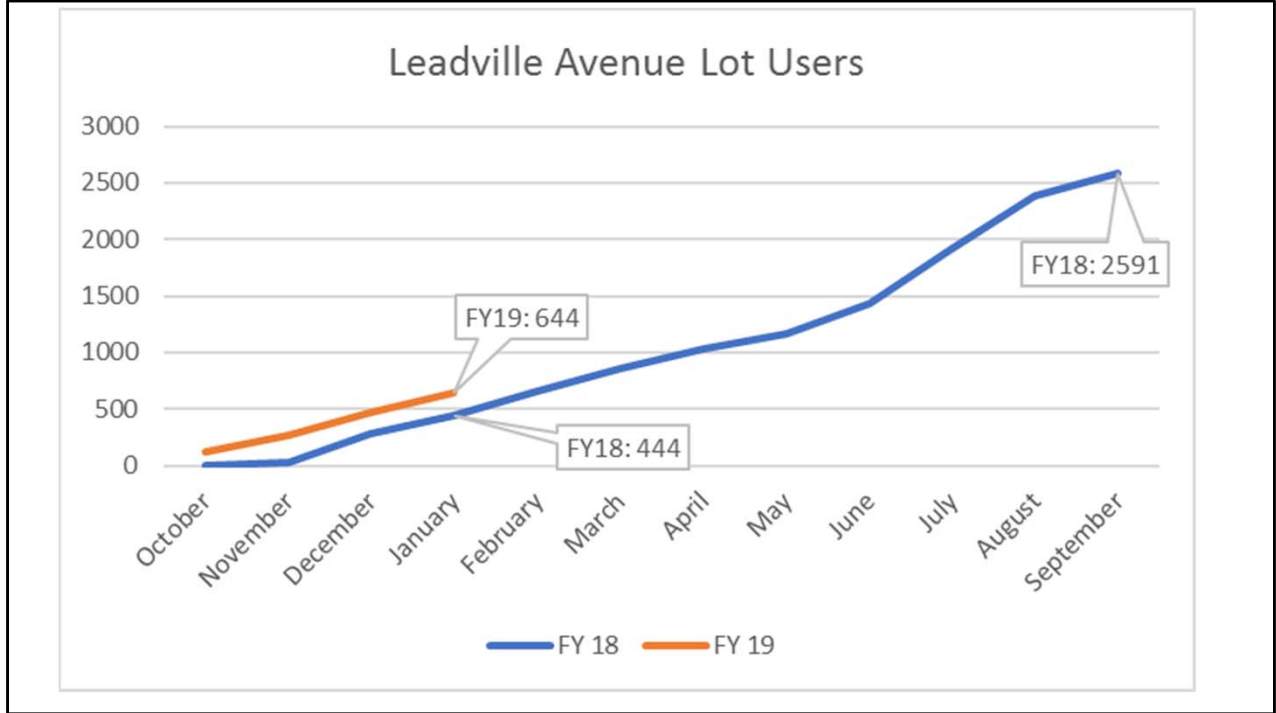
In the fiscal year to date, the number of transactions registered at the Washington Avenue parking lot is up 1,949 (277.2%) relative to the prior year. The institution of three hours of free parking per user per day has likely encouraged greater utilization of the lot.

It is important to note that the Washington Avenue Lot was not a paid lot until November 17, 2017, so FY 19 benefits from an additional 1.5 months of measured usage.



In the fiscal year to date, revenues at the Leadville Avenue parking lot are up \$208 (11.9%) relative to the prior year. The average revenue per user has decreased from \$3.95 in FY 18 to \$3.04 in FY 19 as a result of modifications to the fee structure.

It is important to note that the Leadville Avenue Lot was not a paid lot until November 17, 2017, so FY 19 benefits from an additional 1.5 months of measured usage.



In the fiscal year to date, the number of transactions registered at the Leadville Avenue parking lot is up 200 (45.0%) relative to the prior year. It is important to note that the Leadville Avenue Lot was not a paid lot until November 17, 2017, so FY 19 benefits from an additional 1.5 months of measured usage.



City of Ketchum

February 19, 2019

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation to Approve Alcohol Beverage Licenses

Recommendation and Summary

Staff is recommending the council to approve the license and adopt the following motion:

I move to approve Alcohol Beverage Licenses for the applicant included in the staff report.

The reasons for the recommendation are as follows:

- Ketchum Municipal Code Requires certain licenses to sell liquor, beer or wine.
- At this time, the following business has filed for a new license, pro-rated for six months and Council approval is requested to complete the process of issuing such beer, wine and liquor licenses.

Introduction and History

In accordance with Municipal Code 5.04.020, Alcoholic Beverage Sales, it is unlawful for any person to sell liquor, beer, or wine at retail or by the drink within the City without certain licenses as required pursuant to Ordinance 367. All City licenses for liquor, beer, and wine expire annually and require renewal by August 1st. The businesses will be vending beer, wine and liquor on premise (wine is included in the liquor fees) per application.

Analysis

At this time, the following business has filed for their license and Council approval is requested to complete the process of issuing such beer, wine and liquor licenses.

Financial Impact

- The City of Ketchum will realize revenue of approximately \$605.04 from approval of these licenses in accordance with the current fee structure

<u>Company</u>	<u>Beer Consumed on Premises</u>	<u>Beer Not to be Consumed on Premises</u>	<u>Wine Consumed on Premises</u>	<u>Wine Not to be Consumed on Premises</u>	<u>Liquor</u>	<u>Approved by Council for 2018-19</u>	<u>Total Amount of Fees</u>
<u>Wood River Whiskey</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>2/19/2019</u>	<u>405.00</u>
<u>Despos Mexican Restaurant</u>	<u>X</u>		<u>X</u>			<u>2/19/2019</u>	<u>200.04</u>

Sincerely,

Grant Gager
Director of Finance and Internal Services
Attachments: Alcohol applications

BEER, WINE AND LIQUOR-BY-THE DRINK LICENSE APPLICATION

Year Applying for August 1, 2017 - July 31, 2018

To the City Council, Ketchum, Idaho

The undersigned a Corporation Partnership Individual does hereby make application for a license to sell during the year 2017-2018, the following:

February 1, 19 - July 31, 19

1.	BEER LICENSE	Fee	
	<input checked="" type="checkbox"/> Draft or Bottled or Canned Beer, to be consumed on premises	\$	200.00 100.02 <i>Pro rate</i>
	<input checked="" type="checkbox"/> Bottled or Canned Beer, NOT to be consumed on premises	\$	50.00 24.94
2.	WINE LICENSE		
	<input checked="" type="checkbox"/> Wine, to be consumed on premises:	\$	200.00
	<input checked="" type="checkbox"/> Wine, NOT to be consumed on premises:	\$	200.00
3.	LIQUOR LICENSE		
	<input checked="" type="checkbox"/> Liquor by the drink	\$	500.00 280.02
		Total Due:	\$ 6210.00 405.00

STATE LICENSE NO. 3880 COUNTY LICENSE NO. 10 (copies attached)

Within the City of Ketchum, Idaho, at the place of business described below, and tenders herewith the license fee as provided by law. The following is a true and correct statement of the nature, place, ownership and management of the business for which this application is made and of the qualifications of the applicant;

Name of Applicant Wood River Whiskey, LLC
D/B/A The Boho Lounge
Mailing Address POB 2497 Hailey, ID 83333
Phone Number 208-720-9281

Physical Address of business where license will be displayed 131 Washington Avenue
Record owner of the property William D. Weidner

Has the applicant, or any partner of his, or any member of the applying partnership, or the active manager of the applying partnership, or any officer of the applying corporation been convicted of a violation of any law of the State of Idaho, or any other state, or of the United States regulating, governing, or prohibiting the sale of alcoholic beverages or intoxicating liquor, or has any one of them within three years forfeited, or suffered the forfeiture of, a bond for his appearance to answer charges of any such violation? NO

Has the applicant or any partner or actual active manager or officer of the applicant been convicted of any felony within five years? Yes No

If Applicant Is A Partnership or Corporation: Yes (If a corporation, attach list of names and addresses)

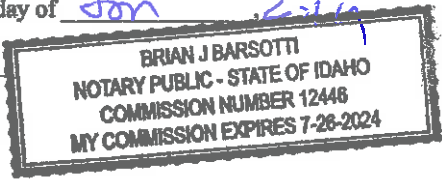
Billy Weidner POB 2455 590 Wood River Drive Ketchum, ID 83340

If a partnership, give the names and addresses of all partners: _____

The undersigned hereby acknowledges and consents that the license(s) requested are subject to the provisions of the Ketchum Municipal Code, Title 5.04 (amended by Ordinance 882), City of Ketchum, Idaho, Blaine County.

Applicant [Signature] Relation to Business Manager

Subscribed and sworn to before me this 29 day of Jan, 2019
[Signature]
Notary Public or City Clerk or Deputy



License Fee Received \$ 405.00

License No. 2326 A

Approved by City of Ketchum, ID _____ By _____ Mayor
2-19-19



City of Ketchum

Beer, Wine & Liquor-by-the Drink License Application

Submit completed application and fees below to the City Clerk Office, PO Box 2315, 480 East Ave. N., Ketchum, ID 83340. If you have questions, please contact Business License & Tax Specialist, Kathleen Schwartzenberger at taxes@ketchumidaho.org or (208) 726-3841.

APPLICANT INFORMATION		
Applicant Name: Desperados Inc	Doing Business As: Despos Mexican Restaurant	
Physical Address where license will be displayed: 211 4th St. E Ketchum ID 83340		
Mailing Address: PO Box 1644 Ketchum ID 83340		
Recorded Owner of Property: Amy Harris President, Traci Ireland Secretary		
Applicant Phone Number: 208 726 3068	Applicant Email: despos@cox-internet.com	
STATE LICENSE NO: 3892 (copy required)	COUNTY LICENSE NO: 39 (copy required)	
Corporation: <input checked="" type="checkbox"/> Partnership: <input type="checkbox"/> Individual: <input type="checkbox"/> If Applicant is a Partnership or Corporation, is the corporation authorized to do business in Idaho? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	List names and addresses of corporation officers and/or partners: _____ _____ _____ _____	
BEER LICENSE FEES		
<input checked="" type="checkbox"/>	Draft or Bottled or Canned Beer to be consumed on premises	\$200.00 100.02
	Bottled or Canned Beer NOT to be consumed on premises	\$ 50.00
WINE LICENSE FEES		
<input checked="" type="checkbox"/>	Wine, to be consumed on premises	\$200.00 100.02
	Wine, NOT to be consumed on premises	\$200.00
LIQUOR LICENSE FEES		
	Liquor by the Drink	\$560.00
Total Fees Due		\$400.00 200.04
ADDITIONAL INFORMATION		
Has the applicant, any partners of the applicant, any member of the applying partnership, the active manager of the applying partnership or any officer of the applying corporation been convicted of a violation of any law of the State of Idaho, or any other state, or of the United States regulating, governing, or prohibiting the sale of alcoholic beverages or intoxication liquor, and has any one of them within the last three years forfeited or suffered the forfeiture of a bond for his/her appearance to answer charges of any such violation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Has the applicant or any partner or actual active manager or officer of the applicant been convicted of any felony within the last five years? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		



City of Ketchum
City Hall

February 19, 2019

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Authorization to Reallocate Ketchum Arts Commission Funds

Recommendation and Summary

Staff is recommending Council authorize the reallocation of Ketchum Arts Commission (KAC) funds to increase the budget for an interactive sculpture.

“I move to approve the reallocation of Ketchum Arts Commission funds for an interactive sculpture.”

The reason for the recommendation is as follows:

- KAC will reissue a second Call for Artists for an interactive sculpture.
- \$4,000 of the KAC budget is allocated to Cover Art.
- Increasing the budget for interactive art by \$4,000, to total \$29,000, will draw a larger field of applicants.

Introduction and History

On December 6, 2018, the Ketchum Arts Commission juried art submissions for its interactive sculpture art project and selected three finalists. KAC planned to present the finalists to Council for approval at its December 17, 2018 meeting.

Prior to the meeting, KAC reached the conclusion they were not fully satisfied with any of the submissions from the Call for Artists and decided to reissue the call with more specificity on the interactive sculpture and potentially a larger artist fee, and to broaden the search.

Upon Council approval of the reallocation of funds, the second Call for Artists will be issued on February 20, 2019. Applications will be due on March 25. Three finalists will be presented to City Council at its April 1, 2019 meeting for approval. Upon approval, the three finalists will present their proposals by April 26. A finalist will be selected by KAC and presented to Council for its approval at the May 6, 2019 meeting.

Financial Impact

There are no new costs associated with this reallocation. All funding is included in the City of Ketchum's FY19 Ketchum Arts Commission budget.



City of Ketchum

February 19, 2019

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation To Approve Purchase Order 20318 For a Snow Plow

Recommendation and Summary

Staff is recommending the council approve the purchase of a snow plow for the new F550 truck.

"I move to approve Purchase Order 20318 for a snow plow from Clearwater Power Equipment, LLC in the amount of \$8,189.33 and authorize the Mayor to sign the Purchase Order."

The reasons for the recommendation are as follows:

- The Streets Department has seen an increasing need to plow certain City properties that are space constrained and inaccessible with larger plow trucks.
- The FY 19 budget approved by Council includes the necessary funding.

Introduction and History

The City of Ketchum Street and Facilities Maintenance Department is responsible for maintaining roads within the City. In order to maintain an appropriate level of service, the City periodically uses a smaller truck to plow certain areas.

Analysis

Bids were solicited from area providers. The City received two bids for 9' poly plows; a Hinkier plow from Sawtooth Wood Products for \$6,710.90 and a Boss plow from Clearwater Power Equipment, LLC for \$8,189.33.

Ketchum's Street and Facilities Maintenance Department owns and operates several Boss snow plows. Staff preference for interchangeable equipment results in a deviation of the City's standard process of accepting the low bid. Staff believes the plow's ability to be interchangeable and the current operational knowledge of Boss plows will allow for a higher level of service to be provided more efficiently by city staff.

Financial Impact

The FY 19 Street Department budget includes a funding for a new pick-up truck plow, which will be funded from that account.

Attachments

- Attachment A: Purchase Order 20318



City of Ketchum
City Hall

Purchase Order

Number: 20318
Date: 2/19/2019

Vendor: Clearwater Power Equipment, LLC
110 Honeysuckle St.
Bellevue, ID 83313

Quote Ref: See Attached

Quantity	Item # / SKU	Description	Item Cost	Total Cost
1	BO MSC10292B	Boss Poly Plow with options	\$8,189.33	
			Total	\$8,189.33

The City of Ketchum is a tax-exempt political subdivision of the State of Idaho.

Please confirm this City of Ketchum Purchase Order with Grant Gager, Director Finance & Internal Services, at ggager@ketchumidaho.org or (208) 726-3841.

The truck will be delivered for installation of snow plow at end of February.

City of Ketchum
Attn: Grant Gager
480 East Avenue N
Box 2315
Ketchum, ID 83340

Order Submitted By:

Neil Bradshaw

Clearwater Power Equipment, LLC

110 Honeysuckle St.
 Bellevue, ID 83313
 (208)788-7894

252 Washington St.
 Twin Falls, ID 83301
 (208)734-7767

Estimate

Date	Estimate #
2/13/2019	02131908EST

Name / Address
City of Ketchum PO Box 2315 Ketchum, ID 83340

Item	Description	Qty	Rate	Total
	2019 Ford f-550, diesel, Led lights			
BO MSC10292B	Boss 9'2" Poly VXT Plow Blade Crate Part #MSC10292B Serial # _____	1	2,055.80	2,055.80
BO MSC15005C	Power V SH2 W/ Smart Lock Cyl, '08+, LED Part # MSC15005C Serial # _____	1	3,947.83	3,947.83
BO LTA10200	Boss Undercarriage RT3, Ford 2017+ Part # LTA10200 Serial # _____	1	606.90	606.90
BO MSC15100	Boss Truck Side Wiring Kit, RT3 V Plow W/Hand Held Controller Part # MSC15100 Serial # _____	1	499.80	499.80
BOS MSC09455	Headlight ADP F150, LED, 2015+	1	201.92	201.92
Labor	Service or repair labor	10	80.00	800.00
Shop Supplies	Shop Supplies (6% of Labor)	10	4.80	48.00
Freight	Direct factory Freight, we sold out of plow that were in stock	1	500.00	500.00
Discount	Municipal discount		-470.92	-470.92
Total				\$8,189.33



City of Ketchum

February 19, 2019

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

**Recommendation to hold a public hearing and approve the
Hemingway School Subdivision Amended 2018 plat, including the re-designation of instrument #131882
and the vacation of certain ROW as noted herein**

Recommendation and Summary

Staff is recommending the Ketchum City Council (KCC) adopt the following three motions:

Move to approve:

- (1) Vacation of rights-of-way, including portions of an alley in Block 31, an alley in Block 52, and portions of 9th and 10th Streets adjoining Hemingway School Subdivision Amended 1997 (collectively “Vacated ROW”) and Campus Way Road Easement Instrument #366600.

Included in this motion is that the vacated portion of 10th street north of the tennis courts will be subject to the amended “pedestrian, allowed vehicle and utility easement” as finalized in the amended River Drive easement as approved by Council. Also included in this motion is a directive to the city attorney to work with Galena Engineers to finalize the vacation orders for recordation, etc. Note: the proposed vacation of Area D, as shown in **Attachment G**, may be redundant (final research pending).

- (2) Amendment of the River Drive grant of right of way agreement recorded as Instrument #131882 from a road ROW to a pedestrian, allowed vehicle and utility easement.¹

Included in this motion is a directive to the city attorney to prepare subject amended easement (and MOU for sheep use, as deemed appropriate) and return to KCC for final approval.

- (3) Creation of a new +/-15.62 acre Lot 1B (BCSD owned) and new +/-2.99 acre Lot 2A (Ketchum owned) Hemingway School Subdivision Amended 2018, wherein (a) the Vacated ROW, (b) Desnoyers Subdivision Lot 8A, (c) Lots 1 and 2 of Block 31 Ketchum Townsite, and (d) Lot 1A and 2 of Block 1 of Hemingway School Subdivision Amended 1997 are amended as shown in **Attachment A**.

Included in this motion is (A) for the city attorney to prepare the respective conveyance documents with descriptions from Galena Engineering for signature by the Mayor and the Chair of the BCSD Board of Trustees, respectively, for subject conveyance parcels (see **Exhibit H**) and (B) for the Subdivision plat, as shown in Attachment A, to be finalized in accordance with Idaho Code and KMC.

¹ NOTE: The motion by the Planning & Zoning Commission adds “sheep” as a recommended beneficiary of the easement; however, at the discretion of council a MOU may be a better instrument for the allowance of subject use.

The reasons for the recommendation are as follows. The City of Ketchum and BCSD have a long standing and very favorable working relationship. The proposed plat amendment forwards three goals that, in aggregate, benefit BCSD and the City alike. Three goals forwarded by this proposal are to:

- (1) Re-designate instrument #131882 from a road ROW easement to a pedestrian, allowed vehicle, and utility easement. A memorandum of understanding allowing sheep usage of the re-designated easement to assure access for sheep through town is not blocked is also anticipated.
- (2) Transfer ownership of the tennis courts to the City of Ketchum.
- (3) Transfer ownership of various parcels and un-vacated portions of alleys and roads to BCSD, particularly along the east edge of Hemingway School, to help facilitate the success of K-8 in Ketchum and BCSD's STEAM program.

See Amended 2018 Hemingway School Subdivision plat in **Attachment A**, as well as a copy of the signed Ketchum Planning and Zoning Commission findings for the Vacated ROW and amended easement in **Attachment B** and lot line shift in **Attachment C**.

Introduction and History

There are two lots in the Hemingway School Subdivision Plat as amended in 1997. See **Attachment D**. The two lots total 18.16 acres. The Blaine County School District (BCSD) owns Lot 1A (16.00 Acres) and the City of Ketchum owns Lot 2 (2.16 Acres).

Of note on the 1997 plat is a recorded easement (instrument #131882), which dates back to December 16, 1968 and gives to Ketchum a right of way (ROW) easement for a public road (River Drive). See **Attachment E**.

To accommodate re-designation of instrument #131882 from a road ROW easement to a bike path and utility easement, the City of Ketchum has begun to facilitate stakeholder meetings aimed at possibly re-purposing the upper softball field and shifting the lower softball field to the east. See **Attachment F** for a preliminary draft of the Hemingway School Atkinson Park Impact Study.

Attachments

A – Hemingway School Subdivision Amended 2018

B – Copy of ROW Vacation & Amended Easement Findings, as adopted by the Commission on 12/10/2018

C – Copy of **ERRATA CORRECTION** Lot Line Shift Findings, as adopted by the Commission on 2/11/2019

D - 1997 Hemingway School Subdivision Plat

E - 1968 River Drive ROW easement (#131882)

F - Hemingway School Atkinson Park Impact Study (*draft*)

G – Two Vacation Exhibit Maps

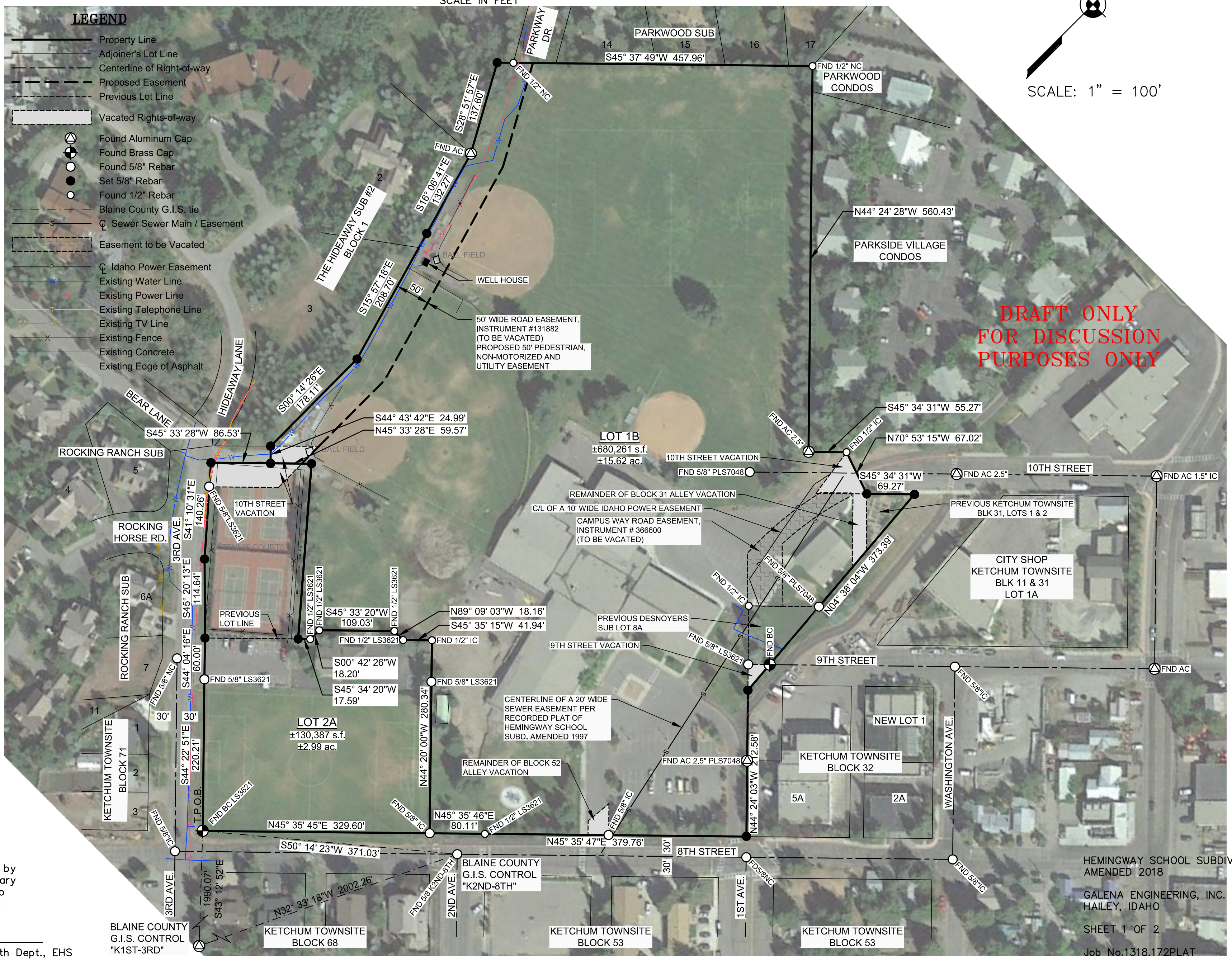
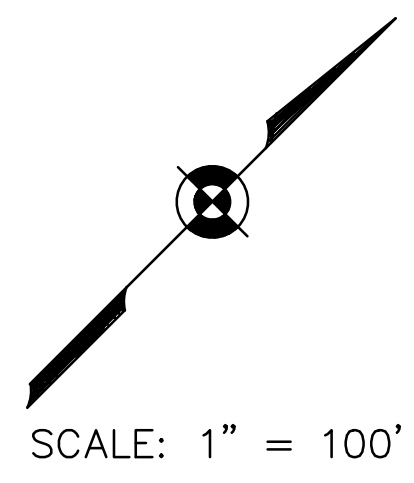
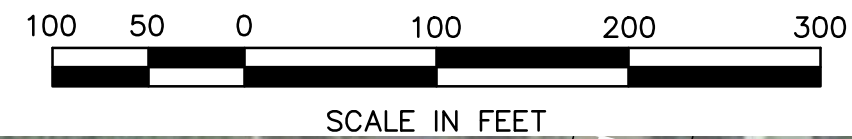
H – Properties to be Conveyed

Attachment A

A PLAT SHOWING HEMINGWAY SCHOOL SUBDIVISION AMENDED 2018

WHEREIN DESNOYERS SUBD. AND VARIOUS RIGHTS-OF-WAY ARE VACATED AND INCORPORATED INTO HEMINGWAY SCHOOL SUBDIVISION
AND THE LOT LINES BETWEEN LOTS 1A AND 2, BLOCK 1, HEMINGWAY SCHOOL SUBDIVISION AMENDED 1997 ARE SHIFTED
SECTION 13, T.4 N., R.17 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

SEPTEMBER 2018



DRAFT ONLY
FOR DISCUSSION
PURPOSES ONLY

HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.

Date _____ South Central District Health Dept., EHS

HEMINGWAY SCHOOL SUBDIVISION
AMENDED 2018
GALENA ENGINEERING, INC.
HAILEY, IDAHO
SHEET 1 OF 2
Job No.1318.172PLAT

Attachment B

IN RE:)
)
) **KETCHUM PLANNING & ZONING COMMISSION**
Petition to Vacate) **FINDINGS OF FACT, CONCLUSIONS OF LAW**
City Rights of Way) **AND DECISION**

BACKGROUND FACTS

APPLICANTS: City of Ketchum and the Blaine County School District (BCSD).

REPRESENTATIVE: Galena Engineering

REQUEST: Request to vacate city right-of-way (ROW), including portions of an alley in Block 31, an alley in Block 52, and portions of 9th and 10th Streets adjoining Hemingway School Subdivision Amended 1997 (collectively “Vacated ROW”) and Campus Way Road Easement Instrument #366600. Further, a request to amend the River Drive grant of ROW agreement Instrument # 131882 from a road ROW to a non-vehicular and utility easement.

NOTICE: All requirements of notice have been met. Legal notice was published in the Mountain Express, a newspaper of general circulation, on November 21 and November 28, 2018 and 2018. A notice of the public hearing regarding this matter was mailed by certified mail to property owners within 300 feet of the boundaries of the subject Vacated ROW on November 19, 2018.

ZONING: The subject area proposed for vacation is located in the Recreational Use (RU) and General Residential – Low Density Zone (GR-L) Districts.

GENERAL FINDINGS OF FACT

1. The applicant is petitioning the City of Ketchum to vacate city, including portions of an alley in Block 31, an alley in Block 52, and portions of 9th and 10th Streets adjoining Hemingway School Subdivision Amended 1997 (collectively “Vacated ROW”) and Campus Way Road Easement Instrument #366600. Further, There is an existing grant of ROW agreement affecting the western boundary of Lot 1A of Hemingway School Subdivision Amended 1997 that is proposed for modification from a road easement to a utility and non-vehicular easement.
2. The Planning and Zoning Commission conducted a public hearing on this application on December 10, 2018, and recommended approval to the City Council, subject to the proposed conditions below.
3. Based on title and survey work by Galena Engineering, there are utilities within subject ROWs, which will be duly noted within public easements on the final plat.

4. The Campus Way Road Easement (Instrument #366600) is no longer needed for legal access to Desnoyers Subdivision Lot 8A lot, which is being conveyed by Ketchum to BCSD and absorbed within the new Lot 1B of Hemingway School Subdivision Amended 2018.
5. Subject ROW Vacations complies with the Ketchum Comprehensive Plan, including the Core Community Value of helping to build “A Strong and Diverse Economy.” Notably, the transfer of ownership of various parcels and un-vacated portions of alleys and roads to BCSD, particularly along the east edge of Hemingway School, will help facilitate the success of K-8 in Ketchum and BCSD’s STEAM program. Another Core Value of Ketchum’s Comprehensive Plan is “Working as a Region” and “Coordinating with Schools is an identified policy (Policy CHW 3.1). Good schools are one of the keys to Ketchum’s success (Goal E-2). Subject ROW Vacations also embody Ketchum’s ongoing goal to be a High Performing Community, including “promoting ... strong schools” (Goal H1-2), “collaborating with public ... partners” (Goal HI-4), and being “a model for effective local governance” (Goal HI-5).

CONSIDERATIONS & RECOMMENDATION

1. All public rights of way and lands are entrusted to the City for the good of the community and should be evaluated with a long-term perspective.
2. City staff has conducted site visits and, as noted, Galena Engineers has located all utilities on the property, which will be shown within public utility easements on the final plat.

PROCESS AND CRITERIA FOR REVIEW

The Planning and Zoning Commission is a recommending body to the City Council on right of way vacations and has recommended approval of the current application. The Planning & Zoning Commission has conducted a duly-noticed public hearing on the matter. Title 16, Subdivision Ordinance, Ketchum Municipal Code offers the following for Vacations and Dedications:

16.04.050: VACATIONS AND DEDICATIONS:

- A. *Application: Any property owner desiring to vacate an existing public street, alley or easement right of way, or desiring to dedicate a street or alley right of way shall file an application with the administrator. Upon receipt of the completed application and other information reasonably required by the administrator, the date of acceptance of the application shall be affixed on the application. Thereafter, such application shall be placed upon the commission agenda for consideration at a regular meeting of the commission, and the procedures followed for such vacations shall comply with Idaho Code sections 50-1321, 50-1325 and 50-1306(A), including subsequent amendment or*

codification.

- B. Commission Action:** *The commission shall consider the application and testimony of the applicant and such other information as may come before it with regard to the proposed vacation or dedication. The commission shall consider the interests of the adjacent property owners, public utilities, conformance of the proposal with the comprehensive plan and the future development of the neighborhood, and shall make its recommendations for accepting or rejecting such application. If dedication of a street is accepted, recommendations for improvements to be made prior to the acceptance shall be made by the commission.*
- C. Council Action:** *In considering an application for vacation of an existing street, alley or easement right of way, the council shall establish a date for public hearing and give such notice as required by law. The council shall hear and consider the public testimony, applicant testimony, recommendations of the commission, and any other information as may be brought before the council. Whenever the council vacates an existing public street, the city shall provide adjacent property owners with a quitclaim deed for the vacated street as prescribed by law. Such vacation shall become effective upon delivery of such deed(s). When considering an application for dedication to the public of a street, alley or easement right of way, the council may require certain improvements be constructed or performance bond furnished prior to acceptance of the dedication. To complete the acceptance of any dedication, the council shall accept same by resolution or by approval of a final subdivision plat.*
- D. Exemptions:** *The provisions of this section shall not apply to the widening of any street which is shown in the comprehensive plan or the dedication of non-vehicular easements to the city. (Ord. 316 § 5, 1979)*

Findings:

- 1. This application has been made by the owner of all properties abutting the public right-of-way proposed for vacation, and said request for vacation has been adequately noticed, per I.C. 50-1321.
- 2. Portions of the right of way considered for vacation include public utilities, which will be memorialized within public utility easements on the final plat.
- 3. The proposed ROW vacations to the alley in Block 31, the alley in Block 52, and portions of 9th and 10th Streets adjoining Hemingway School Subdivision Amended 1997 are found to be in the public interest. Further, the proposed amendment to the River Drive grant of ROW agreement Instrument #131882 from a road ROW to a non-vehicular and utility easement is also found to be in the public interest.

CONCLUSIONS OF LAW

- 1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.

2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and subdivision ordinance, Title 16.
3. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the City Council for review of this application.
4. The proposed vacation **does** meet the standards of approval under Idaho Code Section 50-311 and Ketchum Subdivision Code Title 16, Chapter 16.04.050, subject to conditions of approval.

DECISION

THEREFORE, the Ketchum Planning & Zoning **recommends approval** to the Ketchum City Council the request of the City and BCSD to:

1. Amend the River Drive grant of ROW agreement Instrument #131882 from a road ROW to a non-vehicular, sheep, and utility easement in a form to be approved by the Ketchum Attorney; and
2. Vacate city right-of-way including (a) Campus Way Road Easement Instrument #366600, (b) portions of an alley in Block 31, (c) an alley in Block 52, and (d) portions of 9th and 10th Streets adjoining Hemingway School Subdivision Amended 1997.

This approval is subject to the following conditions:

1. Based on title and survey work by Galena Engineering, there are utilities within subject ROWs, which shall be memorialized in public utility easements on the final plat prior to recordation.

Findings of Fact **adopted** this 10th day of December 2018.



Acting Planning & Zoning Commission Chair

Attachment C

CITY OF KETCHUM
TITLE 16, CHAPTER 16.04 SUBDIVISIONS
FINDINGS OF FACT AND DECISION

Applicants: City of Ketchum and the Blaine County School District (BCSD).

File #18-154: Readjustment of Lot Lines Adjacent and Including Hemingway School Subdivision Amended 1997. Subject application is located in the Recreational Use (RU) and General Residential – Low Density Zone (GR-L) Districts.

Findings:


1. Notices with 10-day comment period were sent to adjacent property owners on the November 19, 2018, informing them of an opportunity to comment on the application. No public comments were received prior to hearing.
2. The proposal complies with the definition of "readjustment of lot lines" in Title 16, Chapter 16.04.
3. There are two lots in the existing Hemingway School Subdivision Plat as amended in 1997. The two existing lots total 18.16 acres. The Blaine County School District (BCSD) owns Lot 1A (16.00 Acres) and the City of Ketchum owns Lot 2 (2.16 Acres).
4. The proposed Hemingway School Subdivision Amended 2018 results in a new 15.62 acre Lot 1B (to be owned by BCSD) and a new 2.99 acre Lot 2A (to be owned by Ketchum). The two new lots total 18.61 acres. The additional 0.45 acres associated with the Amended 2018 plat is the result of adding (a) the Vacated ROW, (b) Desnoyers Subdivision Lot 8A, and (c) Lots 1 and 2 of Block 31 Ketchum Townsite to the existing 1997 Hemingway School Subdivision plat.
5. The existing lot lines of Lots 1A and 2 will be moved to incorporate the 0.45 acres noted in 5(a)-(c) above. The new Lot 2A configuration will add the tennis courts to the existing City of Ketchum soccer and park & recreation building property. The new Lot 1B configuration will add the majority of the vacated roads and alleyways, as well as the Block 31 and Lot 8A to the school property to help facilitate possible future classroom additions to the east-side of Hemingway School.
6. All City and County requirements for final plat submittal, recordation, and signature shall be met.

Decision:

THEREFORE, the Ketchum Planning & Zoning **recommends for approval** to the Ketchum City Council the request of Ketchum/BCSD to: (1) reconfigure subject lots as depicted in the Hemingway School Subdivision Amended 2018 plat (Attachment A).

ERRATA Correction. The previously adopted Findings of Fact and Minutes of the Commission included a clerical error that transposed the acreage and ownership reference contained in the new Lots 1B and 2A of Hemingway School Subdivision Amended 2018. These findings correct these clerical mistakes.

Corrected Findings of Fact **adopted** this 11th day of February 2019.



Neil Morrow, Planning & Zoning Commission Chair

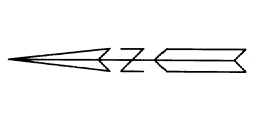
Attachment D

HEMINGWAY SCHOOL SUBDIVISION AMENDED 1997

Wherein Vacated Sections of Second Avenue & Ninth Street and Block 69 are Added to the Hemingway School Subdivision to Create Lots 1A & 2
 Located Within Section 13, T.4N., R.17E., B.M., City of Ketchum, Blaine County, Idaho

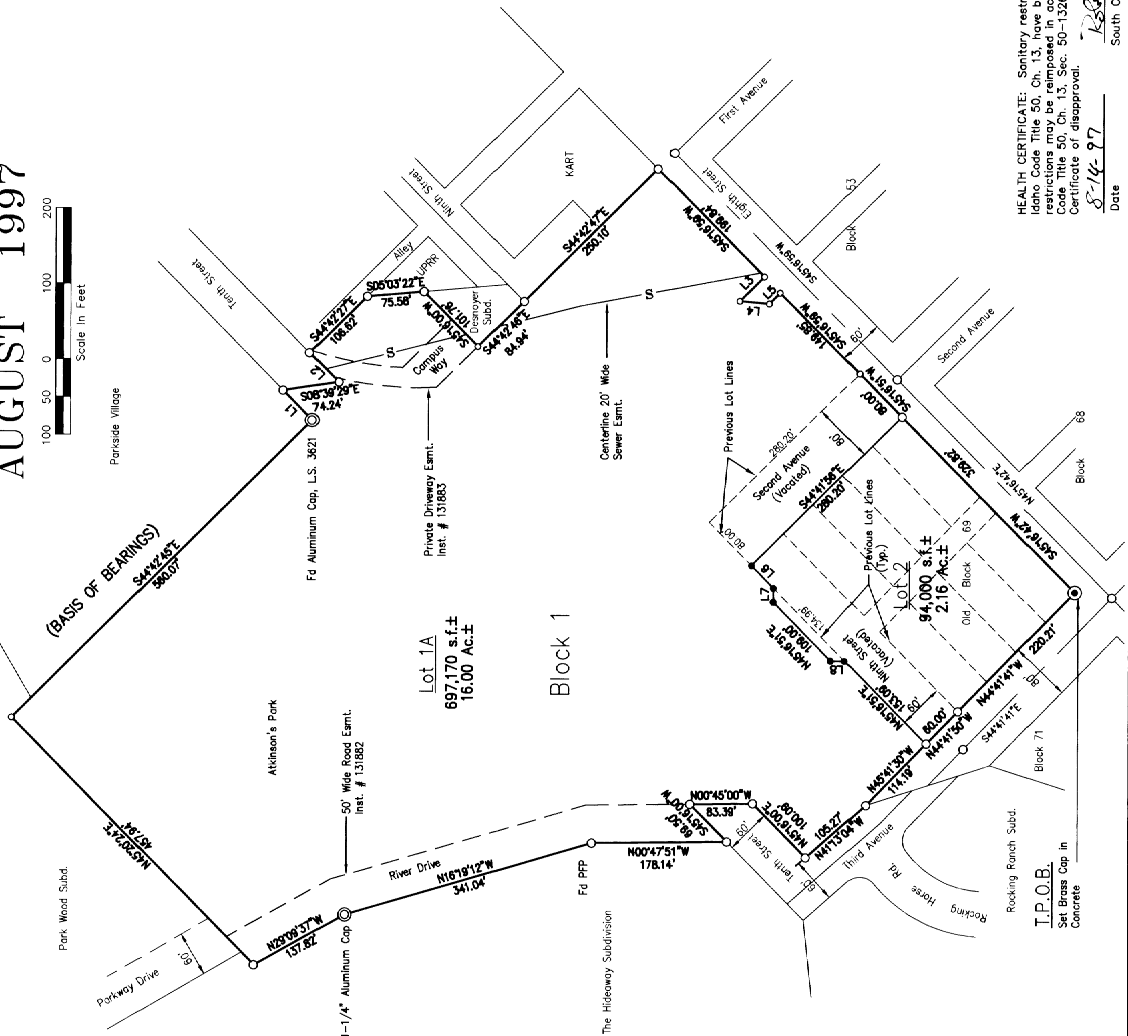
AUGUST 1997

A Plat Showing



- Legend**
- Found Aluminum Cap
 - Found 1/2" Rebar
 - Found 5/8" Rebar
 - Set 1/2" Rebar, L.S. 3621
 - Set Brass Cap, L.S. 3621
 - Centerline 20' Public Sewer Line Easement
 - - - Easement, Width as Shown

Scale: 1" = 100'



Notes:

- A 10' wide public utility easement is reserved centered on all interior and adjacent to all exterior lot lines.

Line Table

LINE	DIRECTION	DISTANCE
L1	N45°29'48"	55.37'
L2	N45°18'00"	54.23'
L3	N44°59'33"W	45.78'
L4	S05°03'22"W	38.30'
L5	N44°52'48"	20.97'
L6	S89°43'00"E	18.35'
L7	N00°18'51"E	18.35'

Richard D. Faabry, L.S. 3621
 Hemingway School Subdivision
 Amended 1997
 Galena Engineering, Inc.
 Ketchum, Idaho
 Sheet 1 of 2

HEALTH CERTIFICATE: Sanitary restrictions as required by the Health Code, Ch. 13, have been satisfied. Sanitary restrictions may be enforced by the Health Department, Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.

Date: 8-14-97
 Robert W. E. Eide
 South Central District Health Dept., ERS

CERTIFICATE OF OWNERSHIP

This is to certify that we, the undersigned, are the owners in fee simple of the following described parcel of land: A parcel of land located within Section 13, T.4N., R.17., B.M., City of Ketchum, Blaine County, Idaho, more particularly described as follows:
Lot 1, Block 1, Hemingway School Subdivision and a parcel of land including Block 69, Original Townsite of Ketchum, the alley therein, all of Ninth Street Northwest of said Block 69 and all of Second Avenue Northeast of said Block 69, more particularly described as follows:
Commencing at the Southerly most corner of said Block 69, which is the REAL POINT OF BEGINNING; Thence North 44°41'41" West 220.21 feet to the most Northwesterly corner of said Block 69; Thence North 44°41'50" West 60.00 feet to a Southerly corner of Lot 1, said Hemingway School Subdivision;
Thence North 45°16'51" East 409.80 feet to an angle point on the Southerly boundary of Lot 1, Block 1, Hemingway School Subdivision;
Thence South 44°41'56" East 280.20 feet to the most Southerly most corner of Lot 1, Block 1, Hemingway School Subdivision;
Thence South 45°16'42" West 329.82 feet to the REAL POINT OF BEGINNING, containing 2.64 Acres more or less.

The easements indicated hereon are not dedicated to the public, but the right to use said easements is hereby reserved for the public utilities and for any other uses indicated hereon and no permanent structures are to be erected within the lines of said easements. We do hereby certify that all lots in this plat will be eligible to receive water service from an existing water distribution system and that the existing water distribution system has agreed in writing to serve all of the lots shown within this plat.
It is the intent of the owners to hereby include said land in this plat.

Lynn Flickinger
Chairperson, Blaine County School District No. 61

Guy Coles
Mayor, City of Ketchum, Idaho

ACKNOWLEDGEMENT

STATE OF Idaho } ss
COUNTY OF Blaine }

On this 3 day of July, 1997, before me, a Notary Public in and for said State, personally appeared Lynn Flickinger, known or identified to me to be the Chairperson for the Blaine County School District No. 61, and the individual whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Guy Coles
Notary Public
Reading at Ketchum
My Commission Expires 3/5/98

ACKNOWLEDGEMENT

STATE OF Idaho } ss
COUNTY OF Blaine }

On this 3 day of July, 1997, before me, a Notary Public in and for said State, personally appeared Guy Coles, known or identified to me to be the Mayor of the City of Ketchum, Idaho, and the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Guy Coles
Notary Public
Reading at Ketchum
My Commission Expires 3/5/98

COUNTY SURVEYOR'S APPROVAL

I, Jim W. Koonce, County Engineer for Blaine County, Idaho, have checked the foregoing replat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

Jim W. Koonce
6/26/1997

SURVEYOR'S CERTIFICATE

I, Richard D. Fosbury, a duly licensed land surveyor in the State of Idaho, do hereby certify that this plat of Hemingway School Subdivision Amended 1997 is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.

Richard D. Fosbury
9/16/1997

ACKNOWLEDGEMENT

STATE OF IDAHO } ss
COUNTY OF BLAINE }

On this 3 day of August, 1997, before me, a Notary Public in and for said State, personally appeared Richard D. Fosbury, known to me to be the party to the plat of land above Surveyor's Certificate and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Richard D. Fosbury
Notary Public in and for the State of Idaho
My Commission Expires 3/5/98

APPROVAL OF CITY ZONING COMMISSION

The foregoing replat was approved by the Ketchum City Zoning Commission on this _____ day of _____, 1997.

Chairman

APPROVAL OF CITY COUNCIL

The foregoing replat was approved by the City Council of Ketchum on this _____ day of _____, 1997.

