



PLANNING AND ZONING COMMISSION AGENDA
Monday, April 25, 2016
City Hall, 480 East Avenue North, Ketchum, Idaho

1. 5:30 PM - CALL TO ORDER
2. CONSENT CALENDAR
3. PUBLIC COMMENT - Communications from the public for items not on the agenda.
4. COMMUNICATIONS FROM STAFF
 - a. Bigwood Bread Conditional Use Permit Standards: Update
 - b. Zoning Code Work Session: Signage
5. APPROVAL OF MINUTES
 - a. April 11, 2016: Minutes
6. FINDINGS OF FACT
 - a. McCallum Waterways Design Review/Floodplain Development Permit: Findings of Fact
7. FUTURE PROJECTS AND NOTICING REQUIREMENTS
8. STAFF REPORTS & CITY COUNCIL MEETING UPDATE
9. COMMISSION REPORTS AND EX PARTE DISCUSSION DISCLOSURE
10. ADJOURNMENT

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



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Planning and Zoning

Regular Meeting

~ Minutes ~

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

Keshia Owens
(208) 726-7801

Monday, April 11, 2016

5:30 PM

Ketchum City Hall

1

1. 2 **5:30 PM - CALL TO ORDER**

3 Commissioner Cook called the meeting to order at 5:32 PM.

2. 4 **CONSENT CALENDAR**

3. 5 **PUBLIC COMMENT - Communications from the public for items not on the agenda.**

6 There was no public comment.

7 *The findings and minutes were moved to the front of the agenda.*

4. 8 **COMMUNICATIONS FROM STAFF**

9 **a. Zoning Code Work Session.**

10 Brim said that he created a model to show the Commission how the Community Core standards would
11 apply and how they might visually impact neighbors. He added that he didn't run an FAR calculation, but
12 the model is very close to a 2.2-2.3. He later added that he took a standard 5,500 square foot lot and
13 built it out so that the Commission could see the lot with the rooftop standards.

14

15 The rooftop common elements included:

16

- 17 • Rooftop fencing that goes around the perimeter
- 18 • Rooftop mechanical equipment
- 19 • Stair/elevator access
- 20 • Solar installation
- 21 • Non-fixed items

22

23 Proposed standards:

24

- 25 • Rooftop mechanical equipment that meets the same 10 ft. setback, is fully screened, and
26 doesn't have a height greater than 5 feet.
- 27 • Minimum 5 ft. solar panels from a roof's surface with possibly a 5 ft. or 10 ft. setback

28

29 Directives:

30

- 31 • Rooftop heat regulations
- 32 • Clarify that is solar panels that are extending above 2 ft.
- 33 • Brim added that staff will look at the overall space, greenhouse requirements, footprint
34 limitations, look over energy code and building code regarding heating systems, solid walls and

35 if a greenhouse would be given more of a footprint because of its transparent walls, making a
36 distinction between stairway access and greenhouse.
37

38 Austin said that the parking code amendment is currently being worked on and the consultant is in the
39 middle of task II. He added that task II includes preparing a draft recommendation of the parking code
40 amendments and will be based on what was received in task I. He explained that after the draft is
41 brought to the internal parking code committee, task III (engaging the public and stakeholders) will
42 begin.
43

44 Austin commented that he completed the draft RFP for the community housing consultant, which is the
45 first significant step in addressing the City's Community Housing Ordinance. He added that the RFP asks
46 the consultant to evaluate our current policy, the effectiveness of the policy, evaluation of the policy's
47 successes, and recommend changes to it that would make it more successful.