Patricia Bennett
Deputy City Clerk



CITY ENGINEER'S APPROVAL

The foregoing replat was approved by Keith O'Connell, City Engineer for the City of Ketchum on this _____ day of _____, 1997.

City Engineer



COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to this date and this plat of Hemingway School Subdivision Amended 1997 is hereby approved this _____ day of _____, 1997.

W. L. Koonce
Blaine County Treasurer

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO } ss
COUNTY OF BLAINE }

This is to certify that the foregoing replat was filed in the office of the Recorder of Blaine County, Idaho, on this 19 day of Aug, 1997, at 1:47 P.M., and duly recorded in Plat Book _____ at page _____.

W. L. Koonce
Ex-officio Recorder

Attachment E

grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto grantee, and to grantee's heirs and assigns forever, all of the following described property situate in Camas County, State of Idaho:

N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 5 and NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, all in Twp. 1 N. R. 16 E., B.M.; Lots 3 & 4, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 35 and Lots 1 & 2, N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, all in Twp. 2 N. R. 15 E., B.M.

(\$24.75 I.R.S.)
(Affixed and)
(Cancelled)

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the grantor.

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances, unto the grantee, and to the grantee's heirs and assigns forever. And the grantor, and the grantor's heirs, the said premises in the quiet and peaceable possession of the grantee, and the grantee's heirs and assigns, against the grantor, and the grantor's heirs, and against all and every person and person whomsoever lawfully claiming the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the grantor has subscribed this deed the day and year first above written.

T. R. Edholm
Mary G. Edholm
Grantor

State of Idaho)
County of Gooding) ss.

On this 14th day of October, 1957, before me, the undersigned notary public in and for said state, personally appeared T. R. Edholm and Mary G. Edholm, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

H. F. LeMoine
Notary public for the State of Idaho
Residing at Hagerman in said state.

Filed for record at the request of Murphy & Boller at 9:05 o'clock A. M., January 22, 1958.

George F. McCoy, Ex-Officio Recorder
By Goldie Ellinger, Deputy

No. 131882

GRANT OF RIGHT OF WAY

BLAINE COUNTY SCHOOL DISTRICT # 61 TO CITY OF KETCHUM

Know All these Men: That Blaine County School District #61, a body corporate and politic, of Hailey, Blaine County, Idaho, being the owners of a certain parcel of land located in the City of Ketchum, Blaine County, Idaho, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, paid by the City of Ketchum, Blaine County, Idaho, the receipt of which is hereby acknowledged, does hereby give, grant and quit claim to said City of Ketchum, Blaine County, Idaho, an easement of right of way for the construction, improvement, operation and maintenance of a public road, upon and across the following land, lying and being situated in the City of Ketchum, Blaine County, Idaho, to wit:

RIVER DRIVE

A parcel of land lying in the NE $\frac{1}{4}$ of Section 13, T. 4 N., R. 17 E., B.M., Blaine County, Idaho, more particularly described as follows: Beginning at the Northerly corner of Lot 5, Block 70 of the Original Townsite of the City of Ketchum, Blaine County, Idaho, as filed for record in the office of the Blaine County Recorder; thence North 44°37'21"

West 60.00 feet to a point on the Northwesterly boundary of Tenth Street; thence South 45°22'39" West 56.35 feet along the said Northwesterly boundary of Tenth Street to a point, also said point being the REAL POINT OF BEGINNING; thence North 0°39'21" West 178.11 feet to a point; thence North 16°09'21" West 340.00 feet to a point; thence North 29°09'21" West 137.93 feet to a point; thence North 45°22'39" East 51.88 feet to a point; thence South 29°09'21" East 157.46 feet to a point; thence South 16°09'21" East 352.50 feet to a point; thence South 0°39'21" East 136.69 feet to a point on the said Northwesterly boundary of Tenth Street; thence South 45°22'39" West 69.47 feet along the said Northwesterly boundary of Tenth Street to the point of beginning, comprising 0.75 acres, more or less.

In Witness whereof, we have hereunto set our hands and seal this 16th day of December, 1968.

(SEAL) Blaine County School District #61

By Carl Pothier
Chairman, Board of Trustees

ATTEST:

W. B. Mallory
Clerk of the Board

STATE OF IDAHO }
County of Blaine } ss.

On this 16th day of December, in the year 1968, before me, a Notary Public in and for said State, personally appeared Carl Pothier and W. B. Mallory known to me to be the Chairman and Clerk respectively of the Board of Trustees of Blaine County School District #61, Blaine County, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

(SEAL)

Louise Bowlden
Notary Public for Idaho
Residing at Hailey

Filed for record at the request of G. R. Kneeland at 11:10 o'clock A. M., January 22, 1969.

George F. McCoy, Ex-Officio Recorder
By Goldie Ellinger, Deputy

No. 131883

GRANT OF RIGHT OF WAY

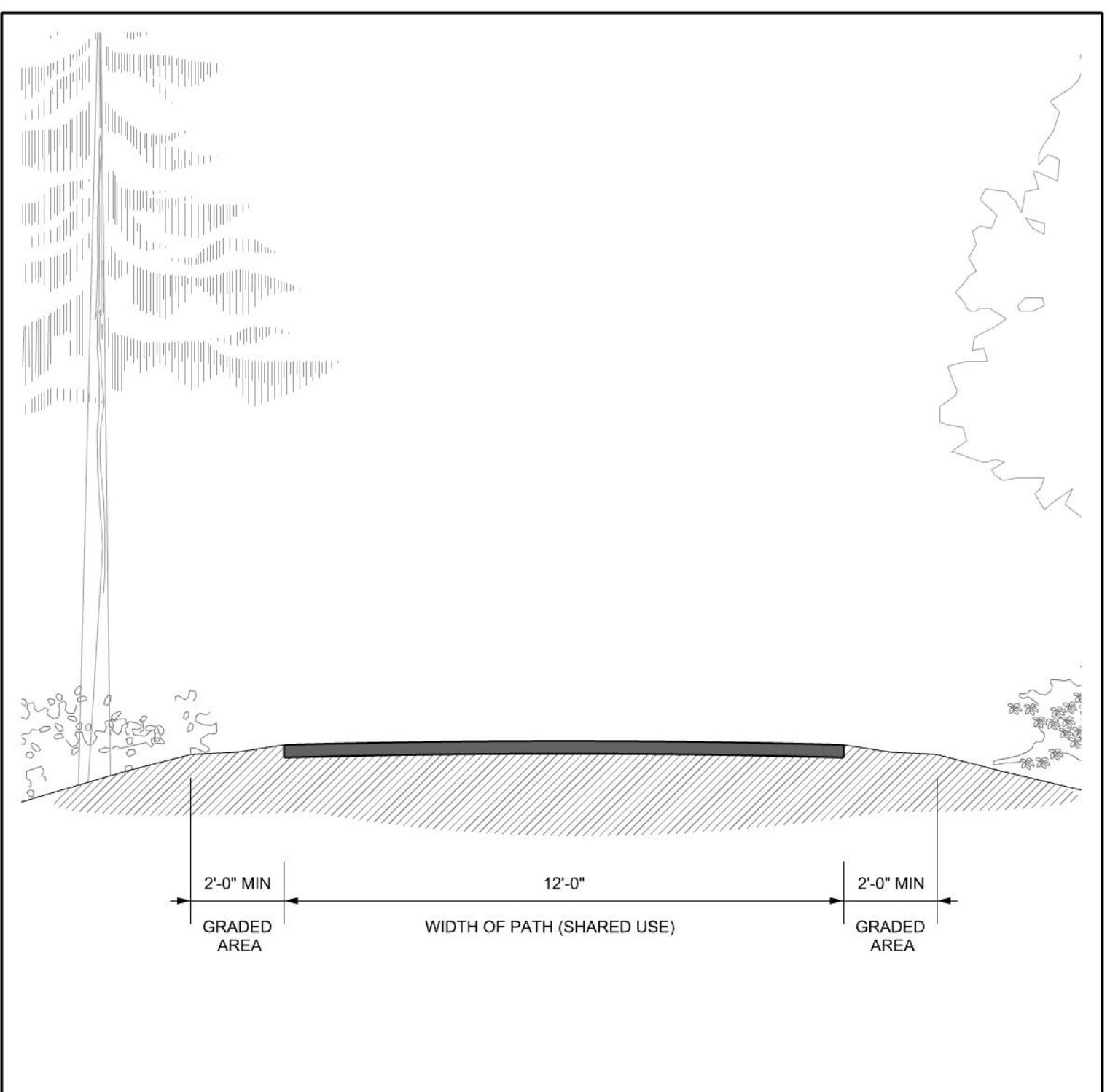
BLAINE COUNTY SCHOOL DISTRICT # 61 TO CITY OF KETCHUM

Know All these Men: That Blaine County School District #61, a body corporate and politic, of Hailey, Blaine County, Idaho, being the owners of a certain parcel of land located in the City of Ketchum, Blaine County, Idaho, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, paid by the City of Ketchum, Blaine County, Idaho, the receipt of which is hereby acknowledged, does hereby give, grant and quit claim to said City of Ketchum, Blaine County, Idaho, an easement of right of way for the construction, improvement, operation and maintenance of a public road, upon and across the following land, lying and being situated in the City of Ketchum, Blaine County, Idaho, to wit:


CAMPUS WAY

Beginning at the Southerly corner of Lot 8, Block 52 of the Original Townsite of the City of Ketchum, Blaine County, Idaho, as filed for record in the office of the Blaine County Recorder; thence North 45°22'39" East 126.20 feet along the Northwesterly boundary of Eighth Street to a point, also said point being the REAL POINT OF BEGINNING; thence North 4°58'28" West 169.55 feet along a line 60.00 feet Westerly of and parallel to the Westerly boundary of the Union Pacific Railroad to a point of curve; thence Northwesterly along a curve to the left 154.38 feet, said curve having a radius of 606.62 feet, tangents of 77.61 feet, a central angle of 14°34'54", and a long chord of 153.97 feet bearing North 12°15'55" West to a point of reverse curve; thence continuing Northwesterly along a curve to the right 127.53 feet, said curve having a radius of 666.62 feet, tangents of 63.96 feet, a

Attachment F



BIKE PATH SECTION



 1/64" = 1'-0"

HEMINGWAY SCHOOL ATKINSONS' PARK IMPACT STUDY

October 31, 2018

Attachment G

NOTES:
 1. AERIAL IMAGERY SHOWN HEREON IS PER GOOGLE EARTH, DATED 07/01/2016.
 2. PROPERTY LINES SHOWN HEREON ARE PER BLAINE COUNTY GIS PARCEL DATA.

LEGEND:
 SUBJECT AREAS

R.O.W. VACATION SCHEDULE:

- (A) 10th STREET TO BE VACATED
- (B) ALLEY TO BE VACATED
- (C) EDGE OF BIKE PATH R.O.W. TO BE VACATED
- (D) REMAINING ALLEY TO BE VACATED
- (E) 10th STREET (NW HALF) TO BE VACATED (VACATED AREA TO BE SUBJECT TO AMENDED RIVER DRIVE EASEMENT- DETAILS PENDING)
- (F) 10th STREET (SE HALF) TO BE VACATED



AN AERIAL EXHIBIT MAP FOR
HEMINGWAY SCHOOL SUBDIVISION REPLAT
 LOCATED WITHIN SECTION 13, T.4 N., R.17 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 PREPARED FOR THE CITY OF KETCHUM

DESIGNED BY _____
 SCS
 DRAWN BY _____
 CHECKED BY _____

REUSE OF DRAWINGS
 The drawings herein are the property of Galena Engineering, Inc. and shall not be used for any other project or extension of this project except by agreement in writing with Galena Engineering, Inc.

GALENA ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 317 N. River Street
 Halley, Idaho 83333
 (208) 788-1705
 (208) 788-4612 fax
 email galena@galena-engineering.com

NO.	DATE	BY	REVISIONS

EX

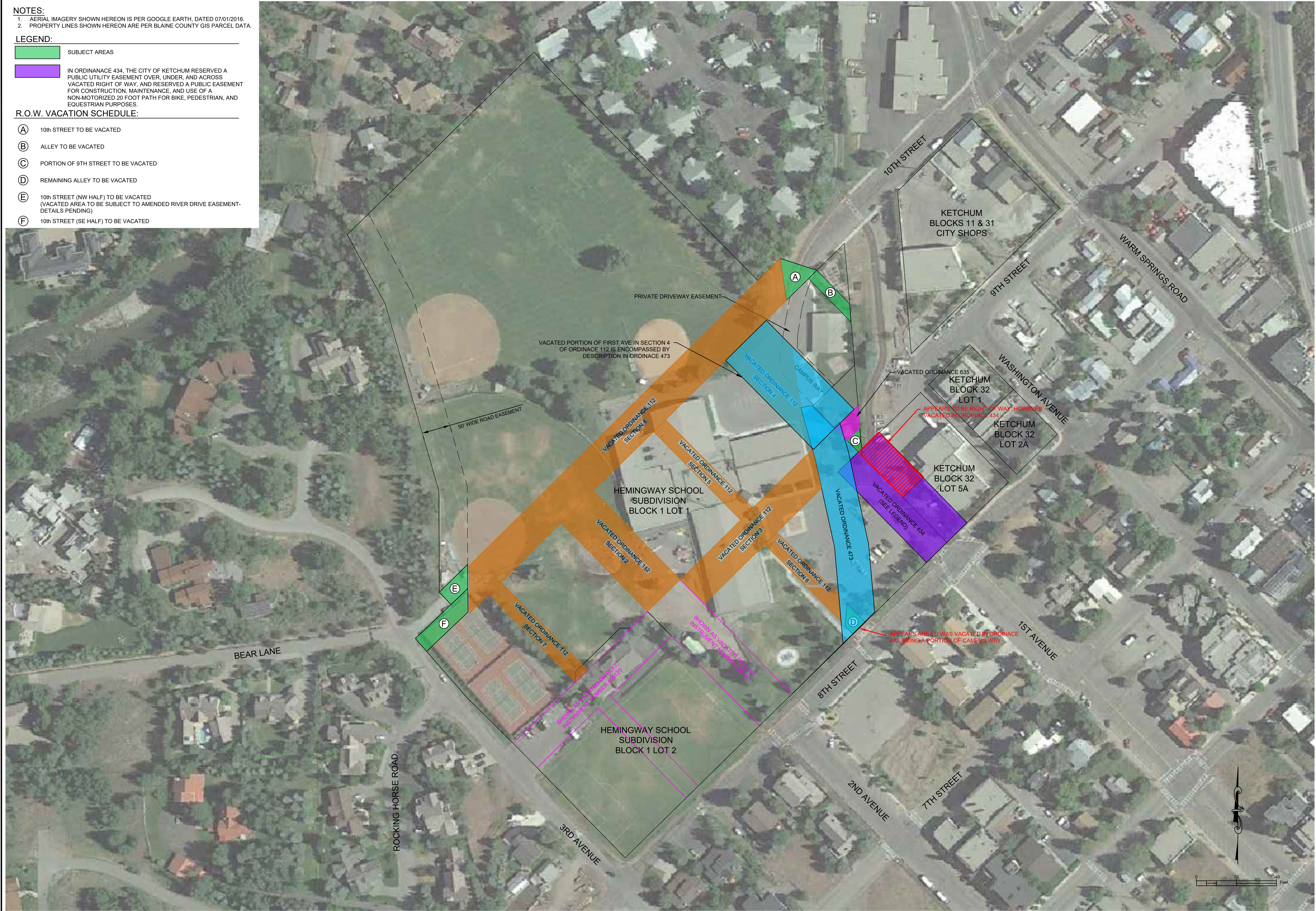
NOTES:
 1. AERIAL IMAGERY SHOWN HEREON IS PER GOOGLE EARTH, DATED 07/01/2016.
 2. PROPERTY LINES SHOWN HEREON ARE PER BLAINE COUNTY GIS PARCEL DATA.

LEGEND:

- SUBJECT AREAS
- IN ORDINANCE 434, THE CITY OF KETCHUM RESERVED A PUBLIC UTILITY EASEMENT OVER, UNDER, AND ACROSS VACATED RIGHT OF WAY, AND RESERVED A PUBLIC EASEMENT FOR CONSTRUCTION, MAINTENANCE, AND USE OF A NON-MOTORIZED 20 FOOT PATH FOR BIKE, PEDESTRIAN, AND EQUESTRIAN PURPOSES.

R.O.W. VACATION SCHEDULE:

- (A) 10th STREET TO BE VACATED
- (B) ALLEY TO BE VACATED
- (C) PORTION OF 9TH STREET TO BE VACATED
- (D) REMAINING ALLEY TO BE VACATED
- (E) 10th STREET (NW HALF) TO BE VACATED (VACATED AREA TO BE SUBJECT TO AMENDED RIVER DRIVE EASEMENT- DETAILS PENDING)
- (F) 10th STREET (SE HALF) TO BE VACATED



AN AERIAL EXHIBIT MAP FOR
HEMINGWAY SCHOOL SUBDIVISION REPLAT
 LOCATED WITHIN SECTION 13, T.4 N., R.17 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 PREPARED FOR THE CITY OF KETCHUM
 PROJECT INFORMATION
 P:\sdeprgr\13161720\eng\contents\1316-172_CityofKetchum_Vacation Exhibit.dwg 07/14/19 9:46:27 AM

DESIGNED BY _____
 SCS
 DRAWN BY _____
 CHECKED BY _____

REUSE OF DRAWINGS
 The undersigned hereby certifies that the drawings and specifications herein are a true and correct copy of the original drawings and specifications as filed with the State of Idaho and that the undersigned is not aware of any alterations or extensions of this project except by agreement in writing with Galena Engineering, Inc.

GALENA ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 317 N. River Street
 Hailey, Idaho 83333
 (208) 788-1705
 (208) 788-4612 fax
 email galena@galena-engineering.com

NO.	DATE	BY	REVISIONS

EX

Exhibit H

NOTES:
 1. AERIAL IMAGERY SHOWN HEREON IS PER GOOGLE EARTH, DATED 07/01/2016.
 2. PROPERTY LINES SHOWN HEREON ARE PER BLAINE COUNTY GIS PARCEL DATA.

LEGEND:
 PRIVATE PROPERTY SUBJECT AREAS



AN AERIAL EXHIBIT MAP FOR
HEMINGWAY SCHOOL SUBDIVISION REPLAT
 LOCATED WITHIN SECTION 13, T.4 N., R.17 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 PREPARED FOR THE CITY OF KETCHUM

DESIGNED BY _____
 SCS _____
 DRAWN BY _____
 CHECKED BY _____

REUSE OF DRAWINGS
 The drawings herein are the property of Galema Engineering, Inc. and shall not be used for any project or extension of this project except by agreement in writing with Galema Engineering, Inc.

GALEMA ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 317 N. River Street
 Hailey, Idaho 83333
 (208) 788-1705
 (208) 788-4612 fax
 email: galema@galema-engineering.com

NO.	DATE	BY	REVISIONS

EX



City of Ketchum

February 19, 2019

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation to hold a public hearing and approve the Final Plat for the subdivision of an existing building located at 320 N Leadville Avenue into common area and four condominium units.

Recommendation and Summary

Staff recommends the City Council hold a public hearing and approve the Final Plat application by Taszo LLC, represented by Sean Flynn PE of Galena Engineering, to subdivide an existing building into common area and four condominium units—two commercial units within the basement and first floor and two residential units on second and third floors.

Recommended motion: "I move to approve the 320 Leadville Building Condominium Final Plat application, subject to conditions 1-7."

The reasons for the recommendation are as follows:

- The request to subdivide meets all applicable standards for condominiums contained in Ketchum Municipal Code's Subdivision (Title 16) and Zoning (Title 17) regulations.
- The Final Plat substantially conforms to the Preliminary Plat. The Condominium Final Plat does not change the existing use, expand the building, or alter the exterior of the building. The application meets all standards applicable to condominiumizing an existing building. The application has been reviewed by the Planning, Streets, Utilities, Building, and Fire departments and no concerns have been raised.
- The City Council approved the Preliminary Plat for the 320 N Leadville Building Condominiums on February 4th, 2019. The Planning and Zoning Commission recommended approval of the Final Plat application to the City Council on February 11th, 2019.

Analysis

The property owner has submitted the Final Plat application to condominiumize the building so that the residential and commercial units can be sold and the common areas maintained in accordance with the covenants, conditions, and restrictions (CC&R's). The application meets all applicable standards for condominiums contained in Ketchum Municipal Code §16.05.060. Certain standards, such as siting buildings to maximize privacy and solar access (KMC §16.05.060.G), apply to the construction of new multi-family residential developments and are not applicable to the subject Final Plat, which proposed to condominiumize an existing building within the Retail Core Subdistrict of the Community Core (CC-1).

Financial Impact

No financial impact.

Attachments: Staff Report, which includes (A) Application, (B) Final Plat, (C) CC&R's, and (D) Findings of Fact, Conclusions of Law, and Decision



City of Ketchum
Planning & Building

**STAFF REPORT
KETCHUM CITY COUNCIL
MEETING OF FEBRUARY 19, 2019**

PROJECT: 320 Leadville Building Condominiums Final Plat

FILE NUMBER: P19-008

REPRESENTATIVE: Sean Flynn PE, Galena Engineering

OWNER: Taszo LLC

REQUEST: Final Plat approval for the subdivision of an existing building located at 320 N Leadville into four (4) condominium units.

LOCATION: 320 N Leadville (Ketchum Townsite: Block 24: Lot 2)

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

OVERLAY: None

NOTICE: Notice is not required for Final Plat applications. Notice for the Planning & Zoning Commission's review of the Preliminary Plat (Application #18-136) was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on January 9th, 2019. Notice was published in the January 9th, 2019 edition of the Idaho Mountain Express. Notice for the City Council's review of the Preliminary Plat (Application #18-136) was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on January 16th, 2019. Notice was published in the January 16th, 2019 edition of the Idaho Mountain Express.

REVIEWER: Abby Rivin, Associate Planner

ATTACHMENTS:

- A. Application
- B. Final Plat
- C. Declaration and Covenants, Conditions and Restrictions of 320 Leadville Building Condominiums
- D. Draft Findings of Fact, Conclusions of Law, and Decision

BACKGROUND

The applicant is requesting Final Plat approval for the subdivision of an existing building into common area and four (4) condominium units— two commercial units within the basement and first floor and two residential units on the second and third floors. The subject property is located at 320 N Leadville Avenue in the Retail Core Subdistrict of the Community Core (CC-1). The property owner has submitted the Final Plat application to condominiumize the building so that the residential and commercial spaces within the building can be sold and the common areas maintained in accordance with the covenants, conditions, and restrictions (CC&Rs), which have been included as Attachment C to the Staff Report. The existing building was built in 1996 (Building Permit #95-131) and was remodeled in 2004 (Building Permit #04-038). In 2017, a 408 sq ft ground level addition was constructed, which enclosed a pedestrian walkway connecting Leadville Avenue to the alley at the rear of the building (Building Permit #17-023). PK's Ski and Sports shop currently occupies the first-floor commercial space and the existing second and third floors contains two residential units. No change in existing use has been proposed with the subject application.



Figure 1. Location Context, 320 N Leadville Avenue

The boundaries of both commercial units include interior spaces within both the basement and first floor. Unit 101 has a total floor area of 1,608 sq ft and Unit 102 has a total floor area of 2,085 sq ft. The boundaries of both residential units include interior spaces within both the second and third floors. Unit 201 has a total floor area of 1,968 sq ft and Unit 202 has a total floor area of 1,924 sq ft. Both residential units have limited common area terraces on the second and third floors.

The Final Plat application meets all applicable standards for condominiums contained in Ketchum Municipal Code §16.05.060. Certain standards, such as siting buildings to maximize privacy and solar access (KMC §16.05.060.G), apply to the construction of new multi-family residential developments and are not applicable to the subject Final Plat, which proposes to condominiumize an existing building within the Community Core.

The Planning and Zoning Commission held a site visit and recommended approval of the Preliminary Plat application to the City Council on January 28th, 2019. The Ketchum City Council approved the Preliminary Plat application on February 4th, 2019. As the Final Plat substantially conforms to the Preliminary Plat (KMC

§16.04.040.F), the Commission recommended approval of the application to City Council on February 11th, 2019.

ANALYSIS

Staff recommends the Ketchum City Council move to approve the 320 Leadville Building Condominiums Final Plat. A full explanation of this recommendation is contained in Tables 1 and 2 of the Staff Report.

Table 1: City Department Comments

City Department Comments				
Compliant				
Yes	No	N/A	City Code	City Standards and City Department Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C	Complete Application
The applicant has submitted the Declaration and Covenants, Conditions, and Restrictions of the 320 Leadville Building Condominiums, which has been included as Attachment C to the Staff Report. The bylaws and CC&Rs submitted by the applicant regulate control and maintenance of the common and limited common areas. As a four-unit, mixed-use building in downtown Ketchum, the subdivision does not include recreational facilities or open space. The subdivider shall submit to the Planning & Building Department a final copy of the document and file such document prior to recordation of the Final Plat.				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Fire Department: <i>The Fire Code Official has reviewed the plans and does not have any comments or concerns regarding separation as the residential and commercial uses are existing within the building. The Fire Department will inspect the building prior to the City Clerk’s signature of the Final Plat mylar and all requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Streets Department: <i>The conversion of the existing building into four condominium units does not qualify as a substantial improvement or impact the right-of-way.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Utilities: <i>The existing building is connected to a meter served by the Ketchum Springs Water Line. As all four condominium units will be served by the same meter, the Utilities Department will charge a fee to the 320 Leadville Building Condominiums Association of Unit Owners.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Building: <i>The Building Department has reviewed the plans and does not have any comments or concerns regarding separation as the residential and commercial uses are existing within the building. The Building Department will inspect the building prior to the City Clerk’s signature of the Final Plat mylar and all requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Planning and Zoning: <i>Comments are denoted throughout the Staff Report.</i>

Table 2: Condominium Requirements

Condominium Requirements				
Compliant			Standards and Staff Comments	
Yes	No	N/A	City Code	City Standards and Staff Comments
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.C	C. Final Plat Procedure: 1. The final plat procedure contained in subsection 16.04.030F of this chapter shall be followed. However, the final plat shall not be signed by the City Clerk and recorded until the condominium has received: a. A Certificate of Occupancy issued by the City of Ketchum; and

				b. Completion of all design review elements as approved by the planning and zoning administrator.
			Staff Comments	<i>The Condominium Final Plat does not change the existing use, expand the building, or alter the exterior of the building. The application meets all standards applicable to condominiumizing an existing building. As no changes are proposed to the existing building, neither Design Review nor a Building Permit are required for the subject application. The Building and Fire departments will inspect the building prior to the City Clerk's signature of the Final Plat mylar and all requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.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.
			Staff Comments	<i>The existing building does not include a garage. The existing development contains five (5) off-street parking spaces accessed from the adjacent alley. The Final Plat dedicates three (3) uncovered parking spaces to the commercial units and two (2) covered parking spaces to each residential unit.</i> <i>As the condominium subdivision does not propose a change of use or the expansion of the existing building, off-street parking requirements are not applicable to the development. While not applicable, the existing off-street parking complies with off-street vehicle parking requirements (KMC §17.125.040). Each residential unit is allocated one parking space, which complies with the number of parking spaces required for residential units between 751 sq ft to 2,000 sq ft in the CC Zone(KMC §17.125.040.B). Non-residential uses are required to provide 1 space per 1,000 gross sq ft. As basements are not included in the gross floor area calculation, the allocation of 1 parking space for Commercial Unit 101 and 2 parking spaces for Commercial Unit 102 also complies with KMC §17.125.040.B. In the CC Zone, the first 5,500 gross sq ft of retail trade is exempt from providing off-street parking (KMC §17.125.040.C.1c.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.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.
			Staff Comments	<i>Storage areas for boats, campers, and trailers are not required or provided due to the characteristics of the existing development, which is a three-story mixed-use building located in the Community Core.</i> <i>All four condominium units provide adequate interior storage space for personal property.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.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.
			Staff Comments	<i>According to the proposed Final Plat and associated CC&Rs, the common area consists of mechanical areas, central service equipment and associated materials, and building areas outside of the units that are not designated as limited common area (LC) on the plat, such as foundations, , perimeter and supporting walls, chimneys, windows, entrances and exits, and balconies:</i>

				<p style="text-align: center;">ARTICLE 6 <u>COMMON AREAS, LIMITED COMMON AREAS AND FACILITIES</u></p> <p>6.1 Common Areas. All area outside of the Units that is not designated as Limited Common Area on the Plat, is Common Area, including:</p> <p>(a) Those areas designated on the Plat as Mechanical Areas.</p> <p>(b) The foundations, columns, girders, supports, perimeter and supporting walls, chimneys, chimney chases, roofs, balconies, windows, entrances and exits, and the mechanical installations consisting of the equipment and materials making up any central services such as power, light, gas, hot and cold water, sewer, cable television, and heating and central air conditioning which exist for use by one or more of the units, including pipes, vents, ducts, flues, cable conduits, wires, telephone wire, and other similar utility installations used in connection therewith, whether located exclusively within the boundaries of any Unit or Units or not, are Common Area.</p> <p><i>Due to the characteristics of the existing development and the nature of the common area a dedicated room for maintenance supplies is not required.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.G	<p>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.</p> <p>Staff Comments <i>The development consists of an existing building located on a 5,500 sq ft Ketchum Townsite lot within the Community Core. The usable "open space" consists of hardscape designated for surface level parking and pedestrian connectivity adjacent. Locating building sites in order to maximum privacy and solar access is not applicable as the building existing.</i></p> <p><i>The subdivider has designated outdoor terraces as limited common area for both residential units. The second-floor terraces are sited on the front façade adjacent to Leadville Avenue and the third-floor terraces face the alley. The limited common areas dedicated to the owners of the units are both useable and convenient to the residents of the condominium subdivision.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.H	<p>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.</p> <p>Staff Comments <i>All other provisions of this chapter and all applicable ordinances, rules, and regulations of the City and other governmental entities having jurisdiction shall be complied with by the condominium subdivision.</i></p>

STAFF RECOMMENDATION

Staff recommends that the Ketchum City Council approve the 320 Leadville Building Condominiums, subject to conditions 1-7.

RECOMMENDED MOTION

"I MOVE TO APPROVE THE 320 LEADVILLE BUILDING CONDOMINIUMS FINAL PLAT, SUBJECT TO CONDITIONS 1-7"

RECOMMENDED CONDITIONS

1. The Covenants, Conditions, and Restrictions (CC&R's) shall be simultaneously recorded with the Final Plat, and the City will not now, nor in the future, determine the validity of the CC&R's;
2. The failure to obtain Final Plat approval by the Council, of an approved Preliminary Plat, within one (1) year after approval by the Council shall cause all approvals of said Preliminary Plat to be null and void;
3. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map;
4. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
 - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
 - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,
 - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control"; and,
5. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
6. The applicant shall provide a copy of the recorded Final Plat to the Planning and Building Department for the official file on the application.
7. All requirements of the Fire, Utility, Building, Planning, and Public Works departments of the City of Ketchum shall be met.

Attachment A.

Application



City of Ketchum
Planning & Building

**CERTIFIED
COMPLETE**
2-5-19

OFFICIAL USE ONLY	
Application Number	P-18-008
Date Received	2-5-18
By:	mf
Fee Paid	\$1500.00
Approved Date:	
By:	

Final Plat
Subdivision Application

Submit completed application and payment to the Planning and Building Department, PO Box 2315, Ketchum, ID 83340 or hand deliver to Ketchum City Hall, 480 East Ave. N., Ketchum. If you have questions, please contact the Planning and Building Department at (208) 726-7801. To view the Development Standards, visit the City website at: www.ketchumidaho.org and click on Municipal Code.

APPLICANT INFORMATION			
Name of Proposed Subdivision: 320 Leadville Building Condominiums			
Owner of Record: TASZO LLC c/o Sandor Szombathy			
Address of Owner: PO Box 2996; Ketchum, Idaho 83340			
Representative of Owner: Sean Flynn PE, Galena Engineering; 317 N. River St., Hailey, Idaho 83333			
Legal Description: Lot 2, Block 24, Ketchum Townsite			
Street Address: 320 North Leadville Avenue, Ketchum			
SUBDIVISION INFORMATION			
Number of Lots/Parcels: 1 Lot / 4 Condominium Units			
Total Land Area: 0.13 Acres			
Current Zoning District: CC, SubDistrict A			
Proposed Zoning District: Same			
Overlay District: Festival			
TYPE OF SUBDIVISION			
Condominium <input checked="" type="checkbox"/>	Land <input type="checkbox"/>	PUD <input type="checkbox"/>	Townhouse <input type="checkbox"/>
Adjacent land in same ownership in acres or square feet: None			
Easements to be dedicated on the final plat: None			
Briefly describe the improvements to be installed prior to final plat approval: None - Existing structure and utilities.			
ADDITIONAL INFORMATION			
All lighting must be in compliance with the City of Ketchum's Dark Sky Ordinance One (1) copy of Articles of Incorporation and By-Laws of Homeowners Associations and/or Condominium Declarations One (1) copy of current title report and owner's recorded deed to the subject property One (1) copy of the preliminary plat All files should be submitted in an electronic format.			

Applicant agrees in the event of a dispute concerning the interpretation or enforcement of the Subdivision Application in which the City of Ketchum is the prevailing party to pay reasonable attorney's fees and costs, including fees and costs of appeal for the City of Ketchum. Applicant agrees to observe all City ordinances, laws and conditions imposed. Applicant agrees to defend, hold harmless and indemnify the City of Ketchum, city officials, agents and employees from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by Applicant, its servants, agents, employees, guests and business invitees and not caused by or arising out of the tortious conduct of city or its officials, agents or employees. Applicant certifies that s/he has read and examined this application and that all information contained herein is true and correct.

Sean Flynn / Galena Engineering

2/1/19

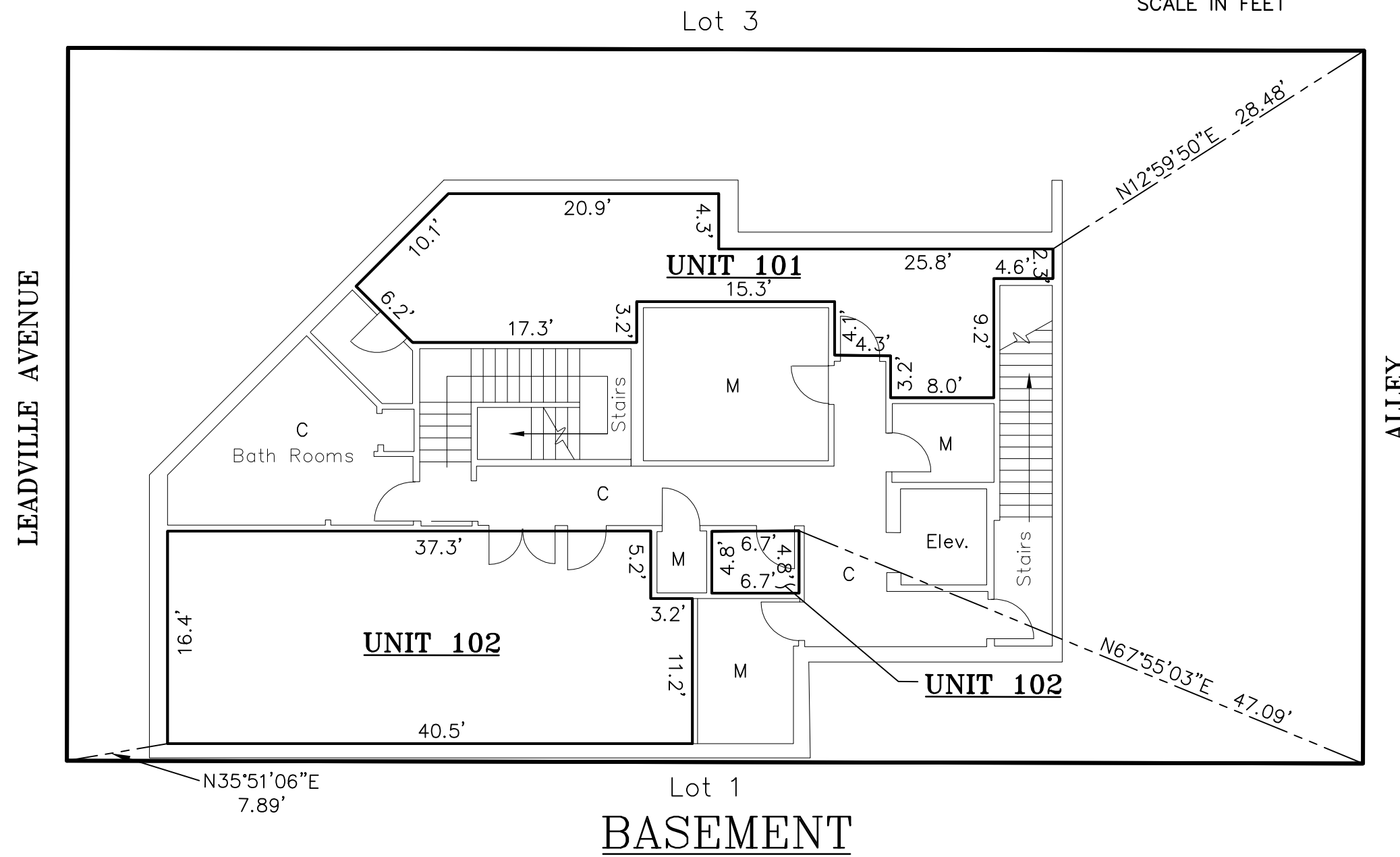
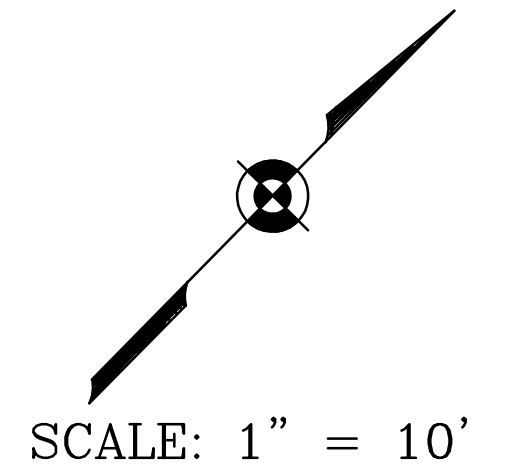
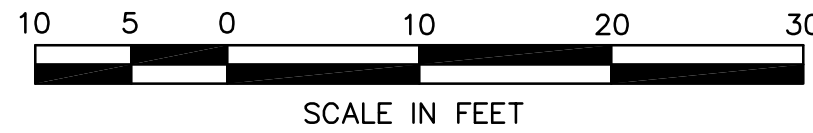
Applicant Signature

Date

Attachment B.

Final Plat

A CONDOMINIUM PLAT SHOWING
320 LEADVILLE BUILDING CONDOMINIUMS
 BASEMENT AND FIRST FLOOR
 LOCATED WITHIN SECTION 18, T.4 N., R.18 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 OCTOBER 2018

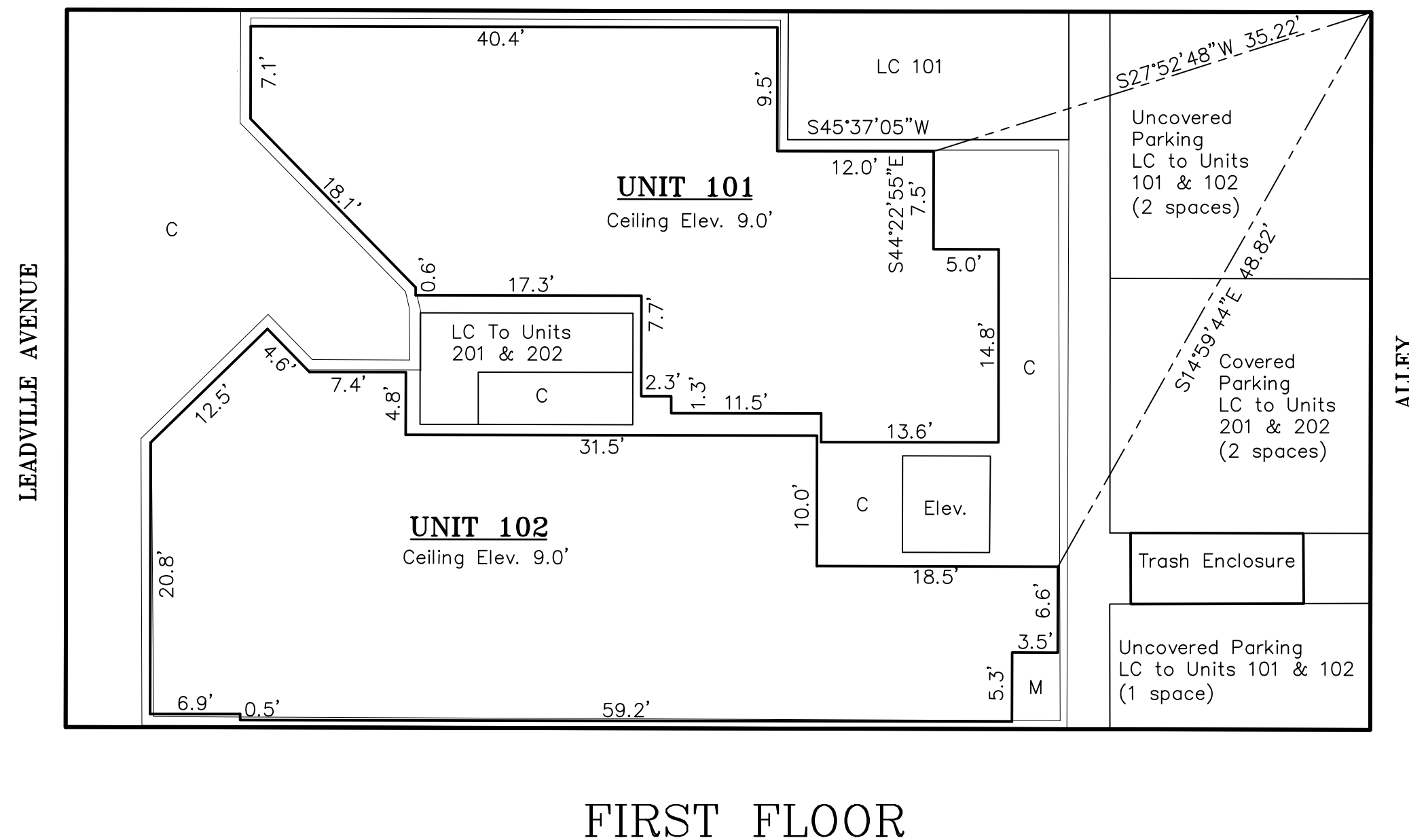


LEGEND

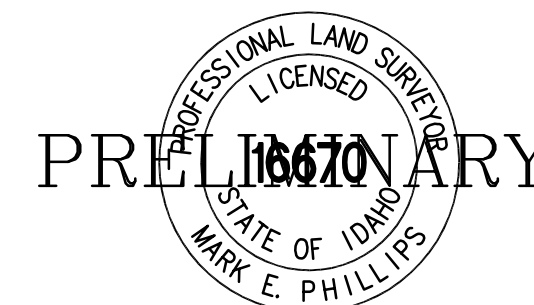
- Property Boundary
- - - Building Tie Line
- Building Outline
- Unit Boundary
- C Common Area
- LC Limited Common to Designated Unit
- M Mechanical Area

NOTES

1. In interpreting the declaration, plat or plats, and deeds, the existing physical boundaries of the unit as originally constructed, or reconstructed in lieu thereof, shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the declaration, plat or plats, and/or deeds, regardless of settling or lateral movement of the building and regardless of minor variances between boundaries shown in the declaration, plat or plats, and/or deeds, and the actual boundaries of the units in the buildings.
2. Horizontal or sloping planes shown hereon are top of finished subfloor and bottom of finished ceiling; vertical planes are finished surfaces of interior walls. Some structural members extend into units, limited common areas and parking spaces.
3. Dimensions shown hereon will be subject to slight variations, owing to normal construction tolerances.
4. Consult the condominium declarations for the definition of common and limited common area.
5. All area outside of units that is not designated as limited common is common area. Areas of "common" or "limited common" are shown by diagram.
6. Building ties are to the interior corners of unit walls.
7. Utility easements necessary to allow for access and maintenance of utilities serving units other than the unit they are located in are hereby granted by this plat.
8. Foundations, columns, girders, beams, supports, perimeter and supporting walls, chimneys, chimney chases, roofs, balconies, windows, entrances and exits, and the mechanical installations consisting of the equipment and materials making up any central services such as power, light, gas, hot and cold water, sewer, cable television, and heating and central air conditioning which exist for use by one or more of the units, including pipes, vents, ducts, flues, cable conduits, wires, telephone wire, and other similar utility installations used in connection therewith, whether located exclusively within the boundaries of any unit or units or not, are common area.