548 **APPROVAL OF MINUTES**

49 **a. March 14, 2016- Site Visit**

50 **b. March 14, 2016- Minutes**

51 **The Commission made the following changes:**

52 Pg. 2-Conversation about subleasing being a problem on bottom of page (relisten)
53 Pg. 2- Four days for events, should be more days for events
54 Pg. 3- Joey should be Jody Zarcos
55 Pg. 4-Sarah Hedwick should be Henrik
56 Pg. 5, Commissioner Smith's comments- more of a nexus with what the operating business is
57 Pg. 5- 300 Broadway Blvd changed to 303
58 Pg. 5- IUWR should be IWDR
59 Pg. 5- Roots bars should be root balls
60 Pg. 5- add 2 year details to temporary irrigation
61 Pg. 6- raising the existing floor by 4 inches
62 Pg. 6- Valuation
63 Pg. 7- Size of the central windows on the east side had been increased
64 Pg. 7- The applicant was informed by Clear Creek
65 Pg. 8- Commissioner Doty and Commissioner Cook did not recuse themselves
66 Pg. 8- Due to the late hour Commissioners decided to end the meeting

67 **c. March 28, 2016- Minutes**

68 **COMMENTS - Current Meeting:**

69 Pg. 2-Teaching or demonstrating one of the fine arts
70 Pg. 3-Raised planters included in the transparency calculation (relisten)
71
72 Commissioner Cook motioned to "approve the minutes from March 14, 2016 site visit, the March 14,
73 2016 minutes with modifications, and the March 28, 2016 minutes with modifications."

74 **RESULT:** **ADOPTED [UNANIMOUS]**
75 **MOVER:** Steve Cook, Chairman
76 **SECONDER:** Mike Doty, Commissioner
77 **AYES:** Cook, Doty, Lamoureux, Smith, Mizell

678 FINDINGS OF FACT

79 a. Elevation 6000 Final Plat - Findings of Fact

80 COMMENTS - Current Meeting:

81 Commissioner Cook motioned to "approve the Findings of Fact for the Elevation 6000, Phase III Final
82 Plat."

83 **RESULT:** **ADOPTED [UNANIMOUS]**
84 **MOVER:** Steve Cook, Chairman
85 **SECONDER:** Betsy Mizell, Commissioner
86 **AYES:** Cook, Doty, Lamoureux, Smith, Mizell

787 FUTURE PROJECTS AND NOTICING REQUIREMENTS

88 Austin said that Warm Springs Ranch Resort has requested an eight-year extension on their
89 development agreement. He added that this will go to City Council.

90 Austin noted that they have received the employee housing plan for the Auberge project. He
91 commented that this has gone to City Council and has been approved with conditions.

92 Brim commented that Ben Franz has also applied for design review which will be in front of commission
93 in May. He added that adjacent properties were noticed.

894 STAFF REPORTS & CITY COUNCIL MEETING UPDATE

995 Commission reports and ex parte discussion disclosure

106 ADJOURNMENT

97 Commissioner Lamoureux motioned to adjourn and Commissioner Mizell seconded.

98



City of Ketchum
Planning & Building

IN RE:)
)
McCallum Residences Floodplain) **KETCHUM PLANNING AND ZONING COMMISSION**
Development Permit and) **FINDINGS OF FACT, CONCLUSIONS OF LAW AND**
Waterways Design Review) **DECISION**
)
)

File Number: #16-009

OWNERS: Robert and Deborah McCallum

REQUEST: Floodplain Development Permit and Waterways Design Review for a remodel/addition to an existing home

LOCATION: 420 East River Street (FR of Block 84, Taxlot 8365)

NOTICE: The following notice was mailed to adjacent property owners on Tuesday, March 1, 2016:

Site Visit Date:	March 14, 2016
Site Visit Time:	5:00 PM
Site Visit Location:	420 East River Street, Ketchum, Idaho
Meeting Date:	March 14, 2016
Meeting Time:	5:30 PM, or thereafter as the matter can be heard.
Meeting Location:	City Hall Council Chambers, 480 East Avenue North, Ketchum, Idaho
Project Name:	McCallum Residence
Project Location:	420 East River Street, Ketchum, Idaho (Ketchum Townsite, FR of Block 84, TL 8365)
Applicant:	Robert and Deborah McCallum
Representative:	Michael Mattias
Application Type:	Waterways Design Review/Floodplain Development Permit
Project Description:	The Commission will consider and take action on an application for a Waterways Design Review and Floodplain Development Permit for an addition/remodel on the property.