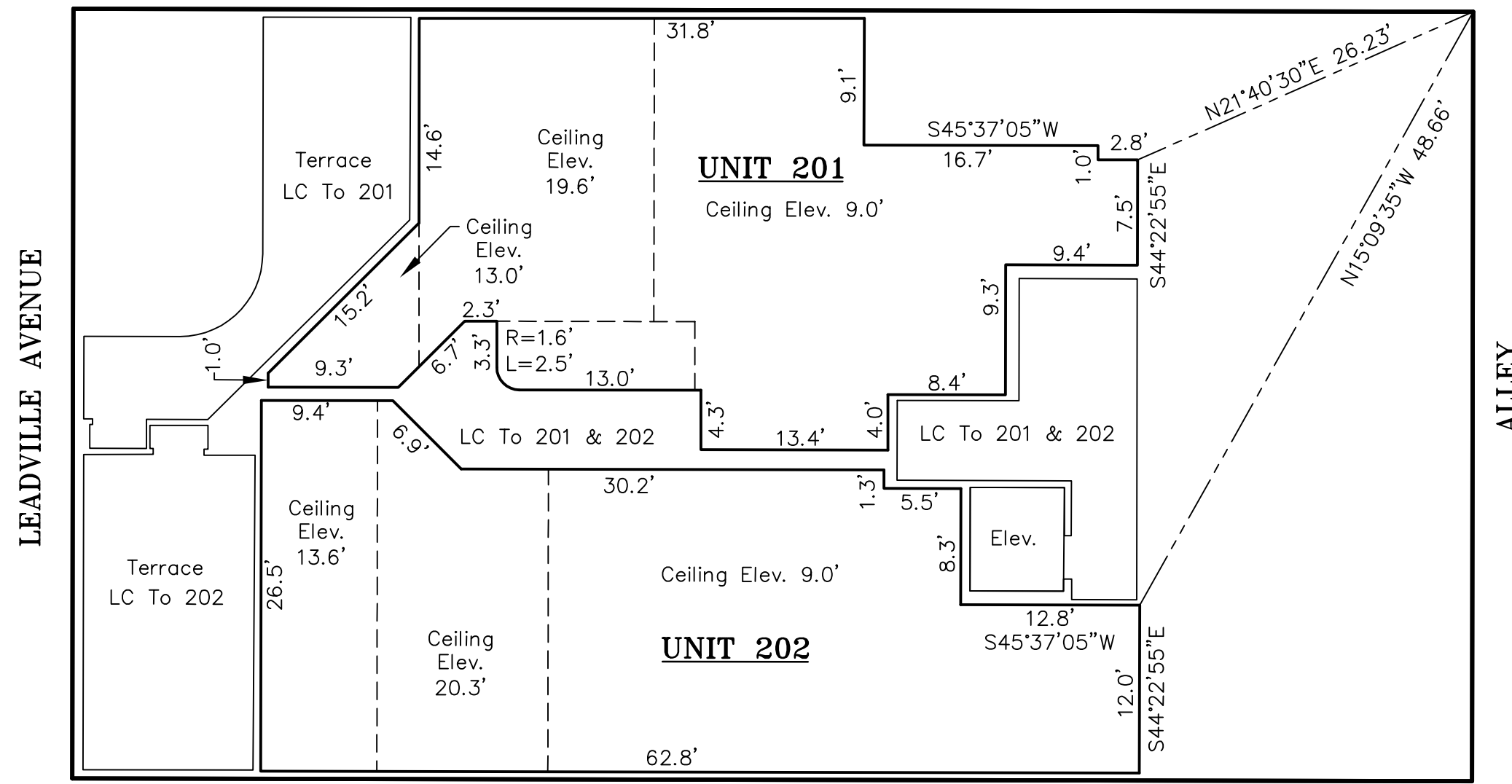
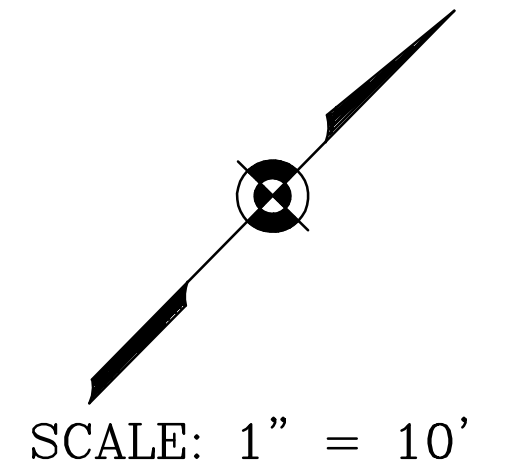
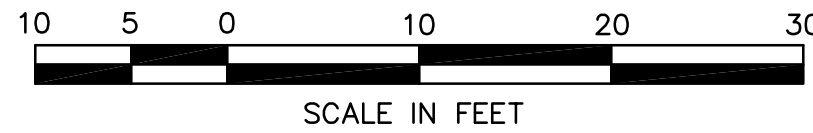


SEE SHEET 1 FOR BOUNDARY SURVEY AND ADDITIONAL NOTES

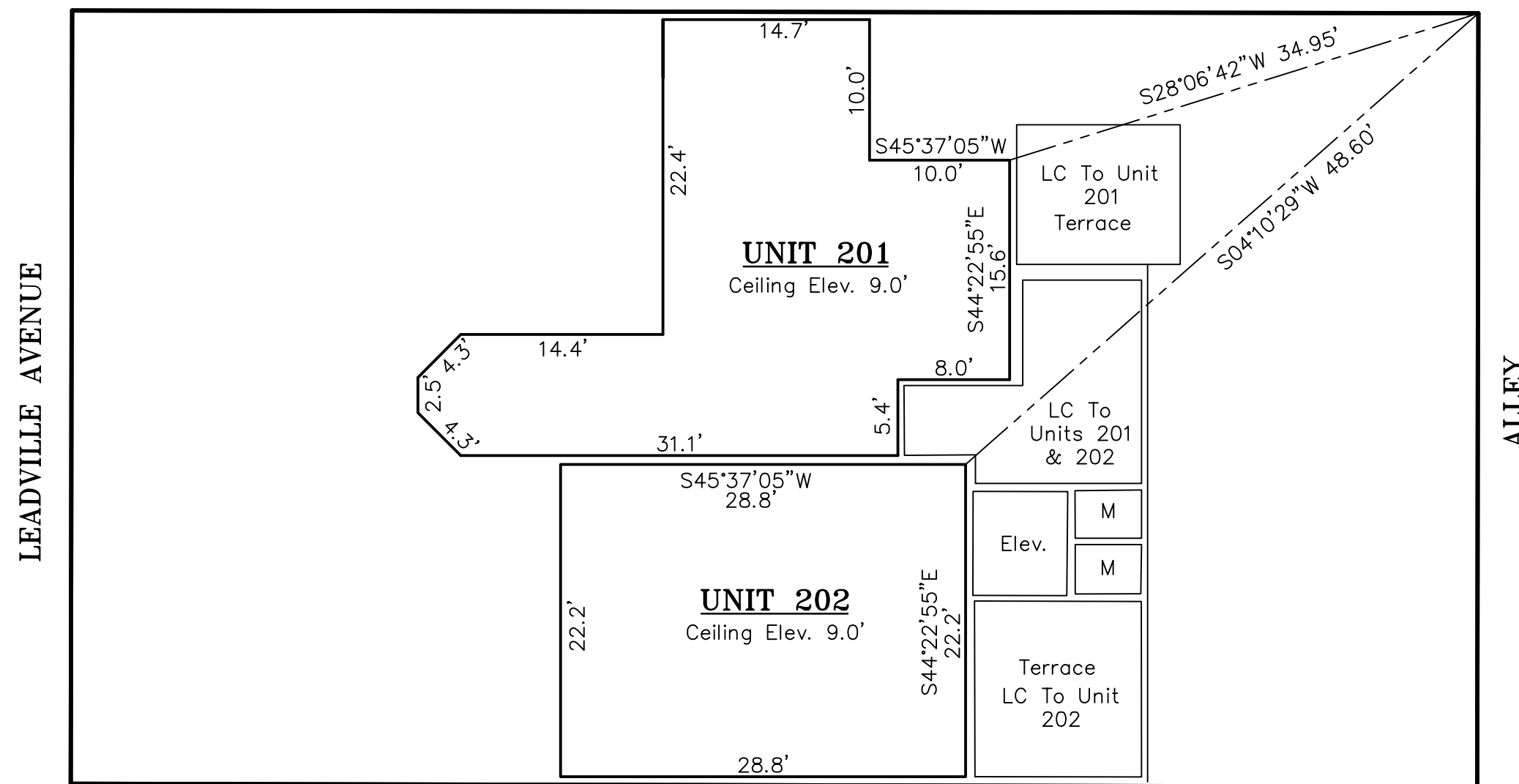


MARK E. PHILLIPS, P.L.S. 16670

A CONDOMINIUM PLAT SHOWING
320 LEADVILLE BUILDING CONDOMINIUMS
 SECOND AND THIRD FLOOR
 LOCATED WITHIN SECTION 18, T.4 N., R.18 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO
 OCTOBER 2018



SECOND FLOOR



THIRD FLOOR

LEGEND

- Property Boundary
- Building Tie Line
- Building Outline
- Unit Boundary
- C Common Area
- LC Limited Common to Designated Unit
- M Mechanical Area

NOTES

1. In interpreting the declaration, plat or plats, and deeds, the existing physical boundaries of the unit as originally constructed, or reconstructed in lieu thereof, shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the declaration, plat or plats, and/or deeds, regardless of settling or lateral movement of the building and regardless of minor variances between boundaries shown in the declaration, plat or plats, and/or deeds, and the actual boundaries of the units in the buildings.
2. Horizontal or sloping planes shown hereon are top of finished subfloor and bottom of finished ceiling; vertical planes are finished surfaces of interior walls. Some structural members extend into units, limited common areas and parking spaces.
3. Dimensions shown hereon will be subject to slight variations, owing to normal construction tolerances.
4. Consult the condominium declarations for the definition of common and limited common area.
5. All area outside of units that is not designated as limited common is common area. Areas of "common" or "limited common" are shown by diagram.
6. Building ties are to the interior corners of unit walls.
7. Utility easements necessary to allow for access and maintenance of utilities serving units other than the unit they are located in are hereby granted by this plat.
8. Foundations, columns, girders, beams, supports, perimeter and supporting walls, chimneys, chimney chases, roofs, balconies, windows, entrances and exits, and the mechanical installations consisting of the equipment and materials making up any central services such as power, light, gas, hot and cold water, sewer, cable television, and heating and central air conditioning which exist for use by one or more of the units, including pipes, vents, ducts, flues, cable conduits, wires, telephone wire, and other similar utility installations used in connection therewith, whether located exclusively within the boundaries of any unit or units or not, are common area.

**SEE SHEET 1 FOR BOUNDARY SURVEY
AND ADDITIONAL NOTES**



MARK E. PHILLIPS, P.L.S. 16670

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners in fee simple of the following described parcel of land:
A parcel of land located in Section 18, Township 4 North, Range 18 East, Boise Meridian, City of Ketchum, Blaine County, Idaho; more particularly described as follows:

Lot 2, Block 24, Ketchum Townsite.

The easements indicated hereon are not dedicated to the public, but the right to use said easements is hereby reserved for the public utilities and for any other uses indicated hereon and no permanent structures are to be erected within the lines of said easements. We do hereby certify that all lots in this plat will be eligible to receive water service from an existing water distribution system and that the existing water distribution system has agreed in writing to serve all of the lots shown within this plat.

It is the intent of the owner to hereby include said land in this plat.

TASZO, LLC, an Idaho limited liability company

By: Sandor G. Szombathy
Its: Manager

ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } ss

On this _____ day of _____, 2018, before me, a Notary Public in and for said State, personally appeared Sandor G. Szombathy, known or identified to me to be a member of the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

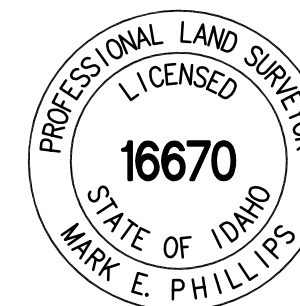
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public in and for said State
Residing in _____
My Commission Expires _____

SURVEYOR'S CERTIFICATE

I, Mark E. Phillips, a duly Licensed Professional Land Surveyor in the State of Idaho, do hereby certify that this plat is a true and accurate map of the land and points surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to Plats, Surveys, and the Corner Perpetuation and Filing Act, 55-1601 through 55-1612.

Mark E. Phillips, P.L.S. 16670



BLAINE COUNTY SURVEYOR'S APPROVAL

I, Sam Young, County Surveyor for Blaine County, Idaho, do hereby certify that I have checked the foregoing Plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating to Plats and Surveys

Sam Young, P.L.S. 11577
Blaine County Surveyor

KETCHUM CITY ENGINEER'S APPROVAL

The foregoing plat was approved by _____, City Engineer for the City of Ketchum on this _____ day of _____, 20____.

City Engineer

KETCHUM CITY COUNCIL'S APPROVAL

The foregoing plat was approved by the City Council of Ketchum on this on this _____ day of _____, 20____.

City Clerk

BLAINE COUNTY TREASURER'S APPROVAL

I, the undersigned County Treasurer in and for Blaine County, State of Idaho per the requirements of Idaho Code 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

Blaine County Treasurer

Date

BLAINE COUNTY RECORDER'S CERTIFICATE

320 LEADVILLE BUILDING
CONDOMINIUMS
GALENA ENGINEERING, INC.
HAILEY, IDAHO
SHEET 4 OF 4
Job No. 7345

Attachment C.

Declaration and Covenants, Conditions and Restrictions of 320 Leadville Building Condominiums

**DECLARATION
AND
COVENANTS, CONDITIONS AND RESTRICTIONS
OF
320 LEADVILLE BUILDING CONDOMINIUMS
Ketchum, Idaho**

TABLE OF CONTENTS

	<u>Page</u>
1 INTERPRETATION AND DEFINITIONS	1
1.1 Liberal Construction	1
1.2 Covenant Running With the Land	1
1.3 Declarant is Original Owner	1
1.4 Captions and Exhibits	1
1.5 Rule Against Perpetuities, Etc. Not Applicable	1
1.6 Several	2
1.7 Conflict	2
1.8 Governor of Owner	2
1.9 Non Waiver	2
1.10 Mixed Use Condominiums	2
2 DEFINITIONS.....	2
3 DESCRIPTION OF REAL PROPERTY AND BUILDINGS	5
3.1 Legal Description of Real Property	5
4 CONVERSION OF PROPERTY TO CONDOMINIUMS.....	6
4.1.1 Interior Unit Maintenance	6
5 DESCRIPTION OF UNITS AND BOUNDARIES.....	6
5.2.1 Unit 101 – Commercial Unit.....	6
5.2.2 Unit 102 – Commercial Unit.....	6
5.2.3 Unit 201—Residential Unit	6
5.2.4 Unit 202—Residential Unit	7
5.3 Unit Boundaries	7
5.3.1 Interior Space	7
5.3.2 Not Part of the Unit	7
5.3.3 Interpretation	7
6 COMMON AREAS, LIMITED COMMON AREAS AND FACILITIES.....	7
6.1 Common Areas.....	7
6.2 Rights in Common Area	8
6.3 Conveyance or Encumbrance of Common Area	8
6.4 Utility Easements	8
6.5 Access and Use Easements	8
6.6 Limited Common Areas.....	8
6.7 Parking Spaces	8

	<u>Page</u>
6.8 Partition Prohibited	8
6.9 Damage by Member	9
7 PERCENTAGE OWNERSHIP, ETC.....	9
7.1 Percentage Ownership Interests and Voting.....	9
7.1.1 Vote Required to Rebuild, Etc.....	9
7.2 Service of Process	9
8 USE OF UNITS.....	10
8.1 Residential Units	10
8.2 Commercial Units.....	10
8.3 Leasing of Units.....	11
(i) Vacation Rental.....	11
8.4 Delegation of Use.....	11
8.5 Animals.....	11
9 ASSOCIATION OF UNIT OWNERS AND BYLAWS	11
9.1 Association of Unit Owners	11
9.2 Membership.....	12
9.3 Votes	12
9.4 Transfer	12
9.5 Board of Managers	12
(a) Number and Term of Board Members	12
(i) Initial Board of Managers	12
(b) Election of Board of Managers	12
(c) Removal of Manager.....	12
(d) Quorum.....	12
(e) Regular Meetings	12
(f) Special Meetings	13
(g) Action By Consent of Managers.....	13
(h) Powers and Duties	13
(i) Compensation	13
9.6 Meeting of Members	13
(a) Annual Meeting.....	13

	<u>Page</u>
(b) Special Meetings	13
(c) Notice of Meeting	13
(d) Quorum	14
(e) Proxies.....	14
(f) Regular Business	14
9.7 Officers of Association	14
(a) Titles14	
(b) Election and Term	14
(i) Initial Officers.....	14
(c) Vacancy	14
(d) President	14
(e) Secretary	15
(f) Treasurer	15
(g) Compensation	15
9.8 Rules and Regulations.....	15
9.9 Budget, Assessment and Charges.....	15
(a) Preparation of Budget.....	15
(b) Purpose of Assessments	15
(c) Regular Assessment	17
(d) Special Assessment	16
(e) Emergency Assessments.....	16
(f) Payment of Assessments	16
(g) Certificate of Paid or Unpaid Assessments	16
(h) Transfer of Unit by Sale or Foreclosure	17
(i) Late Fee for Failure to Pay	17
9.10 Dispute Resolution.....	17
9.11 No Personal Liability	18
9.12 Indemnification of Association Managers	19
10 INSURANCE	19
10.1 Insurance.....	19
10.2 Insurance Proceeds.....	20

	<u>Page</u>
10.3 Individual Insurance.....	20
11 ENFORCEMENT OF DECLARATION.....	21
12 AMENDMENT TO BYLAWS.....	21
13 RIGHTS OF MORTGAGEES.....	21
13.1 Rights of Mortgagees.....	21
14 MISCELLANEOUS.....	22
14.1 Constructive Notice and Acceptance.....	23
14.2 Agreement or Conveyances in Violation of Declaration.....	23
14.3 Captions.....	23
14.4 Consistency with Federal Housing and Secondary Market Restrictions.....	23
14.5 Amendment of Declaration.....	23
14.6 Conflicts.....	23
14.7 No Warranty of Enforceability.....	23
14.8 Certificate of Owner.....	23

**DECLARATION AND COVENANTS,
CONDITIONS AND RESTRICTIONS OF
320 LEADVILLE BUILDING CONDOMINIUMS
IN KETCHUM, IDAHO**

TASZO, LLC, an Idaho limited liability company (hereinafter the "Declarant"), the owner in fee simple of the real property described in Article 3 below, located in Blaine County, Idaho, with the intent to create a project which is subject to the provisions of the Idaho Condominium Property Act (Section 55-1501 et seq. of the Idaho Code), hereby submits such real property, including all easements, rights and appurtenances thereunto belonging and the buildings, improvements and structures erected or to be erected thereon (hereinafter collectively the "Property") to the provisions of the Act, which project is to be known as the 320 Leadville Building Condominiums (hereinafter sometimes referred to as the "Condominiums").

**ARTICLE 1
INTERPRETATION AND DEFINITIONS**

- 1.1 **Liberal Construction.** In accordance with section 55-1521 of the Act, the provisions of this Declaration shall be liberally construed to facilitate the operation of the Project.
- 1.2 **Covenant Running With the Land.** It is intended that this Declaration shall be operative as a set of covenants running with the land, binding on Declarant, its successors and assigns, all subsequent Owners of the Property, together with their grantees, successors, heirs, executors, administrators, devisees or assigns, supplementing the Act, and operating independently of the Act should the Act be, in any respect, inapplicable.
- 1.3 **Declarant is Original Owner.** Declarant is the original Owner of all Units and Property and will continue to be deemed the Owner thereof except as conveyances or documents changing such ownership regarding specifically described Units are filed of record.
- 1.4 **Captions and Exhibits.** Captions given to the various articles and sections herein are for convenience only and are not intended to modify or affect the meaning of any of the substantive provisions hereof. Any exhibits referred to herein and attached hereto shall be deemed incorporated herein by reference as though fully set forth where such reference is made.
- 1.5 **Rule Against Perpetuities, Etc. Not Applicable.** In accordance with section 55-1522 of the Act, the rule of property known as the rule against perpetuities and the rule of property known as the rule restricting unreasonable restraints on alienation shall not be applied to defeat any provision of the Declaration or any conveyance or inheritance of any of the Units.

- 1.6 **Severable**. All provisions of this Declaration are severable and independent.
- 1.7 **Conflict**. In the event of a conflict between the provisions of the Declaration and any Bylaws, the Declaration prevails except to the extent the Declaration is inconsistent with the Act.
- 1.8 **Governor of Owner**. If the Declaration or Bylaws now or hereafter provide that any officers or directors of the Association must be Unit Owners, then notwithstanding the definition of Owner in Article 2, the term "Owner" in such context shall, unless the Declaration or Bylaws otherwise provide, be deemed to include any director, officer, partner, manager or trustee of any Person, who is, either alone or in conjunction with another Person or Persons, a Unit Owner.
- 1.9 **Non Waiver**. The failure of any Board in any one or more instances to insist upon the strict performance of this Declaration, or its Bylaws, or to exercise any right or option contained in such documents, or to serve any notice or to institute any action, shall not be construed as a waiver or a relinquishment for the future of such term, covenant, condition, restriction or reservation, but such term, covenant, condition, restriction or reservation shall remain in full force and effect. The receipt by the Board of any delinquent Assessment from an Owner with knowledge of any such breach shall not be deemed a waiver of such breach, and no waiver by the Board of any provision hereof shall be deemed to have been made unless expressed in writing and signed by the Board.
- 1.10 **Mixed Use Condominiums**. The provisions of this Declaration shall be interpreted in a manner that facilitates the administration of mixed use condominiums, avoids oppression or inequitable treatment of one component over another, supports the successful operation of the Commercial Units, preserves the value of the Residential Units, and ensures the first-class appearance of the Building exterior and Common Areas so as to retain its attraction to both Unit Owners and customers. In any dispute concerning the meaning and effect of this Declaration, the foregoing intent and purposes shall be given consideration.

ARTICLE 2 DEFINITIONS

- 2.1 **Definitions**. For the purposes of this Declaration and any amendments thereto, the following definitions shall apply:
- 2.1.1 The "Act" means the Idaho Condominium Property Act, Idaho Code, Title 55, Chapter 15, as amended.

- 2.1.2 "Association" shall mean the 320 Leadville Building Condominiums Owners Association, an Idaho unincorporated non-profit association, subject to Idaho Code Title 30, Chapter 27.
- 2.1.3 The 320 Leadville Building Condominiums is the name of the Project as defined in section 2.1.25 hereof.
- 2.1.4 "Board" means the Board of Managers of the Association as described in section 9.5.
- 2.1.5 "Building" or "Buildings" means the physical structures located on the real property described in Article 3 below.
- 2.1.6 "Bylaws" means the Bylaws of the Association set forth in Article 9 hereof.
- 2.1.7 "Commercial Units" means the Units identified or to be identified as such in this Declaration and on the Plat, or on amendments thereto, which presently are described as Units 101 and 102 thereon and in this Declaration, whose use is restricted to business and commercial purposes as stated in this Declaration. "Commercial Unit" means any one of the Commercial Units.
- 2.1.8 "Common Area" shall mean all portions of the Condominiums other than the Units. The Common Areas benefit both the Commercial Units and the Residential Units. Each Owner has an undivided interest in the Common Areas as their interest appears in this Declaration. The Common Areas are maintained and managed by and at the expense of the Association to the extent provided in this Declaration.
- 2.1.9 "Condominiums" means: (a) the property encumbered by this Declaration as submitted and divided under the Act; and (b) An estate in real property as described in the Idaho Condominium Property Act consisting of title to a separate Unit, an undivided interest in the Common Areas, and all rights and easements appurtenant thereto. The ownership of each Unit shall include: (1) the appropriate airspace; (2) an undivided interest in the Common Area equal to the percentages set forth in section 7.1; (3) exclusive use of the portion of the Limited Common Area which is appurtenant to that Unit; and (4) membership in the Association, which shall operate, maintain and control all Common Areas for the benefit of the Owners.
- 2.1.10 "Condominiums Documents" consist of this Declaration including the Plat, the Bylaws and any Rules and Regulations.
- 2.1.11 "Declarant" means TASZO, LLC, an Idaho limited liability company.

- 2.1.12 "Declaration" shall mean this Declaration.
- 2.1.13 "Deed" shall mean the type of document used to convey an Owner's interest in both a Unit and the Common Area.
- 2.1.14 "First Mortgage" shall mean a recorded real estate security instrument encumbering a Unit including, but not limited to a mortgage, deed of trust, contract or other security instrument on a Unit that has legal priority over all other mortgages thereon.
- 2.1.15 "First Mortgagee" shall mean a holder of a First Mortgage.
- 2.1.16 "Horizontal Boundaries" means the upper and lower boundaries of the Unit.
- 2.1.17 "Limited Common Areas" means those portions of the Common Areas designated in the Declaration or the Plat as Limited Common Area. Limited Common Areas shall be under the primary control and use of the owner(s) of one or more but fewer than all the units to the exclusion, limitation or restriction of others. Limited Common Areas shall be maintained as provided in this Declaration.
- 2.1.18 "Majority" means at least 51 percent.
- 2.1.19 "Mortgage" shall mean a recorded mortgage, deed of trust, contract or other security instrument by which a Unit is encumbered.
- 2.1.20 "Mortgagee" shall mean the holder, guarantor, insurer, beneficial owner, or the designee of the beneficial owner, of an encumbrance on a Unit created by a mortgage, deed of trust, contract or other security instrument.
- 2.1.21 "Owner" shall mean the legal owner of a Unit. Where a real estate contract for the sale of a Unit has been executed, the contract purchaser and not the contract seller, shall be deemed to be the Owner for the purposes of this Declaration.
- 2.1.22 "Percentage Interest" means the undivided ownership interest in the Common Areas allocated to each Unit as set forth in section 7.1.
- 2.1.23 "Person" shall mean an individual, corporation, joint venture, partnership, limited partnership, limited liability company, firm, association, trustee, or other similar entity or organization.
- 2.1.24 "Plat" or "Plats" means plans relating to the Condominiums Plat recorded pursuant to the Act whether recorded separately or as a part of this Declaration, as the same may be amended from time-to-time.

- 2.1.25 "Project" means the entirety of the property divided into condominiums.
- 2.1.26 "Property" means the land described in Article 3 hereof, together with every building, improvement and structure now and hereafter placed thereon, and every easement or right appurtenant thereto, and all personal property, if any, intended for use in connection therewith or for the use, benefit or enjoyment of the condominiums owners.
- 2.1.27 "Residential Purposes" means use for single family dwelling purposes.
- 2.1.28 "Residential Unit" means a Unit restricted to Residential Use as provided in section 8.1 of this Declaration, which presently are identified as Units 201 and 202 in this Declaration and on the Plat. "Residential Units" means both Residential Units.
- 2.1.29 "Rules and Regulations" means such rules and regulations as are promulgated by the Board of the Association from time-to-time with respect to various details of the use of all or any portion of the Property which either supplement or elaborate upon the provisions in the Declarations or Bylaws.
- 2.1.30 "Undivided Interest" shall be synonymous with "Percentage Interest."
- 2.1.31 "Unit" means the separate interest in a condominium.
- 2.1.32 "Vertical Boundaries" means the side-to-side boundaries of a Unit, the boundaries opposite to the "Horizontal Boundaries."

ARTICLE 3
DESCRIPTION OF REAL PROPERTY AND BUILDINGS

- 3.1 **Legal Description of Real Property.** The real property restricted and protected by this Declaration, and upon which the Building(s) and improvements as provided in this Declaration are located, is legally described as follows:
- Lot 2 in Block 24 of the City of Ketchum, Blaine County, Idaho as shown on the official plat thereof, on file in the Office of the county Recorder.
- 3.2 The following is a description of the Building in the Project: one building, three (3) stories with a basement, of brick and stucco construction, containing four units as shown on the Plat.

ARTICLE 4
CONVERSION OF PROPERTY TO CONDOMINIUMS

4.1 By this Declaration, the Declarant is converting the existing Property to the condominium form of ownership. The Project is divided into four (4) condominium units, each consisting of a separate interest in a Unit and an undivided interest in the Common Areas as identified in this Declaration. This is a mixed use condominium, with two (2) units designated for Residential Purposes and the other two (2) units designated as Commercial Units.

4.1.1 Interior Unit Maintenance. Any Owner may make any improvements or alterations to the Owner's Unit that do not affect the structural integrity or mechanical or electrical systems or less the support of any portion of the Project.

ARTICLE 5
DESCRIPTION OF UNITS AND BOUNDARIES

5.1 The legal description of each Unit in the Project will be as follows:

Unit ____ as defined and depicted on the Plat of 320 Leadville Building Condominiums recorded _____, 201__, as Instrument No. _____ and in the Declaration and Covenants, Conditions and Restrictions of 320 Leadville Building Condominiums recorded on _____, 201__, as Instrument No. _____;

TOGETHER with an undivided ____ percent interest in the Common Area as provided in the above-described Plat and Declaration;

AND TOGETHER with such interest in and to the Limited Common Area as set forth in the above-described Plat and Declaration.

Located in Blaine County, State of Idaho.

5.2 Additional information regarding each Unit:

5.2.1 Unit 101 – Commercial Unit

Basement: 440
First Floor: 1168
Total: 1608

Number of parking space(s) allocated: 1

5.2.2 Unit 102 – Commercial Unit

Basement: 678
First Floor: 1407
Total: 2085

Number of parking space(s) allocated: 2

5.2.3 Unit 201—Residential Unit

Second Floor: 1205
Third Floor: 763
Total: 1968

Number of Bathrooms: 2.5

Number of Bedrooms: 2

Number of Parking Space(s) allocated: 1

5.2.4 Unit 202—Residential Unit

Second Floor: 1285
Third Floor: 639
Total: 1924

Number of Bathrooms: 2.5

Number of Bedrooms: 2

Number of Parking Space(s) allocated: 1

5.3 Unit Boundaries. The boundaries of each Unit are situated as shown on the Plat and shall consist of:

5.3.1 Interior Space. The physical boundaries of each Unit are the interior finished surfaces of the perimeter walls, top of finished sub-floors, bottom of finished ceilings, windows and doors thereof, and the Unit includes both the portions of the building so described and the airspace so encompassed.

5.3.2 Not Part of the Unit. The following are not part of the Unit: bearing walls, columns, floors, roofs, foundations, elevator equipment and shafts, central heating, central refrigeration and central air conditioning equipment, reservoirs, tanks, pumps and other central services, pipes, ducts, flues, chutes, conduits, wires and other utility installations, wherever located, except the outlets thereof when located within the Unit.

5.3.3 Interpretation. In interpreting the Declaration, Plat or Deeds, the existing physical boundaries of the Unit as originally constructed or as reconstructed in lieu thereof shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the Declaration, Plat or Deed, regardless of

settling or lateral movement of the building and regardless of minor variance between boundaries shown in the Declaration, Plat or Deed, and the actual boundaries of Units in the Building.

ARTICLE 6

COMMON AREAS, LIMITED COMMON AREAS AND FACILITIES

- 6.1 Common Areas. All area outside of the Units that is not designated as Limited Common Area on the Plat, is Common Area, including:
- (a) Those areas designated on the Plat as Mechanical Areas.
 - (b) The foundations, columns, girders, supports, perimeter and supporting walls, chimneys, chimney chases, roofs, balconies, windows, entrances and exits, and the mechanical installations consisting of the equipment and materials making up any central services such as power, light, gas, hot and cold water, sewer, cable television, and heating and central air conditioning which exist for use by one or more of the units, including pipes, vents, ducts, flues, cable conduits, wires, telephone wire, and other similar utility installations used in connection therewith, whether located exclusively within the boundaries of any Unit or Units or not, are Common Area.
- 6.2 Rights in Common Area. The Common Area shall include the elements set forth in section 6.1 [and shown on the Plat]. Each Unit Owner shall have, as appurtenant to his or her Unit, an undivided interest in the Common Areas equal to the percentage set forth in section 7.1. Each Owner shall have a nonexclusive right to use all Common Areas (other than Limited Common Areas, which shall be allocated to the individual Units) in accordance with the purposes for which it is intended, without hindering the exercise of or encroaching upon the lawful rights of any other Owner(s), subject to Rules and Regulations enacted by authority of the Board as provided herein.
- 6.3 Conveyance or Encumbrance of Common Area. No conveyance or encumbrance of any Common Area shall be allowed, except that upon sale or encumbrance of a Unit, the interest in the Common Area allocated thereto shall likewise be sold or encumbered. Each undivided interest in the Common Areas is hereby declared to be permanent in character and unalterable except by amendment of this Declaration, and shall be deemed to be conveyed or encumbered with its respective Unit even though the description in the instrument of conveyance or encumbrance may refer only to the fee title to the Unit.
- 6.4 Utility Easements. Utility easements necessary to allow for access and maintenance of utilities serving Units other than the Unit they are located in are hereby granted to the Declarant and the Association.

- 6.5 **Access and Use Easements.** There are hereby reserved and created for the benefit of the Declarant and its successors, all Owners and their guests, tenants and invitees residing on or visiting the Property, and the Association and its successors, reciprocal, non-exclusive easements for access, ingress and egress over all of the Common Areas and for the use and enjoyment of all facilities thereon.
- 6.6 **Limited Common Areas.** All areas outside the Units that are designated as Limited Common Area on the Plat are Limited Common Areas reserved for the exclusive use of the Owner or Owners of the Unit or Units to which such areas are designated on the Plat.
- 6.7 **Parking Spaces.** Parking spaces are allocated to the Units as designated on the Plat.
- 6.8 **Partition Prohibited.** Except as permitted by law, the Common Areas shall remain undivided as set forth above, and no Owner shall bring any action for partition or division of any part of the Common Area, it being agreed that this restriction is necessary in order to preserve the rights of the Owners with respect to the operation and management of the Project. Judicial partition by sale of a single Unit owned by two or more persons, and division of the sale proceeds, is not prohibited hereby (but physical partition of a single Unit is prohibited).
- 6.9 **Damage by Member.** Each Owner shall be liable to the Association for any damage to the Common Area not fully reimbursed to the Association by insurance, if the damage is sustained because of the negligence, willful misconduct, or unauthorized or improper use of such Common Area by the Owner or by any family member, guest, tenant, or invitee of the Member. However, the Association, acting through the Board, reserves the right to determine whether any claim shall be made upon the insurance maintained by the Association. The cost of correcting the damage, to the extent not reimbursed to the Association by insurance, shall be a Special Assessment against the Unit and may be enforced as provided herein for the enforcement of other Assessments.

ARTICLE 7
PERCENTAGE OWNERSHIP, ETC.

- 7.1 **Percentage Ownership Interests and Voting.** The Percentage Interest of each of the four Units in the Common Areas for purposes of: (a) tax assessments under Section 55-1514 of the Act and (b) liability as provided by Section 55-1515 of the Act; and votes of the Owners , are allocated to each Unit as follows:

<u>Unit</u>	<u>Common Elements</u>	<u>Common Expenses</u>	<u>Votes</u>
101	21.20%	21.20%	1
102	27.49%	27.49%	1
201	25.95%	25.95%	1
202	25.37%	25.37%	1

7.1.1 Vote Required to Rebuild, Etc. It shall require a unanimous vote by the Unit Owners to determine whether to rebuild, repair, restore or sell the Property in the event of damage, taking or destruction of all or part of the Property.

7.2 Service of Process. Sandor G. Szombathy, whose address is 134 Hyndman View Drive, Hailey, Idaho, is designated to receive service of process in any action relating to the Common Areas and facilities pursuant to Section 55-1512 of the Idaho Code. Should Sandor G. Szombathy resign or no longer be able to serve, at the discretion of the Association, the Association may name another person and address as the designee to receive such service of process by filing an Amendment to this Declaration. The Association shall cause to be filed with the Idaho Secretary of State an Unincorporated Nonprofit Association Agent Appointment form as authorized by Idaho Code Section 30-27-129.

ARTICLE 8 USE OF UNITS

8.1 Residential Units. Residential Units shall be used for Residential Purposes only. The Residential Units may be used as home offices, including the meeting and receiving of clientele, provided that such activity does not result in substantial or unreasonable foot traffic. The Residential Units may not be used for time share purposes or sold or leased on a time share basis.

8.2 Commercial Units. The Commercial Units may be used for any purpose permitted by applicable code and zoning provisions; however, the Commercial Units may not be used for timeshare purposes or sold or leased on a timeshare basis. The Owners of the Commercial Units shall have the right to change the use thereof so long as the zoning for the Property permits the proposed use, or the Owner or the Owner's agent obtains a zoning variance or other permit or approval to allow the proposed use. Notwithstanding the foregoing, the Commercial Units are subject to the following use restrictions:

8.2.1 No Commercial Unit shall be used for: (a) conducting heavy industrial or manufacturing activities; (b) wholesale or retail sales or rental of pornographic related goods or services; (c) adult motion picture theater; (d) jail; (e) taxidermy shop; (f) except for the storage of inventory in commercially reasonable quantities for sale to customers physically present in the Unit; (g) a mortuary, funeral parlor, or house of worship; (h) government offices; (i) a medical laboratory; (j) laundry; (k) dyeing or rug cleaning plant; (l) animal clinic; (m) work release center; (n) food processing; (o) dance hall; (p) musical school or studio; (q) half way house; (r) hotel, apartment hotel or motel; (s) package liquor store; (t) tavern or bar; (u) drug rehabilitation center or social service agency; or (v) wholesale or retail sales of marijuana or illicit drugs or related goods or services.

8.2.2 The delivery or shipment of merchandise, supplies, and fixtures to and from the Commercial Units shall be accomplished in a manner that shall not unreasonably interfere with the quiet enjoyment or the security of the Residential Units.

8.2.3 The Owner of any Commercial Unit shall not use or occupy the Commercial Unit nor do or permit anything to be done thereon in any manner which shall make it impossible for the Association to carry any insurance required or reasonably deemed to be necessary, or which will invalidate or unreasonably increase the cost thereof or which will cause structural injury to the Building, or which would constitute a public nuisance or which will violate any laws, regulations, ordinances or requirements of the federal, state or local governments or of any other governmental authorities having jurisdiction over the Property.

The Owner of any Commercial Unit shall pay any increase in premiums for property or liability insurance resulting from said Owner's use or occupancy of a Commercial Unit. In determining whether increased premiums are the result of the Owner's use or occupancy of its Commercial Unit, the rates and premiums determined by the organization setting the insurance premiums shall be conclusive evidence of the several items and charges which make up the insurance premiums. The Association shall deliver bills for such additional amounts to the Owner(s) of applicable Commercial Unit(s) at such times as it may elect, and the Owner(s) of said Commercial Units shall immediately pay the Association therefore.

8.2.4 The Owner of any Commercial Unit shall bear the expenses relating to any increases in electrical, gas or water service necessitated by the use of its Commercial Unit.

8.3 Leasing of Units. Any Owner may lease the Owner's Unit to any tenant or lessee under such terms and conditions as they may agree, except that no lease or rental agreement shall relate to less than the whole of any Unit. Any lease or rental agreement shall be in writing and shall by its terms provide that it is subject in all respects to this Declaration and all Rules and Regulations. Any failure by a lessee or tenant to comply with the terms of this Declaration and/or any of the Rules and Regulations shall be a default under both the Declaration and the lease, whether or not it is expressed therein, and the Owner shall be liable for any costs incurred which result from the lessee's actions.

(i) Vacation Rental. The Owner of a Residential Unit's right to lease includes vacation rental, such as Vacation Rentals by Owner (VRBO) or similar programs, provided, however, such rental shall conform to the requirements of section 8.3 above.

- 8.4 Delegation of Use. Any Owner entitled to the right and easement of use and enjoyment of the Common Area may delegate such right to its tenants or subtenants who are occupying the Owner's Unit, subject to reasonable regulation by the Board. An Owner who has made such a delegation of rights shall not be entitled to the use or enjoyment of any part of the Common Area for so long as such delegation remains in effect. However, rights to use of the Common Area shall not be delegated to anyone who is not a bona fide tenant or occupant of the Owner's Unit, as determined by the Board.
- 8.5 Animals. No animals, livestock, or poultry of any kind shall be raised, bred, or kept in any Unit. The Board of Managers shall institute rules regarding the keeping of pets.

ARTICLE 9
ASSOCIATION OF UNIT OWNERS AND BYLAWS

- 9.1 Association of Unit Owners. The 320 Leadville Building Condominiums Owners Association, an Idaho unincorporated non-profit association, formed pursuant to Idaho Code Title 30, Chapter 27, the members of which shall be the Owners of the four Units, is hereby designated the management body to manage and administer the Project, the administration of which shall be governed by the Bylaws set forth in this Article 9.
- 9.2 Membership. Each Owner shall be entitled and required to be a member of the Association (hereinafter "Member"). Each Owner of a Unit shall automatically, upon becoming the Owner of that Unit, be a member of the Association. No person or entity other than an Owner may be a member of the Association.
- 9.3 Votes. Each Unit shall be entitled to the number of votes specified in section 7.1. The vote for each Unit must be cast as a single vote; and the vote assigned to a particular Unit shall not be fractionalized or split. If joint owners are unable to agree how their vote shall be cast, they shall lose their right to vote on the matter in question. If the Owner of any Unit is not a natural person(s), then such Owner shall designate in writing the name and capacity of the natural person who has authority to vote for that Owner.
- 9.4 Transfer. Membership in the Association shall not be sold, assigned or transferred. However, when a Member sells a Unit, the Seller's membership rights shall transfer to the new Owner.
- 9.5 Board of Managers
- (a) Number and Term of Board Members. The Board of Managers shall consist of three (3) Managers, each of whom shall be an Owner of a Unit as follows: Two (2) of the Managers shall each be an Owner of a Residential Unit and the third Manager shall be an owner of a commercial unit. If an Owner is not a natural person, then that Owner shall designate in writing the name and capacity of the

natural person who shall serve as one of the Managers. Each Manager shall hold office for a term of one (1) year.

- (i) Initial Board of Managers. The Declarant shall appoint the initial three (3) Managers without regard to the first sentence of section 9.5(a) above.

- (b) Election of Board of Managers. The initial Board of Managers shall serve until two of the four Units have been conveyed to third parties by the Declarant, at which time Managers shall be elected by majority vote of the Members. Thereafter, the Managers shall be elected at the annual meeting of the Members.

- (c) Removal of Manager. Any Manager may be removed by a majority vote of the Members whenever, in their judgment, the best interest of the Association would be served thereby.

- (d) Quorum. The presence in person of a majority of the Managers at any meeting of the Board of Managers shall constitute a quorum. The vote of the majority of the quorum actually present at any meeting shall constitute an action of the Board of Managers.

- (e) Regular Meetings. Regular meetings of the Board of Managers shall be conducted at least annually at a time and place as may be fixed by the Board.

- (f) Special Meetings. A special meeting of the Board of Managers may be called by written notice signed by at least two of the Managers. Notice shall be provided to the other Managers and such notice shall include a description and the nature of any special business to be considered by the Board.

- (g) Action By Consent of Managers. Any action required or permitted to be taken by the Board of Managers may be taken without a meeting and if all of the Managers shall individually or collectively consent in writing to such action. Said consent may occur by electronic communication.

- (h) Powers and Duties. The Board of Managers shall have the powers and duties necessary for the administration and management of the affairs of the Association to the full extent allowed under law and as provided in this Declaration, including, but not by way of limitation, (i) the power to engage the services of a manager or managing agent or management company for the Project; (ii) the power to obtain insurance coverage for the Project; (iii) the power to levy assessments; and (iv) maintenance, repair and replacement of the common elements and payments therefore (with payment vouchers requiring the approval of a majority of the Board of Managers).

- (i) Compensation. No Manager shall be entitled to receive compensation for his or her services as Manager; but shall be entitled to reimbursement of any out-of-pocket expenses reasonably incurred on behalf of the Association and approved by the Board of Managers.

9.6 Meeting of Members

- (a) Annual Meeting. The annual meeting of the Members shall be held on the third Tuesday of September in each year, at the hour of 7:00 p.m. at the Project or at such other location as announced in the call of the meeting. The purpose of the meeting shall be to elect Managers and for the transaction of such other business as may come before the meeting. The Managers may, by majority vote, change the date and time for the annual meeting.
- (b) Special Meetings. Special meetings of the Members may be called by the President or by at least two (2) of the Managers. All special meetings shall be held at the Project or at such other location in Blaine County, Idaho, as the Members may agree upon prior to the meeting.
- (c) Notice of Meeting. Written notice stating the place, day and hour of the annual meeting of Members shall be delivered either personally or by mail to each Member entitled to vote at such meeting not less than ten (10) or more than thirty (30) days before the date of such meeting, by or at the direction of the President or Secretary or the officer or person calling the meeting. In case of a special meeting, the purposes for which the meeting is called shall be stated in the notice.
- (d) Quorum. Fifty-one percent of the voting power of the membership shall constitute a quorum for the conduct of regular business.
- (e) Proxies. At any meeting of Members, a Member entitled to vote may vote by proxy, executed in writing by the Member.
- (f) Regular Business. The regular business of the Association may be carried out by a simple majority of voting memberships present in person or by proxy at any annual, regular or special meeting, provided that a quorum is present at such meeting (either in person or by proxy).

9.7 Officers of Association

- (a) Titles. The officers shall consist of a president, a secretary and a treasurer. The Board of Managers shall elect the officers, and may also appoint such other officers as they may deem desirable. Such officers shall have the authority and perform the duties prescribed from time-to-time by the Board of Managers. Any

two or more offices may be held by the same person. Each officer shall be an Owner of a Unit, or the designee of a non-natural person who is an owner of a Unit.

(b) **Election and Term.**

(i) **Initial Officers.** The initial Board of Managers appointed by the Declarant shall appoint the officers of the Association, who shall serve until 2 out of the 4 Units shall have been conveyed to third parties by the Declarant, at which time officers shall be elected by majority vote of the Board of Managers.

(ii) Thereafter, the election of officers shall take place at the first meeting of the Board of Managers following the annual meeting of the Members. The term for the officers shall be one year unless any of said officers shall resign or be shall be removed or otherwise disqualified to serve.

(c) **Vacancy.** A vacancy in any office may be filled by appointment by the Board of Managers. The officer appointed to such vacancy shall serve for the remainder of the term of the officer replaced.

(d) **President.** The President shall be the principal executive officer of the Association; shall preside at all meetings of the Board of Managers and of the Members; and in general shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Managers. The President must be selected from the Board of Managers.

(e) **Secretary.** The Secretary shall keep the minutes of the meetings of the Board of Managers and of the Members and shall, in general, perform all the duties incident to the office of Secretary.

(f) **Treasurer.** The Treasurer shall keep the financial records and books of account for the Association and shall have charge of and be responsible for all funds of the Association.

(g) **Compensation.** The officers of the Association shall not be entitled to compensation for their services as an officer, but shall be entitled to reimbursement of any out-of-pocket expenses reasonably incurred on behalf of the Association and approved by the Board of Managers.

9.8 **Rules and Regulations.** The Board of Managers shall have the right and power to make and enforce Rules and Regulations for the general welfare of the Project. Provided, however, that the Board of Managers may not make or enforce any rules or regulations

which are contrary to, or conflict with, this Declaration, whether now in force, or hereinafter enacted or amended.

9.9 Budget, Assessment and Charges

- (a) Preparation of Budget. Not less than thirty (30) days before the end of each calendar year, the Board of Managers shall prepare a budget for the Association for the coming year. In preparing its budget, the Board of Managers shall estimate the common expenses of the Association to be paid during the next year, make suitable accumulation of reserves, and shall take into account any surplus or deficit carried over from the preceding year and any expected income to the Association. If, during the year the budget proves to be inadequate for any reason, including non-payment of any Owner's assessment, the Board of Managers may prepare a supplemental budget for the remainder of the year.
- (b) Purpose of Assessments. The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety and welfare of the Owners; protect the value of property located in the Project; the improvement and maintenance of Common Areas; the maintenance of Limited Common areas (to the extent required in this Declaration); the payment of any taxes or special assessments which would be a lien upon the entire Project or Common Areas, and for discharge by the Association of any lien or encumbrance levied against the entire Project or Common Areas; and for the common good of the Project. Three assessments may be charged in accordance with the restrictions and requirements herein. Those assessments include: (i) regular assessments; (ii) special assessments; and (iii) emergency assessments.

Each such assessment together with any collection costs, including but not limited to any interest, costs, or attorney's fees, shall be a personal obligation of the Owner of that particular Unit. Assessments may be secured by a lien against the non-paying Member's Unit and any and all assessments shall be a constructive real covenant affecting title to real property of each Member. No Member is exempt from any liability because of waiver of use, enjoyment by abandonment of any premises or Unit, unless specifically set forth herein. The levying of assessments shall begin upon the recording of the first conveyance of a Unit.

- (c) Regular Assessment. The Board of Managers shall be empowered to assess each Unit a monthly sum as a regular assessment. Regular assessments shall be used for maintenance and improvements to the Project and any Common Areas of the Association and/or any other necessary and desirable purposes for the benefit of the Association and its Members. A portion of the regular assessment shall be held as an adequate reserve account to replace improvements and to meet unforeseen expenditures. Each Unit shall pay the same amount of monthly assessment.

- (d) Special Assessment. The Board of Managers may in addition to the regular assessment assess special assessments for the use of special facilities, equipment or services within the Project. Any proceeds collected for the use of special items shall be exclusively for that specified use and shall be kept separate and distinct from general Association funds. All special assessments shall be due at a time specified by the Board of Managers and may be enforced in the same manner as other assessments. All special assessments shall be spent exclusively for the maintenance and/or improvement of the special use for which it is meant.
- (e) Emergency Assessments. In addition to other assessments, the Board of Managers shall have emergency powers to assess an emergency assessment on Units.
- (f) Payment of Assessments. All assessments shall be paid to the treasurer of the Association within thirty (30) days of notice of assessment. Any assessment not paid within thirty (30) days from notice shall be delinquent and subject to late charges, interest charges and collection procedures (including attorney fees).
- (g) Certificate of Paid or Unpaid Assessments. Upon the request of any Owner or First Mortgagee of a particular Unit, the Board of Managers within ten (10) days of receipt of such request will furnish a statement of Owner's account in a certificate in recordable form stating the amount, if any, of unpaid assessments charged to that Unit. The certificate shall be conclusively determined by the Board and the Association as to the amount of such indebtedness as of the date of the certificate, and may be relied upon by purchasers and mortgagees of such Unit. The Board may establish a reasonable fee to be charged to reimburse it for the cost of preparing the certificate.
- (h) Transfer of Unit by Sale or Foreclosure. The sale or transfer of any Unit shall not affect the assessment or assessment lien. However, the sale or transfer of any Unit pursuant to mortgage foreclosure shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer (except for assessments recorded prior to the mortgage). No sale or transfer shall release such Unit from liability for any assessments thereafter becoming due or from the lien thereof. When the first Mortgagee of record obtains title to a Unit as a result of foreclosure, such Mortgagee shall not be liable for the unpaid dues or charges of the Association chargeable to such Unit which accrued prior to the acquisition of title or possession of such Unit by such mortgagee. In a voluntary conveyance of a Unit, the grantee of the Unit shall be liable for all unpaid assessments to the Association.
- (i) Late Fee for Failure to Pay. If any part of any assessment is not paid and received by the Association within fifteen (15) days after the due date, an automatic late

charge of one and one-half percent shall be assessed for each month until all late charges are paid. When a notice of default and demand to cure has been recorded, such assessment shall constitute a lien on the subject Unit prior and superior to all other liens except: (i) all taxes, bonds, assessments and other levies which, by law, would be superior thereto; and (ii) the lien or charge of any First Mortgage of record made in good faith and for value. Such lien may be enforced by foreclosure upon the Unit in accordance with Idaho law.

- (j) Any failure by the Board of Managers to make the budget and assessments pursuant to this section 9.9 before the expiration of any year for the ensuing year shall not be deemed a waiver or modification in any respect of the provisions of this Declaration, or a release of any Owner from the obligation to pay assessments during that or any subsequent year, and the monthly assessment amount established for the preceding year shall continue until a new assessment is established.
- (k) Any notice of assessment and/or lien authorized by the Board, any extension thereof, and any satisfaction and/or release of a lien, may be signed by any one officer of the Association.
- (l) At any time subsequent to the recording of this Declaration and prior to the time the Board is required to prepare the first annual budget pursuant to section 9.9(a) above, the Board may prepare an initial budget for the Association.

9.10 Dispute Resolution. The Dispute Resolution provisions contained in this section shall not apply during the Declarant's Control Period, but shall apply at all times thereafter.

- (a) The Board of Managers and/or the Members may reach impasse on certain issues presented for decision. In the event that an impasse is reached on an issue of substantial significance to the Project, and such impasse continues for a period of thirty (30) days from the date that such matter was first presented for a vote by the Board of Managers or the Members, then the impasse shall be resolved in accordance with this section 9.10.
- (b) Upon the expiration of said thirty (30) day period after impasse is reached, but not later than thirty (30) days thereafter, any Manager or Member may initiate mediation of the issue upon which an impasse was reached (the "issue") by written notice to the other Manager or Member. If the parties cannot agree upon a mediator within ten (10) days thereafter, then mediation shall be initiated in accordance with the American Arbitration Association mediation rules. If the issue has not been resolved within thirty (30) days of the initiation of the mediation

procedure, or if the other Member or Manager refuses to participate in mediation, then the issue shall be settled by arbitration pursuant to the following subsection.

- (c) A Manager or Member may initiate arbitration pursuant to the Uniform Arbitration Act, Idaho Code Section 7-901 et. seq. as now existing or hereafter amended. A single arbitrator shall hear and determine the dispute regarding the issue. In the event the Managers and/or the Members, as the case may be, have not agreed upon an arbitrator within fifteen (15) days after service of a Notice to Arbitrate by the Manager or Member initiating the arbitration, then any party may seek appointment of an arbitrator by a judge or magistrate of the District Court for Blaine County, Idaho.

The arbitration shall be held in Blaine County, Idaho; and the arbitration shall be held no later than twenty (20) days after the appointment of the arbitrator; and the arbitrator's decision shall be rendered, in writing, within ten (10) days thereafter. The arbitrator's decision shall be binding on the parties and may be confirmed by a court having jurisdiction.

- (d) Each Manager or Member, as the case may be, shall share the mediator's fees and/or arbitrator's fees equally.

9.11 No Personal Liability

- (a) In accordance with Idaho Code section 30-27-108, any debt, obligation or other liability of the Association is solely the debt, obligation or other liability of the Association. Any member or manager of the Association is not personally liable, directly or indirectly, by way of contribution or otherwise for a debt, obligation, or other liability of the Association solely by reason of being or acting as a member or manager.
- (b) Without limiting the foregoing, so long as a member, manager, or officer of the Association, or the Declarant has acted in good faith, with ordinary and reasonable care, without willful or intentional misconduct, upon the basis of such information as may be possessed by such person, no such person shall be personally liable to any Owner, or other party, including the Association, for any damage, loss or prejudice suffered or claimed on account of any act, omission, error or negligence (except gross negligence), any discretionary decision, or failure to make a discretionary decision, by such person in such person's official capacity; provided, that this subsection (b) shall not apply where the consequences of such act, omission, error or negligence are covered by insurance obtained by the Association pursuant to Article 10. No Association member or manager shall be liable for acts, omissions or decisions of any other member or manager of the Association.

- 9.12 **Indemnification of Association Managers.** Each Board member or Association officer or Declarant shall be indemnified by the Association by the Association against all expenses and liabilities, including attorneys' fees, reasonably incurred by or imposed in connection with any proceeding to which he or she may be a party, or in which he may become involved, by reason of being in or having held such position at the time such expenses or liabilities are incurred, except to the extent such expenses or liabilities are covered by any type of insurance, except in such cases wherein such person is adjudged guilty of intentional misconduct, or gross negligence or a knowing violation of the law in the performance of his duties and except in such cases where such person has participated in a transaction from which said persona will personally receive a benefit in money, property or services to which said person is not legally entitled. Provided, that, in the event of a settlement, the indemnification shall apply only when the Board approves such settlement and reimbursement as being in the best interest of the Association.

ARTICLE 10
INSURANCE

- 10.1 **Insurance.** The Board of Managers shall obtain and maintain at all times as a common expense a policy or policies of insurance providing for:
- (a) Property insurance with an "all risk" endorsement (including extended coverage – vandalism, malicious mischief, debris removal, wind storm and water damage, but excluding earthquake and flood) sprinkler leakage, and cost of demolition in an amount as near as practicable to the full insurable replacement value (without deduction for depreciation) of the Common Areas, Limited Common Areas, and the Units (including Unit Owner improvement such as carpets, drapes, built-in appliances and such items that may be part of the realty), with the Board of Managers named as insured as trustee for the benefit of the Owners and Mortgagees as their interest may appear, or such other fire and casualty insurance as the Board of Managers shall determine to give substantially equal or greater protection insuring the Owners, and their Mortgagees, as their interest may appear. Said policy or policies shall provide for separate protection for each Unit to the full insurable replacement value thereof, and a separate loss payable endorsement, in favor of a Mortgagee or Mortgagees of each Unit, if any.
 - (b) General comprehensive liability insurance insuring the Board of Managers, the Association, the Owners and Declarant against any liability to the Unit Owners, and their invitees, and/or tenants, incident to the ownership or use of the Common Areas and/or Limited Common Areas (including but not limited to owned or non-owned automobile liability, water damage, host liquor liability, liability for property of others), the liability under which insurance shall be in an amount determined by the Board of Managers after consultations with insurance consultants, but not less

than \$2 million covering all claims for personal injury and/or property damage arising out of a single occurrence. Such policy limits shall be reviewed at least annually by the Board of Managers and increased in its discretion. Such insurance shall include officers and directors legal liability. Such insurance shall contain appropriate provisions or endorsements precluding the insurer from denying the claim of an Owner because of the negligent acts of the Association or another Owner.

(c) Such other insurance as the Board of Managers deems advisable.

- 10.2 Insurance Proceeds. Insurance proceeds for damage or destruction to any part of the Project shall be paid to the Board of Managers on behalf of the Association which shall segregate such proceeds from other funds of the Association. The Association acting through its Board of Managers shall have the authority to settle and compromise any claim under insurance obtained by the Association and the insurer may accept a release and discharge of liability made by the Board of Managers on behalf of the named insureds under the policy.
- 10.3 Individual Insurance. Each Unit Owner shall obtain personal liability insurance of not less than \$300,000 per occurrence and may obtain additional insurance respecting such Owner's Unit and/or the contents thereof at the Owner's own expense, provided, however, that no Owner shall be entitled to exercise his right to maintain insurance coverage in any manner which would decrease the amount which the Board of Managers, on behalf of all of the Owners, will realize under any insurance policy which the Board of Managers may have in force on the condominiums at any particular time.
- 10.4 In no event shall the insurance coverage obtained and maintained by the Association hereunder be brought into contribution with any insurance purchased by individual Unit Owners, occupants, or Mortgagees.
- 10.5 Premiums for all insurance obtained by the Association shall be included in the regular assessment provided for in section 9.9 (c) hereof.

ARTICLE 11 ENFORCEMENT OF DECLARATION

- 11.1 The Association shall be primarily responsible for the enforcement of the Declaration; however, nothing herein shall prohibit any interested Owner from independently taking action to enforce the Declaration. The definitions, duties and rights specified in the Declaration, as well as in the Covenants, shall guide the management of the Association and shall guide in the interpretation of these Bylaws.

ARTICLE 12
AMENDMENT TO BYLAWS

- 12.1 The Bylaws of this Association may be altered, amended, or new Bylaws adopted at any regular meeting or at any special meeting of the Members thereof, by the affirmative vote of a majority of the total membership.

ARTICLE 13
RIGHTS OF MORTGAGEES

- 13.1 **Rights of Mortgagees.** In order to induce lenders and lending agencies to participate in the financing of the sale or ownership of Units within the Project, this section 13 is included in this Declaration.
- (a) Notwithstanding any other provision of the Declaration, no amendment or violation of the Declaration shall operate to defeat or render invalid the rights of any mortgagee of a Unit made in good faith and for value, provided that after the foreclosure of any such mortgage, such Unit shall remain subject to this Declaration.
 - (b) Each First Mortgagee of a mortgage encumbering any Unit which obtains title to such Unit pursuant to judicial foreclosure or the powers provided in such mortgage, shall take title to such Unit free and clear of any claims or unpaid assessments or charges against such Unit, but subject to all assessments levied thereafter.
 - (c) First Mortgagees, upon written request, shall have the right to (1) examine the books and records of the Association during normal business hours; (2) require from the Association the submission of annual unaudited financial reports and other financial data; (3) receive written notice of all meetings of the Members of the Association; and (4) designate, in writing, a representative to attend all such meetings.
 - (d) Each Owner hereby authorizes the First Mortgagee of a first mortgage on his or her Unit to furnish information to the Board of Managers concerning the status of the first mortgage and the loan which it secures.
 - (e) Owners shall have the right to amend the Declaration in accordance with section 14.5 hereof, subject to the rights of First Mortgagees to participate in the amendment process as provided in this subsection. Amendments of a material nature shall be agreed to by (1) the Declarant (so long as Declarant is an Owner); (2) Owners representing at least 51 percent of the total votes in the Association; and (3) First Mortgagees representing at least 51 percent of the votes of Units that

are subject to mortgages held by first mortgagees. A change in the Declaration which would affect provisions regarding any of the following would be considered as material:

- Voting rights;
- Reallocation of rights to use the Common Area;
- Boundaries of any Unit;
- Restrictions on an Owner's right to sell or transfer his or her Unit;
- Provisions that expressly benefit mortgage holders, insurers or guarantors;

In any case where the approval of a First Mortgagee may be required for a proposed amendment of this Declaration, such approval shall be implied by the failure of the First Mortgagee to submit a response to the proposal within thirty (30) days after the proposal is sent to the First Mortgagee.

- (f) This Declaration shall be interpreted in conformity with all rules, regulations and requirements of institutional mortgage holders, including, but not limited to Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Veterans Administration and Federal Housing Administration, applicable to conventional mortgages on condominiums, in effect as of this date, or as hereafter amended, and any provision hereof which is inconsistent therewith shall be deemed modified to conform thereto. The Bylaws and Rules and Regulations of the Board shall be governed by this Declaration and all provisions thereof which are inconsistent herewith shall be void. Further, the Board of Managers shall have the authority, on behalf of all Unit Owners, to authorize the president of the Association to execute an amendment to this Declaration amending the provisions contained in this Article 13 for the benefit of Mortgagees in order to bring them within the requirements of Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Veterans Administration or Federal Housing Administration.

ARTICLE 14 MISCELLANEOUS

- 14.1 Constructive Notice and Acceptance. Upon recording of this Declaration, every person or entity who now or hereafter owns, occupies or acquires any right, title or interest in or to any portion of the Property has conclusively consented and agreed to every covenant, condition and restriction of this Declaration. This conclusive acceptance shall occur regardless whether or not any reference to this Declaration is contained in the instrument by which such person acquired an interest in the Property.

- 14.2 Agreement or Conveyances in Violation of Declaration. Any deed, lease, conveyance, contract or other instrument or action in violation of this Declaration shall be void and may be set aside by the Declarant or the Association.
- 14.3 Captions. The captions of this Declaration are used for convenience only and are not intended to be a part of this Declaration or in any way to define, limit or describe its scope and intent.
- 14.4 Consistency with Federal Housing and Secondary Market Restrictions. This Declaration is intended to be consistent with federal and state laws and regulations as may be required for the lending of money for homes and for the sale of mortgages upon such homes in the secondary mortgage market. In the event of any conflict between this Declaration and any federal and state guidelines, then Declarant may unilaterally, at Declarant's sole option, amend the conflicting provision in order to eliminate the conflict.
- 14.5 Amendment of Declaration. This Declaration and/or the Plat may, prior to the first sale of a Unit, be amended or revoked by a subsequently recorded instrument executed and acknowledged in accordance with Idaho Code Section 55-1504. Subsequent to the first sale of a Unit, the Declaration and/or Plat may be amended by the majority vote or written consent of the Members of the Association, and the recordation of any instrument(s) as may be required.
- 14.6 Conflicts. Should any provision of this Declaration be declared invalid or conflict with laws of the state of Idaho or Blaine County, the validity of all other provisions shall remain unaffected and in full force and effect.
- 14.7 No Warranty of Enforceability. While the Declarant has no reason to believe that any of the restrictive covenants contained in this Declaration or elsewhere in this Declaration are or may be invalid or unenforceable for any reason or to any extent, the Declarant makes no warranty or representation as to the present or future validity or enforceability of any such restrictive covenant. Any Owner acquiring a Unit in the Project in reliance on one or more of such restrictive covenants shall assume all risks of the validity and enforceability thereof and by acquiring the Unit agrees to hold Declarant harmless therefrom.
- 14.8 Certificate of Owner. The signature by the Declarant of this Declaration constitutes the certificate by the record owner of the Property consenting to the recordation of this Declaration, and the Plat pursuant to Idaho Code section 55-1504(c)(iii).

Dated this ____ day of _____ 2018.

DECLARANT:

TASZO, LLC

By: _____
SANDOR G. SZOMBATHY, Manager

STATE OF IDAHO)
 : ss.
County of Blaine)

On this ____ day of _____, 2018, before me personally appeared SANDOR G. SZOMBATHY, to me known to be, or having satisfactory evidence that he is the Manager of TASZO, LLC, the limited liability company that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal the day and year first above written.

NOTARY PUBLIC in and for Idaho
Residing at: _____
My commission expires: _____

Attachment D.
Draft Findings of Fact,
Conclusions of Law, and
Decision



City of Ketchum
Planning & Building

IN RE:)	
)	
320 Leadville Building Condominiums)	KETCHUM CITY COUNCIL
Final Plat)	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: February 19, 2019)	DECISION
)	
File Number: 19-008)	

PROJECT: 320 Leadville Building Condominiums Final Plat

FILE NUMBER: P19-008

REPRESENTATIVE: Sean Flynn PE, Galena Engineering

OWNER: Taszo LLC

REQUEST: Final Plat approval for the subdivision of an existing building located at 320 N Leadville into four (4) condominium units and common area.

LOCATION: 320 N Leadville (Ketchum Townsite: Block 24: Lot 2)

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

OVERLAY: None

NOTICE: Notice is not required for Final Plat applications. Notice for the Planning & Zoning Commission’s review of the Preliminary Plat (Application #18-136) was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on January 9th, 2019. Notice was published in the January 9th, 2019 edition of the Idaho Mountain Express. Notice for the City Council’s review of the Preliminary Plat (Application #18-136) was mailed to properties within a 300 ft radius of the subject property and all political subdivisions on January 16th, 2019. Notice was published in the January 16th, 2019 edition of the Idaho Mountain Express.

FINDINGS OF FACT

1. The applicant is requesting Final Plat approval for the subdivision of an existing building into common area and four (4) condominium units—two commercial units within the basement and first floor and two residential units on the second and third floors. The subject property is located at 320 N Leadville Avenue in the Retail Core Subdistrict of the Community Core (CC-1).The property owner has submitted the Final Plat application to condominiumize the building so that the residential and commercial spaces within the building can be sold and the common areas maintained in accordance with the covenants, conditions, and restrictions (CC&Rs). The existing building was built in 1996 (Building Permit #95-131) and was remodeled in 2004 (Building Permit #04-038). In 2017, a 408 sq ft ground level

addition was constructed, which enclosed a pedestrian walkway connecting Leadville Avenue to the alley at the rear of the building (Building Permit #17-023).

2. The boundaries of both commercial units include interior spaces within both the basement and first floor. Unit 101 has a total floor area of 1,608 sq ft and Unit 102 has a total floor area of 2,085 sq ft. The boundaries of both residential units include interior spaces within both the second and third floors. Unit 201 has a total floor area of 1,968 sq ft and Unit 202 has a total floor area of 1,924 sq ft. Both residential units have limited common area terraces on the second and third floors.
3. The Final Plat application meets all applicable standards for Condominium Final Plats contained in Ketchum Municipal Code §16.05.060. Certain standards, such as siting buildings to maximize privacy and solar access (KMC §16.05.060.G), apply to the construction of new multi-family residential developments and are not applicable to the subject Final Plat, which proposed to condominiumize an existing building within the Community Core.
4. The Planning and Zoning Commission held a site visit and recommended approval of the subject application on January 28th, 2019. The Ketchum City Council approved the Preliminary Plat application on February 4th, 2019. As the Final Plat substantially conforms to the Preliminary Plat (KMC §16.04.040.F), the Commission recommended approval of the application to City Council on February 11th, 2019.

Table 1: City Department Comments

City Department Comments					
Compliant			City Code	City Standards and <i>City Department Comments</i>	
Yes	No	N/A			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.030.C	Complete Application	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fire Department: <i>The Fire Code Official has reviewed the plans and does not have any comments or concerns regarding separation as the residential and commercial uses are existing within the building. The Fire Department will inspect the building prior to final plat and all requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Streets Department: <i>The conversion of the existing building into four condominium units does not qualify as a substantial improvement or impact the right-of-way.</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Utilities: <i>The existing building is connected to a meter served by the Ketchum Springs Water Line. As all four condominium units will be served by the same meter, the Utilities Department will charge a fee to the 320 Leadville Building Condominiums Association of Unit Owners.</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building: <i>The Building Department has reviewed the plans and does not have any comments or concerns regarding separation as the residential and commercial uses are existing within the building. The Building Department will inspect the building prior to final plat and all requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning and Zoning: <i>Comments are denoted throughout Table 2.</i>		

Table 2: Condominium Preliminary Plat Requirements

Condominium Preliminary Plat Requirements				
Compliant			Standards and City Council Findings	
Yes	No	N/A	City Code	City Standards and <i>City Council Findings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.C	<p>C. Final Plat Procedure:</p> <p>1. The final plat procedure contained in subsection 16.04.030F of this chapter shall be followed. However, the final plat shall not be signed by the City Clerk and recorded until the condominium has received:</p> <p>a. A Certificate of Occupancy issued by the City of Ketchum; and</p> <p>b. Completion of all design review elements as approved by the planning and zoning administrator.</p>
			Staff Comments	<i>The Condominium Final Plat does not change the existing use, expand the building, or alter the exterior of the building. The application meets all standards applicable to condominiumizing an existing building. As no changes are proposed to the existing building, neither Design Review nor a Building Permit are required for the subject application. The Building and Fire departments will inspect the building prior to the City Clerk's signature of the Final Plat mylar and all requirements including, but not limited to, occupancy separations and smoke detection (life safety) measures shall be met.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.D	<p>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.</p>
			City Council Finding	<p><i>The existing building does not include a garage. The existing development contains five (5) off-street parking spaces accessed from the adjacent alley. The Final Plat dedicates three (3) uncovered parking spaces to the commercial units and two (2) covered parking spaces to each residential unit.</i></p> <p><i>As the condominium subdivision does not propose a change of use or the expansion of the existing building, off-street parking requirements are not applicable to the development. While not applicable, the existing off-street parking complies with off-street vehicle parking requirements (KMC §17.125.040). Each residential unit is allocated one parking space, which complies with the number of parking spaces required for residential units between 751 sq ft to 2,000 sq ft in the CC Zone(KMC §17.125.040.B). Non-residential uses are required to provide 1 space per 1,000 gross sq ft. As basements are not included in the gross floor area calculation, the allocation of 1 parking space for Commercial Unit 101 and 2 parking spaces for Commercial Unit 102 also complies with KMC §17.125.040.B. In the CC Zone, the first 5,500 gross sq ft of retail trade is exempt from providing off-street parking (KMC §17.125.040.C.1c.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.E	<p>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.</p>
			City Council Finding	<p><i>Storage areas for boats, campers, and trailers are not required or provided due to the characteristics of the existing development, which is a three-story mixed-use building located in the Community Core.</i></p> <p><i>All four condominium units provide adequate interior storage space for personal property.</i></p>

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.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.
			City Council Finding	<p><i>According to the proposed preliminary plat and associated CC&Rs, the common area consists of mechanical areas, central service equipment and associated materials, and building areas outside of the units that are not designated as limited common area (LC) on the plat, such as foundations, , perimeter and supporting walls, chimneys, windows, entrances and exits, and balconies:</i></p> <p style="text-align: center;">ARTICLE 6 <u>COMMON AREAS, LIMITED COMMON AREAS AND FACILITIES</u></p> <p>6.1 Common Areas. All area outside of the Units that is not designated as Limited Common Area on the Plat, is Common Area, including:</p> <p>(a) Those areas designated on the Plat as Mechanical Areas.</p> <p>(b) The foundations, columns, girders, supports, perimeter and supporting walls, chimneys, chimney chases, roofs, balconies, windows, entrances and exits, and the mechanical installations consisting of the equipment and materials making up any central services such as power, light, gas, hot and cold water, sewer, cable television, and heating and central air conditioning which exist for use by one or more of the units, including pipes, vents, ducts, flues, cable conduits, wires, telephone wire, and other similar utility installations used in connection therewith, whether located exclusively within the boundaries of any Unit or Units or not, are Common Area.</p> <p><i>Due to the characteristics of the existing development and the nature of the common area a dedicated room for maintenance supplies is not required.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.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.
			City Council Finding	<p><i>The development consists of an existing building located on a 5,500 sq ft Ketchum Townsite lot within the Community Core. The usable “open space” consists of hardscape designated for surface level parking and pedestrian connectivity adjacent. Locating building sites in order to maximum privacy and solar access is not applicable as the building existing.</i></p> <p><i>The subdivider has designated outdoor terraces as limited common area for both residential units. The second-floor terraces are sited on the front façade adjacent to Leadville Avenue and the third-floor terraces face the alley. The limited common areas dedicated to the owners of the units are both useable and convenient to the residents of the condominium subdivision.</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16.04.060.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.
			City Council Finding	<p><i>All other provisions have been met.</i></p>

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code;
2. Under Chapter 65, Title 67, of the Idaho Code the City has passed a subdivision ordinance, Title 16;
3. The City of Ketchum Planning Department provided adequate notice of the time, place, and summary of the applicant's proposal to be heard by the City Council for review of this application during a public hearing;
4. The City Council has authority to hear the applicant's Final Plat Application pursuant to Chapter 16.04 of Ketchum Code Title 16;
5. The project **does** meet the standards of approval under Chapter 16.04 of Subdivision Code Title 16.

DECISION

THEREFORE, the Ketchum City Council **approves** this Final Plat application this Monday, February 19th, 2019 subject to the following conditions:

1. The Covenants, Conditions, and Restrictions (CC&R's) shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of the CC&R's;
2. The failure to obtain Final Plat approval by the Council, of an approved preliminary plat, within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void;
3. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map;
4. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
 - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
 - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,
 - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control"; and,
5. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
6. The applicant shall provide a copy of the recorded final plat to the Planning and Building Department for the official file on the application.
7. All requirements of the Fire, Utility, Building, Planning, and Public Works departments of the City of Ketchum shall be met.

Findings of Fact **adopted** this 19th day of February, 2019

Suzanne Frick
City Administrator



City of Ketchum

February 19, 2019

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation to hold a public hearing, deliberate, and approval the 1st Reading of the proposed light industrial district map and text amendments (Ordinance #1192) with any specific edits deemed necessary

Recommendation and Summary

Staff is recommending the Council approve the proposed light industrial (LI) district amendment and adopt the following motion:

“I move to approve the First Reading of proposed Ordinance #1192 (noting any specific edits to the ordinance as shown in Exhibit A)

The reasons for the recommendation include:

- The Planning and Zoning received extensive public comment on proposed revisions to the LI districts (LI-1, LI-2, and LI-3) over approximately 8 months of public hearings (see Exhibits B and C), which have been integrated into proposed ordinance #1192 (see Exhibit A)
- The proposed ordinance amendments forward the goals and objectives of the Ketchum Comprehensive Plan for purposes of both retaining and protecting Light Industrial uses while also encouraging residential uses where appropriate (see Exhibit D and E)
- Qualifying ground floor heights and the provision of additional floors within select 48’ overlay areas within the LI-2 and LI-3 have been graphically modeled and proposed, along with other variables, to provide incentives for development (see Exhibit F)
- The city hosted 160 attendees at open houses held January 23, 2019 and, overall, the majority of attendees agreed the city is on the right track with proposed changes to the LI. A copy of the January 23, 2019 open house presentation and summary results are provided in Exhibit G (see Exhibit G)

Background & Analysis

Previous staff reports have detailed the history of residential uses in the light industrial district and the importance of LI to the city’s employment and service base. While many uses can occur in Ketchum’s LI, which encompasses 60.94 acres and represents 2.9% of the overall land base within Ketchum City Limits (see Exhibit C), many LI uses cannot occur elsewhere in the City.

To accommodate the city’s need for workforce housing while also safeguarding the city’s limited LI land use base, the proposed amendments to Title 17 of the Ketchum Municipal Code (KMC) include, among other

provisions, that proposed residential uses be: (a) subordinate to LI in terms of access and location (2nd floor or above); (b) be subject to a CUP; and (c) in accordance with residential anti-nuisance provisions.

Additional ordinance edits address the LI purpose sections, residential ownership and rental options, LI fence heights, clarifications within the district use matrix and bulk standards, and mapping of a 48' height overlay district map in the LI for special projects meeting specified criteria such as qualifying ground floors.

For additional details on each of the proposed amendments to the KMC as approved by the Ketchum Planning and Zoning Commission on October 8, 2018, see proposed ordinance #1192 in Exhibit A.

Attachments/Exhibits

Attached to this staff report are seven exhibits, A through G, as follows:

A – Proposed Ordinance #1192 (as recommended by the Ketchum Planning & Zoning Commission on 10/8/18)

- Edits Eight Sections of KMC
- Includes 48' / Workforce Overlay Map
- Note: the planning staff proposes four sets of additional edits to the Commission's recommendation of October 8, 2018. These proposed additional edits are numbered sequentially and referenced in red within this exhibit

B – Public Comment

C – Procedural Items

D – Light Industrial Reference Material

- Comprehensive Plan Analysis RE: Retaining LI as Primary Use in LI Districts
- Ground Floor Clear Heights
- Use Matrix with Definitions Worksheet
- Business License & Related Data

E – Residential Uses in Light Industrial

- Comprehensive Plan Analysis RE: Residential Uses as Secondary Use in LI District
- Ordinance History of Residential Uses in Ketchum's Light Industrial Districts
- Reference Literature

F – LI Height Modeling

G - January 23, 2019 open house presentation and summary results

Exhibit A

ORDINANCE NO. 1192

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, AMENDING TITLE 17, THE ZONING ORDINANCE, OF THE KETCHUM MUNICIPAL CODE BY AMENDING: SECTION 17.08.020: TERMS DEFINED; SECTION 17.18.140 THROUGH 17.18.160: PURPOSE OF THE LIGHT INDUSTRIAL DISTRICTS NUMBER 1, 2, AND 3; SECTION 17.12.010: ZONING AND OVERLAY DISTRICTS AND MAP; SECTION 17.12.020: DISTRICT USE MATRIX; SECTION 17.12.030: DIMENSIONAL STANDARDS, DISTRICTS MATRIX; SECTION 17.12.050: LI-1, LI-2, AND LI-3 DIMENSIONAL STANDARDS, DISTRICT MATRIX; SECTION 17.124.090: RESIDENTIAL: LIGHT INDUSTRIAL DISTRICTS; SECTION 17.124.130: FENCES, HEDGES AND WALLS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum is authorized to amend the city zoning ordinance pursuant to Idaho Code § 67-6511; and

.....

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

Section 1: AMENDMENTS TO SECTION 17.08.020, TERMS DEFINED. That Title 17 of the Ketchum Municipal Code be amended to

Section 2: AMENDMENTS TO SECTION 17.18.140 THROUGH 17.18.160, PURPOSE OF THE LIGHT INDUSTRIAL DISTRICTS NUMBER 1, 2, AND 3. That Title 17 of the Ketchum Municipal Code be amended to

Section 3: AMENDMENTS TO SECTION 17.12.010, ZONING AND OVERLAY DISTRICTS AND MAP. That Title 17 of the Ketchum Municipal Code be amended to

Section 4: AMENDMENTS TO SECTION 17.12.020, DISTRICT USE MATRIX. That Title 17 of the Ketchum Municipal Code be amended to

Section 5: AMENDMENTS TO SECTION 17.12.030, DIMENSIONAL STANDARDS, DISTRICTS MATRIX. That Title 17 of the Ketchum Municipal Code be amended to

Section 6: AMENDMENTS TO SECTION 17.12.050: LI-1, LI-2, AND LI-3 DIMENSIONAL STANDARDS, DISTRICT MATRIX. That Title 17 of the Ketchum Municipal Code be amended to

Section 7: AMENDMENTS TO SECTION 17.124.090: RESIDENTIAL: LIGHT INDUSTRIAL DISTRICTS. That Title 17 of the Ketchum Municipal Code be amended to

Section 8: AMENDMENTS TO SECTION 17.124.130: FENCES, HEDGES AND WALLS.
That Title 17 of the Ketchum Municipal Code be amended to

Section 9: AMENDMENTS TO SECTION 17.18.140 THROUGH 17.18.160, PURPOSE OF THE LIGHT INDUSTRIAL DISTRICTS NUMBER 1, 2, AND 3. That Title 17 of the Ketchum Municipal Code be amended to

Section 10: SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 11: REPEALER CLAUSE. All City of Ketchum Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 12: PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit C, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

Section 13: EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication, according to law.

PASSED BY the CITY COUNCIL and APPROVED by the MAYOR of Ketchum, Idaho, on this _____ day of _____ 2018.

APPROVED BY the Mayor of the City of Ketchum, Idaho, this _____ day of _____ 2018.

APPROVED:

Neil Bradshaw, Mayor

ATTEST:

Robin Crotty, City Clerk

SECTION 1 – Definitions

Proposed amendments to the Definitions (§17.08.020) of Title 17 of the KMC follow. All new text proposed to be added are underlined. Text that is proposed to be repealed is ~~stricken~~.

17.08.020 DEFINITIONS:

BUSINESS SUPPORT SERVICE: The use of land for the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office and service establishments. Uses include: ~~Typical uses include, but are not limited to,~~ office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, or information technology support services.

CONSTRUCTION MATERIAL LAYDOWN YARD: A site identified and approved as part of a Construction Activity Plan or other city-issued permit for a specific construction project. Construction material laydown yards are intended to be used on an intermittent basis in association with a singular, permitted development project.

CRAFT/COTTAGE INDUSTRY: A facility devoted solely to the arts and crafts that produces or makes items that by their nature, are designed or made by an artist or craftsman by using hand skills.

DAYCARE, ONSITE EMPLOYEE: Child care programs that occur in facilities where parents are on the premises.

HEALTH AND FITNESS FACILITY – WELLNESS FOCUS: HEALTH AND FITNESS FACILITY: A business or membership organization providing exercise facilities and/or nonmedical personal services to patrons, with a focus on wellness and characterized by low-impact movements and/or lack of mechanized equipment, including, but not limited to, yoga and Pilates studios, dance studios, gymnasiums, personal training studios, private clubs (athletic, health, or recreational), tanning salons, and weight control establishments.

HEIGHT OF BUILDING/LIGHT INDUSTRIAL DISTRICTS: The greatest vertical distance measured at any point from natural, existing, or finished grade, whichever is lowest, to the highest point of the roof, except where expressly exempted by 17.12.050. No facade shall be greater than the maximum height permitted in the zoning district. Building heights in light industrial districts are subject to the qualifying ground floor heights and residential standards contained in 17.124.090.

INDUSTRIAL DESIGN: The professional service of creating and developing concepts and specifications that optimize the function, value and aesthetics of products and systems for the mutual benefit of both user and manufacturer, often employing design thinking strategies. Typically, industrial design is intended to result in tangible goods that can be mass produced. Industrial design businesses may include on-site prototyping, fabrication, and manufacturing.

INSTRUCTIONAL SERVICE: The use of land for the provision of ~~informational,~~ instructional and similar services for personal improvement other than physical improvement. ~~Typical uses~~ Uses include, but are not limited to, ~~health or physical fitness studios facilities, dance,~~ music, painting, ceramics, arts or photography studios, fiber arts, educational tutoring facilities, handicraft or hobby instruction.

OFFICE, CONTRACTOR-RELATED BUSINESS: An establishment wherein the primary use is the conduct of a business or profession specifically related to building contracting including, design services, engineering, construction and property.

PRODUCT DESIGN: See Industrial Design.

PROFESSIONAL RESEARCH SERVICES: An establishment that specializes in ~~performing~~ professional, scientific, and technical research services and is may inclusive of light manufacturing as an accessory use. Uses are limited to: ~~Typical uses include, but are not limited to, construction contractors,~~ physical distribution and logistics, engineering and specialized design services, electronic and computer services, ~~photographic services,~~ research, development and scientific services, ~~and internet or remote sales and marketing.~~ This definition does not include uses which create vibration outside the exterior building walls, or uses that would diminish the quality of air and water in the city.

PUBLIC UTILITY: An organization that maintains the infrastructure for a public service, which often also provides a service using that infrastructure.

QUALIFYING GROUND FLOOR: A ground floor of a building, where the start of the second story is 18 feet or more above the level of the finished floor. In the LI zoning districts, buildings where not less than seventy percent (70%) of the structure has a Qualifying Ground Floor are permitted a higher overall height.

RECREATION FACILITY, HIGH INTENSITY: A recreation facility that, due to the nature of the use, requires floor area or mass and volume, or generates higher decibel levels, that are more appropriately accommodated in the light industrial area or are buffered from residential or pedestrian-oriented commercial activity on a large recreational use zoned parcel district than in the Community Core or a Tourist zone. Uses include indoor shooting range, dryland hockey training facility, gymnastics/tumbling gym, and instructional or personal training facilities wherein the instruction involves throwing, dragging, or launching heavy equipment.

RESTRICTIVE COVENANTS: A restrictive covenant runs with the land and, thereby, binds present and future owners of the property. Restrictive covenants are used to implement the conditions of a land use approval or ensure implementation of project mitigations and components.

STORAGE YARD: Storage of large equipment, operable vehicles and construction/property maintenance materials on an ongoing or permanent basis. This shall not include junkyards or wrecking yards.

TV AND RADIO BROADCASTING: An installation consisting of one or more transmitters or receivers used for radio, television or cable communications or broadcasting.

1. WORK-LIVE UNITS: Work-Live units incorporate residential living space in a non-residential building. Joint work-live units are held in common ownership and cannot be sold or platted as separate condominiums, as documented with a city-approved restrictive covenant recorded against the property.

SECTION 2 – Light Industrial Area Purposes.

All new text proposed to be added to the LI purpose section is underlined. Text that is proposed to be repealed is ~~stricken~~.

17.18.140: LIGHT INDUSTRIAL DISTRICT NUMBER 1 (LI-1)

- A. Purpose: The LI-1 light industrial district number 1 is established as a transition area ~~providing limited commercial service industries, limited retail, small light manufacturing, research and development, and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public~~ between the Community Core and the LI-2 district. The LI-1 district provides suitable locations and environs for (1) limited business and personal services; (2) small light manufacturing; (3) research and development; (4) offices related to building, maintenance and construction; (5) limited retail; and, (6) multiple-family dwellings, constructed to be secondary and subordinate to the primary light industrial purpose of the LI-1. Traffic to the LI-1 district is intended to be generated primarily by uses related to the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in a light industrial zone.

17.18.150: LIGHT INDUSTRIAL DISTRICT NUMBER 2 (LI-2)

- A. Purpose: The LI-2 light industrial district number 2 is the city's primary light industrial area and is established ~~to provide for a permanent year-round employment base and the location of light manufacturing, wholesale trade and distribution, research and development, service industries, limited related, bulk retail and offices related to building, maintenance and construction and which generate little traffic from tourists and the general public.~~ with the foremost purpose of providing suitable land and environs for uses that are not appropriate in other commercial zones due to their light industrial nature, but which provide an essential or unique service to support the local economy and permanent year-round employment base. Uses include: (1) light manufacturing; (2) wholesale trade and distribution; (3) research and development; (4) service industries; (5) limited bulk retail and; (6) offices related to building, maintenance and construction. A secondary purpose of the LI-2 is to provide multiple-family dwellings, constructed to be secondary and subordinate to the primary light industrial purpose of the LI-2. Uses in the LI-2 are intended to generate traffic primarily from the industrial trades and secondarily by other permitted uses that, due to the natures of the uses, are not reliant on pedestrian traffic or high visibility, and/or are not permitted in other zoning districts, and/or are characterized by sale, rental, or service of large, bulky equipment or materials, necessitating location of such use in a light industrial zone.

17.18.160: LIGHT INDUSTRIAL DISTRICT NUMBER 3 (LI-3)

- A. Purpose: The LI-3 light industrial district number 3 is established as a transition area ~~providing for a permanent year round employment base and the location of research and development, wholesale trade and distribution and high technology industries along with offices related to building, maintenance and construction and which generate little traffic from tourists and the general public and providing a mix of deed restricted and market rate housing,~~ between the LI-2 zoning district and the residential LR and GR-L districts. The LI-3 district provides suitable locations and environs for a permanent year-round employment base comprised of (1) research and development; (2) wholesale trade and distribution; (3) technology industries; and (4) offices related to building, maintenance and construction uses; and, (5) deed restricted and market rate multi-family dwellings located within mixed-use buildings. Uses in the LI-3 are intended to generate traffic primarily from the employers and employees of permitted uses and secondarily from deed restricted and market rate housing units.

2.