ZONING: General Residential (GR-L) with Limited Residential (LR) along the southern property line

OVERLAYS: Floodplain (FP)

COMMISSION CONCLUSIONS

1. The applicant requested a Floodplain Development Permit and Waterways Design Review approval for a remodel/addition to an existing home on the subject property. The property is located on Trail Creek and contains riparian setback as well as regulatory floodplain.
2. The existing home on the subject property consists of a structure permitted in 1980 that was built between and over two (2) existing old cabins on the site. The Commission reviewed the approved building permit for that structure, but no other documentation from that time are on record. The cabins predate the City's first floodplain code, which was adopted in 1978. That code did not contain riparian setback provisions. The existing home was built partially in the 1977 FIRM floodplain and is partially located in the current regulatory floodplain, as well as the riparian setback.
3. Per the National Flood Insurance Program (NFIP) regulations and the provisions of the Ketchum Municipal Code, Chapter 17.88 Floodplain Management Overlay Zoning District, the Commission performed a substantial improvement determination for all proposed construction. This project was determined to not constitute substantial improvement, as the value of the proposed improvements are less than 50% of the appraised value of the structure. Therefore, the existing structure is not required to be brought into conformance with current NFIP or the provisions of the current Floodplain Overlay Management District code. In addition, upon completion of the proposed improvements, the applicant shall provide final project accounting to document that the project as constructed did not constitute substantial improvement.
4. The westernmost cabin has since been removed and the area under that roof was converted to a garage. The applicant proposed to demolish the easternmost cabin and to infill under the existing second story/roof structure with a new great room. In addition, a mechanical/laundry room is proposed in the garage. An exterior stair, concrete landing and shed that are in the riparian setback and extend onto the neighboring property to the east are proposed to be removed.
5. There is no record of a building permit for the garage subfloor, so Commission does not consider it to be a permitted structure and it will be required to meet current code. The garage floor and crawlspace are entirely below the Base Flood Elevation (BFE). Per Ketchum Municipal Code (KMC), Section 17.88.060.A.2, "All structural and nonstructural building materials utilized at or below the base flood elevation must be flood resistant." The applicant agreed to remove all building materials that are not flood resistant and to replace the crawlspace with a concrete slab on grade. As a condition of approval, all structural and nonstructural building materials utilized for the garage floor below the BFE shall be flood resistant. The applicant has submitted revised drawings to the floodplain administrator for review and approval prior to signing of the Findings of Fact for this application.
6. The applicant proposed a mechanical/laundry room in the garage portion of the building which will need to be elevated to or above the BFE. Therefore, as a condition of approval, the floor of the mechanical/laundry room shall be elevated to or above the BFE of 5811.1, as noted on the elevation certificate. In addition, all structural and nonstructural building materials utilized for the mechanical room floor below the BFE must be flood resistant. The applicant has submitted revised drawings to the floodplain administrator for review and approval prior to signing of the Findings of Fact for this application.
7. The easternmost cabin structure has no foundation or roof, is in deteriorated condition. The applicant proposed to demolish the existing cabin structure and to rebuild it within the footprint of the existing second story and its supporting wood posts. The new structure will not encroach into the riparian setback any further

than the existing cabin. Therefore, there is no increase in the degree of nonconformity with respect to the riparian setback.

8. The Commission has consulted FEMA P-758 Substantial Improvement/Substantial Damage Desk Reference, May 2010, for guidance as to how to regulate the proposed great room addition. Per Table 6-1a Compliance Matrix (A Zones), a lateral addition to the pre-FIRM cabin or repair of its foundation would not be required to be in compliance with NFIP regulations. However, since the proposal involves demolition of the existing cabin, Commission has determined that the proposed addition should be considered a lateral addition to a post-FIRM building and is, therefore, subject to the following requirements from Table 6-1a for a lateral addition, not SI: "Addition required to be elevated to at least the elevation of the existing floor." However, the floor of the existing home is four tenths (.4) of a foot below the BFE, and the NFIP requires that the lowest floor of the building shall be elevated to or above the BFE. The applicant has agreed to construct the great room addition on a concrete slab on grade elevated to or above the BFE. Therefore, as a condition of approval, the floor of the great room, including the new bath room, shall be elevated to or above the BFE of 5811.1, as noted on the elevation certificate. In addition, all structural and nonstructural building materials utilized for the garage floor below the must be flood resistant. The applicant has submitted revised drawings to the floodplain administrator for review and approval prior to signing of the Findings of Fact for this application.

9. The KMC requires that any fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and shall meet the requirements of KMC, Section 17.88.060. B.2. This section includes the standards governing flood vents. As a condition of approval, fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and shall meet the requirements of KMC, Section 17.88.060. B.2. This includes any crawlspaces and the garage. The applicant has submitted revised drawings to the floodplain administrator for review and approval prior to signing of the Findings of Fact for this application.

Compliance with Zoning District and Overlay Requirements				
Compliant			Standards and Staff Comments	
Yes	No	N/A	Guideline	City Standards and <i>Staff Comments</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Setbacks
			<i>Staff Comments</i>	<i>Proposed: No change.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Building Height
			<i>Staff Comments</i>	<i>27 feet. No change.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.12.030	Maximum Building Coverage
			<i>Staff Comments</i>	<i>18%. No change.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090.M	Curb Cut
			<i>Staff Comments</i>	<i>No change.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.124.090.A.1	Parking Spaces
			<i>Staff Comments</i>	<i>2. No change.</i>

EVALUATION STANDARDS: 17.88.050(E)					
Compliant			Standards and Commission Comments		
Yes	No	N/A	Guideline	City Standards and <i>Commission Comments</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)1 FLOODPLAIN DEVELOPMENT /WATERWAYS DESIGN REVIEW	Preservation or restoration of the inherent natural characteristics of the river and creeks and floodplain areas. Development does not alter river channel.	
			<i>Commission Comments</i>	<i>No further encroachment into the riparian setback is proposed. The riparian setback and stream bank are, for the most part, naturalized. No development is proposed in the river channel.</i>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)2	Preservation or enhancement of riparian vegetation and wildlife habitat, if any, along the stream bank and within the required minimum twenty-five (25) foot setback or riparian zone. No construction activities, encroachment or other disturbance into the twenty-five foot (25') riparian zone shall be allowed at any time without written City approval per the terms of this ordinance.	
			<i>Commission Comments</i>	<i>No further encroachment into the riparian setback is proposed. The proposed great room will be built on the footprint of the existing cabin within the riparian setback and within the footprint of the existing building. The existing riparian vegetation will be undisturbed with the exception of excavation and backfill to construct the great room addition. In addition, the existing exterior stair, concrete landing and shed in the riparian setback shall be removed. As a condition of approval, prior to signing of the Findings of Fact, the applicant shall submit a revegetation plan for all disturbed areas for review and approval by the floodplain administrator.</i>	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060€3	No development other than development by the City of Ketchum or development required for emergency access shall occur within the twenty-five (25) foot riparian zone with the exception of approved stream stabilization work. The Planning and Zoning Commission may approve access to property where no other primary access is available. Private pathways and staircases shall not lead into or through the riparian zone unless deemed necessary by the Planning and Zoning Commission.	
			<i>Commission Comments</i>	<i>The proposed great room will be built on the footprint of the existing cabin within the riparian setback and within the footprint of the existing</i>	