SECTION 3 – NEW MAP AND SUB-DISTRICTS ... 17.12.010

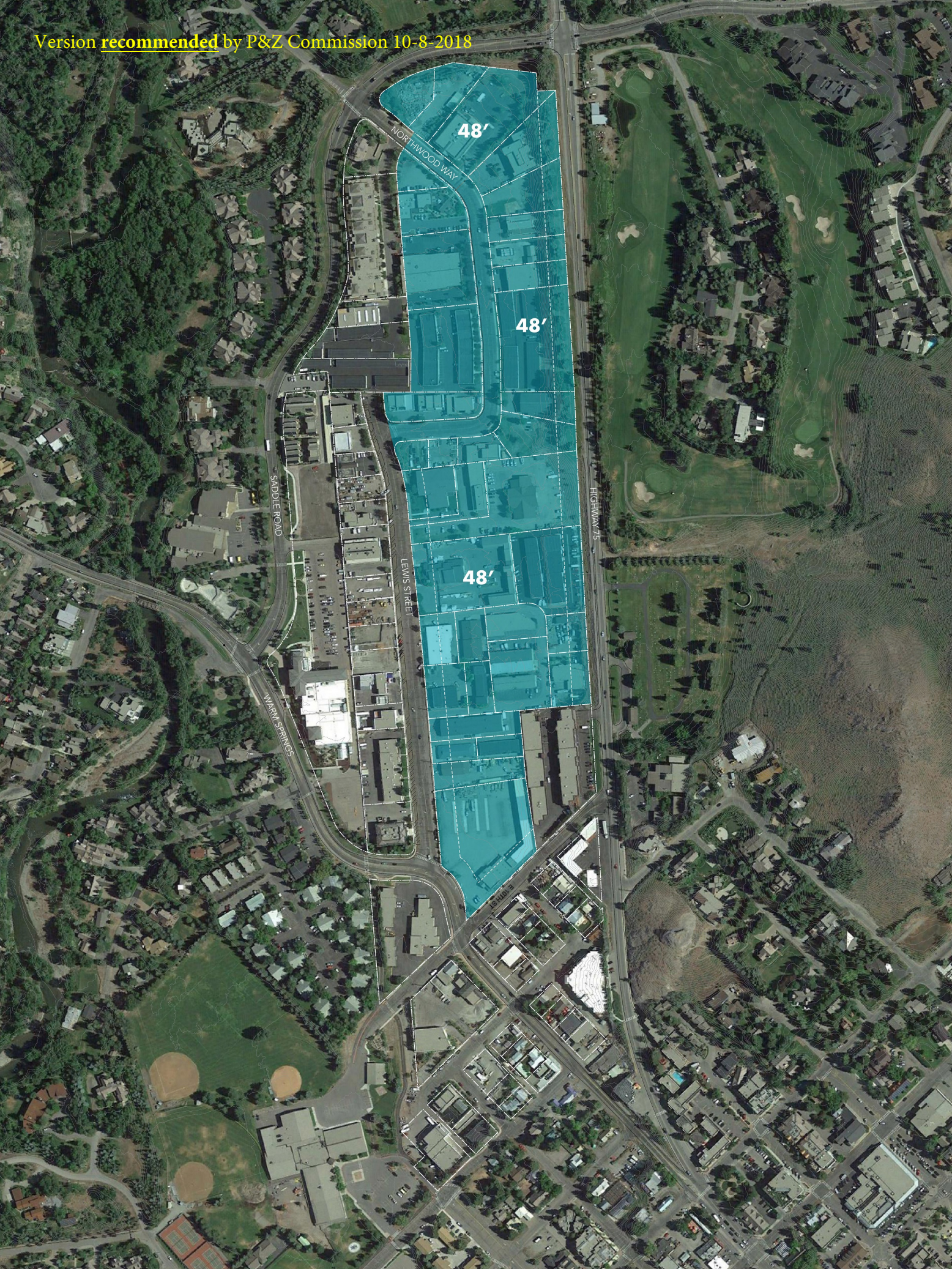
Proposed amendments to the zoning districts and overlay districts and the official zoning map of the city (§17.12.010) of Title 17 of the KMC follow. All new text proposed to be added to the LI purpose section is underlined. Text that is proposed to be repealed is ~~stricken~~. Text that is ~~*stricken, underlined, and italicized*~~ is text that was recommended by the Planning and Zoning Commission to omit from the ordinance presented to Council.

17.12.010: Zoning Map Districts

A. Establishment of Districts: In order to carry out the provisions of this title, the City of Ketchum, Idaho is divided into the following zoning districts and overlay districts:

Zoning Districts	
LR	Limited residential district
LR-1	Limited residential - one acre district
LR-2	Limited residential - two acre district
GR-L	General residential - low density district
GR-H	General residential - high density district
STO-.4	Short term occupancy - .4 acre district
STO-1	Short term occupancy - one acre district
STO-H	Short term occupancy - high density district
T	Tourist district
T-3000	Tourist - 3000 district
T-4000	Tourist - 4000 district
CC	Community core district
<u>CC-1</u>	<u>Community Core Subdistrict 1 - Retail Core</u>
<u>CC-2</u>	<u>Community Core Subdistrict 2 - Mixed Use</u>
LI-1	Light industrial district number 1
LI-2	Light industrial district number 2
LI-3	Light industrial district number 3
RU	Recreation use district
AF	Agricultural and forestry district

Overlay Districts	
FP	Floodplain management overlay zoning district
A	Avalanche zone <u>overlay</u> district
WSBA	Warm Springs base area overlay district
WSBA-1	Warm Springs base area overlay district-1
MO	Mountain overlay zoning district
<u>48'</u>	<u>Light industrial 48' height overlay district</u>
<u>58'</u>	<u>Light industrial 58' height overlay district</u>



48'

48'

48'

NORTHWOOD WAY

SADDLE ROAD

LEWIS STREET

HIGHWAY 75

WARM SPRINGS

LEWIS

SECTION 4 – LI-1, LI-2, and LI-3 Land Use Matrix ... 17.12.020

Title 17 of the KMC sets forth a series of regulated uses by district.

In the LI-1, LI-2, and LI-3 the following uses, as defined in §17.08.020, are either Permitted (P), Conditional (C), or Accessory (A).

Proposed amendments to the District Use Matrix (§17.12.020) are as follows. All new text proposed to be added to the land use matrix and/or definitions section of Title 17 are underlined and highlighted in yellow (for ease of assessing proposed amendments). Text that is proposed to be repealed is ~~stricken and highlighted in yellow~~.

17.12.020: DISTRICT USE MATRIX:

"P" = PERMITTED "C" = CONDITIONAL "A" = ACCESSORY

DISTRICT USE MATRIX

DISTRICT USES		L	L	G	G	S	S	S	T	T	T	C	C	L	L	L	R	A	
		R	R	R	R	R	R	R	R	T	T	T	SD	SD	I	I	I	U	F
		1	2	L	H	O.4	1	H		3000	4000	1	2	1	2	3			
RES.	Dwelling, Multi-family				P ¹	P		P	P	P	P	P ²⁶	P	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁹		
	Dwelling, One-Family	P	P	P	P ²	P	P	P	P	P	P	See Note 28	See Note 28				C ¹⁹	P	
	Residential Care Facility	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ²⁶	P					
	Short-term Rental	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P ³³	P	P	P	P	P	P ³³	P ³³
	Work-Live Unit														C ¹⁴	C ¹⁴	C ¹⁴		
COMMERCIAL	Agriculture, Commercial																	P	
	Adult Only Business																	PC	
	Business Support Service											P	P	P	P				
	Commercial Off-site Snow Storage								P/C ³²			P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²		
	Construction Material Laydown Yard														P	P	P		
	Convenience Store								P			P	P	P ¹²	P ¹⁶				
	Craft/Cottage Industry														P	P	P		
	Daycare Center				C ⁴	C ⁴			P ⁴	P ⁴	P ⁴	P	P	C ¹⁷			C ¹⁷		
	Daycare Facility				C ⁴	P ⁴			C ⁴	P ⁴	P ⁴	P	P	C ¹⁷			C ¹⁷	P ⁴	
	Drive-Through Facility											P ⁹	P ⁹						
	Equestrian Facility																	C	C
	Food Service									P	P ⁶	P ⁶	P	P	PC ¹⁵	PC ¹⁵		C ²⁹	
	Golf Course	P	P	P	P	P	P	P	P	P	P	P						C	
	Grocery Store												P	P					
	Health and Fitness Facility - wellness focus									P			P	P	GP ³⁷	GP ³⁷			
	Hotel									P ²⁵	P ²⁵	P ²⁵	P ²⁵	P ²⁵					
	Hybrid Production Facility												P	P	P	P			
	Industrial Design														P	P	P		
	Instructional Service												P	P	PC ³⁷	PC ³⁷			
	Kennel, Boarding														P	P			
	Laundry, Industrial														P	P			
	Lodging Establishment									P	P	P	P	P					
	Maintenance Service Facility														P	P		C	
	Manufacturing														P	P			
	Mortuary												C	C					
	Motor Vehicle Fueling Station														C ³⁰	C ³⁰			
	Motor Vehicle Sales														C	C			
	Motor Vehicle Service														P	P			
	Neighborhood Off-site Snow Storage	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²		P/C ³²	P/C ³²							
	Office, Business									C			P ¹⁰	P				P	
	Office, Contractor-related business									C			P ¹⁰	P	P	P	P		
	Outdoor Entertainment									P	P	P	P	P					
Personal Service									P	P ⁶	P ⁶	P	P	P ¹³					
Professional Research Service														P	P	P			
Recreation Facility, Commercial									C	C	C	P ²⁰	P ²⁰				C		
Repair Shop									P	P ⁶	P ⁶	P	P	P	P				
Retail Trade									P ⁵			P ³⁴	P ³⁴	P ¹²	P ¹⁶		C ²⁹		
Self-Service Storage Facility														P	P				
Ski Facility									C	C	C						C	C	
Storage Yard														P	P	P			
Studio, Commercial												P	P	P ³⁵	P ³⁵	P ³⁵			
Tourist House									P	P	P	P ¹¹	P ¹¹						

3.

DISTRICT USES		L	L	L	G	G	S	S	S	T	T	T	C	C	L	L	L	R	A	
		R	R	R	R	R	O	O	O	T	3000	4000	SD	SD	I	I	I	U	F	
	Tourist Housing Accommodation						P	P	P	P	P	P								
	Truck Terminal														P	P				
	TV and Radio Broadcasting Station														P	P	P			
	Veterinary Service Establishment														P	P		C ²¹		
	Warehouse														P	P	P			
	Wholesale														P	P				
	Wireless Communication Facility	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	
PUBLIC & INSTITUTIONAL	Assembly, Place of				C ³	C ³							C	C						
	Cemetery																	C	C	
	Cultural Facility												P	P				C		
	Geothermal Utility											C ⁷								
	Hospital												C	C						
	Medical Care Facility					C				P			P	P						
	Nature Preserve	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Parking Facility, Off-Site									C	C	C	C	C	C					
	Parking, Shared									C ⁸	C ⁸	C ⁸	P ⁸	P ⁸	C ⁸	C ⁸	C ⁸			
	Performing Arts Production												P	P					C	
	Public Use	C	C	C	C	C	C	C	C	C	C	C	P	P	C	C	C	C	C	
	Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Recreation Facility, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Recreation Facility, high intensity														P	P				
Recycling Center																PC				
School residential campus																	P ³⁰			
Semi-Public Use					C				C	C	C	P	P					C	C	
ACCESSORY	Agriculture, Urban	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	
	Avalanche Protective, Deflective, or Preventative Structure/Earthwork	C	C	C	C	C	C	C	C	C	C	C							C	C
	Daycare Home	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴			C ⁴				A ⁴	
	Daycare, Onsite Employees														A	A	A			
	Dwelling Unit, Accessory	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸					A ¹⁸	
	Electric Vehicle Charging Station	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Energy System, Solar	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Energy System, Wind	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Fallout Shelter	A	A	A	A	A	A	A	A	A	A	A							A	
	Guesthouse	A	A	A	A	A	A	A	A	A	A	A								
	Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Recreation Facility, Residential	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A ³⁶	A ³⁶	A ³⁶		
	Equestrian Facility, Residential	A	A	A	A	A	A	A	A	A	A	A								A
Sawmill, Temporary																			C	

1. A multi-family development containing up to two (2) dwelling units is permitted.
2. Two (2) one-family dwellings are permitted.
3. Religious institutions are allowed through the provision of a conditional use permit. No other assembly uses as defined in Chapter 17.08 are permitted.
4. Use is not permitted in the Avalanche Zone. Reference Zoning Map.
5. Retail trade is permitted but must not exceed 2,500 square feet.
6. Uses must be subordinate to and operated within tourist housing and not to exceed ten percent (10%) of the gross floor area of the tourist housing facility.
7. Utility for offsite use.
8. See section 17.125.070 17.125.080 for shared parking standards.
9. Drive-throughs are not allowed in association with food service establishments.
10. This is a permitted use, however offices and professional services on the ground floor with street frontage require a conditional use permit.
11. Tourist houses shall only be located in existing one-family dwellings. Additions to the home shall not exceed 20 percent (20%) of the existing square footage.

DISTRICT USES	L	L	L	G	G	S	S	S		T	T	C	C	L	L	L	R	A
	R	R	R	R	R	T	T	T	T	3000	4000	SD	SD	I	I	I	U	F

12. The following forms of retail trade are permitted: (a) Equipment rental, including sporting equipment and entertainment equipment, (b) Building, construction and landscaping materials; small engines with associated sales (c) Retail in conjunction with manufacturing, warehousing or wholesaling not to exceed 30% gross floor area or 800 square feet, whichever is less; no advertising is displayed from windows or building facades; and no access onto a major arterial is allowed if an alternative access is available.

13. Personal service is not allowed except for laundromats and dry cleaning establishments.

14. See section 17.124.090 of this title for industrial districts residential development standards.

15. Catering and food preparation is permitted. Restaurants require a conditional use permit and shall not exceed 1,000 square feet and serve no later than 9:00 P.M. unless expressly permitted through approval of the conditional use permit.

16. The following forms of retail trade are permitted: (a) Equipment rental, including sporting equipment and entertainment equipment (b) Building, construction and landscaping materials; small engines with associated sales (c) Furniture and appliances in conjunction with warehousing not to exceed 18% gross floor area or 900 square feet, whichever is less; (d) Other retail in conjunction with manufacturing, warehousing or wholesaling; it is limited to 10% gross floor area or 500 square feet, whichever is less. ---- Retail uses (c) & (d) shall have no advertising displayed from windows or building facades; and no access will be permitted onto a major arterial if an alternative access is available

17. See section 17.124.120.C of this title for industrial districts daycare development standards.

18. See section 17.124.070 of this title for accessory dwelling unit development standards.

19. A maximum of five (5) dwelling units are allowed through a conditional use permit and shall be a minimum of 400 square feet and not exceed 1,200 square feet in size.

20. Indoor only.

21. Only allowed in conjunction with an equestrian facility.

22. See section 17.124.080 of this title for urban agriculture development standards.

23. See chapter 17.140 for wireless communications facility provisions.

24. Allowed on the ground floor only.

25. See section 17.124.050 of this title for hotel development standards.

26. Ground floor street frontage uses are limited to retail and/or office uses. In subdistrict A1 office uses require a conditional use permit.

27. Ground floor only.

28. Through the provision of a conditional use permit, the planning and zoning commission may approve a 20% increase to the total existing square footage of an existing nonconforming one-family dwelling.

29. Use is allowed as an accessory use through the provision of a conditional use permit.

30. Development agreement and compliance with §17.124.090.C required.

31. Vehicular access from Highway 75 to motor vehicle fueling stations is prohibited.

32. All commercial and neighborhood off-site snow storage uses are subject to the standards set forth in section 17.124.160 of this title. Conditional Use Permits are required of all off-site snow storage operations when the project: (a) affects greater than one-half acre; or, (b) has, at the discretion of the Administrator, the potential to negatively impact neighboring uses within 300' of the proposed neighborhood or commercial off-site snow storage operation.

33. Short Term Rental in the Avalanche Overlay zone is permitted subject to the regulations found in Chapter 17.92, Avalanche Overlay District.

34. Gross floor area for individual retail trade is limited to 36,000 gross square feet and net leasable floor area for grouped retail trade is limited to 55,000 net leasable square feet.

35. Commercial studios in the Light Industrial Districts are subject to the standards of section 17.124.150 of this title.

36. Residential recreation facilities in the Light Industrial Districts are not allowed except for residents and guests of a particular residential development.

37. Permitted on the second floor and above only. For single-story buildings in existence on (date of ordinance adoption) the use is permitted on the ground floor.

SECTION 5 – LI-1, LI-2, and LI-3 Dimensional Standards, District Matrix

All new text proposed to be added to the LI purpose section is underlined. Text that is proposed to be repealed is ~~stricken~~. Text that is ~~stricken, underlined, and italicized~~ is text that was recommended by the Planning and Zoning Commission to omit from the ordinance presented to Council.

17.12.030: DIMENSIONAL STANDARDS, DISTRICTS MATRIX:

- A. Unless otherwise specified, development in the city shall comply with the standards set forth in the dimensional standards, districts matrix. All community core district dimensional standards are listed in section 17.12.040 of this chapter.
- B. The minimum lot size listed in the dimensional standards, districts matrix applies unless the health district determines that additional area is required to meet minimum health standards.
- C. In addition to the requirements of the dimensional standards, districts matrix, the regulations of chapter 17.128, "Supplementary Location And Bulk Regulations", of this title apply.

DIMENSIONAL STANDARDS, DISTRICTS MATRIX

See section 17.12.040 this chapter for community core dimensional standards.

See section 17.12.050 of this chapter for light industrial dimensional standards.

District	Minimum Lot Area	Minimum Lot Area with PUD	Minimum Lot Area, Townhouse Sublot	Lot Width	Building Height	Maximum Building Coverage/FAR	Minimum Open Space	Front Setback	Side Setback	Rear Setback	Lot Lines Created by Townhouse Sublots	Setbacks From Hwy 75	Setback on Warm Springs Rd.	Setbacks Along 200' Former RR ROW
LR	9,000 sf	n/a	n/a	80' avg	35'	35%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	20'	n/a	25'/32' ⁷	30'	3'
LR-1	1 acre	n/a	n/a	100' avg	35'	25%	n/a	15'		20'	n/a	80'	30'	n/a
LR-2	2 acres	n/a	n/a	100' avg	35'	25%	n/a	15'		20'	n/a	400' ⁶	30'	n/a
GR-L	8,000 sf	8,000 sf plus 4,000 for every unit over 2	Equal to that of the perimeter of the townhouse unit	80' avg	35'	35%	n/a	15'	The greater of 1' for every 3' in building height, or 5' ¹	The greater of 1' for every 3' in building height, or 15' ¹	0'	25'/32' ⁷	30'	n/a
GR-H	8,000 sf	n/a		80' avg	35' ²	See FAR requirements in section 17.124.040 of this title	35% ⁵	15'	The greater of 1' for every 3' in building height, or 5'. One-family dwellings must maintain at least		0'	25'/32' ⁷	30'	5', however 3' required for one-/ two-family dwelling units
STO-4	0.4 acres	n/a	n/a	80' avg	35'	25%	n/a	15'	The greater of 1' for every 2' in building height, or 10'	The greater of 1' for every 2' in building height, or 20'	n/a	400'	30'	n/a
STO-1	1 acre	n/a	n/a	100' avg	35'	25%	n/a	15'			n/a	400'	30'	n/a
STO-H	9,000 sf (min of 3,000 sf/unit)	n/a	Equal to that of the perimeter of the townhouse unit	100' avg	35'	35% building coverage, and 75% covered by buildings, parking areas and accessory buildings	n/a	15'	The greater of 1' for every 3' in building height, or 5' ¹	The greater of 1' for every 3' in building height, or 15" ⁽¹⁾	0'	400'	30'	n/a
T	8,000 sf	n/a		80' avg	35' ²	See FAR requirements in section 17.124.040 of this title	35% ⁵	15'	The greater of 1' for every 3' in building height, or 5'. At least 10' for one-family dwellings ¹		The greater of 1' for every 3' in building height, or 10'. At least 15' for one-family dwellings ^{1,2}	0'	25'/32' ⁷	30'
T-3000	8,000 sf	n/a	80' avg	35' ²		35% ⁵	15'			0'	n/a	30'	n/a	
T-4000	8,000 sf	n/a	80' avg	35' ²		35% ⁵	15'			0'	n/a	30'	n/a	
LI-1	8,000 sf	n/a	n/a	80' min	35'	75%	n/a	20'	0'³ for internal side yards and a minimum	0' 1'	n/a	n/a	n/a	n/a
LI-2	8,000 sf	n/a	n/a	80' min	35'	75%	n/a	20'	of 10' for street side yards	0' 1'	n/a	n/a	n/a	n/a
LI-3	8,000 sf	n/a	n/a	80' min	35'²	75%	n/a	20'		0' 1'	n/a	n/a	n/a	n/a
RU	9,000 sf	n/a	Equal to that of the perimeter of the townhouse unit	n/a	35'	25%	n/a	30' ⁴	15' ⁴	15' ⁴	0'	n/a	n/a	n/a
AF	10 acres	n/a	n/a	n/a	35'	10% (includes pools)	n/a	25'	25'	25'	n/a	n/a	n/a	n/a

* See title 16 of this code.

Notes:

1. If the lot adjoins a more restrictive district on the side or rear, the more restrictive setbacks of that district shall apply.
2. For building with a roof pitch greater than 5:12 the maximum height to the mean point of the ridge or ridges measured from eaves line to the ridge top shall be 35 feet. Roof ridges above the mean point may extend up to a height of 44 feet.
- ~~3. For buildings with a minimum roof pitch of 4:12 may go to 40 feet.~~
4. The placement of all structures for conditional uses shall be subject to approval of the planning and zoning commission.
5. A maximum of 5 percent open site area may be used for private decks or patios and walkways subject to design review approval.
6. 100 foot setback from Highway 75 is required for lots platted prior to 1979.
7. Minimum setbacks along Highway 75: where the street width is 80 feet, all buildings shall be set back a minimum of 25 feet, and where the street width is 66 feet, all buildings shall be set back a minimum of 32 feet.

SECTION 6 – LI-1, LI-2, and LI-3 Dimensional Standards, District Matrix ... 17.12.050

All new text proposed to be added to the LI District Residential standards section is underlined. Text that is proposed to be repealed is ~~stricken~~. Text that is ~~*stricken, underlined, and italicized*~~ is text that was recommended by the Planning and Zoning Commission to omit from the ordinance presented to Council.

17.12.050: Dimensional Standards, Light Industrial Districts Matrix

A. Development in the light industrial zoning districts shall comply with the standards set forth in the dimensional standards, light industrial districts matrix. Dimensional standards for all other districts, unless otherwise specified, shall be found in section 17.12.030 of this chapter.

B. In addition to the requirements of the dimensional standards, light industrial districts matrix, the regulations of chapter 17.128, "Supplementary Location And Bulk Regulations", of this title apply.

C. To reduce the perceived bulk and lessen view blockage of four-story ~~and five-story~~ buildings, the Administrator may require alternative building concept options to be presented for review by the Commission as part of Design Review process set forth in Section 17.96.

D. Light Industrial Zoning Districts Dimensional Standards Matrix

	<u>LI-1</u>	<u>LI-2</u>	<u>LI-3</u>
Dimensional Standards			
<u>Minimum Lot Area</u>	8,000 Square Feet		
<u>Minimum Lot Width</u>	80'		
<u>Maximum Building Coverage</u>	75%		
Minimum Building Setbacks			
<u>Front</u>	20'		
<u>Side</u>	0' ¹ for internal side yards and a minimum of 10' for street side yards		
<u>Side setbacks for 4th story in 48' overlay district</u>	NA	10'	
<u>Rear</u>	0' ¹		
<u>Cantilevered decks and overhangs</u>	0'		
<u>Warm Springs Road / 10th Street / Lewist Street - Setback for fourth or fifth -floors, if permitted, from property line(s) adjacent to Warm Springs Road, 10th Street, and Lewis Street</u>	60'		
<u>State Highway 75 - For buildings within the 48' or 58' overlay district that are adjacent to the State Highway 75 right-of-way</u>	NA	Below an elevation of 5,850' or the grade of State Highway 75 pavement adjacent to the property, whichever is greater: 0'	
	NA	Portion of building above highway grade up to 40' in height: 35'	
	NA	Fourth and fifth stories: 60'	
Maximum Building Height			
<u>Building Height</u>	35'		35' ²
<u>Building Height with Qualifying Ground Floor</u>			
<u>Two Story</u>	35'		35' ²
<u>Three Story</u>	40'		
<u>Four Story³</u>	not permitted	48' ^{3,4}	48' ^{3,4}
<u>Five Story²</u>	not permitted	58' ^{2,5}	58' ^{2,5}
<u>Nonhabitable structures located on building rooftops</u>	6'		
<u>Parapets and rooftop walls screening/enclosing mechanical equipment</u>	4' above roof surface height.		
<u>Perimeter walls enclosing rooftop deck</u>	4' above roof surface height. Perimeter rooftop walls enclosing rooftop decks are required to be at least 75% transparent.		
<u>Rooftop solar and mechanical equipment above roof surface</u>	5'		

Footnotes:

1. If the lot adjoins a more restrictive residential district on the side or rear, the more restrictive setbacks of that district shall apply.
2. Buildings with a minimum roof pitch of 4:12 may be 40' in height.
3. Only buildings with deed restricted community housing units consistent with 17.124.090 are permitted to have a fourth ~~or fifth~~ floor.
4. Portions of buildings with roofs that have a minimum roof pitch of 4:12 may be 53' in height subject to Design Review approval by the Planning and Zoning Commission.
5. Portions of buildings with roofs that have a minimum roof pitch of 4:12 may be 63' in height subject to Design Review approval by the Planning and Zoning Commission.

SECTION 7 – Light Industrial District Residential Standards.

All new text proposed to be added to the LI District Residential standards section is underlined. Text that is proposed to be repealed is ~~stricken~~. Text that is ~~stricken, underlined, and italicized~~ is text that was recommended by the Planning and Zoning Commission to omit from the ordinance presented to Council.

17.124.090: RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:

A. Residential units in the light industrial districts shall comply with the following minimum criteria:

1. Dwelling units shall not occupy the ground floor.
2. Design review under chapter 17.96 of this title shall be required, whether new building, addition to existing building, or remodel of existing building.
4. Unless otherwise specified in this section, up to fifty percent (50%) of any light industrial building may be devoted to dwelling units, and up to fifty percent (50%) of a work/live units gross residential floor area may be devoted to a work/live unit.
4. Except as set forth herein, Dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. Instances where dwelling units may be sold are limited to:
 - a. City approved work/live units, as defined in Sections 17.08 and 17.124.090.A.5;
 - b. Three-story projects in the LI-3 where not less one-third ($\frac{1}{3}$) of the total square footage of housing units includes deed restricted community housing that are for sale consistent with section 17.124.090.B;
 - c. Four-story ~~and five-story~~ projects in LI-2 and LI-3 where not less than two-third ($\frac{2}{3}$) of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with section 17.124.090.A.7;
5. In the approval of work/live units, the city shall also find that:
 - a. The work portion of the unit meets the definition of work/unit set forth in Section 17.08.020, including that the Project is subject to Council approval of a restrictive covenant;
 - b. The work unit is:
 - (1) suitable for on-site employees, foot traffic/customers, and meets applicable building and fire codes;
 - (2) signed and posted with regular hours of operation;
 - (3) served by the prominent means of access for the work/live unit; and,
 - (4) associated with a business license for a use allowed (either conditionally or permitted) in the district.
 - c. The residential portion of the living space is secondary to the primary use as a place of work. A finding that the residential space is secondary to the work space shall be based on measurable findings, including but not limited to:

- (1) the size of the live portion of the work/live unit is both smaller than the work portion of the unit and, further, the live portion of the work/live unit does not exceed one thousand (1,000) gross square feet;
- (2) means of access to the residential portion of the unit is not prominent and, preferably, is located to the side or rear of the property; and
- (3) suitable residential parking that does not interfere with snow removal or the operation of proximate LI uses and, further, is in accordance with the parking and loading requirements set forth in Section 17.125.

56. Dwelling units in the Light Industrial District shall be a minimum of four hundred (400) square feet. In the LI-1 and LI-2 dwelling units and shall not exceed one thousand (1,000) square feet total and shall contain not more than two (2) bedrooms, unless otherwise specified in this section.

7. Multi-family dwelling units proposing a fourth or ~~fifth~~ floor with a qualifying ground floor consistent with Section 17.12.050 shall comply with the following minimum criteria:

- a. If dwelling units are to be sold, a minimum of two-third (2/3) of the total square footage of housing units shall be for deed restricted community housing units that are for sale and the deed restricted community housing units shall be designed and administered in accordance with the Blaine-Ketchum housing authority guidelines;
- b. If dwelling units are to be rented or leased, the entirety of the total square footage of housing units shall not be leased, rented, or sublet as a Tourist Housing Accommodation or a Short Term Rental, but used for long-term rentals;
- c. The area designated as light industrial shall be as follows:
 - (1) The area designated as light industrial shall be a minimum of fifty percent (50%) of the gross floor area in four story buildings.
 - ~~(2) The area designated as light industrial shall be a minimum of forty percent (40%) of the gross floor area in five story buildings.~~
 - (2) Subject light industrial use shall not be for personal storage by dwelling occupants;
- d. Up to fifty percent (50%) of the gross square footage of any four story building ~~and up to sixty percent (60%) of the gross square footage of a five story building~~ may be devoted to dwelling units; and
- e. Unless otherwise deemed appropriate by the Administrator, common area allocation shall be assessed at a LI to residential ratio of 1:1 for four story buildings ~~and 2:3 for five story buildings.~~

68. Anti-nuisance and Notice Provisions.

- a. The applicant is aware the mixed use of the property can result in conflict, that the light industrial use may on occasion or in certain respects be incompatible with the quiet enjoyment of the dwelling units, that due to the subordinate and junior nature of the residential use to the light industrial use, the city will not condition, limit, restrict or otherwise interfere with any lawful light industrial use solely because it interferes with a residential use.

- b. ~~7.~~ All persons who rent or sublet any residential living unit within the light industrial zones shall provide the tenant, lessee or subtenant with written notice that such unit is located within the light industrial zone and, as such, is junior and, therefore, subordinate in nature to all legal light industrial activities.
- c. ~~8.~~ Each and every real estate agent, sales person and broker and each and every private party who offers for rent or shows a parcel of real property and/or structure for lease or rent within such light industrial zones shall, upon first inquiry, provide the prospective lessee or tenant, prior to viewing such real property, with written notice that such real property and/or structure is located within such light industrial zone.
- d. ~~9.~~ All brochures and other printed materials advertising rental or lease of a living unit within the light industrial zones shall contain a provision designating that such unit or units are located within the light industrial zone and are within a mixed use area. Lessees and tenants shall be notified that the residential uses within the light industrial zone are subordinate and, therefore, junior in nature to the legal light industrial activities within the zone.

9. Compliance with all applicable code sections, including among others, the city's parking and loading standards as set forth in Section 17.125.

10. Conditions including, but not limited to, the following may be attached to the conditional use permit approval:

- a. Access to the ~~apartments~~ residential units relative to design and relationship to light industrial uses, including suitable access consistent with adopted city standards;
- b. ~~Location~~ Separation of residential and light industrial parking on the site to minimize conflicts;
- c. Restrictions on exterior storage of personal property of tenants;
- d. Certificate of occupancy required prior to occupancy of units;
- e. Ketchum fire department and Ketchum building department requirements shall be met prior to occupancy;
- f. Snow removal required to ensure utility of residential spaces and non-interference with continuous LI operations;
- g. Any portion or all waived fees become due and payable upon conversion of resident housing unit(s) to light industrial uses; ~~and/or~~
- h. Construction techniques that aid sound proofing and limit externalities of LI noise and use impacts on residences is encouraged;
- i. Provision for and reasonable extension of sidewalks to assure safe pedestrian access; and/or,
- j. Any other condition deemed to enhance the purposes under this use, or to establish or promote the criteria referenced in subsections A1 through A10 of this section.

~~11. The city council, after receiving a recommendation from the commission, may waive fees otherwise required in connection with development of such rental housing. The following findings shall be made to waive any such fees:~~

- a. ~~There is a need for rental housing stock in Ketchum;~~
- b. ~~The proposal meets the criteria contained in this subsection;~~

~~c. The housing proposed is an integral part of the project; and/or~~

~~d. Ketchum is in an acceptable financial position to waive such fees.~~

SECTION 8 – FENCES, HEDGES AND WALLS.

All new text proposed to be added to the Fences, Hedges and Walls standards section is underlined. Text that is proposed to be repealed is ~~stricken~~.

17.124.130: FENCES, HEDGES AND WALLS:

Fences, hedges and walls may be permitted in the various districts as accessory uses in accordance with the following limitations:

- A. In the LR, LR-2, GR-L and GR-H districts, fences, hedges and walls shall not exceed four feet (4') in height when located less than thirty feet (30') from the front lot line;
- B. In the LR, LR-2, GR-L and GR-H districts, fences, hedges and walls shall not exceed six feet (6') in height when located more than thirty feet (30') from the front lot line;
- C. In all other districts, except the Light Industrial District, fences, hedges and walls shall not exceed four feet (4') in height when located less than thirty feet (30') from the front lot line and shall not exceed six feet (6') in height when located more than thirty feet (30') from the front lot line;
- D. In the LI-1, LI-2, LI-3 districts fences shall not exceed seven feet (7') in height;
- ~~E.~~ In all districts, fences, hedges and walls, or any other obstruction to clear vision, shall not be located within seventy five feet (75') of the centerline intersection of two (2) streets unless determined otherwise by the city engineer; and
- ~~F.~~ No barbed wire or other sharp pointed metal fence and no electrically charged fence shall be permitted in any district.

Additional Staff Recommended Edits.

The planning staff proposes additional edits to the Commission’s recommendation of October 8, 2018. These proposed additional staff edits are organized by ordinance section, numbered sequentially, and referenced in red as follows.

1. Proposed additional edit for clarification within Definitions Section 1:

WORK/LIVE UNITS: Work/Live units incorporate residential living space in a non-residential building. Joint work/live units are held in common ownership and **the work and live spaces** cannot be sold or platted as separate condominiums, as documented with a city-approved restrictive covenant recorded against the property.

2. Proposed additional edit to underscore the transition of the former Scott and Smith buildings to primarily residential occupancies within Purpose Section 2:

17.18.160: LIGHT INDUSTRIAL **TRANSITION** DISTRICT NUMBER 3 (LI-3)

A. Purpose: The LI-3 light industrial district number 3 is established as a transition area ~~providing for a permanent year-round employment base and the location of research and development, wholesale trade and distribution and high technology industries along with offices related to building, maintenance and construction and which generate little traffic from tourists and the general public and providing a mix of deed restricted and market rate housing.~~ between the LI-2 zoning district and the residential LR and GR-L districts. The LI-3 district provides suitable locations and environs for a permanent year-round employment **and workforce housing** base comprised of (1) research and development; (2) wholesale trade and distribution; (3) technology industries; and (4) **offices related to building, maintenance and construction uses; and, (5)** deed restricted and market rate multi-family dwellings ~~located within mixed-use buildings.~~ Uses in the LI-3 are intended to generate traffic **primarily** from the employers and employees of permitted uses and **/or secondarily** from deed restricted and market rate housing units.

3. Proposed additional edit to permit the continuation of a wellness focused use in the converted former Scott building within Land Use Matrix Section 4:

DISTRICT USES	T	T 3000	T 4000	C	C	L	L	L
				SD	SD			
				1	2	1	2	3
Health and Fitness Facility - wellness focus	P			P	P	CP³⁷	CP³⁷	P³⁷

4. Additional edits for proposed residential units in the Light Industrial District Section 7:

17.124.090: RESIDENTIAL, LIGHT INDUSTRIAL DISTRICTS:

A. Residential units in the light industrial districts shall comply with the following minimum criteria:

1. ~~Except deed restricted community housing units approved by Council in the LI-3, dwelling units shall not occupy the ground floor.~~
2. Design review under chapter 17.96 of this title shall be required, whether new building, addition to existing building, or remodel of existing building.
3. ~~Unless otherwise specified in this section, up to~~ Up to fifty percent (50%) of any light industrial building may be devoted to dwelling units, ~~unless otherwise specified in the section, and up to fifty percent (50%) of a work/live unit's gross residential floor area may be devoted to~~ the residential portion of a work/live unit.
4. ~~Except as set forth in the following five instances noted herein below, dwelling units shall not be separated in any manner for sale as individual units and may only be leased or rented. The five instances where dwelling units may be sold are limited to:~~
 - a. City approved work/live units, as defined in Sections 17.08 and 17.124.090.A.5;
 - b. Three-story projects in the LI-3 where not less one-third ($\frac{1}{3}$) of the total square footage of housing units includes deed restricted community housing that are for sale consistent with section 17.124.090.B;
 - c. Four-story ~~and five-story~~ projects in LI-2 and LI-3 where not less than two-third ($\frac{2}{3}$) of the total square footage of housing units includes deed restricted community housing units that are for sale consistent with section 17.124.090.A.7;
 - d. Existing non-conforming single-family dwellings existing in the LI-1 prior to adoption of Ketchum City Ordinance #85, as enacted on May 27, 1965;
 - e. Existing condominiums and work/live units with less than 1,000 square feet of residential living that have a valid residential conditional use permit prior to the adoption of ordinance 1192 as published on [DATE];

Exhibit B

Zoning Code Text Amendment
Residential Use in the Light Industrial Area
Master Public Comment Compilation

November 3, 2017 – IME article

Ketchum candidates talk big changes to light-industrial zoning

https://www.mtexpress.com/news/elections/ketchum-candidates-talk-big-changes-to-light-industrial-zoning/article_7ee14e40-c003-11e7-8d3c-1fa13a5c43af.html?utm_medium=social&utm_source=email&utm_campaign=user-share

March 12, 2018 - Continued to Special Meeting March 27, 2018

March 27, 2018 – **Supports apartments in LI-3 and mixed-use in the LI-2.**

Brian Barsotti - owner of the only 2 undeveloped lots in the LI, stated the housing crisis in Ketchum is an important issue but deed restricted projects don't work. Now looking at micro apartments (350 to 450 square feet) to keep price down. There is a need to create density. He supports the LI-3 zone for apartments and proposes a mix of Industrial and Housing in the LI-2. Brian stated it is hard to make a project work due to the high land and labor costs. He would like to look at the best uses of the land.

April 9, 2018 – **Opposes housing in the LI, but strongly encourages live/work spaces.**

David Hurd – resident of Ketchum, gave information on the affordable housing issue in many cities requiring creative thinking. He strongly opposes housing in the LI, but strongly encourages live/work spaces.

April 11, 2018 – IME Article

Ketchum delays LI zoning changes

https://www.mtexpress.com/news/ketchum/ketchum-delays-li-zoning-changes/article_22a4bc00-3d0f-11e8-ac10-67146ac9d2ee.html?utm_medium=social&utm_source=email&utm_campaign=user-share

May 26, 2018 – **Supports ground floor residential in LI-3; has parking concerns.**

Jack Kueneman – resident, wrote: I am a full-time resident of 110 Lindsay Circle. While I support residential development, including on the ground floor, in this part of the Light Industrial District III, I am concerned and strongly opposed to no on-site parking requirements for small units (less than 750 sq ft) or any size. Please do not extend the current downtown Ketchum parking provisions to these parcels. I should add, I'm also opposed to the recently passed on-site parking exclusions for small units

in the downtown area. No on-site parking for residential units in Ketchum is unrealistic, impractical and unworkable.

May 29, 2018 – Supports mixed-use.

Harry Griffith of Sun Valley Economic Development. He thinks it is a great initiative. Complimented Brittany on her analysis. Has been studying the LI changes for the last 2 years and has a lot of similar information from 2016. The character of the LI has changed and need to think about how to leverage those changes in a positive sense for the continued growth and evolution of the community. As it was in 2016, there are a lot of vacant parcels and underdeveloped parcels where the land value is substantially higher than the building.

The change in the LI in our view is permanent and it is not going to be reversed. There were 3,000 trade and construction jobs in the LI. That number since its peak in 2006 has gone down to less than 2,000 and that is not coming back. A lot of those jobs have moved south for a variety of reasons, industrial land is cheaper, a variety of reasons and we think the changes that have occurred are permanent.

I would support Ketchum's plans to rethink how to optimize zoning code and architectural and design restrictions to make this land more valuable to the whole of the community without impacting the character of the city or the underlying focus we have on construction and the trades.

Supports residential above the 1st floor; no restrictions on noise

William Glenn - a tenant in the Light Industrial, also a property owner but never developed it. He feels it is important to maintain light industrial uses on the first floor and allow residential above. However, he thought the residential tenants should not be allowed to put limits (time, noise, etc.) on the working times of the industrial spaces. He noted we need the proximity of trades and services to the Ketchum population area. He urged the Commission to maintain the viability of the Light Industrial Zone.

Supports residential above, concerns about children in LI.

David Hurd - spoke in support of keeping the Light Industrial, but not opposed to residential above. There currently are no industrial spaces available for rent or purchase in the LI. He sees a problem with the combination of residential units with small children in close proximity to trucks, fork lifts, etc. He thinks the Community School is a good project but questions the location. He urges the Commission to be mindful of replacing the Industrial Zone with affordable housing.

Wants to see housing at North Fork; need housing more than LI.

Bob Crosby, Sun Valley Board of Realtors, thought Ketchum has problems with housing and traffic, and would like to see development north of East Fork Road and Ketchum. He would like to see housing available at all price points. He thought Ketchum needs housing as much or more than we need Light Industrial.

Supports residential above 1st floor.

Jacob Tyler - manager of the Scott-Northwood Building, wanted to add some information: The first floor is 50% occupied due to the owner not wanting to rent long-term as the building is for sale. The 2nd floor is a mix of affordable-housing and full-price residential units. All affordable-housing units are occupied full-time. Six units are on the 3rd floor with about 50% full-time occupants. He agrees housing is an issue. This building has not compromised the purpose of the LI with the addition of housing units. It is an example of how it can work with industrial on the first floor and affordable housing above. He agrees once the LI is gone, it will not come back.

June 1, 2018 –

IME article - Planners kick off debate over light-industrial districts' future in Ketchum.

https://www.mtexpress.com/news/business/planners-kick-off-debate-over-light-industrial-districts-future-in/article_d2b17402-651f-11e8-af2e-4bc4e7a5e8de.html?utm_medium=social&utm_source=email&utm_campaign=user-share

June 11, 2018 - Supports housing in LI-3; supports unbuilt lots; supports 18' ceiling height and mezzanine.

Kingsley Murphy - LI property owner, thought the area is not perfect, but works well as it is. He would not like to see it evolve too far from what it is now. He thought allowing housing in the LI-3 will not change the use of the rest of the LI. He thought the Building Value vs Land Valuation Ratio was not a reasonable standard to apply to the LI, as it is a lower cost area. The land is supposed to be less valuable than the Community Core. That is the purpose of the LI. The combination of low cost land and small living units under 1,000 square feet keep the cost down. If buildings are more valuable than the land, low cost housing will go away. If you lose the low-cost work areas, you will no longer need the low-cost housing. Some of the Industrial has moved south but others have moved in. The last few years have been tough for Construction. With the economy coming back, the availability of smaller units will help businesses start off with lower costs. He doesn't want to see Ketchum lose that. He disagrees with the Staff observation of empty lots. That is a feature of the LI. Many businesses use those lots for storage of materials and equipment. An unbuilt lot is still a fully-used lot. He thinks it works great as it is and urged the Commission not change it too much.

Neil Morrow agreed with the comments. Planning Director John Gaeddert asked Kingsley for his opinion of options as to what is the heart of the LI, what not to change and what could be improved.

Kingsley Murphy thought the majority of the LI is the LI-2 Zone and shouldn't be changed. Introducing residents into the area will cause friction between the two uses. He related how residents and LI can be in conflict. Even CCR's stating the Industrial has full rights over the residential does not prevent conflict and complaints to the City.

Director John Gaeddert asked about recommendations for first floor ceiling height.

Kingsley Murphy thought 16-18 feet is best for first floor ceiling height. The occupant can install a loft/living space or mezzanine area for storage. He suggested an area of 1000 sq. ft. living space to keep costs down. He reiterated how the LI needs open space for laydown space.

June 13, 2018 – IME editorial

Tightrope Walk

https://www.mtexpress.com/opinion/editorials/tightrope-walk/article_38e29cc4-6e8f-11e8-ad21-9bf98c7d11c9.html?utm_medium=social&utm_source=email&utm_campaign=user-share

June 13, 2018 Supports leaving LI for LI; suggests housing located North or South of town.

John Crews - I have heard that the possibility of allowing apartments to be built in the current Industrial Zone is being discussed by some, and I wanted to weigh in with my thoughts on the matter as a 48-year resident who has watched Ketchum grow and develop.

It is critical that every city have an Industrial Zone to provide convenient locations for Industrial businesses that would not fit well elsewhere in the city, but which are critical to the needs of city residents. It is also important that this zone be reasonably close to city services and the customer base in order to provide easy access for the residents to visit these businesses, and a reasonable distance for the businesses to get out and service their customers. Currently, Ketchum has an ideal Industrial Zone that is well located and thriving. However, due to its location, it would be very difficult for this Zone to ever be expanded, so it is critical that the city keep future needs in mind, and not allow any of the Industrial Zoned area to be rezoned or used for other purposes. To do otherwise would be very shortsighted.

Others will make the argument that Ketchum needs more housing, particularly affordable housing. While this is true and would be a nice issue to address, it must not take priority over the future Industrial business needs of the city to serve all of its residents, both current and future. I do not see that there is any shortage of land for housing in our valley. Yes, land is scarcer and more expensive in Ketchum, but we are fortunate to have a valley that is capable of accommodating current and future land needs for housing by moving progressively south to our neighboring cities and county areas. It would be ideal if everyone that wanted to work or play in Ketchum could live at the base of the mountain or a block from their job, just like it would be nice if everyone that lived in Seattle could either live on Lake Washington or across the street from their job. However, the reality is that almost everyone in Seattle commutes much farther than anyone living anywhere in the valley, both due to zoning priorities and to real estate cost in more desirable areas. In some parts of the country, real estate is very expensive throughout large regions. People in the valley are fortunate in that every housing budget can be accommodated by moving a few miles north or south along our main corridor. If one looks at the average daily commutes for people living in the Bay Area, or in the greater Seattle area, it is hard to argue that the beautiful drive from Bellevue to Ketchum is an extreme hardship. When I first moved to Aspen 50 years ago as a very young person just out of school, the best housing that I could afford was in a trailer park 20 miles out of town. I did not resent this nor see it as a hardship, but just as a reasonable starting point from which to build towards eventual goals.