Compliant			Standards and Commission Comments	
Yes	No	N/A	Guideline	City Standards and <i>Commission Comments</i>
				<i>building. There will be no increase in the existing, nonconforming riparian setback encroachment.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)4	Plan and time frame are provided for restoration of riparian vegetation damaged as a result of the work done.
			<i>Commission Comments</i>	<i>The applicant agreed to provide a plan and schedule for restoration of riparian vegetation. As a condition of approval, prior to signing of the Findings of Fact, the applicant shall submit a revegetation plan for all disturbed areas for review and approval by the floodplain administrator.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)5	New or replacement planting and vegetation includes plantings that are low-growing and have dense root systems for the purpose of stabilizing stream banks and repairing damage previously done to riparian vegetation. Examples of such plantings include: red osier dogwood, common choke cherry, service berry, elder berry, river birch, skunk bush sumac, beeb's willow, drummond's willow, little wild rose, gooseberry, and honeysuckle.
			<i>Commission Comments</i>	<i>As a condition of approval, prior to signing of the Findings of Fact, the applicant shall submit a revegetation plan for all disturbed areas for review and approval by the floodplain administrator.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)6	Landscaping and driveway plans to accommodate the function of the floodplain to allow for sheet flooding. Flood water carrying capacity is not diminished by the proposal. Surface drainage is controlled and does not adversely impact adjacent properties including driveways drained away from paved roadways. Culvert(s) under driveways may be required. Landscaping berms are designed to not dam or otherwise obstruct floodwaters or divert same onto roads or other public pathways.
			<i>Commission Comments</i>	<i>No change was proposed to the existing driveway location or configuration. The driveway is located on the upland side of the home, outside of the floodplain.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)7	Impacts of the development on aquatic life, recreation, or water quality upstream, downstream or across the stream are not adverse.
			<i>Commission Comments</i>	<i>The proposed project reduces the amount of structure in the floodplain and riparian setback by removing the exterior stair, concrete landing and shed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)8	Building setback in excess of minimum required along waterways is encouraged.
			<i>Commission Comments</i>	<i>The existing building predates the riparian setback requirements. The proposed work does not increase the degree of nonconformity.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)9	The top of the lowest floor of a building located in the 1% annual chance floodplain shall be a minimum of twenty-four inches (24") above the base flood elevation of the subject property.
			<i>Commission Comments</i>	<i>This project has been determined to not constitute substantial improvement, as the value of the proposed improvements are less than 50% of the appraised value of the structure. Therefore, the existing structure is not required to be brought into conformance with current NFIP or Ketchum Municipal Code requirements. As a condition of approval, upon completion of the proposed improvements, the applicant shall provide final project accounting to document that the project did not constitute substantial improvement.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)10	The back fill used around the foundation in the floodplain provides a reasonable transition to existing grade, but is not used to fill the parcel to any greater extent. Compensatory storage shall be required for any fill placed within the floodplain. A LOMA-F shall be obtained prior to placement of any additional fill in the floodplain.

Compliant			Standards and Commission Comments	
Yes	No	N/A	Guideline	City Standards and <i>Commission Comments</i>
			<i>Commission Comments</i>	<i>No fill is proposed in the floodplain. As a condition of approval, the backfill in the floodplain shall be limited to back fill of the foundation to provide a reasonable transition to existing grade.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)11	All new buildings shall be constructed on foundations that are approved by a licensed professional engineer.
			<i>Commission Comments</i>	<i>As a condition of approval, at application for a building permit, stamped, engineered structural plans for the engineered foundation shall be submitted as part of the building permit application.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)12	Driveways comply with effective Street Standards; access for emergency vehicles has been adequately provided for.
			<i>Commission Comments</i>	<i>No change to the existing driveway is proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060(E)13	Landscaping or revegetation conceals cuts and fills required for driveways and other elements of the development.
			<i>Commission Comments</i>	<i>No change to the existing driveway is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)14	(Stream Alteration) The proposal is shown to be a permanent solution and creates a stable situation.
			<i>Commission Comments</i>	<i>No stream alteration is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)15	Stream Alteration) No increase to the 100-year floodplain upstream or downstream has been certified by a registered Idaho engineer.
			<i>Commission Comments</i>	<i>No stream alteration is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)16	(Stream Alteration) The recreational use of the stream including access along any and all public pedestrian/fisherman's easements and the aesthetic beauty is not obstructed or interfered with by the proposed work.
			<i>Commission Comments</i>	<i>No stream alteration is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)17	Where development is proposed that impacts any wetland, first priority shall be to move development from the wetland area. Mitigation strategies shall be proposed at time of application that replace the impacted wetland area with a comparable amount and/or quality of new wetland area or riparian habitat improvement.
			<i>Commission Comments</i>	<i>The property contains no identified wetlands, and the proposed work is contained within the footprint of the existing building.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)18	(Stream Alteration) Fish habitat is maintained or improved as a result of the work proposed.
			<i>Commission Comments</i>	<i>No stream alteration is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)19	(Stream Alteration) The proposed work is not in conflict with the local public interest, including, but not limited to, property values, fish and wildlife habitat, aquatic life, recreation and access to public lands and waters, aesthetic beauty of the stream and water quality.
			<i>Commission Comments</i>	<i>No stream alteration is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060(E)20	(Stream Alteration) The work proposed is for the protection of the public health, safety and/or welfare such as public schools, sewage treatment plant, water and sewer distribution lines and bridges providing particularly limited or sole access to areas of habitation.
			<i>Commission Comments</i>	<i>No stream alteration is proposed.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060. A.1	Anchoring: a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