Bottom line: We have a current Industrial Zone that we cannot afford to take any land away from without it negatively impacting the future of the city and its residents. We do have virtually unlimited land to our south for future housing needs. We must

prioritize our current Industrial Zone versus housing needs based on these two realities, and not let these two priorities become confused or reversed.

June 24, 2018 - Supports residential on upper floors; concerns about kids

Bruce Smith - I currently have a business at 221 Northwood Way and would like to make a few comments regarding the future of LI. I am OK with residential uses as Secondary use as long as they are part of a genuine LI Use that will be the Primary Use. Ideally, LI uses would be on the bottom floor and Residential would be workforce housing on upper levels. Residential Users should never be allowed to complain about noise, dust, odors of other common LI uses. Many of my fears of the Community School being in LI have been realized. Kids going down Northwood Way in Subaru WRXs, Porsches and BMWs at 60 mph+ are a fairly common occurrence. Please keep LI much the same as it is. I spend a lot of time in the area and feel that it is vital to a vibrant community.

June 25, 2018 – Supports housing on the first floor; thinks LI could be smaller.

Bob Crosby - suggested making broader visioning ideas prior to micro level analysis. Commission should address the big picture, i.e. whether the City of Ketchum needs as large an LI District as currently exists. Crosby stated that this is a missed opportunity to address affordable housing. He commented the process should be a policy decision regarding affordable housing. Crosby believes that not permitting residential uses on the ground floor is a lost opportunity.

Supports housing on the first floor

Mary Roland - addressed existing single-story development within the LI. She commented that she would like the Commission to consider work/live on the ground floor rather than solely on the second floor.

July 9, 2018 – Suggested no Conditional Use Permits

Steve Cook – encouraged the Commission and Staff to consider the burdensome qualities of Conditional Use permits for applicants and staff.

August 15, 2018 – IME article

Ketchum planners pitch taller buildings in LI districts

https://www.mtexpress.com/news/ketchum/ketchum-planners-pitch-taller-buildings-in-li-districts/article_23682656-a009-11e8-86c7-7fe7b84d55b4.html?utm_medium=social&utm_source=email&utm_campaign=user-share

August 20, 2018 – Wants LI-1 to be included in changes.

Leo Brieske – Resident. It seems to me that these changes are directed toward LI 2 and 3 with an exclusion of LI-1! Is this “spot zoning”? Should it not be equal

across all 3 districts? I have lived and owned the property at 920 N Leadville for the last 15 years in LI-1 and feel the exclusion of the LI-1 in this proposal is discriminatory for all present and future property owners in LI-1.

September 10, 2018 – Opposed to 58-foot height.

Gwen Raney - resident of Northwood, expressed she didn't like the 58-foot height as she thought it was too imposing and was concerned about traffic and density. She asked about when affordable housing is required of a builder. Senior Planner Brittany Skelton explained that the housing requirement is determined by the zone and the Community Core Zone is different from the LI Zone. In the LI, Community Housing would only be required if a building had a fourth or fifth floor.

Opposed to 58-foot height.

Heidi Sheinthanner - thought 58 feet was too tall. Director John Gaeddert answered residential would not be allowed on the first floor. The goal is to reserve the LI for LI uses. The 18-foot first floor height would allow the building a 40-foot total height. A third or fourth floor would accommodate affordable housing.

September 13, 2018 - Supports mixed-use and ground floor residential

Mary Rolland - Proposal to change Light Industrial 2 and Northwood Way to legal Live-Work from GROUND floor and ABOVE

The existing Light Industrial 2 is currently outdated and what Ketchum originally defined as "Light Industrial" has been replaced with the "NEW Light Industrial: LI 2 includes offices, storage units, entertainment supplies, dance studio, Bigwood Bakery, wine outlet, catering service, ice cream factory, party rentals, tech companies, architectural studios, art studios, photography studio, lumber yard, Far and Away River Trips, ski repair shop, Glass company, Lutz Rental, SPOT Theater, Dog /Pet store, Deli's, flooring business, wood working, High Altitude Gym, gas station, 2 paint stores, etc). Community school dorms were just issued a variance to provide housing. There are several Live-Work units ground floor and above that are scattered throughout LI 2, including Lewis Street. There is even a person living in a storage unit, with living facilities provided by the owner! The time has come for the City of Ketchum and P&Z to acknowledge that the Light Industrial is no longer the vision they thought it was and what they hope it still could be. The Light Industrial is already a mixed use of business and living. The time has come to make the LI 2 a legal "Mixed Use" of commercial businesses, legal Live-Work, AND affordable housing.

Ketchum is struggling to find suitable locations for affordable housing. Neighborhoods argue "not in my backyard!" "Not next door to me!"

The most suitable and available area is the Light Industrial, especially LI 2. Ketchum struggles with lack of enough employees to service the area .because there is no place for them to live...not in Hailey, Bellevue, or as far South as Shoshone.

Those who do live South of Ketchum, have the horrible daily commute causing wear and tear on our highway, endangerment to our environment, our health, and mental state! More Live-Work in Ketchum will bring more money to Ketchum (Truces, shopping, dining, etc.)

Ketchum must immediately address viable solutions to provide and build affordable housing. Hailey is already far ahead of Ketchum in approving major changes to the main part of town to add more housing. Ketchum lingers and still has made NO decisions at the end of August. This is so unacceptable! New businesses, interested in being in our area, also are affected. They choose not to come to Ketchum because there is no place for them or their employees to live.

This is why I propose legal Live-Work for businesses from the ground floor and above in the LI 2. They can work and live in same space. This saves them cost of paying for a rental for their business and another cost for living elsewhere. AND no more driving from where they live to where they work!

Rezone LI 2 (and or Northwood Way) as "Mixed Use" that includes commercial businesses, Live-Work (ground floor and above) and affordable housing.

UPSIDE

Live-Work ground floor and above with suggested Options

1. (Option #1) Grandfather existing LI 2 Live-Work as legal ground floor and above
2. (Option # 2) Change Northwood Way {Saddle Road to Lewis Street) from LI 2 to be part of LI3 and allow affordable housing AND legal Live-Work from ground floor and above.
3. Option #3 Any illegal Live-Work in LI 2 sign an indemnification agreement with their own Condo Association AND the City/indemnifying their Association and the City from any legal actions taken by anyone against the Association and or the City
4. Legalize existing and new Live-Work from the ground floor and above.
5. Owner or Tenant must provide proof of work with an Idaho business Tax# and any other requirements by the City.
6. Occupant must file tax return for business from the premises used for Live-Work
7. Live-Work unit must be a minimum of at least 50% of the space.
8. Live-Work must observe all City codes and requirements.
9. Live-Work must be occupied by the Owner of the unit and/or its employees only, or by tenant renting from the Owner and used as Live-Work. Tenant must provide proof of work with same as #5, #6, #7, #9, #10
10. Live-Work must have hours posted on premises for business
11. Parking provided per unit (required by City)
12. Occupants acknowledge that noise, traffic, and business operations may be 24n

DOWNSIDE to Live-Work in LI 2 and or Northwood Way, ground floor and above?

September 14, 2018 – IME article

Ketchum P & Z mulls fourth, fifth floors in LI districts

https://www.mtexpress.com/news/ketchum/ketchum-p-z-mulls-fourth-fifth-floors-in-li/article_f884bb26-b79a-11e8-870b-6b7ec6b29212.html?utm_medium=social&utm_source=email&utm_campaign=user-share

September 19, 2018 - IME editorial

Housing puzzle needs new eyes

https://www.mtexpress.com/opinion/editorials/housing-puzzle-needs-new-eyes/article_df2c9726-bb86-11e8-9e15-6b4799756890.html?utm_medium=social&utm_source=email&utm_campaign=user-share

September 24, 2018 – **Opposes 3rd and 4th floors**

Carolyn Wicklund - As an architect, I do NOT want to see the LI Business district allow 3rd & 4th floors to bldg. heights. Our mt. views make us unique & beautiful! Why not do as Aspen does & require new housing (of a certain size) to have an affordable rent apt. attached. I have one over my garage & it is always in great demand.

September 25, 2018 - **Supports housing in the LI**

Ed Sinnott - Affordable housing, work force housing, attainable housing, long term housing.

To the Ketchum Planning and Zoning Commission.

I am sure you will agree that there is a housing crisis in our valley. When we (the 60's, 70 and 80's generation arrived in Ketchum there was work force housing and long-term rentals available throughout our community in places like the Bavarian Village, the blue tops, Andora Villa, Horizons Four, Four Seasons, Trail Creek Village and more. We were able to work, live and eventually settle in Ketchum, and raise our families.

Now the next generation is trying to move in and live in Ketchum and they can't. There is a lack of long term, attainable housing. Our hospital and schools can't find housing for their employees. The airport, Sun Valley Co, hotels, and our cities all need people to work for them. Basic service jobs like snow removal, bus drivers, food service, and mechanics are going unfilled. There were at least 150 openings for jobs in the Mt. Express and only 24 offerings for long term housing.

We must change our ways. Forty years of FAR, strict zoning, setbacks, affordable housing and parking levies (where is all that in lieu money?), height restrictions, and view corridors have led us to the housing crisis that we are now experiencing.

One component of a solution to this crisis that has been identified, is placing work force housing in the light industrial zone. It is not the only solution, but it is certainly worth considering and exploring....and one that deserves a lot of weight.

But what do I hear from the commissioners; protection of view corridors (for the people buried in the cemetery or the Bigwood golfers?), the character of the LI (I eagerly await to hear what the character of tractors, fire training centers, trucks, gas stations, lumber yards, laundries, convenience stores, and paint stores is) and height concerns. Yes 50 + feet will block the view of Baldy. But the Limelight Hotel blocked someone's view, the Argyros Center building will block someone's view as will the Auberge. It's a fact that when you build in front of someone, you will block their views. The LI is 26 to 30 ft below the grade of the highway so the residences along

the Bigwood golf course views will not be impacted. If Baldy views are impacted, it will be in the LI. Consequently, the housing will not appeal to tourists or second family vacation properties. Which is why the LI is great for workforce housing.

I am hearing the same arguments that have contributed to a housing market dominated by second family homes and condos and short-term rentals. It's insane to have the same arguments over and over again and think the results will change. It's that kind of thinking that got us into this mess.

Start thinking outside the box and think about solutions instead of instituting obstacles. Incentivize people to build long term work force housing in the LI, because without housing there are no businesses. Without jobs there is no "next generation." And without "the next generation" there is no Ketchum, so let's give the next generation a place to live.

All I am saying is give housing a chance!

September 30, 2018 **Opposed to current first-floor residents in the Northwood Building**

From: Jeff Jensen <jeff@jensenconsult.com>

Sent: Sunday, September 30, 2018 4:14 PM

To: Participate

Cc: nbradshaw@ketchumidaho.or; Michael David; Amanda Breen; Courtney Hamilton; Jim Slanetz

Subject: LI Residency

Gentlemen,

I am a recent purchaser of a space in the Northwood Industrial Center which is zoned LI. Last week I discovered that people are residing in these first level spaces.

I brought this up to the HOA and inquired what their position was on this. They suggested that I write to the City and express my concerns.

Prior to my purchasing this space, my due diligence included researching allowable uses for this property and since we did NOT have any second levels I was confident that we did not have any residential concerns. I did not realize that the city was selectively enforcing building codes.

This was brought to my attention by one of the residing owners who is lobbying for her and another owner also residing in this complex, to turn a blind eye to this illegal practice.

Though she and the other owner are fully aware this is not a permitted use and thus illegal, they are lobbying the balance of other owners in the complex to allow them to continue to reside there since the city is not enforcing the code.

Why is the city not enforcing this code?

As a developer of Industrial properties outside of the area, I know that residential fire code is very different from industrial fire code.

Are these spaces built to meet current residential occupancy?

Is the fire department aware that these spaces are being used for residency?

Though these are my primary concerns, I have the following secondary concerns;

1. This is a discriminatory practice, as the suggested action is to only allow residency in the two currently occupied spaces and not allow other owners the same rights.
2. Industrial space by code, should not be inhibited by concerns of noise ,truck traffic and other environmental issues that residential spaces must account for.

3. The LI is the only space available in the North Valley that small businesses have available to work out of. If this area is converted from standard LI uses, users will be forced out and traffic and costs will increase as customers will have much longer distances to travel to access the goods and services currently available.

Please advise on what the city's position is and what actions, if any, I can expect on this.

Thank you.
Jeff Jensen
503.939.7477
PO Box 6578
Ketchum, ID 83340

October 1, 2018

Supports residential on the first floor

Mary Rolland - I have read that you will be proposing several options at the P&Z meeting October 8, for the Light Industrial.

I hope that you will include my proposal for more legal live/work in the LI 2 including existing single story buildings and ground floors and above for new development.

I have spoken to many locals who all agree that legal live/work in the LI is the ideal solution and incentive to bring more businesses to Ketchum. Providing a combination of live with work will eliminate the cost to pay for each, AND eliminate finding housing for themselves and their employees.

I don't know what your downside is to this, and I will ask that at the October 8 meeting.

You had told me that you want to preserve the LI for LI uses only. But Providing the combination of live/work for ground floors and above, will save the LI, and NOT defer businesses because of no place to live for themselves or their employees.

I gave you a few suggestions as to how to protect live/work in the LI:

1. Owner occupied only / or employee of Owner
2. Owner must have Idaho Business Tax ID number
3. Owner must have Business Tax returns for State and Federal
4. Unit cannot be subleased to anyone

5. City specifies % work / % living allowed based on SF of the unit.

Mary Rolland
Northwood Way

Exhibit C

**Light Industrial Zoning Amendments
Noticing and Public Hearings**

February 14, 2018 – Notice published in Idaho Mountain Express and mailed to governmental agencies

March 6, 2018 – Planning and Zoning Commission Meeting

March 27, 2018 – Planning and Zoning Commission Meeting

April 9, 2018 – Planning and Zoning Commission Meeting

May 14, 2018 – Planning and Zoning Commission Meeting

May 29, 2018 – Planning and Zoning Commission Meeting

June 11, 2018 – Planning and Zoning Commission Meeting

June 25, 2018 – Planning and Zoning Commission Meeting

July 9, 2018 – Planning and Zoning Commission Meeting

August 13, 2018 – Planning and Zoning Commission Meeting

September 10, 2018 – Planning and Zoning Commission Meeting

September 19, 2018 – Notice published in Idaho Mountain Express and mailed to governmental agencies

Notice of Meeting and Public Hearing Before the Ketchum City Council

Ketchum City Council will hold a public hearing at 4:00 p.m., or thereafter as the matter can be heard, on Monday, February 4th, 2019 in City Hall Council Chambers (480 East Ave. N., Ketchum, ID, 83340) regarding the following three matter:

2) Consideration of a city-initiated text amendment to Ketchum Municipal Code, Title 17, Zoning, regarding the city's three light industrial zoning districts. Proposed amendments will address the purpose and intent of each light industrial zone, definitions, uses, dimensional standards (such as building heights and setbacks), fence heights, residential development standards, and other development standards. Additionally, amendments to the zoning map to create overlay zoning districts where height bonuses will be permitted will be considered. Amendments are proposed to Chapter 17.08, Terms Defined, Chapter 17.12, Establishment of Districts and Zoning Matrices, Chapter 17.18, Zoning Districts, and Chapter 17.124, Development Standards. The Planning and Zoning Commission previously held a public hearing on the proposed amendments on October 8, 2018, which was the culmination of efforts to draft the ordinance that occurred during public meetings between March and September of 2018. During the October 8th, 2018 public hearing the Commission recommended approval of the ordinance as presented with one exception: the Commission recommended striking proposed regulations that would permit five-story buildings up to 58' in height.

Exhibit D

(Items that follow were referenced as Exhibit C during the proceedings of PZ Commission)

**Exhibit C: Retaining LI as Primary Use in LI Districts
Comprehensive Plan Sections**

Alignment

Ch.	Pg #	Goal	Policy
2	16	Goal E-1: Ketchum will work to retain and help expand existing independent small local businesses and corporations.	Policy E-1(a) Support for Local, Independent Businesses Our community will foster a business climate that helps to retain our existing businesses and to attract and support new independent local businesses.
2	16	Goal E-2: Ketchum will support and attract businesses and industries that diversify and sustain the local economy and level out seasonal fluctuations.	Policy E-2(a) Light Industrial Area as the Primary Location for New Traditional Light Industrial and Corporate Park Business Growth and Jobs
2	17		Policy E-2(d) Targeted Small Business Recruiting
2	17	Goal E-4: Ketchum will contain a balance of businesses that provide services and shopping for local residents' needs and for tourists.	Policy E-4(a) Balance of Business Types Ensure a balance of local and tourism business types throughout the community.
7	42	Goal M-1: Promote land use patterns, densities and mobility planning that maximizes investments and promotes safe and efficient mobility.	Policy M-1.1 Balanced Land Uses and Transportation System
	44		Policy M-7.3 Freight Movements Facilitate the orderly movement of goods to enhance Ketchum's economic viability.
10	57	Goal CHW-6 Reduce generation of air pollutants and noise	Policy CHW-6.1 Air Emissions The City will continue to pursue reductions in air emissions / airborne particulates by regulating idling vehicles, street sanding, construction pollution, and other sources. Further, the City will reduce vehicle trips and vehicle miles travelled, and support renewable energy sources.
12	71	Goal LU-1 Promote a functional, compact, and mixed-use pattern that integrates and balances residential and non-residential land uses.	Policy LU-1.1 Integrated and Compatible Mix of Land Uses

Divergence

Ch.	Pg #	Goal	Policy
4	27	Goal CD-3: Ketchum will maintain and improve the appearance of its entryway corridors and gateways.	Policy CD-3.1 Scenic Corridors and the Community's Key Gateways.
6	36	Goal OS-3: Preserve the natural and cultural resources of the Ketchum area to help maintain the City's identity; provide connections to usable open space areas; provide low-impact, passive recreation; and enhance scenic entryway corridors to the City.	Policy OS-3.2 Open Space Community Separators Establish and maintain open space buffers in important scenic areas to maintain the community's separate identity from surrounding communities and to protect views and open space.
	36		Policy OS-3.6 Roadway Corridors Establish, preserve, and enhance scenic entryways along major roadways entering the City.



Clear Height Considerations

Posted by Miriah On February 2015

By Rob Harley, HTG Architects – Tampa, FL

In 1962, the National Aeronautics and Space Administration purchased 80,000 acres of land on Merritt Island Florida. This land would become Cape Canaveral, and the Saturn V space program was underway. A collective of four New York Firms, known as URSAM, began designing the Vehicle Assembly Building for that site. Max Urbahn was heading up the Architectural efforts and the completed design was formerly approved on September 23rd, 1963. The building was, of course, where the Saturn rockets were made, and subsequently, where the space shuttle was assembled. Being that it housed some very tall rockets, it had to have an extraordinary “clear height”. There were many challenges to building a structure with such a tall clear height. It is so vast for example that rain clouds form inside near the top on humid days. The VAB’s clear height is around 465 feet. Fortunately for those of us in the Commercial building world, clear heights are a good bit lower.





Interior of VAB – source, NASA

The simplest definition of “Clear Height” is the distance from the finished floor of a building to any object overhead. In Industrial shell buildings, it is often qualified as “clear height to any steel” since the building hasn’t been fully fitted out. The actual clear height in an occupied building however, must also take into account other items such as suspended lighting, fire protection systems, mechanical equipment, etc. Clear height is one of a handful of basic specifications for industrial buildings, and its dimension has significant implications for a potential user; storage stacking height, forklift maneuverability and safety being the most obvious.

There is a natural “tension” that exists between the need for optimal clear height inside a building and the desire to minimize the buildings overall height for cost savings. For this reason, it was once common in Industrial buildings to specify clear height while ignoring the joist girder depth, since the joist girders typically

fell between back to back loading racks and thus did not cause an overhead obstruction. Under this scenario, a buildings overall height could be lowered, while still claiming a certain clear height within the aisles. This practice has fallen out of favor for new Industrial building designs and the current trend is the “clear to any steel” approach.

Not very long ago, maybe 15 years ago, the standard clear height for class A industrial buildings in most industrial markets, was 24 feet clear. And it is still considered a minimum for class A industrial buildings. Increasingly however, a 30-32 foot clear height is becoming the new normal. For the really large distribution users, 36 feet clear is common. I recently provided a proposal to design a build-to-suit facility that was 50 feet clear. The trend then, is that optimizing cubage is driving clear heights up across the board. The higher clear heights however, do tend to be built in higher through-put, distribution intense markets around the country. From a sheer numbers perspective, most industrial users don't require the higher clear heights, but the trend is still toward more efficiency, and thus, higher clear heights for new buildings.

When an industrial building has a clear height of more than 24 feet, a series of issues begins to become more important to the successful design of the building than they otherwise would. For example, the design of the slab needs to be re-examined relative to lower clear height buildings. Taller racks mean larger slab loads. A 6 inch slab in a 28 or 30 foot clear building, would need to be increased in thickness in a 36 foot clear structure. As clear height goes over 32 feet, the flatness of the slab surface itself may need a tighter specification to ensure rack and load stability. Column spacing's often must be increased to accommodate the larger forklifts required to reach the taller pallet positions, and if exterior walls are load bearing, they'll likely get thicker. Adequate lighting levels at the floor can also become more of a challenge. As a related issue, it is also easy to think of a tall clear height building conceptually like any single story building and overlook the possibility that in some industrial areas, particularly around airports, the building could encroach on height restrictions.

Fire protection systems will most likely need to be upgraded to higher flow rate heads in taller clear height buildings. According to a local fire protection Engineer I spoke with recently, FM and the NFPA are in the process of re-organizing storage sprinkler system nomenclature and it's all based on the height of the underside of the roof deck. “Head pressures increase in 5 foot intervals. If your roof deck is 30 feet one inch, your system will be designed for 35 feet” the Engineer said. This is a useful thing to keep in mind when helping to determine the final clear height of a building.

The majority of pallets in use around the country are 64 inches high. There are other sizes, but if we take this typical dimension and allow for space between levels, a 32 foot clear building will be able to rack 4 to 6 pallets. At 36 feet clear, users can typically rack one more position. Pretty straight forward cost benefit analysis is used by both speculative developers and users to assess whether the added cost of the additional clear height results in a payback via increased efficiency or marketability to users seeking that efficiency. According to a VP at a major national real estate trust, for buildings over 300,000 square feet, the added cost to go from 32 foot clear to 36 feet is around a \$1.20 to \$1.25 per square foot. This will vary regionally to some degree, but it's a ball park figure. The three primary cost drivers are slab, structure and fire protection.

In the 1970's, a typical industrial building had a clear height of 20 feet or less. This means that in current markets around the country there are a lot of buildings with inefficient clear heights that are sitting empty or

are preventing an owners desire to modernize storage capacity. Another clear height trend that is beginning to emerge are companies that specialize in literally, “raising the roof” on existing buildings. These proprietary systems have become efficient enough at hydraulically raising the clear height of existing steel roof structures that in many instances, they are an economically viable option for users or developers of lower clear height buildings.

So while we don’t have to contend with storm clouds forming in our buildings, there are still a number of considerations that present themselves to the designers of higher clear height structures. It looks like we’ll need to get used to it, “30 is the new 24”.

Next Post: “Hey, Concrete Cracks”

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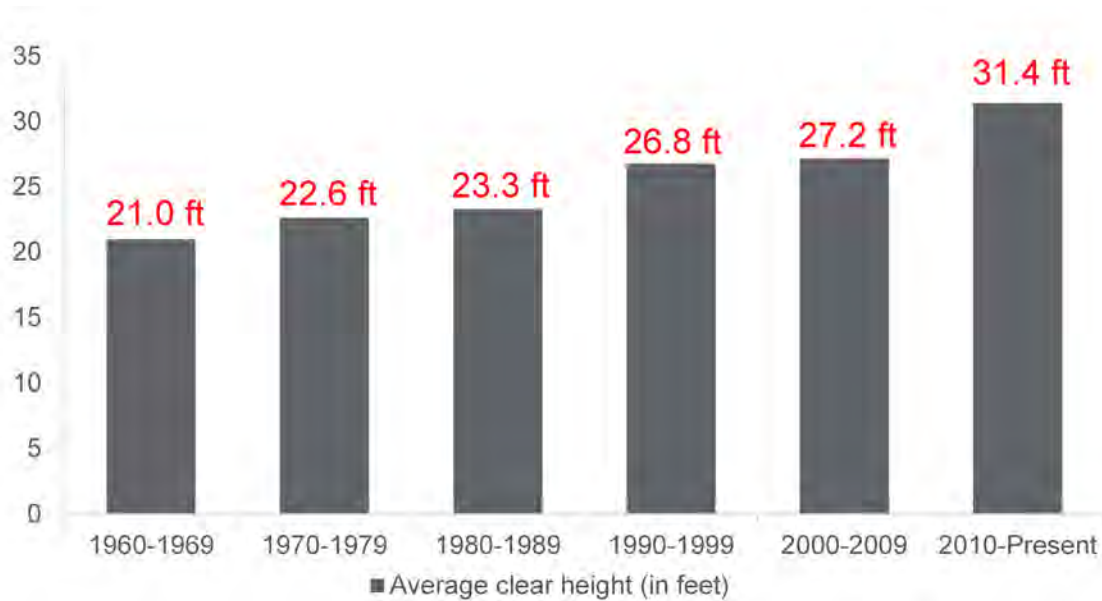


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22 May, 2018

Average industrial building clear heights increase by 50 percent in the last 60 years

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- Industrial buildings have experienced a 50 percent increase in average clear height in the last 60 years.
- In Orange County, industrial clear heights have increased from an average of 21 feet for buildings constructed in the 1960's to 31.4 feet for buildings delivered in the last decade.
- With vacancy hitting record lows, the extremely low level of available land in Orange County and shifting preferences among tenants, high volume users are "looking up" to increase warehouse efficiency practices.
- Moreover, e-commerce as well as just-in-time inventory management are also making an impact on the industrial landscape as logistics and courier industries benefit from these increased efficiencies (thus cost reductions) obtained through increased stacking heights.

Source: JLL Research

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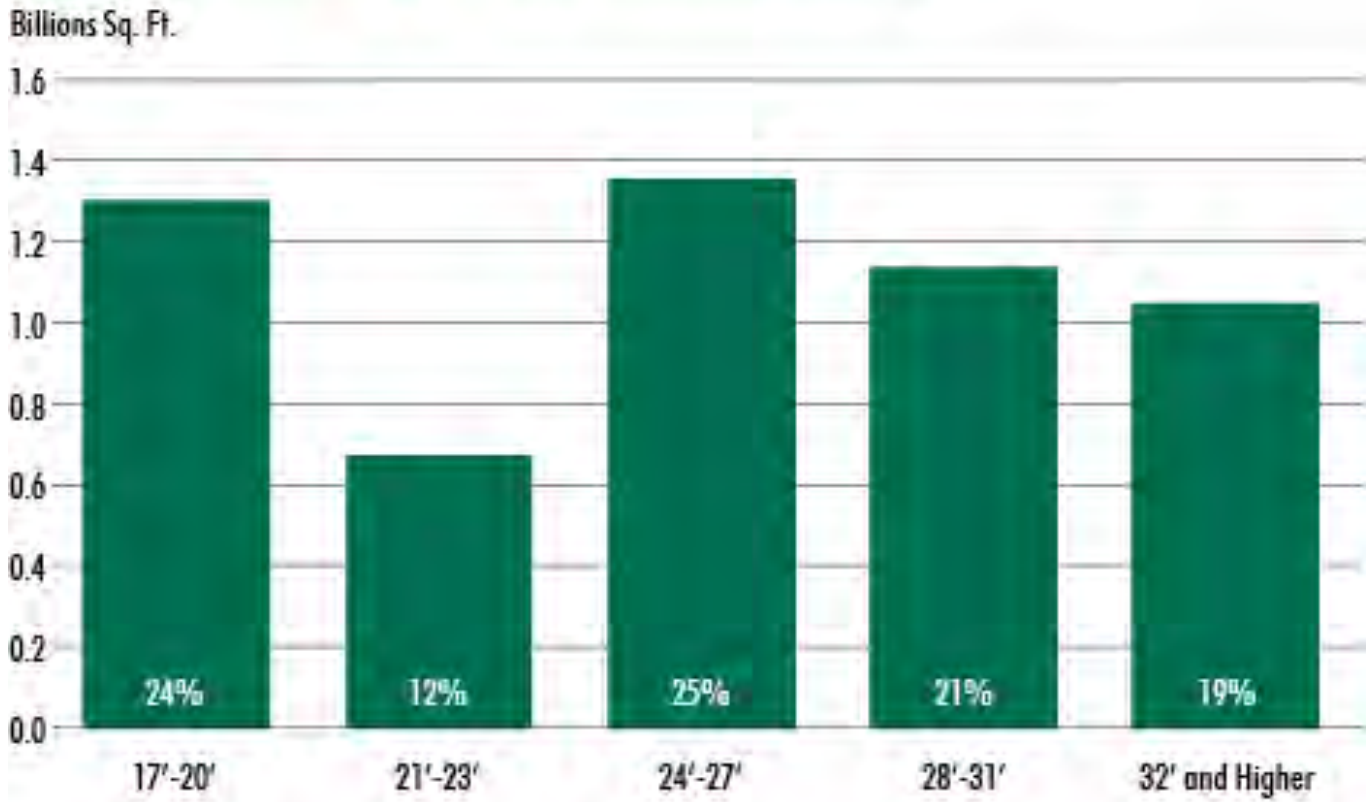
U.S. MarketFlash | 32' Clear: The over and under by industrial market



April 21, 2017

Evolving distribution and fulfillment supply chains are creating opportunities to modernize warehouse stock nationwide. A disproportionate share of modern warehouse demand is for buildings with a clear height of at least 32 feet. While only 19% of warehouses nationally meet this threshold, they accounted for 40% of total demand as measured by net absorption since 2014. Of the 30 largest warehouse markets, 10 are over and 20 are under the national average of total inventory that meets this height requirement.

Figure 1: Clearance Height for U.S. Warehouse Inventory



Source: CBRE Research, CBRE Econometric Advisors, 2017.

Figure 2: Warehouse Inventory 32 feet and Higher by Market

Rank	Market	% 32' or Higher	Rank	Market	% 32' or Higher
1	Indianapolis	43%	16	Cleveland	12%
2	Pennsylvania I-78/I-81 Corridor	35%	17	Sacramento	12%
3	Inland Empire	33%	18	Denver	12%
4	Central NJ	25%	19	Boston	11%
5	Cincinnati	24%	20	Charlotte	9%
6	Dallas/Ft. Worth	24%	21	Oakland/East Bay	8%
7	Columbus	23%	22	Los Angeles	8%
8	Baltimore	23%	23	Washington, D.C.	8%
9	Kansas City	20%	24	Seattle	7%
10	Atlanta	20%	25	Miami	6%
11	Chicago	18%	26	Orange County	6%
12	St. Louis	17%	27	Northern NJ	5%
13	Phoenix	15%	28	Minneapolis	3%
14	Houston	14%	29	Long Island	3%
15	Detroit	13%	30	Portland	3%

Source: CBRE Research, CBRE Econometric Advisors, 2017.

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17.12.020: DISTRICT USE MATRIX:

"P" = PERMITTED "C" = CONDITIONAL "A" = ACCESSORY

DISTRICT USE MATRIX

DISTRICT USES		L	L	L	G	G	S	S	S	T	T	C	C	L	L	L	R	A	
		R	R	R	R	R	T	O	O	O	3000	4000	SD	SD	I	I	I	U	F
		1	2	3	4	5	0.4	1	H	T		1	2	1	2	3			
RES.	Dwelling, Multi-family				p ¹	P			P	P	P	P ²⁶	P	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁹		
	Dwelling, One-Family	P	P	P	p ²	P	P	P	P	P	P	See Note 28	See Note 28				C ¹⁹	P	
	Residential Care Facility	p ⁴	p ⁴	p ⁴	p ⁴	p ⁴	p ⁴	p ⁴	p ⁴	p ⁴	p ⁴	p ⁴	P						
	Short-term Rental	p ³³	p ³³	p ³³	p ³³	p ³³	p ³³	p ³³	p ³³	p ³³	p ³³	p ³³	P	P	P	P	P	p ³³	p ³³
	<u>Work-Live Unit</u>														C ¹⁴	C ¹⁴	C ¹⁴		
Agriculture, Commercial																			P
Adult Only Business																PC			
Business Support Service												P	P	P	P				
Commercial Off-site Snow Storage										P/C ³²		P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²			
<u>Construction Material Laydown Yard</u>														P	P	P			
Convenience Store										P		P	P	p ¹²	p ¹⁶				
<u>Craft/Cottage Industry</u>														P	P	P			
Daycare Center					C ⁴	C ⁴				p ⁴	p ⁴	p ⁴	P	P	C ¹⁷		C ¹⁷		
Daycare Facility					C ⁴	p ⁴			C ⁴	p ⁴	p ⁴	p ⁴	P	P	C ¹⁷		C ¹⁷	p ⁴	
Drive-Through Facility												p ⁹	p ⁹						
Equestrian Facility																		C	C
Food Service										P	p ⁶	p ⁶	P	P	PC ¹⁵	PC ¹⁵		C ²⁹	
Golf Course		P	P	P	P	P	P	P	P	P	P							C	
Grocery Store												P	P						
<u>Health and Fitness Facility_ wellness focus</u>										P				P	P	p ³⁷	p ³⁷		

Work-Live units incorporate residential living space in a non-residential building. Joint live-work units are held in common ownership and cannot be sold or platted as separate condominiums, as documented with a city-approved restrictive covenant recorded against the property.

BUSINESS SUPPORT SERVICE: The use of land for the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office and service establishments. Uses include: Typical uses include, but are not limited to, office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, or information technology support services.

CONSTRUCTION MATERIAL LAYDOWN YARD: A site identified and approved as part of a Construction Activity Plan or other city-issued permit for a specific construction project. Construction material laydown yards are intended to be used on an intermittent basis in association with a singular, permitted development project.

CRAFT/COTTAGE INDUSTRY: A facility devoted solely to the arts and crafts that produces or makes items that by their nature, are designed or made by an artist or craftsman by using hand skills.

HEALTH AND FITNESS FACILITY: A business or membership organization providing exercise facilities and/or nonmedical personal services to patrons, with a focus on wellness and characterized by low-impact movements and/or lack of mechanized equipment, including, but not limited to, yoga and Pilates studios, dance studios, gymnasiums, personal training studios, private clubs (athletic, health, or recreational), tanning salons, and weight control establishments.

37. In new buildings permitted after [date of ordinance adoption], use is permitted on the second floor and above only. For single-story buildings in existence on [date of ordinance adoption] this use is permitted on the ground floor.

DISTRICT USES	L	L	L	G	G	S	S	S	T	T	T	C	C	L	L	L	R	A
	R	R	R	R	R	T	T	T	0.4	1	0.4	SD	SD	1	2	3	U	F
Hotel										p ²⁵	p ²⁵	p ²⁵	p ²⁵					
Hybrid Production Facility												P	P	P	P			
Industrial Design														P	P	P		
Instructional Service												P	P	C ³⁷	C ³⁷			
Kennel, Boarding														P	P			
Laundry, Industrial														P	P			
Lodging Establishment									P	P	P	P	P					
Maintenance Service Facility														P	P		C	
Manufacturing														P	P			
Mortuary												C	C					
Motor Vehicle Fueling Station														C ³⁰	C ³⁰			
Motor Vehicle Sales														C	C			
Motor Vehicle Service														P	P			
Neighborhood Off-site Snow Storage	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²	P/C ³²		P/C ³²	P/C ³²							
Office, Business										C			p ¹⁰	P			P	
Office, Contractor-related business										C			p ¹⁰	P	P	P	P	
Outdoor Entertainment									P	P	P	P	P					
Personal Service									P	p ⁶	p ⁶	P	P	p ¹³				
Professional Research Service														P	P	P		
Recreation Facility, Commercial									C	C	C	p ²⁰	p ²⁰				C	
Repair Shop									P	p ⁶	p ⁶	P	P	P	P			
Retail Trade									p ⁵			p ³⁴	p ³⁴	p ¹²	p ¹⁶		C ²⁹	
Self-Service Storage Facility														P	P			
Ski Facility									C	C	C						C	C
Storage Yard														P	P	P		

COMMERCIAL

INDUSTRIAL DESIGN: The professional service of creating and developing concepts and specifications that optimize the function, value and aesthetics of products and systems for the mutual benefit of both user and manufacturer, often employing design thinking strategies. Typically, industrial design is intended to result in tangible goods that can be mass produced. Industrial design businesses may include on-site prototyping, fabrication, and manufacturing.

INSTRUCTIONAL SERVICE: The use of land for the provision of informational, instructional and similar services for personal improvement other than physical improvement. Typical uses include, but are not limited to, health or physical fitness studios, facilities, dance, music, painting, ceramics, arts or photography studios, fiber arts, educational tutoring facilities, handicraft or hobby instruction.

37. In new buildings permitted after [date of adoption of ordinance], permitted on the second floor and above only. For single-story buildings in existence on [date of ordinance adoption] this use is permitted on the ground floor.

OFFICE, CONTRACTOR-RELATED BUSINESS: An establishment wherein the primary use is the conduct of a business or profession specifically related to building contracting including, design services, engineering, construction and property management.

PROFESSIONAL RESEARCH SERVICES: An establishment that specializes in performing professional, scientific, and technical research services and may include light manufacturing as an accessory use. Uses are limited to: Typical uses include, but are not limited to, construction contractors, physical distribution and logistics, engineering and specialized design services, electronic and computer services, photographic services, research, development and scientific services, and internet or remote sales and marketing. This definition does not include uses which create vibration outside the exterior building walls, or uses that would diminish the quality of air and water in the city.

DISTRICT USES	L	L	L	G	G	S	S	S	T	T	T	C	C	L	L	L	R	A
	R	R	R	R	R	O	O	O	3000	4000	SD	SD	I	I	I	U	F	
Studio, Commercial												P	P	P ³⁵	P ³⁵	P ³⁵		
Tourist House									P	P	P	P ¹¹	P ¹¹					
Tourist Housing Accommodation						P	P	P	P	P	P							
Truck Terminal														P	P			
TV and Radio Broadcasting Station														P	P	P		
Veterinary Service Establishment														P	P		C ²¹	
Warehouse														P	P	P		
Wholesale														P	P			
Wireless Communication Facility	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³	C ²³
Assembly, Place of				C ³	C ³							C	C					
Cemetery																	C	C
Cultural Facility												P	P				C	
Geothermal Utility											C ⁷							
Hospital												C	C					
Medical Care Facility					C				P			P	P					
Nature Preserve	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking Facility, Off-Site									C	C	C	C	C					
Parking, Shared									C ⁸	C ⁸	C ⁸	P ⁸	P ⁸	C ⁸	C ⁸	C ⁸		
Performing Arts Production												P	P				C	
Public Use	C	C	C	C	C	C	C	C	C	C	C	P	P	C	C	C	C	C
Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation Facility, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation Facility, high intensity														P	P			
Recycling Center																PC		
School residential campus																	p ³⁰	
Semi-Public Use					C				C	C	C	P	P				C	C
Agriculture, Urban	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²	A ²²
Avalanche Protective, Deflective, or Preventative Structure/Earthwork	C	C	C	C	C	C	C	C	C	C	C						C	C
Daycare Home	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴			C ⁴				A ⁴
Daycare, Onsite Employees														A	A	A		
Dwelling Unit, Accessory	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸	A ¹⁸					A ¹⁸

35. Commercial studios in the Light Industrial Districts are subject to the standards of section 17.124.150 of this title.

TV AND RADIO BROADCASTING: An installation consisting of one or more transmitters or receivers used for radio, television or cable communications or broadcasting.

PUBLIC UTILITY: An organization that maintains the infrastructure for a public service, which often also provides a service using that infrastructure.

RECREATION FACILITY, HIGH INTENSITY: A recreation facility that, due to the nature of the use, requires floor area or mass and volume, or generates higher decibel levels, that are more appropriately accommodated in the light industrial area or are buffered from residential or pedestrian-oriented commercial activity on a large recreational use zoned parcel district than in the Community Core or a Tourist zone. Uses include indoor shooting range, dryland hockey training facility, gymnastics/tumbling gym, and instructional or personal training facilities wherein the instruction involves throwing, dragging, or launching heavy equipment.

DAYCARE, ONSITE EMPLOYEE: Child care programs that occur in facilities where parents are on the premises.

PUBLIC & INSTITUTIONAL

DISTRICT USES		L R	L R 1	L R 2	G R L	G R H	S T O 0.4	S T O 1	S T O H	T	T 3000	T 4000	C C SD 1	C C SD 2	L I 1	L I 2	L I 3	R U	A F		
ACCESSORY	Electric Vehicle Charging Station	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
	Energy System, Solar	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
	Energy System, Wind	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
	Fallout Shelter	A	A	A	A	A	A	A	A	A	A	A							A		
	Guesthouse	A	A	A	A	A	A	A	A	A	A	A									
	Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Recreation Facility, Residential	A	A	A	A	A	A	A	A	A	A	A	A	A	A ³⁶	A ³⁶	A ³⁶				
	Equestrian Facility, Residential	A	A	A	A	A	A	A	A	A	A	A								A	
	Sawmill, Temporary																				C

- A multi-family development containing up to two (2) dwelling units is permitted.
- Two (2) one-family dwellings are permitted.
- Religious institutions are allowed through the provision of a conditional use permit. No other assembly uses as defined in Chapter 17.08 are permitted.
- Use is not permitted in the Avalanche Zone. Reference Zoning Map.
- Retail trade is permitted but must not exceed 2,500 square feet.
- Uses must be subordinate to and operated within tourist housing and not to exceed ten percent (10%) of the gross floor area of the tourist housing facility.
- Utility for offsite use.
- See section 17.125.070 17.125.080 for shared parking standards.
- Drive-throughs are not allowed in association with food service establishments.
- This is a permitted use, however offices and professional services on the ground floor with street frontage require a conditional use permit.
- Tourist houses shall only be located in existing one-family dwellings. Additions to the home shall not exceed 20 percent (20%) of the existing square footage.
- The following forms of retail trade are permitted: (a) Equipment rental, including sporting equipment and entertainment equipment, (b) Building, construction and landscaping materials; small engines with associated sales (c) Retail in conjunction with manufacturing, warehousing or wholesaling not to exceed 30% gross floor area or 800 square feet, whichever is less; no advertising is displayed from windows or building facades; and no access onto a major arterial is allowed if an alternative access is available.
- Personal service is not allowed except for laundromats and dry cleaning establishments.
- See section 17.124.090 of this title for industrial districts residential development standards.
- Catering and food preparation is permitted. Restaurants require a conditional use permit and shall not exceed 1,000 square feet and serve no later than 9:00 P.M. unless expressly permitted through approval of the conditional use permit.
- The following forms of retail trade are permitted: (a) Equipment rental, including sporting equipment and entertainment equipment (b) Building, construction and landscaping materials; small engines with associated sales (c) Furniture and appliances in conjunction with warehousing not to exceed 18% gross floor area or 900 square feet, whichever is less; (d) Other retail in conjunction with manufacturing, warehousing or wholesaling; it is limited to 10% gross floor area or 500 square feet, whichever is less. --- Retail uses (c) & (d) shall have no advertising displayed from windows or building facades; and no access will be permitted onto a major arterial if an alternative access is available.
- See section 17.124.120.C of this title for industrial districts daycare development standards.
- See section 17.124.070 of this title for accessory dwelling unit development standards.
- A maximum of five (5) dwelling units are allowed through a conditional use permit and shall be a minimum of 400 square feet and not exceed 1,200 square feet in size.
- Indoor only.
- Only allowed in conjunction with an equestrian facility.
- See section 17.124.080 of this title for urban agriculture development standards.
- See chapter 17.140 for wireless communications facility provisions.
- Allowed on the ground floor only.
- See section 17.124.050 of this title for hotel development standards.
- Ground floor street frontage uses are limited to retail and/or office uses. In subdistrict A1 office uses require a conditional use permit.
- Ground floor only.
- Through the provision of a conditional use permit, the planning and zoning commission may approve a 20% increase to the total existing square footage of an existing nonconforming one-family dwelling.
- Use is allowed as an accessory use through the provision of a conditional use permit.
- Development agreement and compliance with §17.124.090.C required.
- Vehicular access from Highway 75 to motor vehicle fueling stations is prohibited.
- All commercial and neighborhood off-site snow storage uses are subject to the standards set forth in section 17.124.160 of this title. Conditional Use Permits are required of all off-site snow storage operations when the project: (a) affects greater than one-half acre; or, (b) has, at the discretion of the Administrator, the potential to negatively impact neighboring uses within 300' of the proposed neighborhood or commercial off-site snow storage operation.