Compliant			Standards and Commission Comments	
Yes	No	N/A	Guideline	City Standards and <i>Commission Comments</i>
				<i>The proposed project is not new construction and does not constitute substantial improvement. This standard does not apply.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060. A.2	Construction and Methods: <ol style="list-style-type: none"> All structural and nonstructural building materials utilized at or below the base flood elevation must be flood resistant. Flood damage resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork. If flood damage resistant materials are not used for building elements, those elements must be elevated above the base flood elevation. This requirement applies regardless of the expected or historical flood duration. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
			<i>Commission Comments</i>	<i>The proposed project is not new construction and does not constitute substantial improvement. The following conditions of approval shall apply:</i> <ul style="list-style-type: none"> <i>All structural and nonstructural building materials utilized by this project at or below the base flood elevation must be flood resistant. Flood damage resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork.</i> <i>Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17.88.060. A.3	Utilities: <ol style="list-style-type: none"> All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system; New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
			<i>Commission Comments</i>	<i>No new or replacement water supply, sewer or onsite waste disposal systems are proposed.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17.88.060. B.2	<ol style="list-style-type: none"> New construction and substantial improvement of any residential structure in any A1-30, AE and AH zone shall have the top of the lowest floor, including basement, elevated a minimum of twenty-four inches (24") above the base flood elevation. New construction and substantial improvement of any residential structure in any AO zone shall have the lowest floor, including basement, elevated to or above the highest adjacent grade at least as high as the FIRM's depth number plus twenty-four inches (24"). Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria (see figures 1, "Preferred Crawl Space

Compliant			Standards and Commission Comments	
Yes	No	N/A	Guideline	City Standards and <i>Commission Comments</i>
				<p>Construction", and 2, "Below Grade Crawl Space Construction", of this section):</p> <ol style="list-style-type: none"> 1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. Openings shall be placed on at least two (2) walls to permit entry and exit of floodwaters. 2. The bottom of each flood vent opening shall be no higher than one foot (1') above the lowest adjacent exterior grade. 3. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters. 4. Portions of the building below the base flood elevation shall be constructed with material resistant to flood damage. 5. The interior grade of a below grade crawl space (see figure 2, "Below Grade Crawl Space Construction", of this section) below the base flood elevation shall not be more than two feet (2') below the lowest adjacent exterior grade. 6. The height of a below grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall, shall not exceed four feet (4') at any point. 7. A below grade crawl space shall have an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable time after a flood event.
			<i>Commission Comments</i>	<p><i>This project has been determined to not constitute substantial improvement, as the value of the proposed improvements are less than 50% of the appraised value of the structure. Therefore, the existing structure is not required to be brought into conformance with current NFIP or Ketchum Municipal Code requirements. As a condition of approval, upon completion of the proposed improvements, the applicant shall provide final project accounting to document that the project did not constitute substantial improvement.</i></p> <p><i>The following conditions of approval shall apply:</i></p> <ul style="list-style-type: none"> • <i>Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and shall meet the requirements of Ketchum Municipal Code, Section 17.88.060.B.2.</i>