36. Residential recreation facilities in the Light Industrial Districts are not allowed except for residents and guests of a particular residential development.

DISTRICT USES	L	L	L	G	G	S	S	S				C	C					
	R	1	2	L	H	0.4	1	H	T	T	T	SD	SD	L	L	L	R	A
										3000	4000	1	2	1	2	3	U	F

33. Short Term Rental in the Avalanche Overlay zone is permitted subject to the regulations found in Chapter 17.92, Avalanche Overlay District.

34. Gross floor area for individual retail trade is limited to 36,000 gross square feet and net leasable floor area for grouped retail trade is limited to 55,000 net leasable square feet.

35. Commercial studios in the Light Industrial Districts are subject to the standards of section 17.124.150 of this title.

36. Residential recreation facilities in the Light Industrial Districts are not allowed except for residents and guests of a particular residential development.

Business Licenses by Zoning District

Zoning District	Business Licences
AF	1
CC	455
GR-H	13
GR-L	6
LI-1	23
LI-2	93
LI-3	2
LR	10
LR-1	6
LR-2	0
RU	1
STO-1	0
STO-4	0
STO-H	0
T	75
T-3000	0
T-4000	0
CITY	685
LI Sub-total	118
Percent of Total	17.2%

Data collected June 2018

Land Area and Parcels by Zoning District

Zoning District	Acres in District	Total Parcels in District	Total Vacant Parcels	Total Parcels With Residential Characteristics
AF	220.4	11	9	2
CC	101.8	669	45	282
GR-H	31.71	305	38	267
GR-L	265.31	850	135	714
LI-1	12.36	31	3	6
LI-2	42.32	189	11	7
LI-3	6.26	38	3	28
LR	537.51	799	133	666
LR-1	53.2	50	11	39
LR-2	99.42	30	6	24
RU	373.86	40	22	13
STO-1	38.78	22	2	20
STO-4	11.4	13	1	12
STO-H	16.45	26	5	21
T	218.19	1268	177	1091
T-3000	26.61	179	24	155
T-4000	17.49	23	4	19
CITY	2073	4543	629	3366
LI Sub-total	60.94	258	17	41
Percent of Total	2.9%	5.7%	2.7%	1.2%

Parcel and residential data gathered in 2017

Exhibit E

(Items that follow were referenced as Exhibit D during the proceedings of PZ Commission)

**Exhibit D: Residential Use as Secondary Use in LI
Comprehensive Plan Sections**

Alignment

Ch.	Pg #	Goal	Policy
2	16	Goal E-2: Ketchum will support and attract businesses and industries that diversify and sustain the local economy and level out seasonal fluctuations.	<p>Policy E-2(e) Live-Work Opportunities and Home Businesses</p> <p>Support small home-based businesses that allow people to live and work from their residences and evaluate existing home-occupation, live/work, and related land use standards.</p>
3	20	Goal H-1: Ketchum will increase its supply of homes, including rental and special-needs housing for low-, moderate and median-income households.	<p>Policy H-1.2 Local Solutions to Attainable Housing</p>
	20		<p>Policy H-1.3 Integrated Affordable Housing in Neighborhoods</p> <p>Ketchum supports inclusion of affordable housing into existing neighborhoods to provide diversity. It will evaluate zoning regulations to accommodate this.</p>
	20		<p>Policy H-1.4 Integrated Housing in Business and Mixed-Use Areas</p> <p>Housing should be integrated into the downtown core and light industrial areas, and close to the ski bases. The resulting mix of land use will help promote a greater diversity of housing opportunities as well as social interactions.</p>
3	21	Goal H-3: Ketchum will have a mix of housing types and styles.	<p>Policy H-3.1 Mixture of Housing Types in New Development</p>
7	42	Goal M-1: Promote land use patterns, densities and mobility planning that maximizes investments and promotes safe and efficient mobility.	<p>Policy M-1.3 Compact Development and Housing Downtown and in Activity Centers</p> <p>Encourage compact development, mixed uses, and additional housing density in the downtown and in highactivity areas. This will increase opportunities for walking, bicycling and transit ridership and reduce vehicle trips.</p>
12	71	Goal LU-1 Promote a functional, compact, and mixed-use pattern that integrates and balances residential and non-residential land uses.	<p>Policy LU-1.1 Integrated and Compatible Mix of Land Uses</p>

	71		Policy LU-1.4 Balance between Jobs and Housing
12	71	Goal LU-2 Support infill and redevelopment in the downtown, major activity areas and specific areas that can take advantage of proximity to services and transportation.	Policy LU-2.2 Compatible Residential Infill Appropriate types of infill include the new residential units on vacant lots/areas, additions to existing units, accessory dwelling units, and residential units with businesses. Ensure that residential infill is compatible in character and scale within the surrounding neighborhood.
12	70	Mixed-Use Industrial Land Use - SECONDARY USES	A limited range of residential housing types, and supporting retail are provided for within this category. Uses should generate little traffic from tourists and the general public.

Divergence

Ch.	Pg #	Goal	Policy
12	71	Goal LU-2 Support infill and redevelopment in the downtown, major activity areas and specific areas that can take advantage of proximity to services and transportation.	Policy LU-2.1 Infill and Redevelopment Support intensification of land uses on appropriate infill and redevelopment sites in the following areas: · Industrial areas;
12	70	Mixed-Use Industrial Land Use - PRIMARY USES	Light manufacturing, wholesale, services, automotive, workshops, studios, research, storage, construction supply, distribution and offices make up the bulk of development within this district.

ZONING CODE HISTORY OF KETCHUM'S LIGHT INDUSTRIAL ZONING DISTRICTS

1961 – Ord. 62

Village of Ketchum's first zoning ordinance

- Created the LM1 – Limited Manufacturing zone.
- District covered what is today LI-1 on the west side of Warm Springs Road and some of the land where Hemingway STEAM School is today. At the time, Ketchum limits still ended at 10th Street.
- No mention of housing as a use.

1965 – Ord. 85

Repealed and replaced Ord. 62

- LM1 – Limited Manufacturing zone was replaced by the I – Industrial zone
- Ketchum city limits still ended at 10th Street.
- The I zone was applied only to the area south of 10th Street that is today LI-1.
- No mention of housing as a use.

1974 – Ord. 208

City of Ketchum's first zoning ordinance

- Created the LI - Light Industrial zone (single district).
- No mention of housing as a use.

1976 – Ord. 231

- Allowed housing for security personnel through a Conditional Use Permit.

1984 – Ord. 389

- Separated the Light Industrial zone into the three zones still in place today: Light Industrial-1, 2, and 3.
- Added the limitation that housing for security personnel could not exceed 600 square feet.

1984 – Ord. 390

- Required a Light Industrial Business Permit for all businesses located in a light industrial zone.

1991 – Ord. 556

This ordinance cited two studies about the need for affordable housing in Ketchum as rational and justification for expanding the scope of housing in all three Light Industrial zones. The intent was to allow housing for long term residents active in the workforce to be constructed in the LI zones. The regulations adopted in this 1991 ordinance are mainstays that have largely been in place ever since. Regulatory highlights of Ord. 556 include:

- Expanded residential uses allowed in through CUP beyond housing for security personnel
- No dwellings permitted on the first floor
- Up to 50% of building may be devoted to dwelling units
- Units shall be 400-800 square feet
- Units shall not have more than 2 bedrooms
- 1 parking space per bedroom required on site
- Units must either be owner occupied or used for long term occupancy (90 days+)
- Dwellings shall not be separated for sale
- CUPs to be recorded with County
- Residential uses shall be subordinate to other permitted Light Industrial uses

1999 – Ord 801

- Increased permitted square footage of residential units to 1000 sf.

2005 – Ord. 954

With this ordinance housing regulations for the Light Industrial – 3 district diverged from the regulations for LI-1 and LI-2. This ordinance facilitated development of the Scott building.

- Differentiated between deed restricted units and units for owner occupation
- Conditional Use Permit still required
- Allowed up to 66% of a building to be housing provided all other standards were met
- The area designated as non-residential use shall be a minimum of 24% of the total floor area; this floor area can't include areas for personal storage for dwelling occupants
- 1/3 of the total housing square footage shall be deed restricted Community Housing units
- Dwellings up to 1400 sq ft permitted
- Three-bedroom units permitted
- No dwelling units on the ground floor

2016 – Ord 1150

This ordinance was the result of a zoning code text amendment initiated by the Community School.

- Added "School Residential Campus" as a use
- Added provision for dormitory rooms
- Added provision allowing dwelling units for school employees to be located on the ground floor



NEIGHBORHOODS

Williamsburg's Industrial Businesses Are Fleeing

While City Hall works on a plan to preserve manufacturing in East Williamsburg, the gentrification buzzsaw is already taking its toll

by GWYNNE HOGAN

NOVEMBER 30, 2017





Workers at Joyva's confectionary plant in East Williamsburg, which may relocate after 99 years to take advantage of soaring real estate values. GWYNNE HOGAN

The Radutzky family has been making halvah, tahini, and jelly rings at their factory in East Williamsburg since 1918. But rising utility and property tax costs, combined with the soaring value of their property — a full three city blocks in the designated industrial zone that sits on the eastern edge of Williamsburg and Greenpoint — are making the family consider leaving Brooklyn behind for the first time in the company's nearly 100 years.

“We’re not in the real estate [game]. We make candy,” says Richard Raduzky, grandson of Joyva’s founder, on a recent tour of the impressive factory, which is equipped with much of the same machinery they’ve used for decades, including a massive underground tunnel system that funnels tahini between buildings. His small office inside the sweet-smelling brick building is decorated with decades-old wooden boxes in which the company once delivered candy bars.

At the same time, “we’ve been approached about our real estate — the market has come to us,” says Raduzky. “It’s on the table because it never was before.”

The North Brooklyn Industrial Business Zone, a 721-acre swath of land stretching from Newtown Creek to the northern edge of Bushwick, was established in 2013 (as an expansion of the East Williamsburg Industrial Park that had been in place since 1982) to help protect what remained of what had once been a hub for breweries and other industrial uses. Like other manufacturing zones across the city, its zoning designation allowed for a broad array of uses that includes not only light and heavy industry, but also hotels, department stores, and office buildings, though for many years the area remained predominantly industrial.

As of 2015, according to the Department of City Planning’s analysis of state labor data, the district was home to around 20,000 jobs, 15,000 of them industrial, including jobs in manufacturing, transportation, and warehousing.

While North Brooklyn has been bleeding industrial jobs for decades, a transition which sped up along the waterfront following Mayor Michael Bloomberg's 2005 residential rezoning of Williamsburg and Greenpoint, it's just begun to kick into high gear as East Williamsburg and Bushwick have grown increasingly attractive to residents and businesses alike. East Williamsburg's first new office building opened up on Bogart Street in August, and a handful more are in the pipeline. Three massive music venues — Elsewhere, Brooklyn Steel, and Avant Gardner – have opened this year, all on former industrial land.



Tahini pours into tins stamped with Joyva's signature sultan logo. GWYNNE HOGAN

The renewed interest in East Williamsburg has actually led to a slight uptick in industrial jobs, which rose 15 percent between 2010 and 2015, the first increase in the area in decades that included spikes in jobs in the wholesale trade, waste management, construction. But jobs in offices, as well as in retail, entertainment, and

hospitality, have increased at a far greater clip — up 27 percent and 58 percent respectively, according to the Department of City Planning.

Leah Archibald, head of Evergreen Exchange, an advocacy group for the area's industrial businesses, says that since 2015, the transition from industrial to other uses has kicked into high gear. She cites several office buildings under construction, as well as the departure of a handful of industrial businesses in the last two years, including printing company Alvin J. Bart and Sons and food packers Trans-Packers, which is leaving East Williamsburg at the end of the year.

“If the city does nothing, the entire East Williamsburg industrial area will no doubt turn into an attractively distressed office park, replete with reused timber and Edison light bulbs,” warns Archibald. “Is that what we want?”

The city has acknowledged these concerns, and says it plans to address them. In 2015, Mayor Bill de Blasio made a commitment to bolster jobs in the industrial sector, and the Department of City Planning began a study of the North Brooklyn Industrial Business Zone, with the goal of finding ways of “preserving and growing industrial jobs, as well as other compatible jobs in the creative and innovative sectors.”

But a year has passed since the final study was supposed to be released, with the Department of City Planning now saying it expected to have the report out by the end of the year.

RELATED

MEDIA

‘There Goes the Neighborhood’ Tackles Brooklyn’s Gentrification Problem

by TATIANA CRAINE

Advocates like Archibald, who suspect the delay is related more to slow-moving bureaucracy than to intentional ill will, are hoping that the city’s recommendations will include a zoning mechanism to slow non-industrial development. “Things that are not compatible should have some sort of speed bump to slow their development like hotels or very large venues or homeless shelters,” she says. “We’re not even saying they should be forbidden. Just put in some sort of public review process.”

A draft of the report released this summer proposed splitting the industrial zone by transit access, restricting use of the land farther away from L train stops to heavy industrial use, while creating higher density for mixed office and industrial use closer to the train stops. Once the official recommendations come out, they’ll have to go

through a formal land use rezoning process, which will take months; during that time, there's the risk that pressures from the real estate industry could alter or impede them from being implemented.

Real estate mogul Jamie Wiseman of Cayuga Capital, which has redeveloped a handful of plots of industrial land into commercial and residential buildings across Williamsburg and Bushwick — including 321 Starr Street, on track to becoming a climbing gym — argues that the trend toward offices and nightlife venues isn't some nefarious land grab by developers. Rather, he says, industrial business owners are making a calculation to cash in on the value of the land they own and relocating to areas where it's cheaper for them to operate.

“Industrial businesses need to go where their labor is cheap and their power is cheap and their space is cheap,” says Wiseman. “And unfortunately in New York, none of those things is true.” Of Evergreen Exchange's opposition to redevelopment, he says, “Leah Archibald is putting up the good fight, but she's kind of fighting gravity.”



Richard Radutzky, co-owner of Joyva in East Williamsburg. GWYNNE HOGAN

While the area's new uses may not be industrial, says Wiseman, "at least these businesses are growing and employing a lot of people." Though, he adds: "It may not be the same people."

Indeed, the majority of the new jobs created in offices and nightlife cater to younger, tech-savvier millennials. The area's industrial businesses have offered a foot in the economic door for many first-generation immigrants, who may not have higher education or English language skills, but who do have craftsmanship. About half of the workers in the North Brooklyn industrial area come from the surrounding neighborhoods of Bushwick, Williamsburg, Maspeth, Ridgewood, and Middle Village, according to an unscientific survey of local businesses, says Archibald.

Some property owners are listening to the concerns of the community and are undertaking creative solutions on their own to bridge the gap.

The owners of a plot of land at 79 Bogart Street say they plan to set aside part of their forthcoming office building for manufacturing businesses at below market rate, similar to a model put forth by Williamsburg developer Toby Moskovits, whose 25 Kent Ave. building near the waterfront is under construction.

But relying on the goodwill of individual property and business won't be enough, says Tod Greenfield, second-generation owner of Martin Greenfield Clothiers, a hand-tailored suit factory that's been located in East Williamsburg since 1917. Standing on the roof of his Varet Street factory, Greenfield gestures to massive apartment complexes and hotels under construction all around. "It's under attack from all angles," he says.

RELATED**NEWS & POLITICS****What Would Amazon's Arrival in Sunset Park Mean for Locals — and City Taxpayers?**

by SARAH AZIZA

Back on the factory floor, amid the whir of Singer sewing machines, Greenfield points to employees who hail from nations including Poland, Haiti, Italy, the Dominican Republic, and Ecuador.

Ana Sanchez, 61, moved to the city from El Salvador in the 1980s. A few days later she found a job at a women's clothing factory in Long Island City. While her English was shaky, she was an expert seamstress, having perfected her craft designing and hand-sewing dresses for her friends in El Salvador. When the factory she worked for closed in 2001, she ended up at Martin Greenfield Clothiers a few months later.

Sanchez didn't like the work at first, she says. Menswear was much simpler than the ornate and intricate women's clothing she was used to sewing, but she got used to it, she says, and was able to raise three kids on her earnings.

“I never asked for help from the government, even now,” she says in Spanish, looking up from the hem of a woolen pant leg. “Here, I survived.”

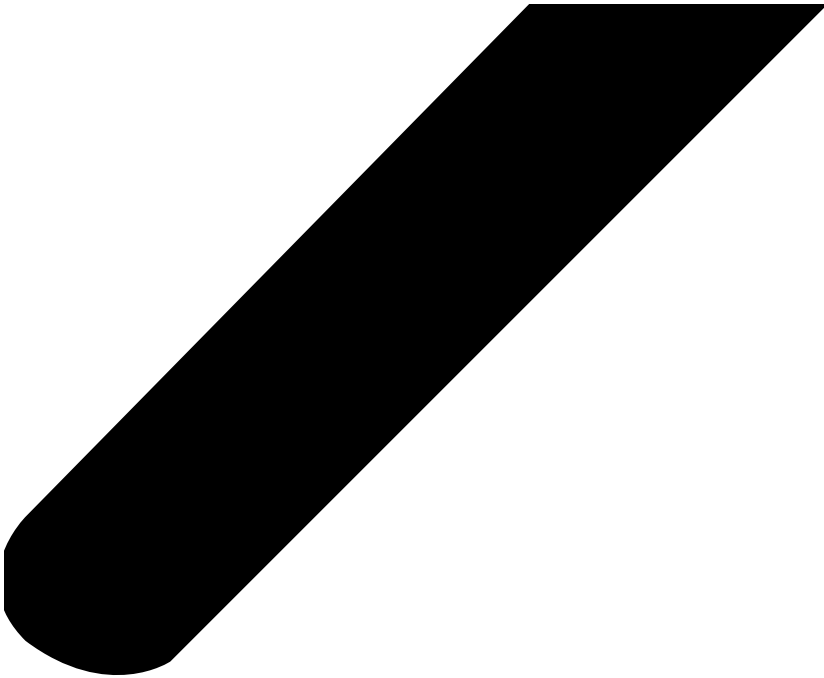
While Sanchez isn't at risk of losing her job, and the Greenfields are determined to stay put and continue operations in the building they own, Greenfield worries that the more time passes, the less there will be left to fight for.

“People need freshly baked bread; school buses need a place to park,” he says. “The city could die if it doesn't have these areas protected.”

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Williamsburg Warns East New York About Industrial-Strength Gentrification

by [Nathan Tempey](#) in [News](#) on Mar 8, 2016 9:44 am

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Tweet



Nominal efforts to protect industry in rezoned Williamsburg and Greenpoint failed. ([Runs With Scissors/Flickr](#))

The City Council hearing yesterday ran long, so long that it had to relocate from the Council chambers across Broadway to a fluorescent-lit room in a tertiary city office building because someone needed to use the space. It was not a typical meeting for the zoning subcommittee of the Council's Land Use Committee. The subject was the [planned rezoning](#) of [part of East New York](#) to allow taller residential buildings and stack 6,500 new apartments on top of the neighborhood. Lined up to voice their opposition were dozens of neighborhood residents and advocates. Their testimony carried the hearing nearly to the eight-hour mark.

The thrust of the opposition to the rezoning, familiar by now, conveyed in English and Spanish, through tears and research citations, was that the rezoning would create too few below-market rate apartments (half of a planned 7,000), and too few of those would be affordable to current residents (East New York's median income is \$35,000 and just a quarter of the planned apartments would be available to people making \$31,000 or less), while opening up the floodgates to luxury development that will drive up rents and send low-income residents packing.

Speakers on all sides of the issue emphasized that the specter of speculative real estate has already arrived in the form of tenant harassment, [incessant home-buying offers](#), and rising rents.

"Neighbors on my street are already jacking up the rents to \$1,800," East New York Councilman Rafael Espinal said.

During hours in the hot seat, Department of Housing Preservation and Development Commissioner Vicki Been disputed an often-cited Comptroller's Office analysis saying that the rezoning puts 50,000 people at risk of displacement. Been argued that 50,000 are already at risk of displacement, given that there are 24,000

non-rent-regulated apartments in the neighborhood. (A spokesman for the Comptroller's Office indicated that those ideas [aren't mutually exclusive](#).)

"If you did nothing gentrification would actually accelerate in East New York," said Meredith Marshall, co-founder of the development firm BRP Companies, and along with other affordable housing developers who spoke, the only private citizens who expressed full support of the plan. "Where you have transportation you have movement eastward in Brooklyn, and people are gravitating to those sites and those neighborhoods."

Legal Services NYC deputy housing director Luis Henriquez, who oversees tenant lawyers, many of them newly hired as part of [de Blasio's anti-harassment push](#), spoke in opposition, but said his office is already seeing decades-long tenants being taken to housing court for the first-time as landlords aggressively offer buyouts and real estate LLCs proliferate.

"We have spoken about gentrification in East New York as a future thing, but it's something we are seeing now as housing lawyers," Henriquez said.

East New York is the first of 15 neighborhoods up for rezoning under Mayor de Blasio's contentious [affordable housing plan](#), but it also follows a long line of neighborhoods rezoned by former mayor Michael Bloomberg. On hand at the hearing were veterans of the 2005 Williamsburg-Greenpoint waterfront rezoning, who argued the obvious: that luxury towers sprouted like mushrooms across the neighborhoods while barely any affordable housing got built (just 2 percent of promised units [by 2013](#), while only two years of financing for 1,200 affordable units have been lined up for East New York). They also warned that the rezoning delivered a crippling blow to the area's warehouses and small factories.

The East New York rezoning plan nominally relies on two mechanisms to keep industrial small businesses around: MX zoning, which allows for both residential and light industrial uses, and industrial business zones, designated manufacturing areas where companies moving in are eligible for tax credits and business owners are supposed to have access to services. A recent Pratt Center for Community Development [report \[PDF\]](#) found that both mechanisms failed to keep speculative real estate out of Williamsburg and Greenpoint's factory areas.



East New York's industrial business zone is mostly left out of the rezoned area, but it could still be seriously affected. (Nathan Tempey/Gothamist)

In the MX-zoned areas along the East River, near the Brooklyn Navy Yard and Bushwick Inlet, industrial square footage decreased by over 60 percent over the decade since the rezoning.

"Where in the city has MX ever led to industrial or commercial preservation?" Williamsburg Councilman Antonio Reynoso demanded of de Blasio administration officials during a testy exchange.

According to the report, there has only been one MX-zoned area where industrial growth has taken place since the designation was created in 1997, in West Harlem. Other researchers found that of 32 manufacturing businesses in an area rezoned MX in Greenpoint and Williamsburg, only 8 remain today.

Department of City Planning executive director Purnima Kapur explained that the MX rezoning of Ocean Hill, just west of Broadway Junction, is meant to reflect a mix of light industry and single family homes that has existed since the mid-20th century. City Planning Commission chairman Carl Weisbrod offered, "We're protecting the homeowners that are there, and we're also protecting the jobs."

But Reynoso questioned the effectiveness of the rezoning's ability to protect jobs in industrial areas once those areas can profitably become residential. "Given the choice, developers are always going to convert to residential," Reynoso said. "You're giving away [industrial] land for pennies on the dollar for residential."

Kapur and Weisbrod offered that the nearby IBZ, south of Broadway Junction, had been left out of the rezoning entirely to keep businesses. Williamsburg and Greenpoint's experience is instructive here, too.

A representative from the Evergreen Exchange, a membership organization serving industrial companies in Williamsburg and Greenpoint, recounted how since rezoning, the number of businesses it serves has dropped from 300 to 66, and that though there are pockets where industry still predominates, in the Williamsburg-Greenpoint IBZ, the "majority of the zone is now populated by hotels, nightclubs, and large-scale amusements."

The Pratt report backs this up most of the way, saying, "The proliferation of non-industrial uses has fueled speculation and commercial gentrification, even within the IBZs." Though they "remained zoned for manufacturing, the penetrable character of manufacturing zoning combined with the real estate pressure stemming from adjacent areas that had been rezoned for market-rate residential development led to substantial encroachment by as-of-right, non-industrial uses. In 2004, the year before the rezoning was approved, 87% of the lot square footage in the IBZ was occupied by 'Industrial and Manufacturing' uses; there were no 'Commercial and Office' uses. By 2014, 'Industrial and Manufacturing Uses' decreased by over 378,000 square feet and now only comprise 65% of the lot square footage. In contrast, commercial uses have increased by 236,000 square feet and now constitute 14% of all lot square footage." Exhibit D.3

East Brooklyn Business Improvement District manager Bill Wilkins represents 95 East New York businesses, including metal fabricators, bakeries, and sign makers. He testified that the rezoning, particularly the use of MX zoning, which also extends to parts of Liberty and Altantic avenues, spells certain displacement of businesses that have served as life rafts in the red-lined, poverty- and crime-stricken neighborhood.

"We are very concerned about the manufacturing sector in our community, which has long been the backbone of an otherwise bleak economy," Wilkins said, noting that member businesses pay an average salary of \$50,000.

Real estate and resources are already tight, he said:

"We don't have inventory available for businesses to expand, grow and relocate. If you do approve this plan, we are in need of funding for industrial relocation grants."

Espinal said he expects the rezoning to go up for a vote in 40 days. He must sign off on the plan first.

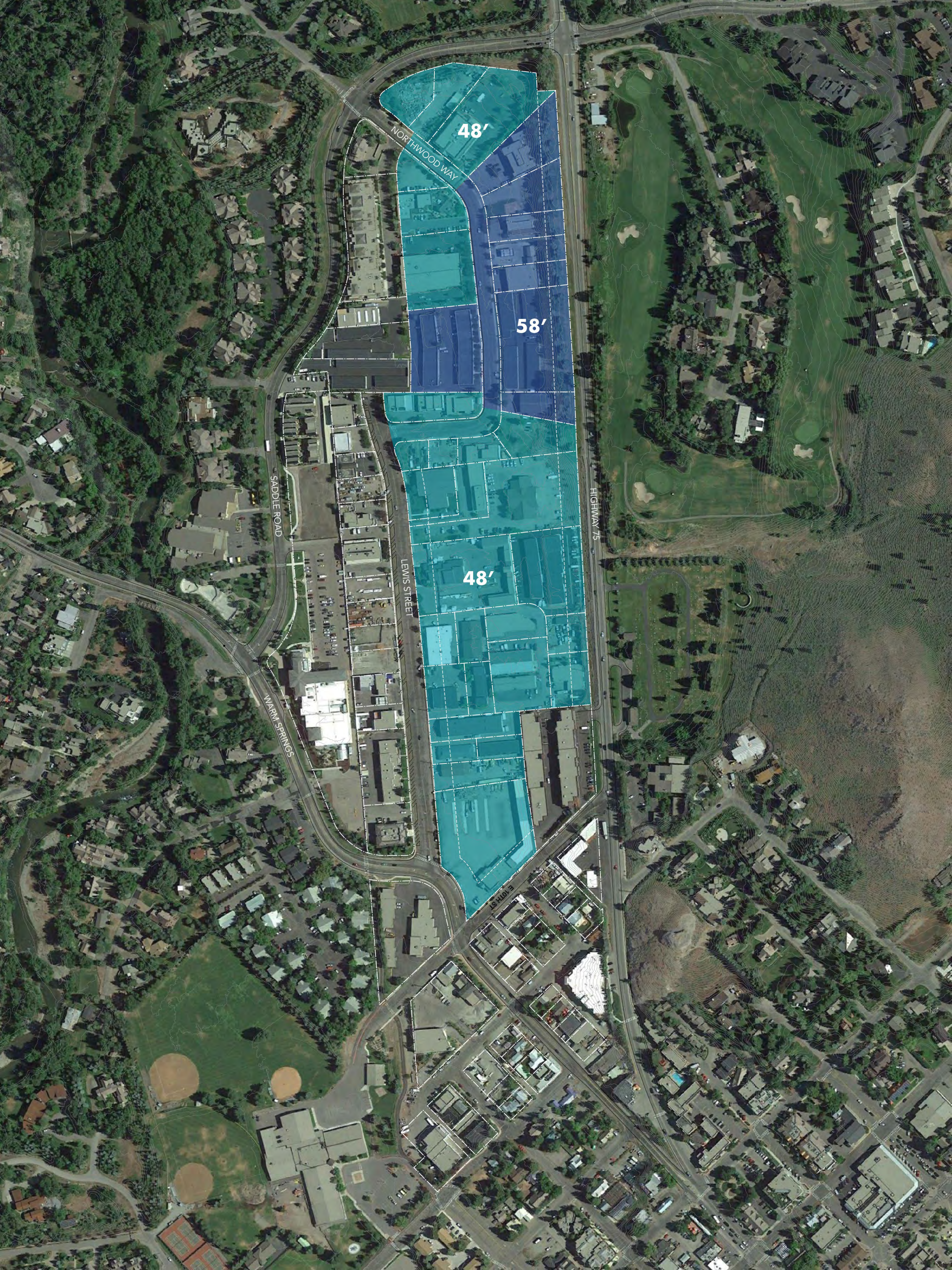
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-

Exhibit F



48'

58'

48'

NORTHWOOD WAY

SADDLE ROAD

WARM SPRINGS

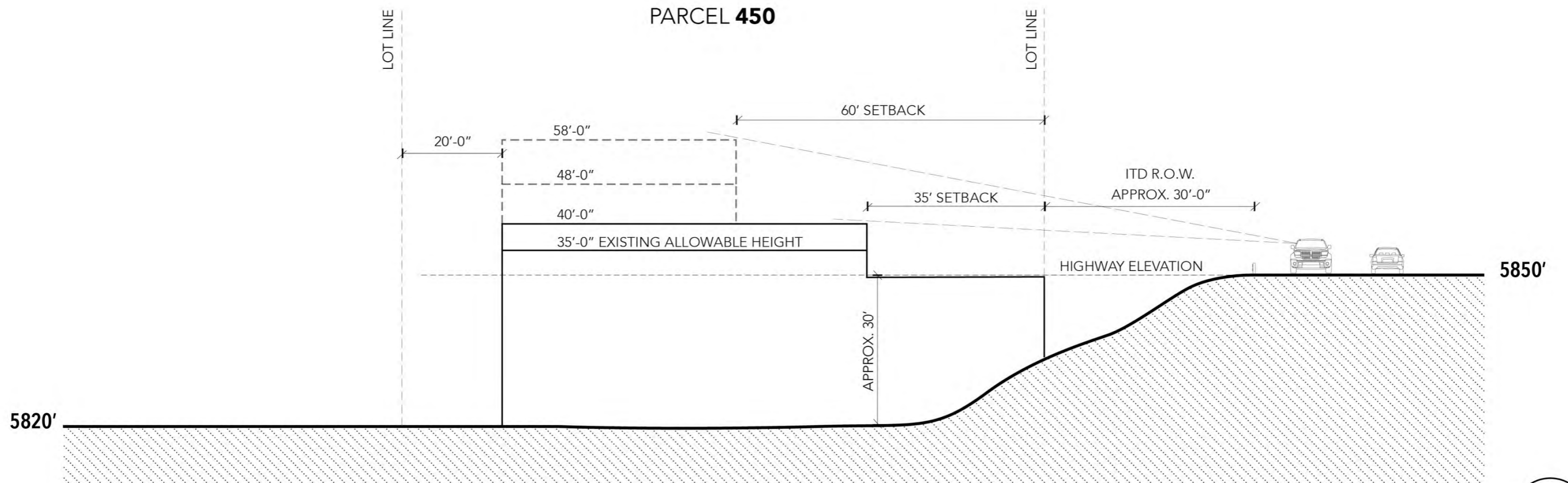
LEWIS STREET

HIGHWAY 75

E 10TH ST



VIEW KEY



HIGHWAY 75 - SECTION



VIEW 03 // EXISTING



VIEW 03 // 35'



VIEW 03 // 40'



VIEW 03 // 48' GABLED



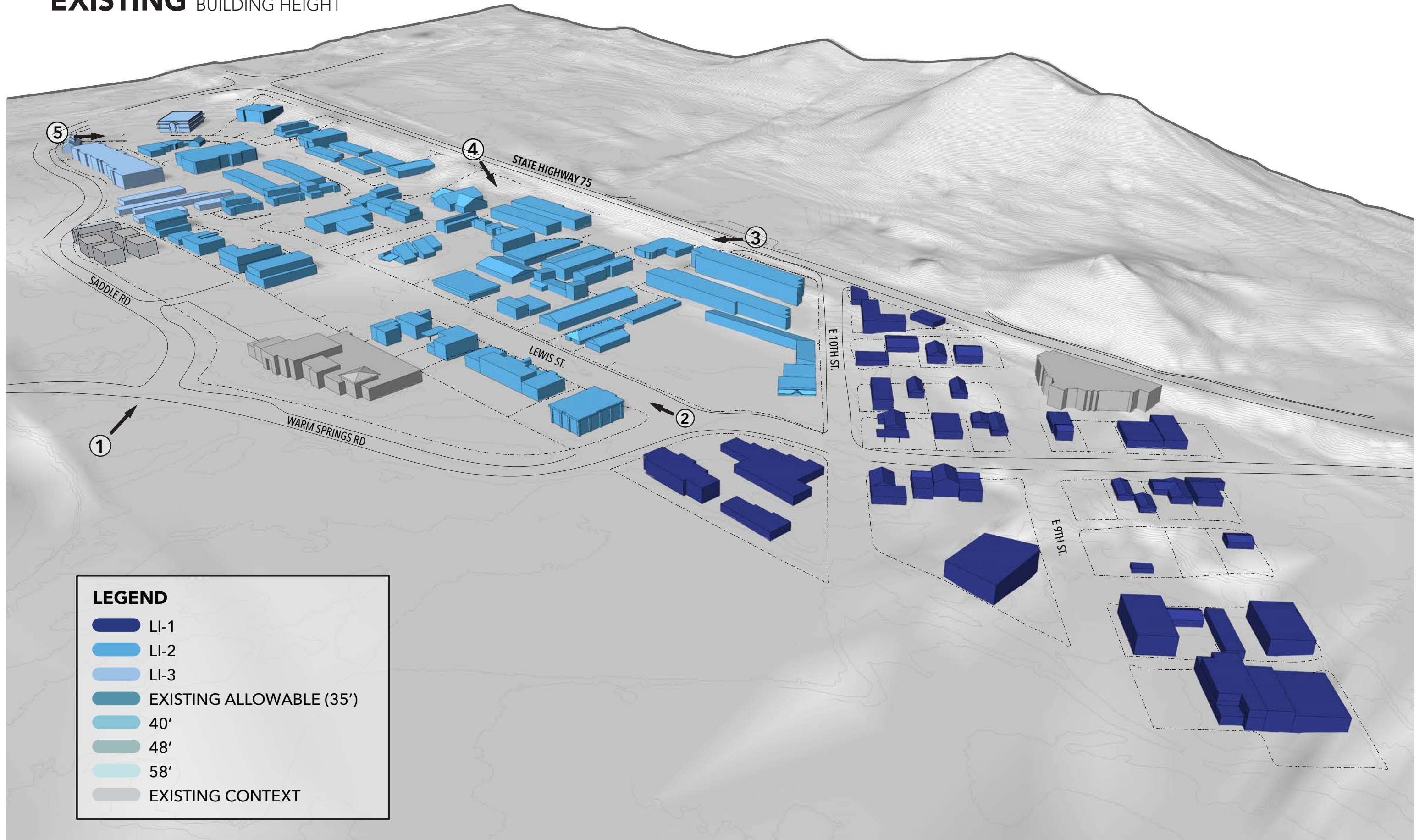
VIEW 03 // 48' SQUARE



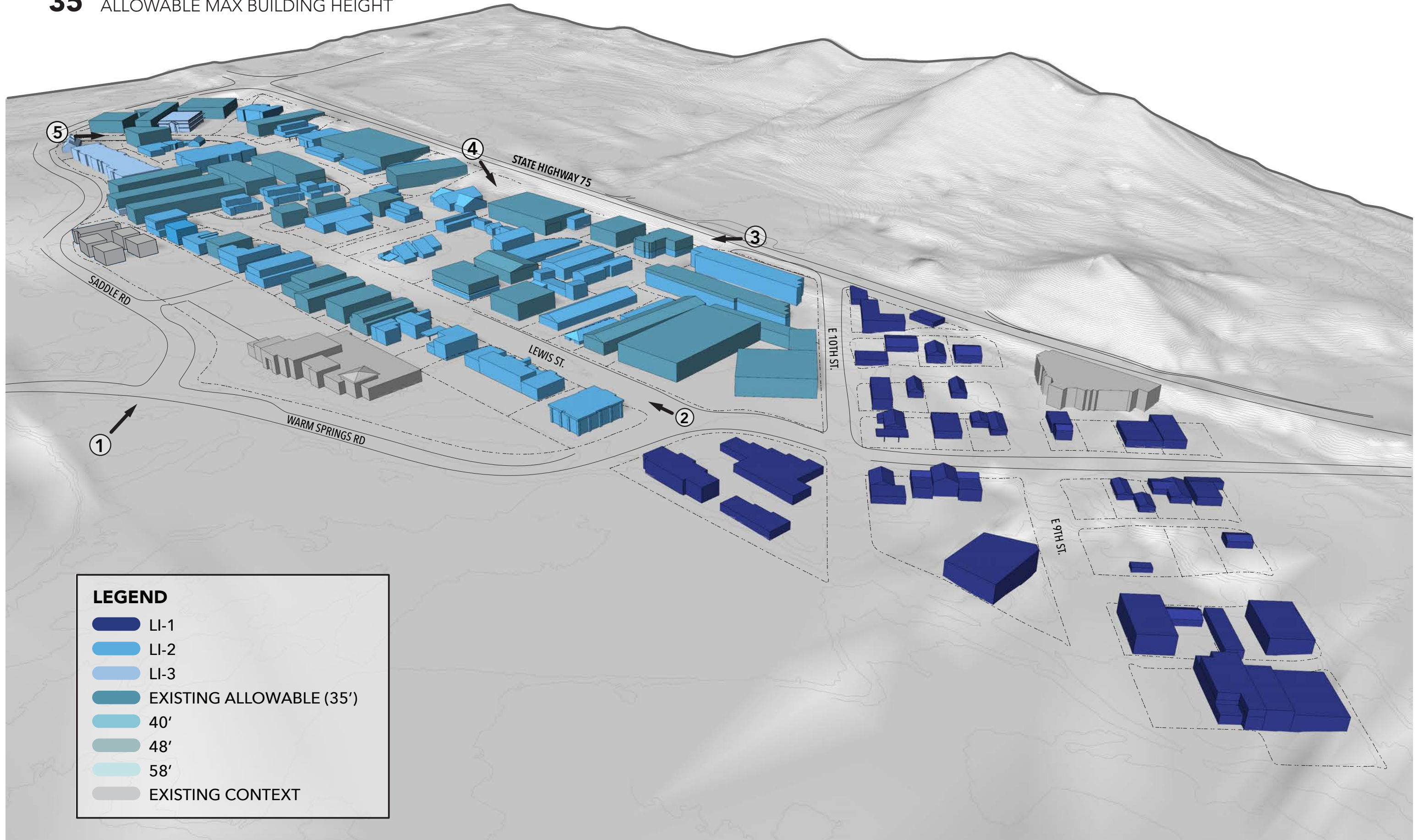
VIEW 03 // 58'



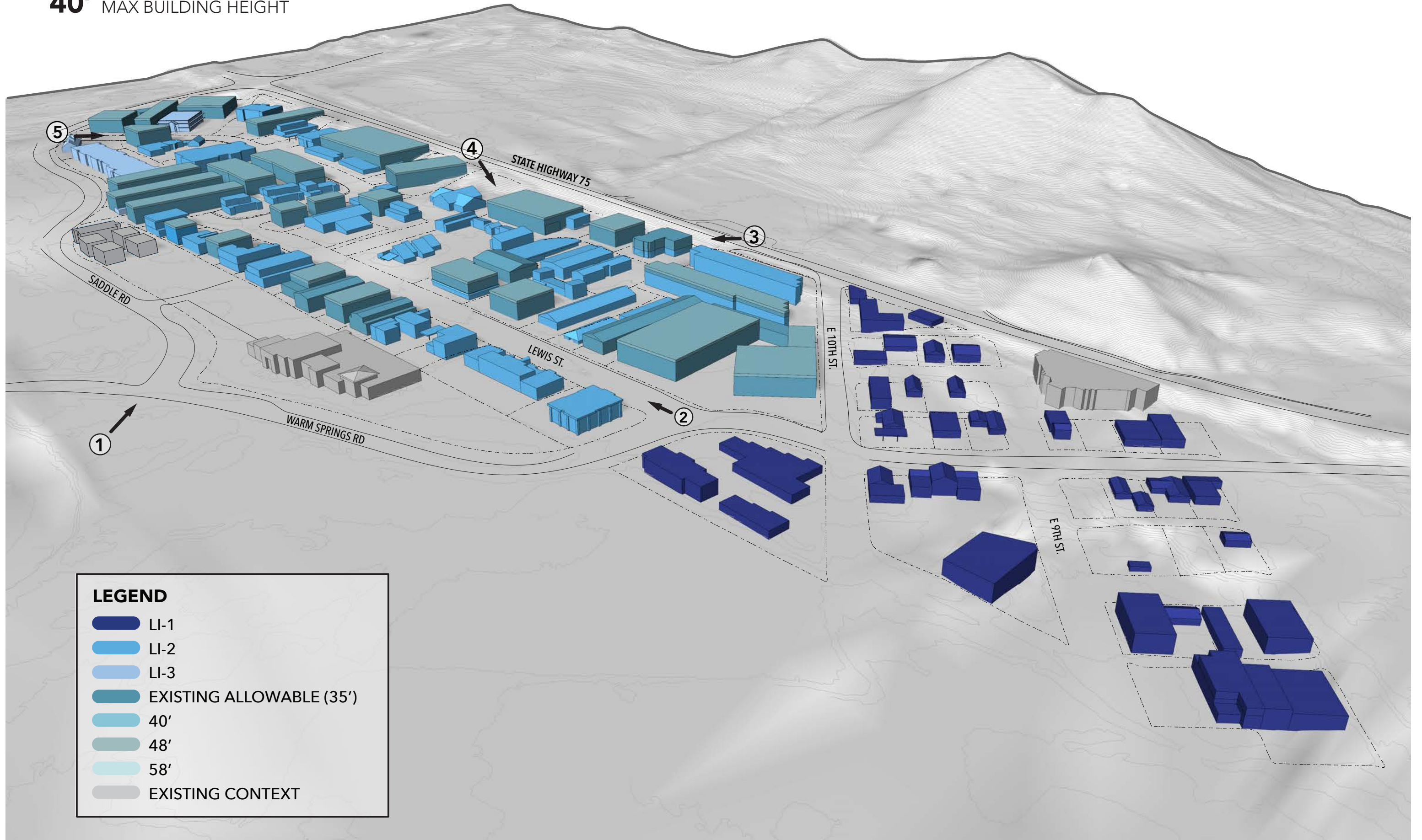
EXISTING BUILDING HEIGHT



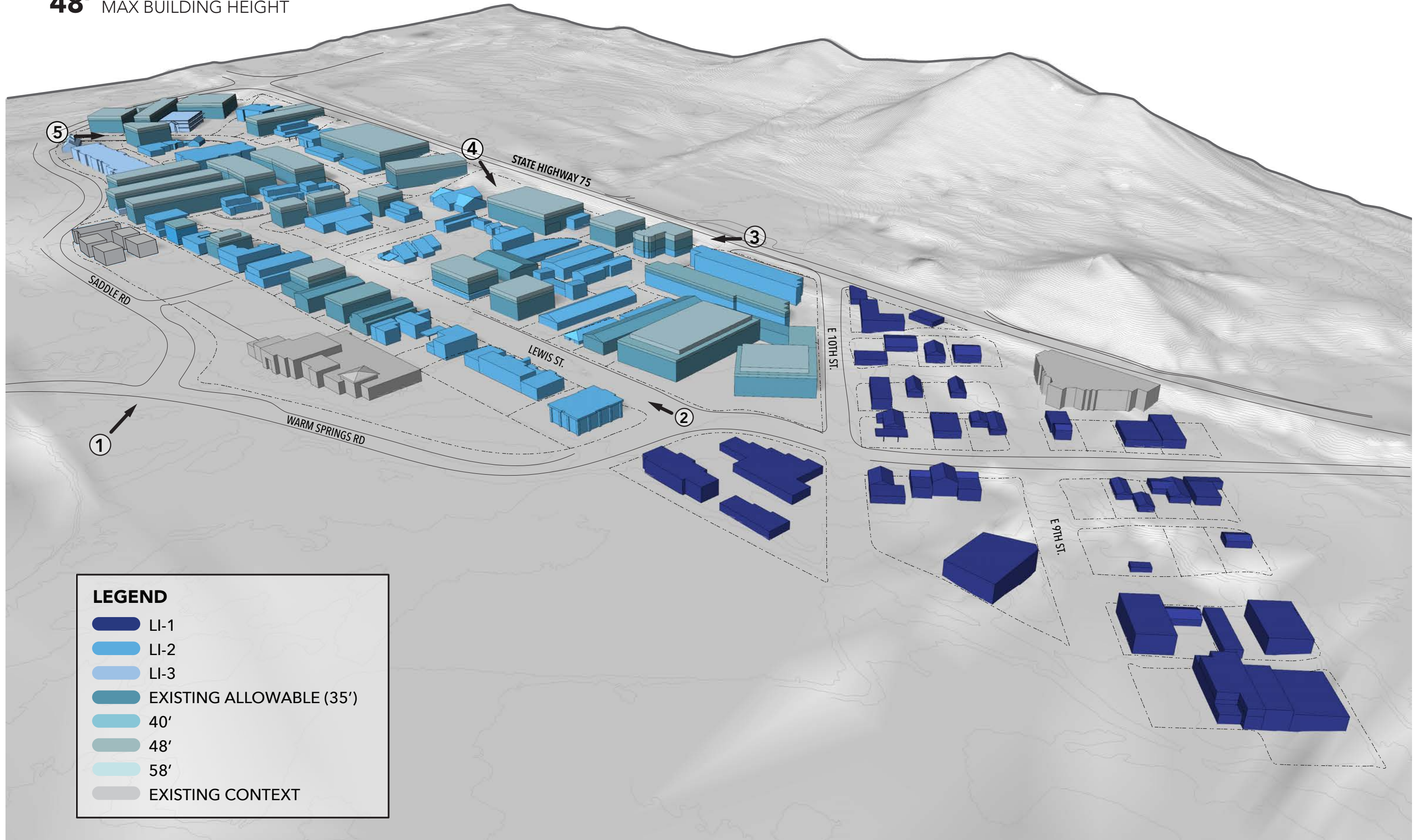
35' ALLOWABLE MAX BUILDING HEIGHT



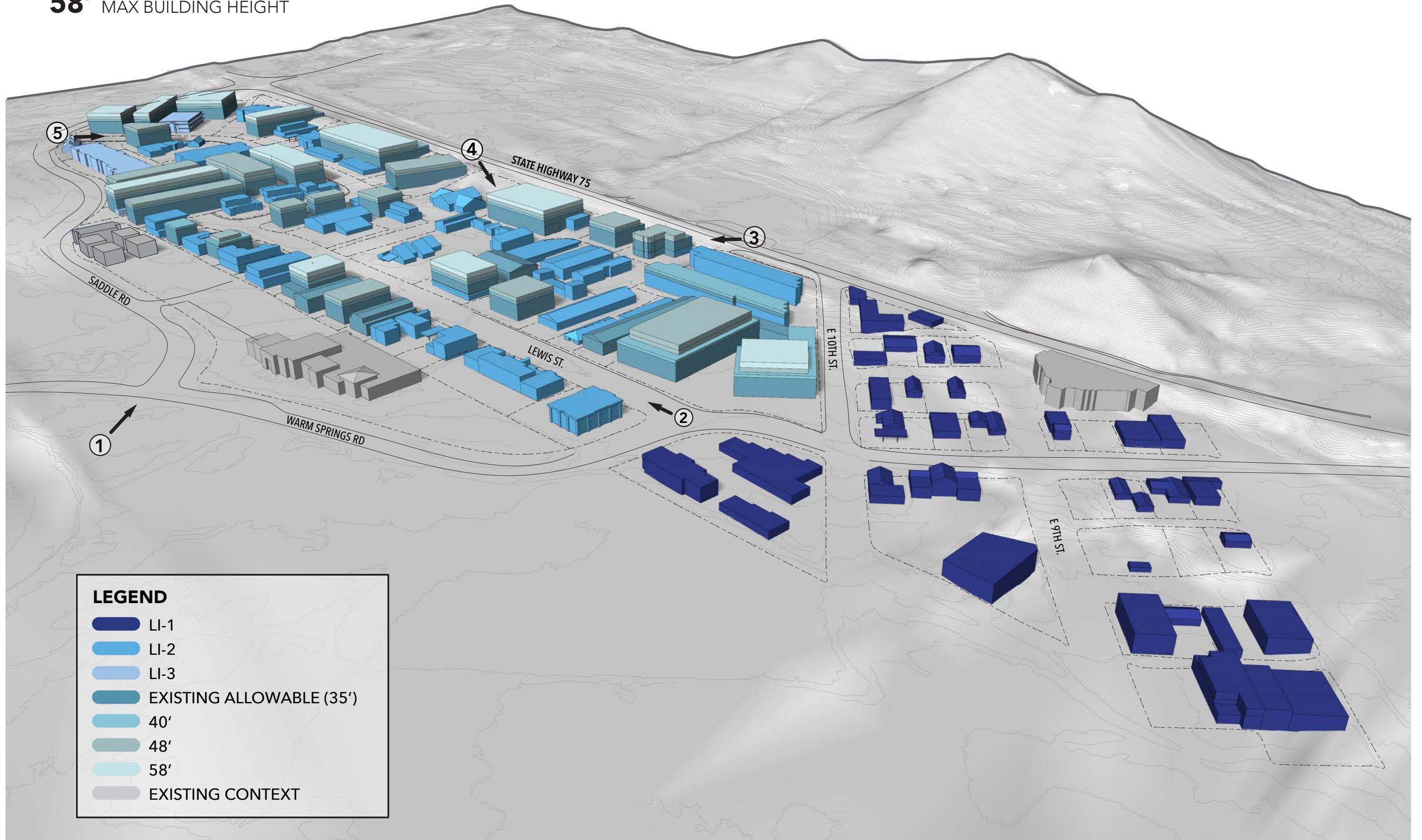
40' MAX BUILDING HEIGHT



48' MAX BUILDING HEIGHT



58' MAX BUILDING HEIGHT



VIEW 01 EXISTING



VIEW 01 // 35'