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 zoning code, Title 17.
3. The Commission has authority to hear the applicant's Design Review Application pursuant to Chapter 17.88 of Ketchum Code Title 17.
4. The City of Ketchum Planning Department provided adequate notice for the review of this application.

5. The project **does** meet the standards of approval under Chapter 17.88 of Zoning Code Title 17.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this design review application this Monday, March 14th, 2016, subject to the following conditions:

1. Waterways Design Review/Floodplain Development Permit approval shall expire one (1) year from the date of signing of approved Findings of Fact per the terms of KMC, Section 17.88.060.G, Terms of Approval;
2. This Waterways Design Review/Floodplain Development Permit approval is based on the plans, dated November 3, 2015, and information presented and approved at the meeting on the date noted herein. Any building or site discrepancies which do not conform to the approved plans will be subject to removal;
3. Pursuant to Chapter 17.88.050.C, no chemicals or soil sterilants are allowed within 100 feet of the mean high water mark. No pesticides, herbicides, or fertilizers are allowed within 25 feet of the mean high water mark unless approved by the City Arborist. All applications of herbicides and/or pesticides within one hundred feet (100') of the mean high water mark, but not within twenty-five feet (25') of the mean high water mark, must be done by a licensed applicator and applied at the minimum application rates. Application times for herbicides and/or pesticides will be limited to two (2) times a year; once in the spring and once in the fall unless otherwise approved by the city arborist. The application of dormant oil sprays and insecticidal soap within the riparian zone may be used throughout the growing season as needed;
4. Upon completion of the proposed improvements, the applicant shall provide final project accounting to document that the project as constructed did not constitute substantial improvement.
5. All structural and nonstructural building materials utilized for the garage floor below the BFE shall be flood resistant. The applicant shall submit revised drawings to the floodplain administrator for review and approval prior to signing of the Findings of Fact for this application;
6. The floor of the mechanical/laundry room shall be elevated to or above the BFE of 5811.1, as noted on the elevation certificate. In addition, all structural and nonstructural building materials utilized for the mechanical room floor below the BFE must be flood resistant;
7. The floor of the great room, including the new bath room, shall be elevated to or above the BFE of 5811.1, as noted on the elevation certificate. In addition, all structural and nonstructural building materials utilized for the garage floor below the must be flood resistant;
8. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and shall meet the requirements of KMC, Section 17.88.060. B.2. This includes any crawlspaces and the garage;
9. At application for a building permit, stamped, engineered structural plans for the engineered foundation shall be submitted as part of the building permit application;

10. All structural and nonstructural building materials utilized by this project at or below the base flood elevation must be flood resistant. Flood damage resistant materials must be used for all building elements subject to exposure to floodwaters, including floor joists, insulation, and ductwork;
11. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
12. Prior to signing of the Findings of Fact, the applicant shall submit a revegetation plan for all disturbed areas for review and approval by the floodplain administrator;
13. Silt fencing shall be placed along the upland edge of the riparian setback, or as close to it as the construction/demolition activity allows, for the duration of construction and until the riparian improvements are installed. During installation of riparian improvements, the silt fencing shall be installed along the mean high water mark to limit possibility that soil or debris will enter the river; and
14. Temporary irrigation may be installed in the riparian setback for a period of up to two (2) years, after which it shall be removed.

Findings of Fact **adopted** this 25th day of April, 2016.