VIEW 01 // 40'



VIEW 01 // 48'



VIEW 01 // 58'



VIEW 02 // EXISTING



VIEW 02 // 35'



VIEW 02 // 40'



VIEW 02 // 48'



VIEW 02 // 58'



VIEW 03 // EXISTING



VIEW 03 // 35'



VIEW 03 // 40'

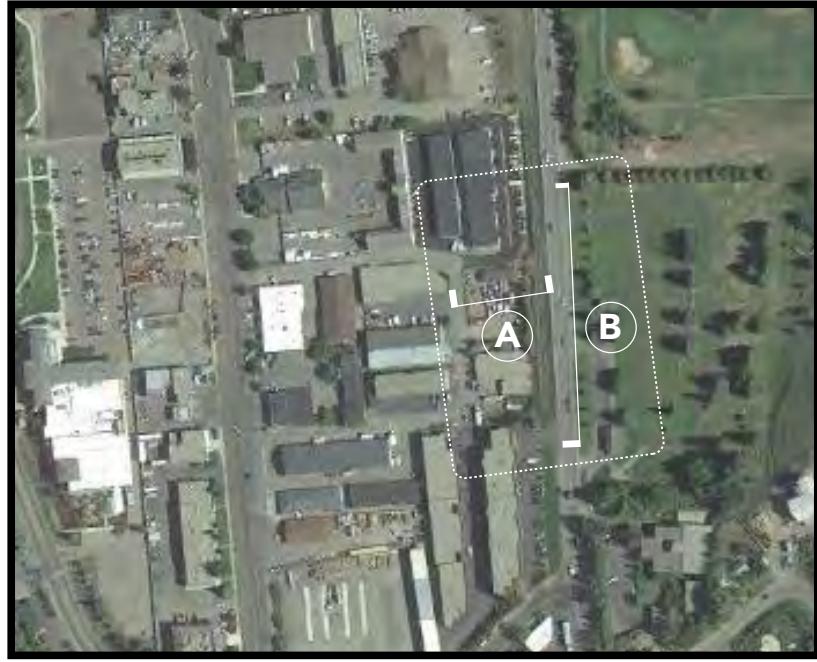


VIEW 03 // 48'

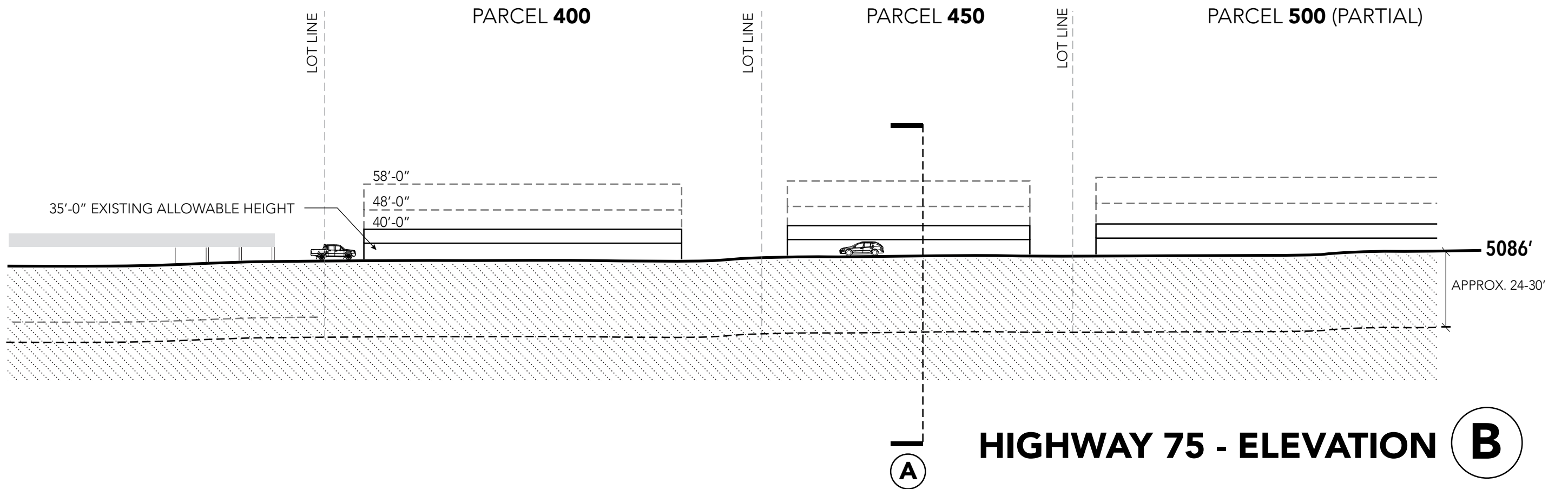


VIEW 03 // 58'





VIEW KEY



VIEW 04 // EXISTING



VIEW 04 // 35'



VIEW 04 // 40'



VIEW 04 // 48'



VIEW 04 // 58'



VIEW 05 // EXISTING



VIEW 05 // 35'



VIEW 05 // 40'



VIEW 05 // 48'



VIEW 05 // 58'





VIEW KEY

AREA TAKEOFF

COMBINED LOT SF = **23,958.54 SF**

COMBINED LOT ACRES = **.552**

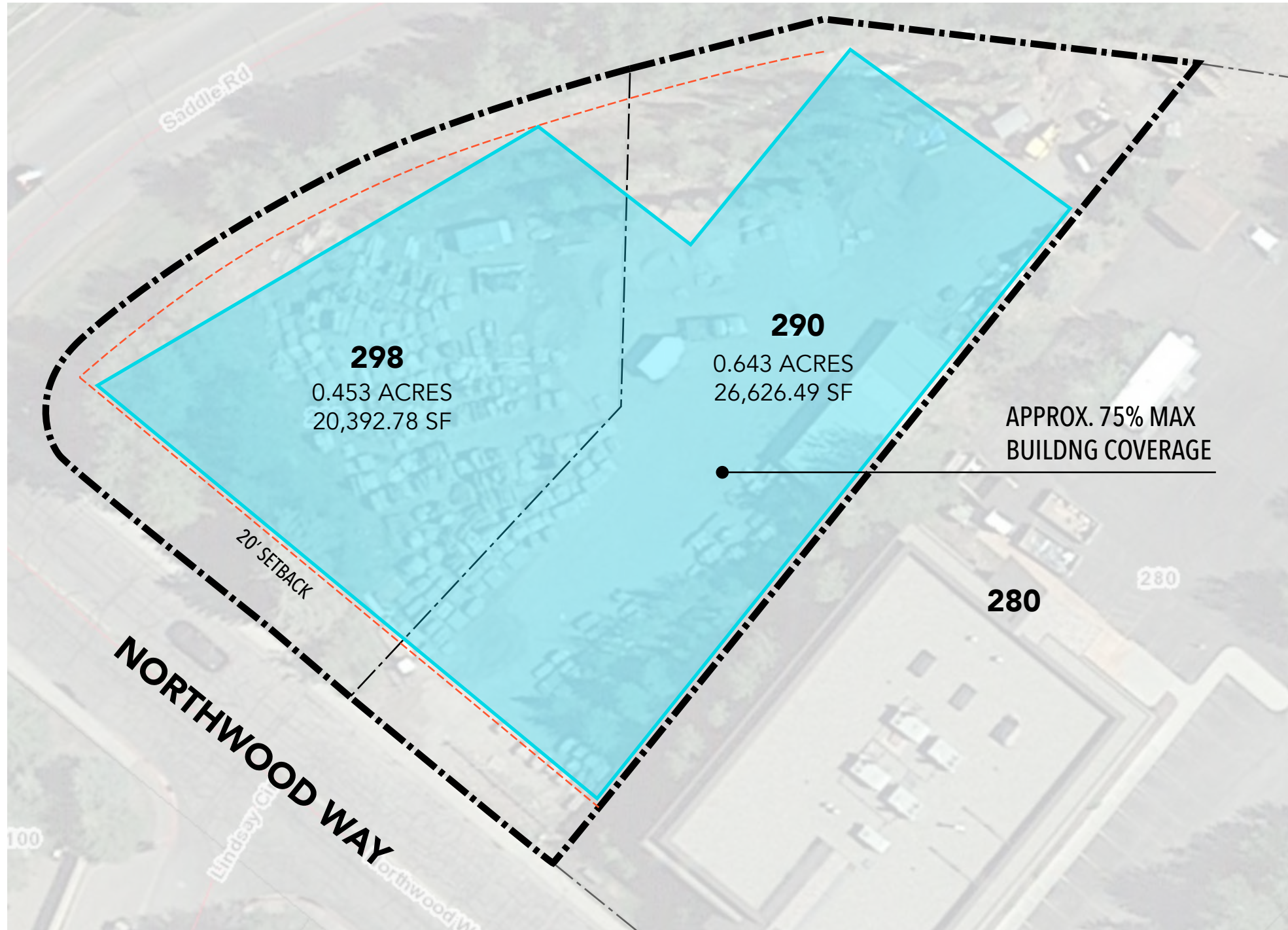
POTENTIAL BUILDING FOOTPRINT = **17,968 SF**

+ LEVEL 02 = **35,936 SF**

+ LEVEL 03 = **53,904 SF**

+ LEVEL 04 = **71,872 SF**

+ LEVEL 05 = **89,840 SF**



VIEW KEY

AREA TAKEOFF

- COMBINED LOT SF = **47,019.27 SF**
- COMBINED LOT ACRES = **1.096**
- POTENTIAL BUILDING FOOTPRINT = **35,264.25 SF**
- + LEVEL 02 = **70,528.5 SF**
- + LEVEL 03 = **105,792.75 SF**
- + LEVEL 04 = **141,057 SF**
- + LEVEL 05 = **176,321.25 SF**

Exhibit G



City of Ketchum

January 30, 2019

To the Ketchum Community:

How can the light industrial zone be preserved and invigorated while providing an opportunity for the housing needed in the community? Last week, the city hosted 160 attendees at open houses held at the Limelight Hotel to answer this question. The city shared its vision for the light industrial area (LI) developed thus far and which positions the LI needs – as the place for businesses and housing – to secure a sustainable and diverse future for Ketchum. Open house participants conversed with elected officials and staff and shared thoughts in writing to a series of open-ended questions. What still remains a major concern is an increase in vacation rentals and second homes being introduced into the LI.

Some broad observations were as follows:

- Majority expressed support for workforce housing and live/work, or a healthy balance of housing and light industrial use, as the priority for the LI
- The LI as a place for entry-point housing was seen as the biggest opportunity for housing in the LI
- Preservation of light industrial use on the first floor was deemed most important in the geographical center of the LI – the LI-2 district
- Support was expressed for a broad variety of uses – recreation technology, modern office spaces, educational workshops, teacher housing, artist live/work space, building trades; yet auto repair and construction related uses were deemed essential
- Support over height limit increases was mixed
- Overall, the majority agreed the city is on the right track with proposed changes to the LI

City Council will now consider the recommendations of the Planning and Zoning Commission along with any changes city staff deem essential after hearing from the public.

Now that we've heard from the community, we are confident a solution can be achieved that satisfies the requirements of the businesses and users of the LI, and provides affordable, workforce housing we so desperately need.

Read on for the full results and a copy of the presentation.

Mayor Neil Bradshaw

OUR VISION FOR A VIBRANT SUSTAINABLE COMMUNITY

What kind of community do we want to become?

A High End Resort Retirement Community
or

A Living Community with a Sustainable Economy and a Diverse Demographic Prepared for the 21st Century?

"This should have been done 20 years ago.
It's too late to change now."
Ketchum Resident 2040

Ketchum is Becoming Older

1990 median age: 33.4 years
2000 median age: 39.0 years
2016 median age: 50.6 years
U.S. median age: 37.4 years

Emptier

Population Census 2000: 3,011
Population Census 2016: 2,753
Population year round* 1,800

*Estimate based on water use.

Slower

Fewer Slack Events
Less Evening Entertainment Offerings
Town Closes Earlier



Part-time Homeowners and Visitors rank **sense of community** as one of their top priorities

"Come for the skiing, return for the summers, stay for community."

Vibrant Communities & Healthy Economies need **people to live in them**, not just to visit or commute to them

"No businesses will move here if they can't find a place for their employees to live."
Longtime Ketchum Businessman

"If the only people left after most workers leave for the day are tourists and night staff, the sense of community, tradition, and history that are Ketchum's cornerstones will be lost."
Housing Affordability in Ketchum p5

Age diversity creates vibrancy
Vibrancy increases tourism
The next generation of tourists won't visit a retirement community

We Need Housing for the Next Generation of Community Leaders

HOUSING FOR PEOPLE WHO WORK IN KETCHUM & WANT TO LIVE HERE

A Vision for Housing

2014 Ketchum Comprehensive Plan Page 25

The Ketchum community wants:

- the majority of people who work in Ketchum to have an **opportunity to reside here**
- people who have lived here to be able to **stay here** regardless of their age

The Ketchum community knows:

- diversity of housing** is critically linked to a strong economy and a year-round population
- diverse and **affordable housing** is often one of the first considerations for new business locating in a community

Living south and commuting will always be an option, but people who live in Ketchum:

- spend their money** in Ketchum stimulating the Ketchum economy
- are closer to where they work and more **invested in the community**
- relieve traffic congestion** by eliminating a commute

the Community Supports

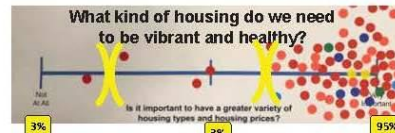
Results from A Fair on the Square Summer 2018

We need more long-term rental housing for our workforce!



Mayor's Comments: The public overwhelmingly believes that more long-term rentals are needed in Ketchum.

Is it important to have a greater variety of housing types and prices!



Mayor's Comments: The public indicates that it is important for Ketchum to have a greater diversity when it comes to housing types and prices.

It is important for our future to have housing in Ketchum for people who want to live and work here!



Mayor's Comments: Housing for the workforce is important if local businesses are going to retain employees.

and the Data Confirms

Long-Term Rentals play a vital role in creating a functional community

- Local businesses need affordable rentals to attract and retain employees
- Lack of rental housing is an impediment to new businesses looking to establish in Ketchum
- The Next Generation needs a way to get started when first moving to our town

In Ketchum there were only **79 Long-Term Rentals** advertised in all of 2016 and **over 300 Short-Term Rentals** are advertised online daily

"Since 2010, short-term rentals contribute to the loss of workforce ownership and rental housing in Ketchum."
Housing Unaffordability in Ketchum p.5

HOW IS THE LIGHT INDUSTRIAL ZONE CURRENTLY WORKING?

The L.I. Zone is Under-Developed

Definition:

Under-Developed Land = land value is greater than the value of the built improvements



- Vacant Land
- Under-Developed Properties

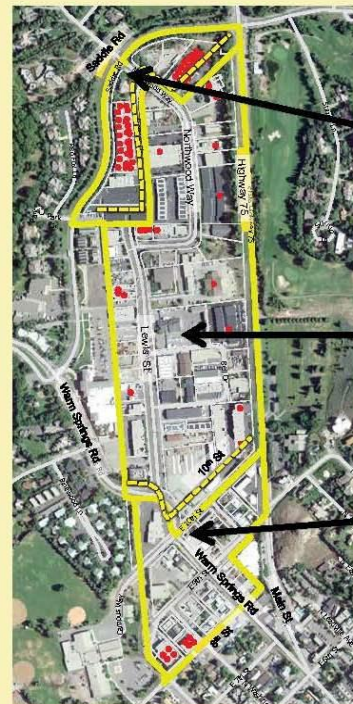
L.I. 3
Transition Area adjacent to Saddle Road

L.I. 2
Heart of the L.I. centered around Lewis Street

L.I. 1
Transition Area centered around Warm Springs Road

Existing Residential Uses in the L.I.

The current ordinance allows residential use in the L.I. zones as a Conditional Use or as part of a Planned Unit Development



● Residential Units

L.I. 3
48 Permitted Residential Units

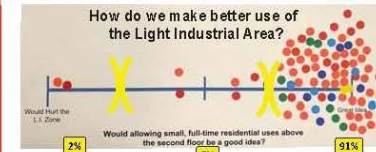
L.I. 2
18 Permitted Residential Units

L.I. 1
8 Permitted Residential Units

The Community Supports Residential Use in the L.I.

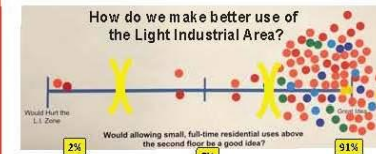
Results from A Fair on the Square Summer 2018

Would allowing small, full-time residential uses above the second floor be a good idea?



Mayor's Comments: Clearly there is support for more residential units in the L.I., as long as the units are above the ground floor.

Would zoning for Live/Work places be a good idea in the L.I.?



Mayor's Comments: Encouraging a diversity of housing options is essential to enable a diversity of residents to live in Ketchum. "Live/Work" should be one of those options.

as long as L.I. on the ground floor is protected

Mayor's Comments:

Any potential rezone of the L.I. must ensure that L.I. use is allowed and provided for on the lower floors. This has to be part of our thinking.

PURPOSES AND

USES IN THE THREE

DIFFERENT L.I. ZONES

L.I. 3 17.18.150

LIGHT INDUSTRIAL DISTRICT 3

Purpose: The L.I. 3 light industrial district is established as a **transition area between the L.I. 2 district and the adjacent residential districts.**

L.I. 2 17.18.150

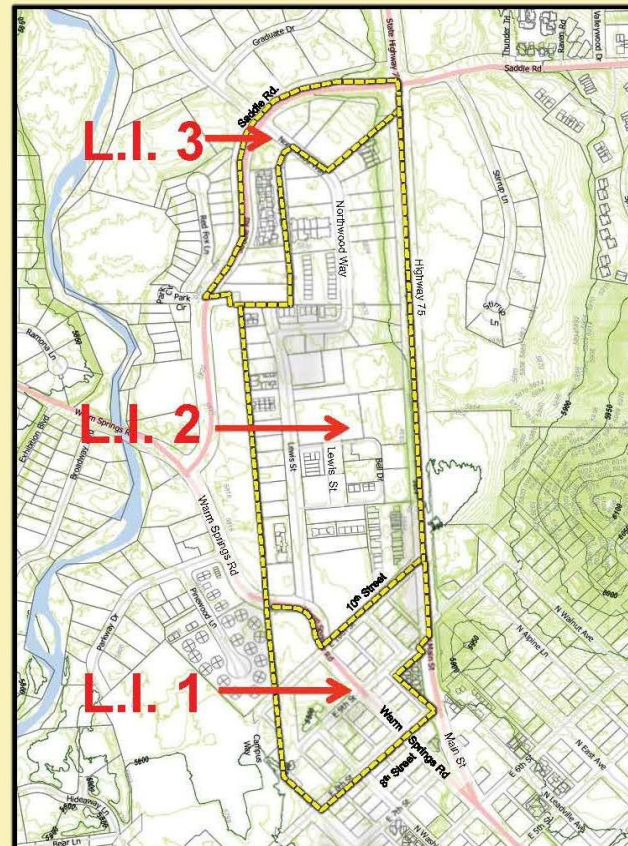
LIGHT INDUSTRIAL DISTRICT 2

Purpose: The L.I. 2 light industrial district is the city's **primary light industrial area** with the foremost purpose of providing suitable land and environs for uses that are not appropriate in other zones due to their light industrial nature, but which provide an **essential or unique service to support the local economy** and permanent year-round employment base.

L.I. 1 17.18.140

LIGHT INDUSTRIAL DISTRICT 1

Purpose: The L.I. 1 light industrial district is established as a **transition area between the L.I. 2 district and the Community Core.**



L.I. Permitted Uses

essential or unique services to support the local economy and provide a permanent year-round employment base

1. small light manufacturing
2. wholesale trade and distribution
3. service industries with bulk retail
4. office use related to construction and maintenance services
5. technology industries
6. research and development

L.I. Conditional Uses

1. limited retail less than 25% of wholesale
2. multiple-family dwellings intended to be secondary and subordinate to the primary light industrial purposes
3. deed-restricted and market-rate multi-family dwellings located within mixed-use buildings

PROPOSED CHANGES TO THE L.I. ZONE FOR CITY COUNCIL CONSIDERATION

Recommended by the Planning & Zoning Commission Oct 8, 2018

The L.I. is essential for a functional community

Provides essential services and critical year-round employment base

Limited Land Area

Less than 3% of land in the city is zoned L.I.

Lacks Economic Incentive to Develop

Building for purely L.I. use yields minimum economic returns

A Challenging Environment for Business Relocation

Lack of workforce housing limits business relocation and expansion

A Prime Opportunity

To retain and attract L.I. uses and provide live/work and workforce housing

Workforce Overlay Area

18' Ground Floor Ceiling Ht.
allows 48' Building Height



Ground floor use is limited to approved L.I. uses

Primary L.I. use required on ground level for delivery and material handling to protect current and future L.I. use

A broader definition of Industrial Uses

Creates opportunity for future uses- Industrial Design, Cottage Industries, etc.

Live/Work Opportunities

Incentivizes start up businesses and entrepreneurs.

18' Minimum Ground Floor Ceiling Height

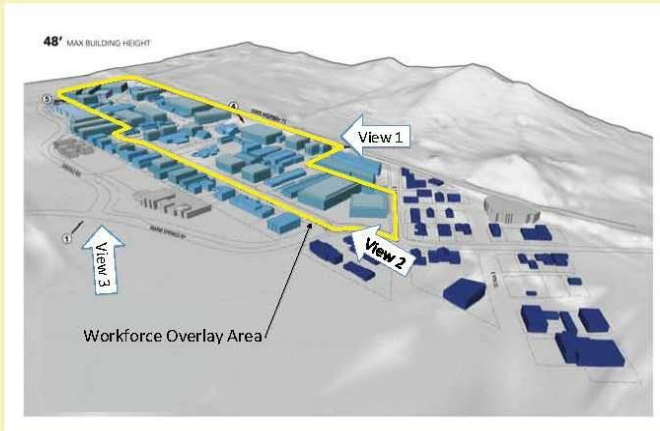
To provide for the greatest variety of future L.I. Allows for 16' garage doors, vehicle access, and ventilation equipment.

Increased Allowable Height

For buildings with 18' min ceiling height on ground floor
40' height for 3-story building
48' height for 4-story building within Workforce Housing Overlay Area

OPTIMIZE OPPORTUNITY

& MINIMIZE IMPACT



**Showing some buildings
in the L.I. 1 & L.I. 2
Workforce Overlay Area
built up to 48' height**

**Increased building height
creates future opportunities
with minimum impact**



**Topography
allows for
greater height
without
blocking views
or shading
highway**



**Minimum view
impact from
Warm Springs Rd**



**Minimum view
impact from
Saddle Road**

WHAT ARE THE RIGHT

RESIDENTIAL USES

Emphasizing Workforce Housing

- Incentivizes rental units
- Smaller Units
- Size Restriction 400 to 1000 sq.ft. in L.I. 1 & L.I. 2
- Ownership units require Deed Restrictions and affordable housing caps

Live/Work Opportunities

- New housing option allowed by city code
- Live/work units can be condominiumized
- Development standards prioritize the work aspect of the unit guaranteed by restrictive covenant
 - Work component must be greater than the residential component
 - Work component must have the primary entry. Residential entry will be secondary.

Minimizing Impact of Residential Use on Industrial Use

Conditions of Approval for Residential Uses

- adequate and separated parking
- safe and suitable street access required
- sound mitigating construction in new buildings
- residential rentals and sales must be notified they are in an industrial zone, and the residential use is secondary to the industrial use

PLANNING FOR FUTURE OPPORTUNITIES

Planning for Today Allowing for the Future

- Current economics make it unlikely that there will be a “boom” in application for 48’ high buildings in the near future.
- The ordinance rewrite is intended to preserve L.I. uses in Ketchum and provide for future development that facilitates a functional community.

New business and industrial opportunities that could occur under the revised ordinance

- High Tech Centers
- Cottage Industries
- Start up / Incubator
- Business to Business collaborations (hotels that need employee housing partnering with industrial uses)

The L.I. 3 Presents Unique Opportunities

- It is a relatively small portion of the L.I. zone
- It is an important buffer between L.I. uses and the adjacent single-family and multi-family residential zones
- It is already somewhat residential by nature. It currently contains 48 residential units; 2 times as many as the rest of the L.I.
- The Scott and Smith Buildings have been converted to primarily residential use
- It has better access to bus, bike and roads that do not travel through the heart of the L.I.

**It may not be necessary to
require L.I. use on the
ground floor**

YOUR IDEAS ON HOW TO CREATE A HEALTHY L.I. ZONE

IDEA	CHECK HERE IF YOU AGREE
* IN L.I.2 - RESIDENTIAL USE MUST BE SUBORDINATE TO L1 USE	
h L2 - as long as commercial use is on ground / first level, a given priority for offices above then use 2nd/3rd floor for residential.	
1st floor remains industrial	
2 1/2 L1/2 L1/2 work only (NO SHORT TERM) 2nd FLOOR change the height - 60'-80' OK! *	
10th st. needs speed bumps! people racing up and down 10th st.	
no height change or do not exceed 48'	
YES	
TAX RELIEF	
Uni facility in the whole zone : preserve 1 st fl. Com/Incls	
Limit size of housing to 1100 sq ft	
48' HEIGHT LIMIT IS NOT SUFFICIENT TO ACCOMMODATE 4 STORIES W/ 18' GROUND FLOOR C/A HT	
ENFORCE YOUR RULES! WHY BOTHER MAKING RULES WHEN DON'T ENFORCE-	

WHAT FUTURE BUSINESSES WOULD BE RIGHT IN THE L.I. ZONE

IDEA

CHECK HERE
IF YOU AGREE

Vocational Education Workshops with Teacher Housing above. Rec/Tec	
Artists Live/work space (proven professional) "SOHO"	
NOT PARKING INTENSIVE (Theater, etc)	
Anything that is QUASI INDUSTRIAL/Business	
small business's w/living quarters!	
KEEP OUR LIGHT INDUST. BUSINESSES (PAINT; HARDWARE, WOOD, ETC).	
SMELTER	
COMMERCIAL PRODUCTION STUDIO	
MEDIA PRODUCTION	
TRADES (PAINT, HARDWARE, WOOD), BUILDING COMPONENTS (WINE, BEER, SNACKS, FOOD), DISTRIBUTORS (CABINETS, HARDWARE, FOOD), LIGHT MFG. (APPS, DESIGN, STORES), WEB BUSINESS (WEBSITE, WEB)	

WHAT ARE THE ESSENTIAL L.I. USES WE NEED TO PRESERVE?

ESSENTIAL USE

CHECK HERE
IF YOU AGREE

Attractive office usage for the next Smith, Scott, Deched + First Lites of the world	
Essential service providers spaces (auto, building, repair, etc)	
LUMBER YARD	
CONSTRUCTION RENTAL	
PRINTING SHOP	
Paint stores	
Cutting edge theaters like "The Spot" ← NOT Industrial!	
Adequate, Convenient, Ample Parking for all	
Keep living costs DOWN! Hello!!	
Companies that can make money!	
TRADE BUS (PLUMBING, LIGHTING, ELECT, CABINET, HVAC)	
RENTAL BUSINESSES -	

WHAT ARE THE ESSENTIAL L.I. USES WE NEED TO PRESERVE?

ESSENTIAL USE

CHECK HERE
IF YOU AGREE

healthy mix of commercial & residential



COMMERCIAL 1ST FLOOR



L2 core with trades



No bldg. above (3) stories to preserve view corridor (w) parking



↑ Height limit to 80 feet



LIGHT INDUST. FIRST FLOOR

TALLER



More Residential, strictly affordable, no short term



Primary use in LI is light industrial; noisy, deliveries e all hours,



HOW CAN WE RETAIN AND ATTRACT ESSENTIAL L.I. USES

IDEA

CHECK HERE
IF YOU AGREE

<p>★ Tax incentives for businesses</p>	<p>✓✓ 👍 👍 ✓✓ 👍 👍 👍 👍 👍 👍</p>
<p>Clear, objective standards</p>	<p>👍 👍 👍 👍 👍</p>
<p>WHY BOTHER ... Cheaper down south</p>	<p>👍 👍 👍</p>
<p>NEW-TAX INCENTIVIZED USES (REDUCE CITY COST)</p>	<p>👍 👍 👍 👍</p>
<p>Move-in cost for \$1,100 = To city.....really???!.</p>	<p></p>
<p>Mitigate impact of residential on the businesses</p>	<p>👍 👍 👍 👍</p>
<p>clear jersey barriers on 10th st. ugly!</p>	<p></p>
<p>remove illegal residents especially those who are disrupting businesses.</p>	<p>👍 👍 👍 ✗ ✗ ✗</p>
<p>Make sure parking of residents doesn't take business parking</p>	<p>👍 👍 👍 ✗ ✗</p>
<p>What are 'essential' LI uses?</p>	<p></p>
<p>Residential adds diversity & vibrancy to LI. For mixed use</p>	<p>👍</p>
<p></p>	<p></p>
<p></p>	<p></p>
<p></p>	<p></p>
<p></p>	<p></p>

What are the top opportunities that we have in the L.I. Zone?

Young population being more open to living in a work/live environ than a family → younger population

Live/work community

Entry point housing for local full time residents

New business attraction for young working professionals

Ensure economic future by providing workforce housing
ENTRY POINT "FOR SALE" HOUSING FOR FULL TIME RESIDENTS

Set up rules, regulations and check-ups to ensure affordable housing stays affordable in perpetuity.

More diverse housing adds vibrancy. Live/work opportunities

Attract more businesses

Create vibrancy & a hip vibe for live/work.

What is the worst outcome we could have in the L.I. Zone

Second home owners & Short-term rentals.

Trucks vs CHILDREN = Disaster

A big Affordable Housing unit that would become an AirBNB!
* THIS IS A LEGITIMATE CONCERN, BUT CAN BE ADDRESSED WITH CCRP'S + HOA RULES. - CHECK FLORIDA STATE LAW AND COURT CASES!

Residential limited to owner use or affordable housing.
no arbitrage.

Abuse of community housing
Bldgs higher than (3) stories which block mt. view corridor

Neglect of sidewalk on South Ramp South Side getting P.D. TRAFFIC out of LI

Too Much Traffic! Road is ALREADY CONGESTED. Keep with existing REPLACING IT WITH USES THAT COULD BE ESTABLISHED ELSEWHERE

↳ area around YMCA; crosswalks must be protected → children vs traffic

A meaningful number of residential workforce units is NOT built

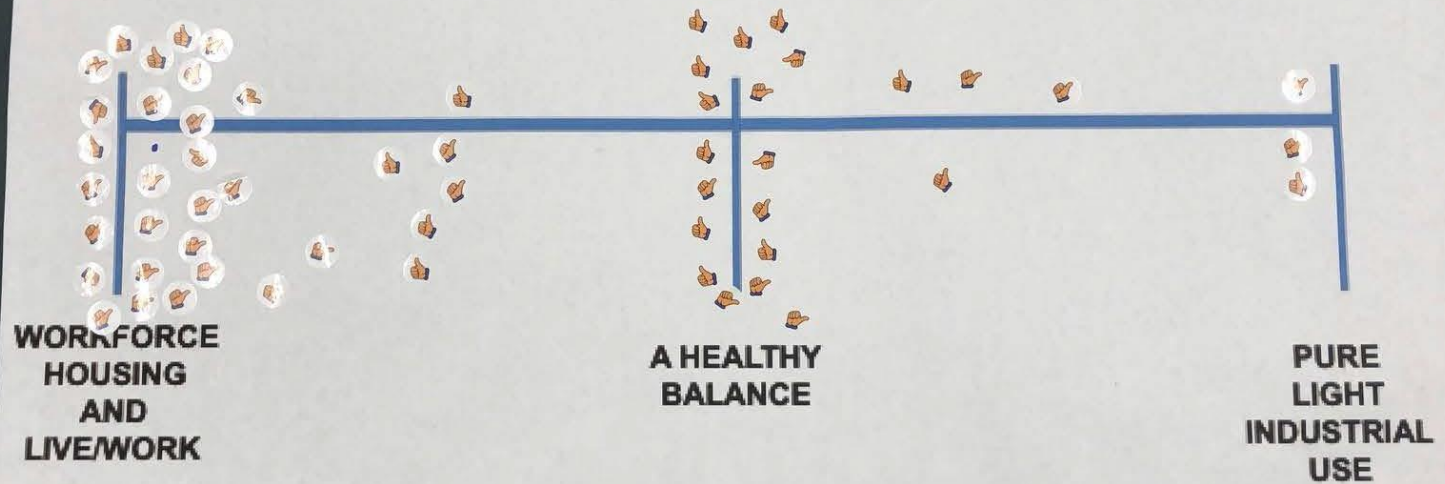
Allowing residential housing + running out of space in LI for business/industry

Allowing affordable housing in LI w/o strict rules, check-ups + insurance that units will remain affordable in perpetuity.

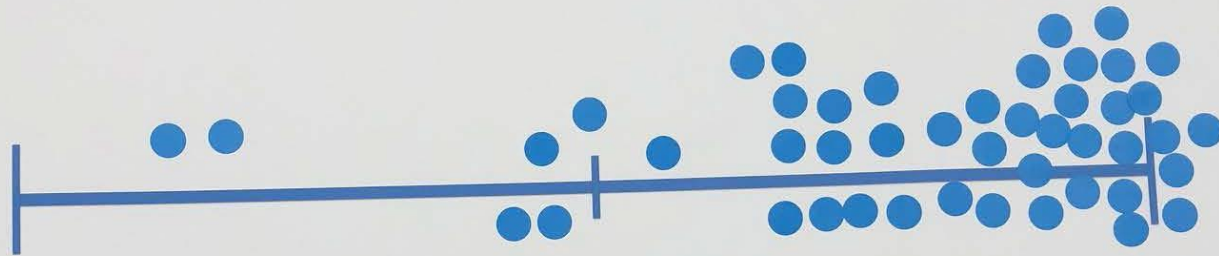
Housing w/o balconies. Open communal space is also important; incentivize the developers to put in balconies.

HOUSING WITHOUT OUT DOOR SPACE

WHAT SHOULD BE THE PRIORITY IN THE L.I. ZONE



IS THE CITY ON THE RIGHT TRACK PROPOSED CHANGES TO THE L.I. ZONE



NO WAY

**NEEDS FURTHER
CONSIDERATION**

RIGHT ON



City of Ketchum

February 19, 2019

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

**Recommendation to Hold Public Hearing and Adopt Ordinance No. 1194
Amending The FY 18-19 Annual Appropriations Ordinance
By Appropriating Additional Monies and Specifying Authorized Activities**

Recommendation and Summary

Staff is respectfully recommending that the Ketchum City Council hold a public hearing on amendment of the FY 19 budget, conduct the third reading by title only, and adopt the amended Annual Appropriation Ordinance No. 1194 with the following two motions:

1ST Motion: Pursuant to Idaho Code 50-902, I move to waive the second and third readings of Ordinance No. 1194 and read by title only.

2nd Motion "I move to adopt Ordinance No. 1194, AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING ORDINANCE NUMBER 1188, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019: APPROPRIATING ADDITIONAL MONIES TO BE RECEIVED BY THE CITY OF KETCHUM, IDAHO; AND, PROVIDING AN EFFECTIVE DATE.

The reasons for the recommendation are as follows:

- Projects that were not completed in the prior fiscal year as well as projects that were unforeseen during adoption of the FY 19 budget require additional budget authority in FY 19.
- State statute establishes requirements for amending the budget in Section 50-1003.

Introduction and History

Per Idaho Code 50-1003, the City Council of each city shall, prior to the commencement of each fiscal year, pass an Ordinance to be termed the Annual Appropriation Ordinance.

On September 4, 2018, the Council adopted Ordinance 1188 entitled the Annual Appropriation Ordinance for the Fiscal Year beginning October 1, 2018, and ending September 30, 2019, appropriating to the various budgetary funds sums of money necessary to defray all expenses and liabilities within each fund for the ensuing fiscal year, authorizing a levy of a sufficient tax upon the taxable property, specifying the objects and purposes for which said appropriation is made, and providing an effective date.

The city council of any city may, by the same procedure as used in adopting the original appropriation ordinance at any time during the current fiscal year, amend the appropriation ordinance as a result of an increase in revenues from any source other than ad valorem tax revenue. A city whose property tax certification is made for the current fiscal year may amend its budget and annual appropriation ordinance, pursuant to the notice and hearing requirements of Idaho Code 50-1002.

Analysis

Ordinance No. 1194 is an ordinance, amending Ordinance No. 1188, the Annual Appropriation Ordinance for the Fiscal Year beginning October 1, 2018, and ending September 30, 2019. Ordinance No. 1194 outlines the Proposed Expenditure adjustments in the amount of \$2,910,800 and Proposed Revenue adjustments in the amount of \$2,853,000. The additionally requested funds will be used: (1) to fund unforeseen projects approved by the Council in the current fiscal year; or (2) to fund work approved in the prior fiscal year but completed in the current fiscal year.

Financial Impact

The funds for all adjustments exist in the respective fund balances as a result of unused prior year appropriations or will be provided by provided by partners as noted in Attachment B.

Attachments

- Attachment A: Ordinance 1194
- Attachment B: Ordinance 1194 Use of Funds Summary

ORDINANCE NO. 1194

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING ORDINANCE NUMBER 1188, THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019; APPROPRIATING ADDITIONAL MONIES TO BE RECEIVED BY THE CITY OF KETCHUM, IDAHO; AND, PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Ordinance Number 1188, the Annual Appropriation Ordinance for the City of Ketchum, Idaho, for the fiscal year commencing October 1, 2018, and ending September 30, 2019, be hereby amended as follows:

FUND	APPROVED FY 18-19	AMENDED FY 18-19	ADJUSTMENT
GENERAL CAPITAL IMPROVEMENT FUND	\$573,960	\$725,960	\$152,000
FIRE CAPITAL IMPROVEMENT FUND	\$14,200	\$23,000	\$8,800
COMMUNITY HOUSING IN-LIEU FUND	\$1,425,000	\$2,175,000	\$750,000
WASTEWATER CAPITAL IMP. FUND	\$583,500	\$2,583,500	\$2,000,000
		TOTAL	2,910,800

That the additional sum be appropriated out of the revenues received from:

FUND	APPROVED FY 18-19	AMENDED FY 18-19	ADJUSTMENT
GENERAL CAPITAL IMPROVEMENT FUND	\$574,816	\$726,816	\$152,000
FIRE CAPITAL IMPROVEMENT FUND	\$70,250	\$70,250	\$0
COMMUNITY HOUSING IN-LIEU FUND	\$1,474,000	\$2,175,000	\$701,000
WASTEWATER CAPITAL IMP. FUND	\$583,500	\$2,583,500	\$2,000,000
		TOTAL	\$2,853,000

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Ketchum, Idaho, this 19th day of February 2019.

NEIL BRADSHAW
Mayor

ATTEST:

Robin Crotty
City Clerk

Publish: Idaho Mountain Express
February 27, 2019

Attachment B

CITY OF KETCHUM

ORDINANCE 1194 SUMMARY OF USES OF FUNDS FOR BUDGET ADJUSTMENT

	Budgeted FY 18-19	Revised FY 18-19	Proposed Adjustment	Use of Funds	Source of Funds
GENERAL CAPITAL IMPROVEMENT FUND	\$ 573,960	\$ 725,960	\$ 152,000	FY 18 Sidewalk Infill Project work performed in FY 19	Prior year funds
FIRE CAPITAL IMPROVEMENT FUND	\$ 14,200	\$ 23,000	\$ 8,800	Fire Department equipment purchase approved October 15, 2018	State grant (\$4,500) Fund balance (\$4,300)
COMMUNITY HOUSING IN-LIEU FUND	\$ 1,425,000	\$ 2,175,000	\$ 750,000	Funding for acquisition of land for housing	Fund balance
WASTEWATER CAPITAL IMPROVEMENT FUND	\$ 583,500	\$ 2,583,500	\$ 2,000,000	FY 18 Headworks Project work performed in FY 19	Prior year funds (50%) Sun Valley Water & Sewer District (50%)