Steve Cook
Planning and Zoning Commission Chairperson



City of Ketchum
Planning & Building

4/25/16

Planning and Zoning Commission
City of Ketchum
Ketchum, Idaho

Commissioners:

STAFF REPORT
KETCHUM PLANNING AND ZONING COMMISSION
REGULAR MEETING OF APRIL 25, 2016

PROJECT: Bigwood Bread Conditional Use Permit

FILE NUMBERS: 14-095

OWNER: Bigwood Plaza, LLC

REQUEST: Conditional Use Permit (CUP) for restaurant service after 9:00 p.m. in the LI-2 Zone District

LOCATION: 271 Northwood Way (Resubdivision of Northwood PUD, Lot 4, Amended Lot 10)

ZONING: Light Industrial – 2 (LI-2)

NOTICE: Property owners within 300-foot radius of subject property were mailed notice on September 4, 2014. A public hearing notice was published in the Idaho Mountain Express on September 3, 2014. A public hearing notice was posted on the site on September 15, 2014.

REVIEWER: Keshia Owens, Planning Technician

BACKGROUND

1. A CUP for the existing restaurant and Design Review approvals were granted to Bigwood Plaza LLC, with Findings of Fact signed on December 10, 2012. The approvals were given for a 9,500 square foot bakery, 500 square feet of associated retail and a maximum 1,000 square foot restaurant.
2. In 2012 Bigwood Plaza LLC requested an amendment to their Conditional Use Permit (CUP) to allow the restaurant, permitted by CUP #12-108, to provide food service after 9:00 p.m.

3. In early summer, 2014, Bigwood Bread LLC, proposed an amendment to Ketchum Municipal Code (KMC), Section 17.72.010.B, Light Industrial District L-2 that would allow restaurants to serve later than 9:00 p.m. An ordinance allowing restaurant service after 9:00 p.m., "if expressly approved through a conditional use approval" was approved by the City Council on July 21, 2014.
4. On April 25, 2016 a current report was presented to the Planning and Zoning Commission to show if Bigwood Plaza, LLC was compliant with the approved CUP and Design Review standards.

CURRENT REPORT

The Commission will be updated with the applicant's responses on April 25, 2016

Conditional Use Permit Standards		
Standard	Compliance	Notes
Requirements of the Ketchum Public Works, Streets, Utilities, Fire, Planning and Building Departments shall be met		
The Conditional Use Permit shall expire twelve (12) months after the signing of the approved Findings of Fact if not acted upon		
The Conditional Use Permit approval applies to Lot 4, Amended Lot 10, Northwood PUD, and is based on the representations, plans and information presented and approved at the meeting on the date noted herein		
The restaurant/small food service establishment shall not have an adverse impact on the neighborhood due to noise, hours of operation, parking impacts, disturbance or other causes found by the Commission to be adverse to the neighborhood or other land uses		

Standard	Compliance	Notes
The restaurant shall have a closing time of 11:00 p.m. Closing means that at 11:00 p.m. there shall be no outside assemblage or seating of people, no outside service of food or beverages, and no new inside food/beverage service		
The restaurant/small food service (for 9:00 p.m. – 11:00 p.m. hours) use may operate a maximum of 215 days per year from 9:00 p.m. to 11:00 p.m., and no more than 4 consecutive days in a week. The applicant shall track its business operating hours and provide an annual report to the City of Ketchum Planning and Building Department		
No tents or other shelters (excluding umbrellas) may be erected in support of the restaurant/small food service establishment		
No additional lighting and no outside, amplified music is allowed after 9:00 p.m. and all other music must meet allowable decibel levels (even if projected from indoors)		
No disposal of trash or recyclables may be conducted outdoors between the hours of 9:00 p.m. and 6:00 a.m.;		

Standard	Compliance	Notes
The Conditional Use Permit shall be reviewed in a public hearing before the Planning and Zoning Commission to determine and ensure that the conditions of this permit are complied with and that the use does not have an adverse impact on the neighborhood. This hearing shall be conducted within 18 months of the signing of the conditional use findings of fact		
A certificate of occupancy and business license shall be acquired for operations as the subject property prior to occupancy and use of the building.		